



AGENDA
CITY OF CHARLEVOIX CITY COUNCIL REGULAR MEETING
Monday, November 4, 2019- 6:00 PM
Council Chambers, 210 State Street, Charlevoix, MI

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Presentations**
- 4. Inquiry Regarding Conflicts of Interest**
- 5. Consent Agenda**
 - A. City Council Meeting Minutes - October 17, 2019
 - B. Accounts Payable and Payroll Check Registers
 - C. Charlevoix State Bank Internet Banking Resolution
 - D. Ice Control Sand Purchase
 - E. New and Revised Mt. McSaubia Camp Job Descriptions
- 6. Public Hearings and Actions Requiring Public Hearings**
 - A. Set Dangerous Building Enforcement Hearing: 102 & 104 W. Upright Street
Mark L. Heydlauff, City Manager
 - B. Set Public Hearing for Noise Control Ordinance 811
Mark L. Heydlauff, City Manager
- 7. All Other Actions and Requests**
 - A. Mayoral Appointment
Luther Kurtz, Mayor
- 8. Reports and Communications**
 - A. Public Comments
 - B. City Manager's Comments
 - C. Mayor and Council Comments
- 9. Other Council Business**
- 10. Adjourn**

The City of Charlevoix will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon one weeks' notice to the City of Charlevoix. Individuals with disabilities requiring auxiliary aids or services should contact the City of Charlevoix Clerk's Office in writing or calling the following: City Clerk, 210 State Street, Charlevoix, MI 49720 (231) 547-3250.

CHARLEVOIX CITY COUNCIL

Consent Agenda

TITLE: City Council Meeting Minutes - October 17, 2019

DATE: November 4, 2019

RECOMMENDATION:

Motion to approve City Council minutes.

ATTACHMENTS:

- ▣ Draft Council Minutes

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Thursday, October 17, 2019 – 6:00 p.m.
Council Chambers, 210 State Street, Charlevoix, MI

The meeting was called to order at 6:00 p.m. by Deputy Mayor Shane Cole.

1. Pledge of Allegiance

2. Roll Call

Deputy Mayor: Shane Cole
Members Present: Greg Bryan, Aaron Hagen, Janet Kalbfell, Tom Oleksy, Leon Perron
Members Absent: Mayor Luther Kurtz
City Manager: Mark L. Heydlauff
City Clerk: Joyce Golding

3. Presentations

- A. 2018-19 Fiscal Year Financial Audit Presentation
Kari Kortz of Rehmann Robson reviewed the City's financial audit fiscal year ending March 31, 2019 in detail and answered questions from Council.

4. Inquiry Regarding Conflicts of Interest

5. Consent Agenda

All items listed under Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion of an item is required, it will be removed from the Consent Agenda and considered separately.

- A. City Council Meeting Minutes – October 17, 2019
- B. Accounts Payable and Payroll Check Registers
 - a. Regular Accounts Payable Check Register – October 18, 2019
 - b. ACH Payments – October 2, 2019 to October 18, 2019
 - c. Payroll Check Register – October 18, 2019
 - d. Payroll Transmittal – October 18, 2019
 - e. Tax Disbursement – October 18, 2019
- C. Purchase HLA Snow Wing for \$27,359 (Airport) – approve purchase from Ginop Sales
- D. Bridge Park Pump Repairs for \$16,635 – approve purchase from Kennedy Industries
- E. Revised Employee Handbook, dated October 17, 2019 – approve revised Handbook
- F. Assistant Club House Manager Job Description – approve new job description

Motion by Kalbfell, second by Hagen to approve the Consent Agenda.

Yeas: Oleksy, Bryan, Perron, Hagen, Cole, Kalbfell
Nays: None

6. Public Hearings & Actions Requiring Public Hearings

7. All Other Actions & Requests

- A. Refuse Collection Bid
DPW Superintendent Elliott stated that the current American Waste contract expires at the end of October which covers waste pick up from the different departments, dumpster delivery for special events, and the first and third Monday pick up of curbside refuse. In early October we advertised for sealed bids for this service and we received one bid from American Waste. He noted that American Waste declined to bid the first and third Monday refuse pick up therefore, there is no curbside large-item pick up after November 1.

City Manager Heydlauff explained that these services, along with some special event refuse, yard waste, leaf collection, and brush pick-up are funded with a 1 mill tax. Pursuant to MCL 123.261, Council is able to levy up to 3 mills for garbage and garbage disposal facilities. Council agreed to further evaluate this portfolio of service during the budget process.

Deputy Mayor Cole opened the item to public comment:

- Shirley Gibson was in favor of eliminated the large item pickup
- Maureen LaBlanc explained that the township had a yearly pickup

The item was closed to the public.

Motion by Hagen, second by Kalbfell, to accept the bid from American Waste and enter into a contract with them for City waste disposal and special event costs.

Yeas: Oleksy, Bryan, Perron, Hagen, Cole, Kalbfell
Nays: None

DRAFT

B. Financing Public Service Facility Construction

Warren Creamer from RW Baird explained financing options for the Public Service Facility including a negotiated bond sale. He discussed several aspects of the debt issue and gave guidance on options. The target is approximately \$8.7 million in bonds for 25 years to finance this project. This takes into account cash on hand for the project. Mr. Creamer and the City Manager answered several questions from Council.

Deputy Mayor Cole opened the item to public comment. There was no comment and the item was closed.

Motion by Kalbfell, second by Hagen, authorizing the Building Authority Commission to proceed with the negotiated bond sale.

Yeas: Oleksy, Bryan, Perron, Hagen, Cole, Kalbfell

Nays: None

C. Resolution of Support for Recreational Funding Legislation

City Manager Heydlauff stated that J.B. Hoyt who owns a condo here in Charlevoix, along with local leaders in his hometown of St. Joseph, has been advocating the legislature to expand a small provision of state law allowing counties of a certain size to implement an assessment on hotel rooms to fund local recreation programming. As drafted, the bills would allow all local governments to levy up to a 5% excise tax on "short term lodging"--this includes traditional hotels and short-term rentals (except for those rented for 14 days or less). City Manager Heydlauff noted that he does not have an estimate of how much revenue this could raise for us, but it is noteworthy that our General Fund currently covers approximately \$1.2 million in expenses for recreational amenities. By approving a resolution, City Council would be on record supporting the two-bill package.

Deputy Mayor Cole opened the item to public comment:

- Shirley Gibson was in favor
- Ian Fleming, Hotel Earl, was not in favor
- Amanda Wilkin expressed her opinion on many aspects of the draft bill

The item was closed to the public.

Council concurred to discuss further when the House has a final draft of the bill.

D. Deficit Elimination Plan for the Marina

City Manager Heydlauff stated that the City of Charlevoix Marina Fund has a \$46,552 deficit fund balance as of March 31, 2019. The Glenn Steil State Revenue Sharing Act of 1971, Public Act 140 of 1971, Section 21(2) states that units of local government (local units) that end their fiscal year in a deficit condition shall formulate a deficit elimination plan. In working with the auditor and the State of Michigan Treasury, the City has formulated a deficit elimination plan for the Marina Fund.

Deputy Mayor Cole opened the item to public comment. There was no comment and the item was closed.

Motion by Kalbfell, second by Oleksy, to approve Resolution 2019-10-02 to establish a deficit elimination plan for the Marina.

CITY OF CHARLEVOIX

RESOLUTION 2019-10-02

RESOLUTION TO ADOPT A DEFICIT ELIMINATION PLAN FOR THE MARINA

PER THE GLENN STEIL STATE REVENUE SHARING ACT OF 1971, PUBLIC ACT 140 OF 1971, SECTION 21(2)

WHEREAS, *the City of Charlevoix Marina Fund has a \$46,552.00 deficit fund balance on March 31, 2019; and*

WHEREAS, *1971 PA 140 requires that a Deficit Elimination Plan be formulated by the local unit of government and filed with the Michigan Department of Treasury;*

NOW THEREFORE BE IT RESOLVED, *that the City Council of the City of Charlevoix adopts the following as the City of Charlevoix Marina Fund Deficit Elimination Plan:*

CITY OF CHARLEVOIX MARINA FUND

	2019-20 Original Budget	2019-20 Amended Budget	2019-20 Est. Actual	2020-21 Budget
UNRESTRICT NET POSITION (DEFICIT) APRIL 1	\$ (540,061)	\$ (540,061)	\$ (540,061)	\$ (144,185)
REVENUES				
LAUNDRY REVENUE	1,730	1,730	1,730	1,730
RENTS & ROYALTIES - DOCKING SEASONAL	68,000	68,000	68,000	68,000
RENTS & ROYALTIES - DOCKING RESERV SYSTEM	350,000	350,000	350,000	350,000
RENTS & ROYALTIES - DOCKING TRANSIENT	29,000	29,000	29,000	29,000
RENTS & ROYALTIES - SUNSHINE	4,000	4,000	4,000	4,000
RENTS & ROYALTIES - LITTLE TRAVERSE CHARTERS	4,100	4,100	4,100	4,100
INTEREST INCOME	600	600	600	600
FUND TRANSFERS FROM DDA - DEBT SVC	334,600	334,600	334,600	335,700
MISCELLANEOUS-OTHER REVENUE	-	-	15,000	-
TRANSFER FROM GENERAL FUND	-	94,000	94,000	-
TOTAL REVENUES	\$ 792,030	\$ 886,030	\$ 901,030	\$ 793,130
EXPENSES				
SALARIES & WAGES - FULL TIME	32,400	32,400	31,154	33,000
WAGES - ICMA	3,900	3,900	3,761	4,000
SALARIES & WAGES - TEMPORARY	83,400	83,400	91,097	83,500
EMPLOYEE FRINGE BENEFITS	37,800	37,800	37,965	38,300
OFFICE SUPPLIES	100	100	190	100
OPERATING SUPPLIES	6,900	6,900	6,900	6,900
PROFESSIONAL SERVICES	5,300	5,300	5,250	5,300
CONTRACTUAL SERVICES	9,400	9,400	28,400	11,800
STATE CRS COMMISSION FEES	17,300	17,300	13,000	14,300
STATE CRS RESERVATION FEES	10,700	10,700	9,700	10,700
TELEPHONE	1,300	1,300	1,300	1,300
CONFERENCE/TRAVEL/TRAINING	900	900	150	900
INSURANCE & BONDS	3,000	3,000	2,929	3,000
UTILITIES	71,400	71,400	68,000	71,400
BUILDING & DOCK MAINTENANCE	14,600	14,600	16,800	17,100
EQUIPMENT RENTAL	700	700	700	700
MISCELLANEOUS	2,200	2,200	2,200	2,200
CREDIT CARD PROCESSING FEES	7,600	7,600	7,600	7,600
DEPRECIATION	658,000	658,000	658,000	658,000
MACHINERY & EQUIPMENT	300	300	2,528	300
INTEREST EXPENSE	5,400	5,400	5,430	4,900
TRANSFER TO ELECTRIC - ADVANCE REIMBUSE	50,000	50,000	50,000	100,000
DEBT SERVICE - PRINCIPAL	340,000	340,000	340,000	355,000
DEBT SERVICE - INTEREST	126,400	126,400	119,600	105,700
DEBT SERVICE - PAYING AGENT FEES	500	500	500	500
TOTAL EXPENSES	\$ 1,489,500	\$ 1,489,500	\$ 1,503,154	\$ 1,536,500
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENSES	\$ (697,470)	\$ (603,470)	\$ (602,124)	\$ (743,370)
ADD BACKS				
DEPRECIATION	\$ 658,000	\$ 658,000	\$ 658,000	\$ 658,000
DEBT SERVICE - PRINCIPAL	340,000	340,000	340,000	355,000
TOTAL ADD BACKS	\$ 998,000	\$ 998,000	\$ 998,000	\$ 1,013,000
UNRESTRICT NET POSITION (DEFICIT) MARCH 31	\$ (239,531)	\$ (145,531)	\$ (144,185)	\$ 125,445
CA-CL (DEFICIT) APRIL 1	\$ (46,552)	\$ (46,552)	\$ (46,552)	\$ 349,324
REVENUES	792,030	886,030	901,030	793,130
EXPENSES	(1,489,500)	(1,489,500)	(1,503,154)	(1,536,500)
ADD BACKS	998,000	998,000	998,000	1,013,000
CA-CL (DEFICIT) MARCH 31	\$ 253,978	\$ 347,978	\$ 349,324	\$ 618,954

BE IT FURTHER RESOLVED that the City of Charlevoix submits the Marina Fund Deficit Elimination Plan to the Michigan Department of Treasury for Certification.

RESOLVED, this 17th day of October, A.D. 2019.

Resolution was adopted by the following yea and nay vote:

Yeas: Oleksy, Bryan, Perron, Hagen, Cole, Kalbfell

Nays: None

8. Reports & Communications

A. Public Comments

- Tom Kapanoske felt changes were coming for Airbnbs in 2020
- Darlene Kline questioned the date of this meeting

B. City Manager Comments

- Attending ICMA conference next week
- Kudos to Airport Manager Wyman for working more cost effectively
- Short term rental language draft was distributed to Council; Council set a Work Session for October 28th at 3:00 p.m.

C. Mayor & Council Comments

DRAFT

- Bryan complimented Veterans Park; street closure during Apple Fest was beneficial
- Cole reminded of the power outage scheduled for midnight tonight to repair severed lines

9. Other Council Business

10. Adjourn

The Deputy Mayor adjourned the meeting at 7:39 p.m.

Joyce M. Golding	City Clerk	Shane Cole	Deputy Mayor
Regular Accounts Payable – 10/18/2019			
ACCUMED GROUP, THE	3,575.92	LEGENDS AUTO GLASS	325.00
ACE HARDWARE	2,757.97	LOTTIE'S BAGELS	15.00
AIRGAS USA LLC	68.65	MACGREGOR PLUMBING & HEATING	80.80
AMERICAN LEGAL PUBLISHING CORP	30.00	MAILLOUX, SUSIE	8.43
AMERICAN WASTE INC.	3,419.16	MCCARDEL CULLIGAN-PETOSKEY	50.50
APX INC.	33.58	MCMULLEN, DONALD R.	109.31
AT YOUR SERVICE PLUS INC	1,158.30	MDC CONTRACTING LLC	1,890.50
AT&T	4,730.04	MEADOWBROOK INSURANCE GROUP	1,085.93
AUTO VALUE	40.92	MI MUNICIPAL TREASURERS ASSOC	150.00
AVFUEL CORPORATION	21,781.10	MI-AWWA	340.00
B & L SOUND INC	1,017.93	MICHIGAN MUNICIPAL LEAGUE	25.00
BERG, REBECCA	119.00	MICHIGAN MUNICIPAL LEAGUE	11,918.00
BOUND TREE MEDICAL LLC	634.01	MICHIGAN OFFICEWAYS INC	1,298.55
BRADFORD'S	45.50	MUTT MITT	973.22
BRADLEY, KELLY R.	441.21	MY TCBD	1,365.00
BRADY'S CARPET CLEANING	3,894.49	NAVIA BENEFIT SOLUTIONS	50.00
BUDDERFLY INC.	137.80	NORTHERN MICHIGAN REVIEW INC.	3,651.31
CARQUEST OF CHARLEVOIX	1,300.29	NORTHERN SAFETY CO INC	214.36
CCI SOUTH LLC	78.75	NW MI COG	12,375.00
CCP INDUSTRIES INC	281.69	OLESON'S FOOD STORES	154.03
CDW GOVERNMENT INC.	191.44	OLSON BZDOK & HOWARD	3,084.50
CENTER POINT ASSEMBLY	427.00	ONE BEAT CPR	120.00
CENTRAL DRUG STORE	100.90	PARASTAR INC.	524.73
CHARLEVOIX AREA CHAMBER OF COMM	200.00	PLUNKETT & COONEY	440.00
CHARLEVOIX BRIDGE DROP	2,500.00	POSTMASTER	55.54
CHARLEVOIX SCREEN MASTERS INC	920.00	POWERPLAN	5,800.00
CHARTER COMMUNICATIONS	994.66	PRESTON FEATHER	159.84
CINTAS	84.09	PROVIDENCE FARM LLC	328.00
CINTAS CORPORATION	150.75	PRO-VISION VIDEO SYSTEMS	715.00
COMPASS MINERALS AMERICA	16,064.50	PURITY CYLINDER GASES INC	367.72
CONWAY PROFESSIONAL SERVICES	4,228.00	RANGE TELECOMMUNICATIONS	172.50
COUNTY OF CHARLEVOIX	4.00	SHARROW MASONRY INC	1,128.00
DHASELEER, CARL	85.00	SHINDORF BUILDERS	844.00
DOTSON, LINDSEY J.	1,163.73	SIEGRIST, DAVID	65.00
ECKSTEIN, BREENNE	21.94	SIGN & DESIGN	85.00
EJ USA INC.	904.93	SITE PLANNING DEVELOPMENT INC	530.42
ELLSWORTH FARMER'S EXCHANGE	738.00	SNAP-ON	110.50
EMERGENCY MEDICAL PRODUCTS INC	293.96	SOTO, DAVE	33.47
ETNA SUPPLY	8,350.00	SPARTAN STORES LLC	66.78
FAMILY FARM & HOME	487.07	STANDARD ELECTRIC CO	900.00
FEYEN ZYLSTRA LLC	500.00	STATE OF MICHIGAN	520.00
FISHER SCIENTIFIC	810.39	STATE OF MICHIGAN	630.68
FREEDOM MAILING SERVICES INC.	2,277.50	STRICKER'S OUTDOOR POWER EQUIP	54.65
GINOP SALES INC	118.25	SUMMIT COMPANIES	285.00
GRAND TRAVERSE CONSTRUCTION	7,433.05	TERMINAL SUPPLY CO	618.62
HACH COMPANY	1,668.43	THUNDER BAY TREE SERVICE LLC	11,068.00
HARRELL'S	2,640.66	TOP LINE	450.00
HART II, DELBERT W.	112.00	TRAVERSE CITY RECORD EAGLE	381.00
HERRIMAN, KRISTEN	50.00	UNIFIRST CORPORATION	509.97
HERZOG ELECTRIC	1,626.29	USA BLUE BOOK	2,968.98
HYDRO CORP	539.50	VIEAU, KENDRA	43.17
JOHN E. GREEN COMPANY	1,339.75	VILLAGE GRAPHICS INC.	93.50
KLOOSTER, ALIDA K.	48.72	WILBERT BURIAL VAULT CO	469.04
KSS ENTERPRISES	741.67	WILLIAMSON, ROBERT	75.00
LAMAR COMPANIES	750.00	ZIIBIMIJWANG INC	55.00
LASER PRINTER TECHNOLOGIES	499.00	TOTAL	174,445.04

ACH Payments – 10/02/2019 to 10/18/2019

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PROXIMITY SPACE INC (THE VAULT)	100.41	STATE OF MI (WITHHOLDING TAX)	6,134.37
PAYMENT SERVICE NETWORK	238.90	VANTAGEPOINT (401 ICMA PLAN)	858.02
MI PUBLIC POWER AGENCY	10,464.09	VANTAGEPOINT (457 ICMA PLAN)	19,812.71
STATE OF MI (SALES TAX)	21,236.29	VANTAGEPOINT (ROTH IRA)	955.76
MI PUBLIC POWER AGENCY	17,917.42	MERS (DEFINED BENEFIT PLAN)	51,399.03
DTE ENERGY	2,172.14	TOTAL	172,718.04
IRS (PAYROLL TAX DEPOSIT)	41,078.90		
ALERUS FINANCIAL (HCSP)	350.00		

Payroll Net Pay – Pay Period Ending 10/12/2019 (Paid 10/18/2019)

HEYDLAUFF, MARK L.	2,719.82	KUNKLE, KENNETH E.	553.42
GOLDING, JOYCE M.	1,836.29	MUMICH, BARRY J.	624.28
DEROSIA, PATRICIA E.	787.99	CRANDELL, ZACKARY R.	612.43
DOTSON, LINDSEY J.	1,390.27	MUELLER, JASON C.	574.19
KLOOSTER, ALIDA K.	1,732.22	ROSENTHAL, GABRIEL M.	708.23
GOLOVICH, KAREN J.	984.97	KNORR, KENT J.	1,916.46
BARNEVELD, RICHELLE L.	1,162.91	ANZELL, BETH A.	1,287.41
SPENCLEY, PATRICIA L.	62.93	KLOOSTER, PATRICK H.	1,621.93
MCGINN, KELLY A.	2,025.21	EVANS JR, HALBERT K.	686.93
LAVENDER, JOSEPH E.	1,692.80	TELGENHOF, WILL G.	615.72
SCHULMAN, BLAKE B.	343.58	WHITE III, MARCUS W.	289.54
DOAN, GERARD P.	2,033.71	GREYERBIEHL, KELLY M.	430.61
SCHLAPPI, JAMES L.	1,093.90	KIRINOVIC, THOMAS F.	296.94
UMULIS, MATTHEW T.	1,188.49	MASSON, DONALD J.	540.73
HANKINS, SCOTT A.	1,889.67	LIVINGSTON, BRIAN D.	1,390.93
ORBAN, BARBARA K.	1,120.55	STANLEY, MARK J.	29.21
FLICKEMA, ANDREW M.	1,389.03	WYMAN, MATTHEW A.	1,669.82
RILEY, DENISE M.	470.81	MILLER, WILLIAM S.	959.37
MUNK, CHRISTOPHER J.	1,473.27	DOUGLAS, MARK	925.56
MATELSKI, KRISTEN L.	1,296.95	PRIOR, ERIN C.	1,049.70
BINGHAM, LARRY E.	66.95	CERTA, BRIAN	512.13
WURST, RANDALL W.	1,121.15	SEAVAR, WILLIAM F.	63.44
MAYER, SHELLEY L.	1,851.72	MCMULLEN, DONALD R.	1,687.59
HILLING, NICHOLAS A.	1,775.26	SILVA, JESSE L.A.	1,777.58
MEIER III, CHARLES A.	1,486.01	JOHNSON, MELISSA A.	1,493.95
ZACHARIAS, STEVEN B.	1,279.12	STEPHENS, LYON G.	1,820.33
NEWMAN, MARK J.	882.43	STEVENS, JEFFREY W.	212.76
SWEM, DONALD L.	1,710.39	RILEY, CASEY W.	692.47
EATON, BRAD A.	2,730.86	JONES, LARRY M.	488.47
WILSON, TIMOTHY J.	2,638.46	FLORE, ROBERT A.	836.59
LAVOIE, RICHARD L.	2,272.34	MATZ, EMILY S.	1,390.82
STEVENS, BRANDON C.	2,929.65	LAGASSE, TRACY M.	17.62
DRAVES, MARTIN J.	2,270.16	TRAVERS, MANUEL J.	398.65
ANDERSON, ELIZABETH A.	1,233.28	MOYER, DAVID T.	156.38
KENWABIKISE, DAVID L.	1,097.45	RILEY, DANIEL A.	46.25
ELLIOTT, PATRICK M.	2,331.90	WHEELER, MICHAEL W.	1,393.96
SCHWARTZFISHER, JOSEPH	1,338.92	AZZOPARDI, ANTHONY J.	1,986.50
BRADLEY, KELLY R.	1,501.88	DEKORNE, ELIZABETH A.	1,536.36
HART II, DELBERT W.	1,542.86	MCCRANEY, RUSSELL R.	280.82
JONES, ROBERT F.	1,514.94	WELLS, JANNINA J.	281.92
FARRELL, MITCHELL L.	1,354.30	MOYER, NATHAN I.	1,457.16
THORP JR, WILLIAM D.	1,459.10	WHITLEY, ANDREW T.	2,165.75
LEITNER, RYAN S.	1,541.12	MORRISON, KEVIN P.	1,309.05
FERGUSON, ROYCE L.	1,431.87	BISHAW, JAMES H.	748.28
DORAN, JUSTIN J.	2,064.45	KISH, ANASTASIA L.	599.46
MANKER SR, DAVID W.	659.28	KLINGER, BRADLEY W.	216.70
NEDWICK, DAVID J.	500.61	GILL, DAVID R.	1,128.79
FREY, DYLAN V.	488.45	WATTS, TIMOTHY L.	227.93
HART III, DELBERT W.	903.95	TOTAL	112,653.61
DOTSON, WILLIAM R.	268.26		

Payroll Transmittal – 10/18/2019

4FRONT CREDIT UNION	932.01	COMMUNICATION WORKERS OF AMER	638.72
AMERICAN FAMILY LIFE	673.86	MI STATE DISBURSEMENT UNIT	533.10
CHAR EM UNITED WAY	90.00	MONY LIFE INSURANCE CO OF AMERICA	326.65
CHARLEVOIX STATE BANK	1,247.00	PRIORITY HEALTH	1,428.29
CHEMICAL BANK	175.00	TOTAL	6,044.63

Tax Disbursement – 10/18/2019

CHARLEVOIX COUNTY TREASURER	28,111.59	CHARLEVOIX PUBLIC SCHOOLS	1,344.89
CHARLEVOIX PUBLIC SCHOOLS	43,810.18	CHARLEVOIX PUBLIC SCHOOLS	941.36
CHARLEVOIX PUBLIC SCHOOLS	4,842.14	CHARLEVOIX PUBLIC SCHOOLS	403.35

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CITY OF CHARLEVOIX - TAXES DUE
JASURDA, DONALD F.

33,184.37
162.63

TOTAL

112,800.51

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CHARLEVOIX CITY COUNCIL

Consent Agenda

TITLE: Accounts Payable and Payroll Check Registers

DATE: November 4, 2019

ATTACHMENTS:

- ▣ Accounts Payable and Payroll Check Registers

Check Number	Payee	Amount
10/22/2019		
128450	AT&T MOBILITY	221.10
128451	CHARLEVOIX STATE BANK	11,684.01
128452	CHARTER COMMUNICATIONS	918.99
128453	DELTA DENTAL	3,468.30
128454	GREAT LAKES ENERGY	225.71
128455	PRIORITY HEALTH	43,149.56
128456	RAMSEY, WESTON	500.00
128457	STANDARD INSURANCE CO	2,910.92
128458	VERIZON WIRELESS	56.72
128459	VISION SERVICE PLAN	554.12
128460	WEX BANK	880.42
128461	XEROX FINANCIAL SERVICES	168.84
Total 10/22/2019:		64,738.69
Grand Totals:		64,738.69

Summary of Check Registers & ACH Payments HUNTINGTON NATIONAL BANK - CHECKS ISSUED

10/22/19 Special Accounts Payable Run	\$	64,738.69
11/01/19 Payroll (net pay)	\$	116,806.77
11/01/19 Payroll Transmittal Checks	\$	6,272.63
11/05/19 Regular Accounts Payable	\$	112,471.35
Checks Sub-Total:	\$	300,289.44

HUNTINGTON NATIONAL BANK - ACH/WIRE PAYMENTS

10/21/19 MI Public Power Agency	\$	7,199.87
10/25/19 MI Public Power Agency	\$	227,926.91
10/28/19 MI Public Power Agency	\$	15,438.07
11/01/19 IRS (Payroll Tax Deposit)	\$	43,066.73
11/01/19 Alerus Financial (HCSP)	\$	350.00
11/01/19 State of MI (Withholding Tax)	\$	6,276.65
11/01/19 Vantagepoint (401 ICMA Plan)	\$	858.02
11/01/19 Vantagepoint (457 ICMA Plan)	\$	20,672.48
11/01/19 Vantagepoint (Roth IRA)	\$	955.76

ACH Sub-Total: \$ 322,744.49

Huntington National Bank Total: \$ 623,033.93

CHARLEVOIX STATE BANK - CHECKS ISSUED (PROPERTY TAX DISBURSEMENT TO VARIOUS TAXING AUTHORITIES)

11/05/19 Tax Disbursement	\$	43,449.05
Charlevoix State Bank Total:	\$	43,449.05

Grand Total: \$ 666,482.98

APPROVED:


CITY MANAGER


CITY TREASURER


CITY CLERK

M = Manual Check, V = Void Check

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
10/26/2019	PC	11/01/2019	29539	HEYDLAUFF, MARK L.	102		3,008.26
10/26/2019	PC	11/01/2019	29540	GOLDING, JOYCE M.	106		2,260.16
10/26/2019	PC	11/01/2019	29541	DEROSIA, PATRICIA E.	107		1,122.78
10/26/2019	PC	11/01/2019	29542	DOTSON, LINDSEY J.	109		1,390.26
10/26/2019	PC	11/01/2019	29543	KLOOSTER, ALIDA K.	121		2,097.10
10/26/2019	PC	11/01/2019	29544	GOLOVICH, KAREN J.	122		984.98
10/26/2019	PC	11/01/2019	29545	BARNEVELD, RICHELLE	123		1,185.19
10/26/2019	PC	11/01/2019	29546	SPENCLEY, PATRICIA L.	136		1,305.30
10/26/2019	PC	11/01/2019	29547	MILLER, FAITH G.	142		75.84
10/26/2019	PC	11/01/2019	29548	MCGINN, KELLY A.	146		2,464.31
10/26/2019	PC	11/01/2019	29549	LAVENDER, JOSEPH E.	153		1,692.80
10/26/2019	PC	11/01/2019	29550	SCHULMAN, BLAKE B.	154		725.83
10/26/2019	PC	11/01/2019	29551	DOAN, GERARD P.	201		2,033.71
10/26/2019	PC	11/01/2019	29552	SCHLAPPI, JAMES L.	204		1,069.73
10/26/2019	PC	11/01/2019	29553	UMULIS, MATTHEW T.	205		1,138.24
10/26/2019	PC	11/01/2019	29554	HANKINS, SCOTT A.	208		1,611.30
10/26/2019	PC	11/01/2019	29555	ORBAN, BARBARA K.	209		1,272.40
10/26/2019	PC	11/01/2019	29556	FLICKEMA, ANDREW M.	211		1,853.93
10/26/2019	PC	11/01/2019	29557	RILEY, DENISE M.	213		468.57
10/26/2019	PC	11/01/2019	29558	MUNK, CHRISTOPHER J.	215		1,747.79
10/26/2019	PC	11/01/2019	29559	MATELSKI, KRISTEN L.	230		1,372.39
10/26/2019	PC	11/01/2019	29560	WURST, RANDALL W.	411		1,121.15
10/26/2019	PC	11/01/2019	29561	MAYER, SHELLEY L.	412		1,563.92
10/26/2019	PC	11/01/2019	29562	HILLING, NICHOLAS A.	413		1,459.81
10/26/2019	PC	11/01/2019	29563	MEIER III, CHARLES A.	421		1,591.18
10/26/2019	PC	11/01/2019	29564	ZACHARIAS, STEVEN B.	422		1,738.11
10/26/2019	PC	11/01/2019	29565	NEWMAN, MARK J.	424		1,028.67
10/26/2019	PC	11/01/2019	29566	SWEM, DONALD L.	512		1,710.39
10/26/2019	PC	11/01/2019	29567	EATON, BRAD A.	515		2,813.82
10/26/2019	PC	11/01/2019	29568	WILSON, TIMOTHY J.	516		3,531.22
10/26/2019	PC	11/01/2019	29569	LAVOIE, RICHARD L.	519		2,800.17
10/26/2019	PC	11/01/2019	29570	STEVENS, BRANDON C.	521		3,096.46
10/26/2019	PC	11/01/2019	29571	DRAVES, MARTIN J.	523		2,190.84
10/26/2019	PC	11/01/2019	29572	ANDERSON, ELIZABETH	526		1,233.28
10/26/2019	PC	11/01/2019	29573	KENWABIKISE, DAVID L.	528		1,097.45
10/26/2019	PC	11/01/2019	29574	ELLIOTT, PATRICK M.	600		2,331.90
10/26/2019	PC	11/01/2019	29575	SCHWARTZFISHER, JOS	603		1,198.47
10/26/2019	PC	11/01/2019	29576	BRADLEY, KELLY R.	614		1,497.25
10/26/2019	PC	11/01/2019	29577	HART II, DELBERT W.	616		1,396.20
10/26/2019	PC	11/01/2019	29578	JONES, ROBERT F.	618		1,399.09
10/26/2019	PC	11/01/2019	29579	FARRELL, MITCHELL L.	622		1,745.72
10/26/2019	PC	11/01/2019	29580	THORP JR, WILLIAM D.	623		1,503.89
10/26/2019	PC	11/01/2019	29581	LEITNER, RYAN S.	624		1,399.22
10/26/2019	PC	11/01/2019	29582	FERGUSON, ROYCE L.	625		2,083.56
10/26/2019	PC	11/01/2019	29583	DORAN, JUSTIN J.	634		2,064.45
10/26/2019	PC	11/01/2019	29584	MANKER SR, DAVID W.	639		606.42
10/26/2019	PC	11/01/2019	29585	NEDWICK, DAVID J.	642		155.84
10/26/2019	PC	11/01/2019	29586	FREY, DYLAN V.	643		454.49
10/26/2019	PC	11/01/2019	29587	HART III, DELBERT W.	657		835.47
10/26/2019	PC	11/01/2019	29588	DOTSON, WILLIAM R.	661		222.02
10/26/2019	PC	11/01/2019	29589	KUNKLE, KENNETH E.	665		518.27
10/26/2019	PC	11/01/2019	29590	MUMICH, BARRY J.	671		600.32
10/26/2019	PC	11/01/2019	29591	CRANDELL, ZACKARY R.	691		525.50
10/26/2019	PC	11/01/2019	29592	MUELLER, JASON C.	694		398.19
10/26/2019	PC	11/01/2019	29593	ROSENTHAL, GABRIEL M	698		736.28
10/26/2019	PC	11/01/2019	29594	KNORR, KENT J.	700		1,916.46
10/26/2019	PC	11/01/2019	29595	ANZELL, BETH A.	702		1,287.41

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
10/26/2019	PC	11/01/2019	29596	KLOOSTER, PATRICK H.	743		282.65
10/26/2019	PC	11/01/2019	29597	EVANS JR, HALBERT K.	744		23.19
10/26/2019	PC	11/01/2019	29598	WHITE III, MARCUS W.	754		77.52
10/26/2019	PC	11/01/2019	29599	GREYERBIEHL, KELLY M.	757		91.62
10/26/2019	PC	11/01/2019	29600	KIRINOVIC, THOMAS F.	790		15.19
10/26/2019	PC	11/01/2019	29601	SHANAHAN, CHERYL J.	838		303.21
10/26/2019	PC	11/01/2019	29602	MASSON, DONALD J.	861		426.02
10/26/2019	PC	11/01/2019	29603	LIVINGSTON, BRIAN D.	866		1,390.93
10/26/2019	PC	11/01/2019	29604	WYMAN, MATTHEW A.	927		1,612.75
10/26/2019	PC	11/01/2019	29605	MILLER, WILLIAM S.	933		1,383.24
10/26/2019	PC	11/01/2019	29606	DOUGLAS, MARK	935		868.50
10/26/2019	PC	11/01/2019	29607	PRIOR, ERIN C.	938		935.56
10/26/2019	PC	11/01/2019	29608	CERTA, BRIAN	939		180.58
10/26/2019	PC	11/01/2019	29609	SEAVER, WILLIAM F.	940		84.58
10/26/2019	PC	11/01/2019	29610	MCMULLEN, DONALD R.	1000		1,687.59
10/26/2019	PC	11/01/2019	29611	SILVA, JESSE L.A.	1001		1,517.11
10/26/2019	PC	11/01/2019	29612	JOHNSON, MELISSA A.	1004		2,071.07
10/26/2019	PC	11/01/2019	29613	STEPHENS, LYON G.	1005		2,004.73
10/26/2019	PC	11/01/2019	29614	RILEY, CASEY W.	1052		623.85
10/26/2019	PC	11/01/2019	29615	JONES, LARRY M.	1057		532.11
10/26/2019	PC	11/01/2019	29616	FLORE, ROBERT A.	1058		788.63
10/26/2019	PC	11/01/2019	29617	MATZ, EMILY S.	1059		1,312.27
10/26/2019	PC	11/01/2019	29618	TRAVERS, MANUEL J.	1071		610.04
10/26/2019	PC	11/01/2019	29619	WHEELER, MICHAEL W.	1103		1,836.49
10/26/2019	PC	11/01/2019	29620	AZZOPARDI, ANTHONY J.	1108		1,516.38
10/26/2019	PC	11/01/2019	29621	DEKORNE, ELIZABETH A.	1109		1,208.35
10/26/2019	PC	11/01/2019	29622	MCCRANEY, RUSSELL R.	1111		165.18
10/26/2019	PC	11/01/2019	29623	WELLS, JANNINA J.	1117		139.86
10/26/2019	PC	11/01/2019	29624	MOYER, NATHAN I.	1118		1,498.63
10/26/2019	PC	11/01/2019	29625	MARIHUGH, ANDREW J.	1119		162.03
10/26/2019	PC	11/01/2019	128462	KLOOSTER, ALIDA K.	121	Comp Time Payout	2,689.84
10/26/2019	PC	11/01/2019	128463	WHITLEY, ANDREW T.	522		2,532.84
10/26/2019	PC	11/01/2019	128464	MORRISON, KEVIN P.	601		1,238.36
10/26/2019	PC	11/01/2019	128465	BISHAW, JAMES H.	633		562.78
10/26/2019	PC	11/01/2019	128466	KISH, ANASTASIA L.	668		518.89
10/26/2019	PC	11/01/2019	128467	GILL, DAVID R.	856		959.25
10/26/2019	PC	11/01/2019	128468	WATTS, TIMOTHY L.	868		221.19
Grand Totals:			94				116,806.77

Report Criteria:

Computed checks included
 Manual checks included
 Supplemental checks included
 Termination checks included
 Void checks included

Pay Period Date	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
10/26/2019	11/01/2019	128469	4FRONT CREDIT UNION	9024	HSA-EMPLOYEE CONTRIB-4FR	932.01
10/26/2019	11/01/2019	128470	AMERICAN FAMILY LIFE	9011	AMERICAN FAMILY LIFE-POST T	148.82
10/26/2019	11/01/2019	128470	AMERICAN FAMILY LIFE	9011	AMERICAN FAMILY LIFE-PRETA	525.04
10/26/2019	11/01/2019	128471	CHAR EM UNITED WAY	9009	UNITED WAY Pay Period: 10/26/	90.00
10/26/2019	11/01/2019	128472	CHARLEVOIX STATE BAN	9017	HSA - EMPLOYEE CONTRIB - C	1,274.00
10/26/2019	11/01/2019	128473	CHEMICAL BANK	9018	HSA - EMPLOYEE CONTRIB - C	175.00
10/26/2019	11/01/2019	128474	COMMUNICATION WORK	9004	CWA UNION DUES Pay Period:	638.72
10/26/2019	11/01/2019	128475	MI STATE DISBURSEMEN	9012	FRIEND OF THE COURT Pay Pe	533.10
10/26/2019	11/01/2019	128476	MONY LIFE INSURANCE	9008	LIFE - VOLUNTARY Pay Period:	233.30
10/26/2019	11/01/2019	128476	MONY LIFE INSURANCE	9008	SPOUSE LIFE Pay Period: 10/26	39.61
10/26/2019	11/01/2019	128476	MONY LIFE INSURANCE	9008	CHILD LIFE Pay Period: 10/26/2	4.00
10/26/2019	11/01/2019	128476	MONY LIFE INSURANCE	9008	AD&D - VOLUNTARY Pay Period	40.32
10/26/2019	11/01/2019	128476	MONY LIFE INSURANCE	9008	SPOUSE AD&D Pay Period: 10/2	6.83
10/26/2019	11/01/2019	128476	MONY LIFE INSURANCE	9008	CHILD AD&D Pay Period: 10/26/	2.59
10/26/2019	11/01/2019	128477	POLICE OFFICERS LABO	9003	POL UNION DUES Pay Period: 1	201.00
10/26/2019	11/01/2019	128478	PRIORITY HEALTH	392358	PRIORITY HEALTH Pay Period:	1,428.29
Grand Totals:		16				6,272.63

Check Number	Payee	Amount
11/05/2019		
128479	ABILITA	1,087.50
128480	ABRAMOWSKI, DWAIN M.	50.00
128481	ALL-PHASE ELECTRIC SUPPLY CO.	164.63
128482	ANDERSON, ELIZABETH A.	50.00
128483	ANDRESKY, MARK	185.00
128484	ANDY'S CLEANING SYSTEMS	125.00
128485	ANZELL, BETH A.	50.00
128486	AVFUEL CORPORATION	32,657.08
128487	BERGER CHEVROLET	30,336.00
128488	BRADY'S CARPET CLEANING	374.00
128489	CDW GOVERNMENT INC.	711.70
128490	CEDAR AREA FIRE & RESCUE	409.00
128491	CHARLEVOIX AREA CHAMBER OF CO	240.00
128492	CHARLEVOIX COMMUNITY SHOPPER	388.00
128493	CHARLEVOIX TOWNSHIP	28.77
128494	CHARLEVOIX-EMMET ISD	160.00
128495	CINTAS	30.00
128496	CONWAY PROFESSIONAL SERVICES	4,012.00
128497	COOK FAMILY FARMS	310.00
128498	COUNTY OF CHARLEVOIX	4.00
128499	CURREY FARMS LLC	174.00
128500	DeROSIA, PATRICIA E.	50.00
128501	DERRER OIL & PROPANE CO	1,711.33
128502	DHASELEER, CARL	88.00
128503	DITCH WITCH SALES OF MICHIGAN	145.78
128504	DOAN, GERARD P.	50.00
128505	DORAN, JUSTIN J.	50.00
128506	DOTSON, LINDSEY J.	50.00
128507	EDGEWATER RESOURCES LLC	2,889.79
128508	ELLIOTT, PATRICK M.	50.00
128509	ELLSWORTH FARMER'S EXCHANGE	191.52
128510	FASTENAL COMPANY	506.47
128511	FATA, JOHN	213.15
128512	FERGUSON, ROYCE L	43.75
128513	FISHER SCIENTIFIC	605.47
128514	GINOP SALES INC	39.36
128515	GIVE 'EM A BRAKE SAFETY	1,338.15
128516	GOLDING, JOYCE M.	50.00
128517	GRAINGER	187.16
128518	GREAT LAKES ELEVATOR LLC	2,864.46
128519	HANKINS, SCOTT A.	50.00
128520	HARBOR INDUSTRIES INC.	1,911.60
128521	HARRELL'S	668.51
128522	HEYDLAUFF, MARK L.	50.00
128523	HOLIDAY COMPANIES	6,090.84
128524	HYDE SERVICES LLC	86.73
128525	ICMA-MEMBERSHIP RENEWAL	1,018.71
128526	JOHN E. GREEN COMPANY	2,284.58

Check Number	Payee	Amount
128527	JOHNSON, MELISSA A.	50.00
128528	KALBFELL, JANET P.	56.84
128529	KLOOSTER, ALIDA K.	50.00
128530	KLOOSTER, PATRICK H.	50.00
128531	KNORR, KENT J.	50.00
128532	KODIAK EMERGENCY VEHICLES	36.97
128533	KSS ENTERPRISES	456.60
128534	KUSINA, DENNIS	235.48
128535	LAVENDER, JOSEPH E.	50.00
128536	LEELANAU COFFEE ROASTING CO IN	138.95
128537	MAYER, SHELLEY L.	50.00
128538	McGINN, KELLY A.	50.00
128539	MCLAREN NORTHERN MICHIGAN	100.00
128540	MCMULLEN, DONALD R.	50.00
128541	MDC CONTRACTING LLC	194.00
128542	MICHIGAN CAT	31.95
128543	MILLER, WILLIAM S.	50.00
128544	MONY LIFE INSURANCE	1,552.16
128545	MORRISON, KEVIN P.	48.00
128546	MSM	339.00
128547	MUNSON HEALTHCARE CHARLEVOIX	245.00
128548	NCL OF WISCONSIN INC.	574.25
128549	NORTHERN CREDIT BUREAU	659.04
128550	NORTHERN MICHIGAN TRUCK &	928.04
128551	ORBAN, BARBARA K.	24.00
128552	POWER LINE SUPPLY	841.82
128553	PREIN & NEWHOF	626.13
128554	PRO-VISION VIDEO SYSTEMS	715.00
128555	QUILL CORP	334.90
128556	R & R PRODUCTS INC	109.33
128557	RECDESK LLC	2,300.00
128558	SIEGRIST, DAVID	25.00
128559	SILVA, JESSE L.A.	50.00
128560	SOS ANALYTICAL	550.00
128561	SOUND ENVIRONMENTS	480.00
128562	STATE AND MASON LLC	3,000.00
128563	STATE OF MICHIGAN	675.00
128564	STEPHENS, LYON G.	50.00
128565	SWEM, DONALD L.	50.00
128566	TELE-RAD INC	133.98
128567	TRUCK & TRAILER SPECIALTIES	686.87
128568	UNIFIRST CORPORATION	532.91
128569	UNITED STATES PLASTIC CORP.	148.09
128570	WHITMAN, LEE A	35.00
128571	WORK & PLAY SHOP	125.00
128572	WURST, RANDALL W.	50.00
128573	WYMAN, MATTHEW A.	50.00

Check Number	Payee	Amount
Total 11/05/2019:		112,471.35
Grand Totals:		112,471.35

Check Number	Payee	Amount
10/21/2019		
102119001	MICHIGAN PUBLIC POWER AGENCY	7,199.87
Total 10/21/2019:		7,199.87
Grand Totals:		7,199.87

Check Number	Payee	Amount
10/25/2019		
102519001	MICHIGAN PUBLIC POWER AGENCY	227,926.91
Total 10/25/2019:		227,926.91
Grand Totals:		227,926.91

Check Number	Payee	Amount
10/28/2019		
102819001	MICHIGAN PUBLIC POWER AGENCY	15,438.07
Total 10/28/2019:		15,438.07
Grand Totals:		15,438.07

Check Issue Date	Check Number	Payee	Amount
110119001			
11/01/2019	11011900	**EFTPS* Payroll Taxes	11,103.90
11/01/2019	11011900	**EFTPS* Payroll Taxes	11,103.90
11/01/2019	11011900	**EFTPS* Payroll Taxes	2,596.88
11/01/2019	11011900	**EFTPS* Payroll Taxes	2,596.88
11/01/2019	11011900	**EFTPS* Payroll Taxes	15,665.17
Total 110119001:			
	5		43,066.73
110119002			
11/01/2019	11011900	Alerus Financial	350.00
Total 110119002:			
	1		350.00
110119003			
11/01/2019	11011900	STATE OF MICHIGAN	6,276.65
Total 110119003:			
	1		6,276.65
110119004			
11/01/2019	11011900	Vantagepoint - 401 Plan 109153	858.02
Total 110119004:			
	1		858.02
110119005			
11/01/2019	11011900	Vantagepoint - 457 Plan 300959	5,662.92
11/01/2019	11011900	Vantagepoint - 457 Plan 300959	2,447.58
11/01/2019	11011900	Vantagepoint - 457 Plan 300959	4,145.64
11/01/2019	11011900	Vantagepoint - 457 Plan 300959	8,416.34
Total 110119005:			
	4		20,672.48
110119006			
11/01/2019	11011900	Vantagepoint - Roth IRA 706117	955.76
Total 110119006:			
	1		955.76
Grand Totals:			
	13		72,179.64

Check Number	Payee	Amount
11/05/2019		
3303	CHARLEVOIX COUNTY TREASURER	12,004.38
3304	CHARLEVOIX PUBLIC SCHOOLS	14,226.34
3305	CHARLEVOIX PUBLIC SCHOOLS	2,067.68
3306	CHARLEVOIX PUBLIC SCHOOLS	574.32
3307	CHARLEVOIX PUBLIC SCHOOLS	402.01
3308	CHARLEVOIX PUBLIC SCHOOLS	172.22
3309	CITY OF CHARLEVOIX - TAXES DUE	14,002.10
Total 11/05/2019:		43,449.05
Grand Totals:		43,449.05

CHECKS DRAWN ON CHARLEVOIX STATE BANK ACCOUNT

CHARLEVOIX CITY COUNCIL

Consent Agenda

TITLE: Charlevoix State Bank Internet Banking Resolution

DATE: November 4, 2019

BACKGROUND:

Charlevoix State Bank requires a resolution to approve the use of internet banking for our City accounts.

RECOMMENDATION:

Motion to approve Resolution 2019-11-01.

ATTACHMENTS:

- ▣ Resolution

CITY OF CHARLEVOIX
RESOLUTION NO. 2019-11-01
CHARLEVOIX STATE BANK COMMERCIAL INTERNET BANKING RESOLUTION

1. Resolved, the person executing the following Charlevoix State Bank documents:

- Commercial Internet Banking Application
- Commercial Internet Banking Agreement
- Company/Financial Institution ACH Agreement
- Wire Transfer Agreement

is hereby authorized, on behalf of this Commercial Customer and in its name, to execute and deliver said forms, and to thereby bind the Commercial Customer to same.

2. Resolved, the Primary Administrator named on the Commercial Internet Banking Application, acting alone, is hereby authorized to act on the Commercial Customer's behalf in all matters relative to the Commercial Customer's passwords, including but not limited to the right to (i) establish additional User IDs and passwords on the Commercial Customer's behalf, (ii) terminate or cancel any/all existing User IDs and passwords; (iii) change the Commercial Customer's account(s) associated with the User, (iv) change the activity level of an account associated with a User, (v) name and setup additional Users who will have maintenance authority over the Commercial Customer's passwords and accounts, or terminate the authority of any User with maintenance authority over the Commercial Customer's passwords and accounts.
3. Resolved, these Resolutions shall remain in full force and effect and the authority herein given to all of said persons shall remain irrevocable as far as the Bank is concerned until three (3) business days after the Bank is notified in writing of the revocation of such authority and receipt of such notice shall not affect any action taken by the Bank prior thereto.
4. Resolved, this authorization supersedes any resolution, signature card or other document currently on file with the Bank that limits authority over any specific account or over the Commercial Customer's accounts with the Bank. This authorization shall remain in force and effect notwithstanding any subsequent change in such specific or general account resolution, signature card or related documentation. Any notice of a termination or change with respect to the identity of a Primary Administrator or the authority of any person to use a password must specifically state that it relates to passwords and must specifically describe the termination or change requested.

RESOLVED this 4th day of November, 2019 A.D.

Resolution was adopted by the following yeas and nays vote:

Yeas:

Nays:

CHARLEVOIX CITY COUNCIL

Consent Agenda

TITLE: Ice Control Sand Purchase

DATE: November 4, 2019

BACKGROUND:

Each fall we purchase ice control sand to be mixed with our road salt for the city streets. This year are planning to purchase 2,000 tons of material. This will be enough to mix with our salt quantities and get us through the winter months. This material is budgeted through the Major and Local Street funds along with the State Trunkline. Similar to years past, we will be purchasing this material from J&N Construction in Gaylord.

RECOMMENDATION:

Motion to approve the purchase of 2,000 tons of ice control sand from J&N Construction for a total of \$19,100.

CHARLEVOIX CITY COUNCIL

Consent Agenda

TITLE: New and Revised Mt. McSauba Camp Job Descriptions

DATE: November 4, 2019

BACKGROUND:

Based on the recommendation of the State of Michigan Camp Consultant, we are proposing the establishment of a new Mt. McSauba Camp Counselor/Assistant Camp Director job description. The consultant suggested hiring an assistant to help with some of the Director's duties. The primary responsibility of this Counselor/Assistant position will be as Camp Counselor; however, they will assist the Camp Director with some duties and will assume the Director duties in their absence.

We are also proposing minor revisions to the current Mt. McSauba Camp Counselor and Camp Director job descriptions.

RECOMMENDATION:

Motion to approve Mt. McSauba Camp Counselor job description, dated 11/4/2019

Motion to approve Mt. McSauba Camp Counselor/Assistant Camp Director job description, dated 11/4/2019

Motion to approve Mt. McSauba Camp Director job description, dated 11/4/2019

ATTACHMENTS:

- ▣ Mt. McSauba Camp Counselor Job Description
- ▣ Mt. McSauba Camp Director Job Description
- ▣ Mt. McSauba Camp Counselor/Assistant Camp Director Job Description

CITY OF CHARLEVOIX

Title: Mt. McSauba Camp Counselor

FLSA: Non-exempt
STATUS: Seasonal

Department: Recreation

Reports To: McSauba Camp Director

Date: November 4, 2019

Position Purpose and Objectives

Supervise groups of children during their participation in day camp activities. Responsible for safety and supervision of children.

Scope and Environment

Works in all types of summer weather. Works under the direct supervision of the camp director. Work schedule is based on camp enrollment demand and varies throughout the camp duration. Supervises small group(s) of up to 12 children ages 5-13. Activities include swimming, field sports, environmental education, and arts and crafts on lakefront property.

Essential Job Functions

- Responsible for supervising children during day camp activities.
- Enforce camp safety standards.
- Resolve problems and keep superiors apprised of incidents, etc.

Knowledge, Skills and Abilities Required

- Able to work outdoors in all types of summer weather.
- Able to withstand activities in the water for up to one hour at a time.
- Ability to swim.
- Creative and resourceful.
- Positive attitude.
- Excellent interpersonal and public relations skills with parents and campers.
- Patience working with people of all ages and abilities.
- Ability to build camaraderie/work in team environment.
- Flexibility regarding work hours.
- Ability to project a courteous and positive public image of the City of Charlevoix.

Certifications

- Must be 18 years of age or older; or a high school graduate.
- Ability to obtain a Red Cross certification by hire date.
- Possess one year experience working with young children is preferred.
- Lifeguard Certification is preferred.

The information contained in this position description is intended to describe the general content and requirements for successful performance of the job. It is not an exhaustive list of duties, responsibilities or requirements. Additional duties and requirements may be assigned at the sole discretion of the City. Hence, the job description does not constitute an employment agreement between the employer and employee and is subject to change by the employers as the needs of the employer and requirements of the job change. The position is an at-will position.

City Council Approval: Pending

CITY OF CHARLEVOIX

Title: Mt. McSauba Camp Director

FLSA: Exempt
STATUS: Seasonal

Department: Recreation

Reports To: Recreation Director

Date: November 4, 2019

Position Purpose and Objectives

Oversee all aspects of the Mt. McSauba Camp to ensure that it is operational and safe for all campers. Create, coordinate, and implement a variety of programs suitable for day camp participants. Supervise all camp personnel to ensure that they are fulfilling job responsibilities and maintaining a safe environment.

Scope/Environment

Works under the general supervision of the Recreation Director and exercises day-to-day supervision over several camp counselors. Directs weekly summer camp activities that include swimming, field sports, and arts and crafts on the lakefront property. Works in all types of summer weather.

Essential Job Functions

- Direct day-to-day operations of camp.
- Create, coordinate and implement a variety of programs including physical fitness activities, the arts, environmental education, and other activities that maintain the children's interests and broaden their knowledge.
- Implement and enforce safety standards.
- Supervise and schedule camp personnel.
- Participate in budget preparation and monitor approved budget for adherence.
- Resolve problems and keep superiors apprised of incidents, etc.

Knowledge, Skills and Abilities Required

- Be at least 21 years old.
- Possess a minimum of 8 weeks of cumulative full-time experience working with a population similar to that which the camp serves.
- Possess a minimum of 4 weeks of full-time administrative experience in an organized camp or similar program.
- Excellent interpersonal and public relations skills, including the ability to interact with children and parents.
- Able to work outdoors in all types of summer weather.
- Must be able to withstand activities in the water for up to one hour at a time and be able to swim.
- Working familiarity with budget preparation and accounting.
- Resourceful, self-starter.
- Positive attitude.
- Patience working with people of all ages and abilities.
- Ability to project a courteous and positive public image of the City of Charlevoix.

Certifications

- Ability to obtain a Red Cross Certification or equivalent to Community First Aid and Safety Course by the first day of camp.
- Ability to pass a fingerprint background check.
- Lifeguard Certification is preferred.

The information contained in this position description is intended to describe the general content and requirements for successful performance of the job. It is not an exhaustive list of duties, responsibilities or requirements. Additional duties and requirements may be assigned at the sole discretion of the City. Hence, the job description does not constitute an employment agreement between the employer and employee and is subject to change by the employers as the needs of the employer and requirements of the job change. The position is an at-will position.

City Council Approval: Pending

CITY OF CHARLEVOIX

Title: Mt. McSauba Camp Counselor/Assistant Camp Director

FLSA: Non-Exempt

STATUS: Seasonal

Department: Recreation

Reports To: McSauba Camp Director

Date: November 4, 2019

Position Purpose and Objectives

Primary responsibility is to supervise groups of children during their participation in day camp activities while maintaining a safe environment. In the absence of the Camp Director, oversee all aspects of the Mt. McSauba camp and supervise all camp counselors to ensure that they are fulfilling their job responsibilities.

Scope and Environment

Works in all types of summer weather. Works under the direct supervision of the Camp Director or the Recreation Director in the Camp Director's absence. Supervises small group(s) of up to 12 children ages 5-13 during their participation in camp activities such as swimming, field sports, environmental education, and arts and crafts on lakefront property. Supervises camp counselors in the absence of the Camp Director.

Essential Job Functions

- Responsible for supervising children during day camp activities.
- In the absence of the Camp Director, supervise camp counselors and oversee all aspects of the camp to ensure that it is operational and safe for all campers.
- Assist in the coordination and implementation of a variety of activities including physical fitness activities, the arts, nature education, and other activities that maintain the children's interest and broaden their knowledge.
- Implement and enforce safety standards.
- Resolve problems and keep superiors apprised of incidents, etc.

Knowledge, Skills and Abilities Required

- Possess a minimum of 8 weeks of cumulative full-time experience working with a population similar to that which the camp serves.
- Excellent interpersonal and public relations skills, including the ability to interact with children and parents.
- Able to work outdoors in all types of summer weather.
- Able to withstand activities in the water for up to one hour at a time.
- Ability to swim.
- Creative and resourceful.
- Positive attitude.
- Patience working with people of all ages and abilities.
- Ability to build camaraderie/work in team environment.
- Flexibility regarding work hours.
- Ability to project a courteous and positive public image of the City of Charlevoix.

Certifications

- Must be 21 years of age.
- Ability to obtain a Red Cross certification or equivalent to Community First Aid and Safety Course by hire date.
- Ability to pass a fingerprint background check.
- Lifeguard Certification is preferred.

The information contained in this position description is intended to describe the general content and requirements for successful performance of the job. It is not an exhaustive list of duties, responsibilities or requirements. Additional duties and requirements may be assigned at the sole discretion of the City. Hence, the job description does not constitute an employment agreement between the employer and employee and is subject to change by the employers as the needs of the employer and requirements of the job change. The position is an at-will position.

City Council Approval: Pending

City Council Regular Meeting -

CHARLEVOIX CITY COUNCIL

Public Hearings and Actions Requiring Public Hearings

TITLE: Set Dangerous Building Enforcement Hearing: 102 & 104 W. Upright Street

DATE: November 4, 2019

PRESENTED BY: Mark L. Heydlauff, City Manager

BACKGROUND:

The Zoning Administrator has been working through the process of cleaning up several blighted properties in the City. Pursuant to Chapter 91 of the City Code, a Dangerous Building Hearing was held on October 23 and the hearing officer issued the attached report, conclusion and order. Council now needs to set and hold a hearing to consider the request for action in this matter in accord with Chapter 91, Section 91.10.

RECOMMENDATION:

Motion to set a Dangerous Building Enforcement Hearing regarding the properties of 102 W. Upright Street and 104 W. Upright Street for November 18, 2019 at 6pm in the Council Chambers of City Hall and notify the owner of the properties of the same.

ATTACHMENTS:

- ▣ Dangerous Building Hearing Report: 102 & 104 W. Upright

GILMET CONSTRUCTION SERVICES

Donald H. Gilmet
220 E. Crapo Street
Alpena, MI 49707
989-356-9795

DANGEROUS BUILDING HEARING FOR 102 & 104 W. UPRIGHT STREET CHARLEVOIX CITY HALL – 10.23.19 – 2:00 PM

At the above place, date and time, a hearing was conducted for the properties located at 102 & 104 Upright W. Street, Charlevoix, MI 49720 to determine if they met the definition of a “Dangerous Building” in accordance with City of Charlevoix Ordinance. In attendance were Donald H. Gilmet, Charlevoix Hearing Officer, Jonathan D. Scheel, Zoning Administrator of City of Charlevoix, Michael Miller, an owner of the subject properties and one Charlevoix City resident, Ms. Marlene Glanz. Mr. Gimlets’ wife, Glenda Gilmet, was also at the hearing. Before the hearing I was able to conduct a visual inspection of the properties from the public sidewalk.

HEARING

Jonathan D. Scheel, Charlevoix City Zoning Administrator, presented the City’s case. I was given 19 pages of background information, statements of facts, photographs and recorded documents. Mr. Scheel gave testimony in regard to the properties, and the City’s position on both structures. It was his initial assessment that both structures need to be demolished. After some discussion, he felt if the owner could get the exterior of 102 addressed within 60 days, the City would be okay with leaving it. He gave some specific guidelines on what exactly “addressed” meant. In regard to 104, that would need to be demolished. Included in the documentation I received from Mr. Scheel, were three letters from November 2018 thru October 2019. Also he gave testimony as to some conversations he has had with the owner, and the owner’s daughter dating back to April 2018.

The property owner, Michael Miller, gave testimony as to what his plans for the future of the properties were moving forward, and possible time lines for getting the work done. Mr. Miller would like to save both structures and felt he could get them into a satisfactory condition in about 60 days with help from some friends. According to Mr. Miller he has owned both properties for about nine years. When I asked why he didn’t address the issues sooner he stated “he couldn’t afford it at the time”. When I asked how he planned on affording it now he stated, “He was going to go to the bank...” He felt confident that he could get the property at 102 in a satisfactory condition within 60 days, and would obtain help from friends who have knowledge of construction to help him do it. He also knows that he would have to obtain the required building permit and inspections for the work through the Charlevoix County Building Department.

At about 2:45 p.m., Marlene Glanz, a local resident that owns property in the neighborhood, joined the hearing. She stated that “she was glad to see the city (Charlevoix) getting serious about blight”. She further stated she drives by these structures everyday and just sees them getting worse with no activity being done to save them from further decline.

I was able to ask questions of all those giving testimony and the hearing concluded after about 67 minutes, at 3:07 p.m.

FINDINGS

I based my findings on evidence and testimony given by those in attendance, pictures provided by city staff, and my visual inspection.

102 Upright Street

- The roof on this structure appears intact; however the shingles need to be replaced. They are worn out, delaminated and exhibit curling.
- A rear door looks as though it is damaged beyond repair as well as the aluminum storm door that is attached to the door frame. These need to be replaced/repair and secured to prevent unauthorized entry.
- The chimney on the rear roof is brick that has been covered by some sort of cementuos material that has fallen off in chunks and is lying on the roof.
- Exterior wood siding, trim on windows and doors, soffit and facia is damaged and has peeling paint.
- The interior appeared intact from what I could see from the front door looking in.

Exterior of 104 Upright Street

- The roof has many holes in it. Some of the roof sheeting has rotted away in several areas along the eaves. Some temporary sheeting was installed in these areas and covered with some synthetic shingle underlayment to stop the roof from leaking. I am confident based on the photos provided me, and personal observation, that the ends of many the rafter are rotted beyond repair and repair would require installing an entirely new roof from the walls up.
- There are several areas where the siding is either missing or has been covered with sheets of plywood. Wood clapboard siding on the rear shed section of the structured appears rotted and decayed.
- Facia wood is rotted, decayed and missing in several areas.
- Pictures provided by City staff of the interior show collapsed ceilings and decaying walls. There is also a lot of junk and debris scattered about inside.

Miscellaneous

- No water usage at either structure for over four years.

CONCLUSION

In accordance with the City of Charlevoix Ordinance 91.03, DECLARATION OF NUISANCES, I find overwhelming evidence based on the records, pictorial proofs, testimony given and personnel observation that the properties located at 102 & 104 Upright Street, Charlevoix MI, 49720 Tax ID Number:052-363-005-00 and 052-363-005-50 are Dangerous Buildings. These structures both meet the criteria outlined in section 91.03 F. (5) and (6) (a) through (j)

As such, I hereby order the property owner to;

1. Have the roof coverings replaced at 102 Upright Street to include new roof shingles, sheeting as required and repair or remove the damaged chimney on rear portion of the roof. **Complete this no later than December 31, 2019**
2. Replace and paint all missing wood trim, siding, soffits and facia at 102 Upright Street. Repair rear wood door and install new storm door on same. Ensure this door locks properly. **Complete these items no later than December 31, 2019.**
3. Clean up rear yard area, cut the grass and weeds and any trees growing against the wall of the structure. **Complete this by November 10, 2019**

4. Obtain the required permit from the Charlevoix County Building Department.
5. Demolish the structure at 104 Upright Street in accordance with the City of Charlevoix demolition procedures and County of Charlevoix Building Department permit requirements. **Complete this by January 30, 2020.**
6. Keep the City of Charlevoix Zoning Administrator informed of progress.


DONALD H. GILMET
GILMET CONSTRUCTION SERVICES
10-27-2019

CHARLEVOIX CITY COUNCIL

Public Hearings and Actions Requiring Public Hearings

TITLE: Set Public Hearing for Noise Control Ordinance 811

DATE: November 4, 2019

PRESENTED BY: Mark L. Heydlauff, City Manager

BACKGROUND:

Chapter 91, Section 91.26 of the City Code describes various noises which are specifically declared nuisances, including construction noise. This section essentially prohibits construction work in the evenings and on Sundays and holidays. In the past couple of years, I've been asked for waivers from this standard as is contemplated in the code. I think this is a reasonable position but I think it is also reasonable that the contractor/building owner should pay a fee for this permit since they are requesting specific service from the City for the inconvenience of their neighbors. Currently, there is no fee for this permit; this amendment would permit Council to approve a resolution setting a fee. I recommend setting the fee at \$350 per permit but this will be set via resolution after adoption.

RECOMMENDATION:

Motion to set a public hearing on Ordinance 811 of 2019, an ordinance to amend Title IX, Chapter 91, Section 91.26(B) of the Charlevoix City Code for Monday, November 18, 2019 at 6pm in the Council Chambers of City Hall.

ATTACHMENTS:

- ▣ Ordinance

**CITY OF CHARLEVOIX
ORDINANCE NO. 811 of 2019**

AN ORDINANCE TO AMEND TITLE IX, CHAPTER 91, SECTION 91.26(B) NOISE CONTROL OF THE CHARLEVOIX CITY CODE TO
PROVIDE FOR THE COLLECTION OF A PERMIT FEE

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Title IX, Chapter 91, Section 91.26(B) of the City of Charlevoix Code is hereby amended to include the provision of charging for a permit for extended hours of construction so that the revised section shall read:

(B) *Construction noises.* The erection (including excavating therefor), demolition, alteration or repair of any building, landscaping or parking area and the excavation of streets and highways, on Sundays, holidays, and other days, except between the hours of 7:00am and 6:00pm; exceptions to these limitations may be made upon obtaining a permit from the City Manager and paying for same based on the fee City Council may set from time to time.

SECTION 2. Severability.

No other portion, paragraph or phase of the Code of the City of Charlevoix, Michigan shall be affected by this Ordinance except as to the above sections, and in the event any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or of the Code of the City of Charlevoix, Michigan.

SECTION 3. Effective Date.

This Ordinance shall become effective thirty (30) days after its enactment.

Ordinance No. 811 was adopted on the 18th day of November, 2019 A.D., by the Charlevoix City Council as follows:

Motion by:

Seconded by:

Yeas:

Nays:

Absent:

State of Michigan }
City of Charlevoix } §

Joyce M. Golding

Clerk

Luther Kurtz

Mayor

CHARLEVOIX CITY COUNCIL

All Other Actions and Requests

TITLE: Mayoral Appointment

DATE: November 4, 2019

PRESENTED BY: Luther Kurtz, Mayor

BACKGROUND:

Liam Dreyer submitted his application for a non-voting student membership on the DDA. This is for a two year term.

RECOMMENDATION:

Motion to appoint Liam Dreyer to the DDA as a non-voting student member, term expiring November 2021.

ATTACHMENTS:

- ▣ Application

Zimbra

joyceg@charlevoixmi.gov

Online Form Submittal: Volunteer Boards and Committees Application

From : noreply@civicplus.com

Wed, Oct 23, 2019 11:28 PM

Subject : Online Form Submittal: Volunteer Boards and
Committees Application**To :** clerk@charlevoixmi.gov**Volunteer Boards and Committees Application**

Thank you for your interest in serving on a volunteer board, commission or committee. The purpose of this form is to provide the Mayor and City Council members with some information about residents considered for appointment. Your application will be kept active for six months and you will be contacted if you are chosen to serve.

Committees and Boards DDA / Main Street Board
to Apply For

Name	Liam Dreyer
Email Address	liamdreyer@hotmail.com
Address	700 foxview drive
Home Phone	<i>Field not completed.</i>
Cell Phone	(231)-675-9708
Are you a registered voter in the City?	No
How long have you lived in the City?	Since birth
Have you ever been convicted for anything other than a minor traffic violation?	No

Educational Background	None at the moment.
Professional Qualifications and / or Work Experience	I have worked as Luther Kurtz's campaign manager for the 2018 election. I have also been working at the local cinema for the past 7 months.
Community Activities and / or Other Experience	I have been/am on Junior Mainstreet. I helped Luther with the campaign during the 2016 mayoral election at the age of 11. Then proceeded to be his campaign manager during the 2018 candidacy. I regularly attend city council meetings and will sometimes try to provide my insight on topics.
Have you served on a board / committee or held a civic position in the past?	No
Do you foresee any potential conflicts of interest while executing the duties of this position?	No
Reason(s) You Wish to Serve	I wish to go into politics at an older age and am trying to immerse myself with all I can get during my youth. Since following my mother to city council meetings for as long as I can remember I have been obsessive and eager to engage myself in all I can. I have been not only encapsulated in local politics, but actively involved in them. This would be a major stepping stone, and would hopefully put me on the correct path for future succession in my intended fields.
Have you reviewed the current meeting schedule of the board / committee and can commit to regular meeting attendance?	Yes
Electronic Signature Agreement	I agree.
Electronic Signature	Liam D. Dreyer

CHARLEVOIX CITY COUNCIL

Reports and Communications

TITLE: City Manager's Comments

DATE: November 4, 2019

PRESENTED BY: Mark L. Heydlauff, City Manager

BACKGROUND:

A. Public Service Facility

Earlier this week, we held a pre-construction meeting with the engineer and architect, the general contractor and many of the sub-contractors to discuss the beginning of construction. Material and equipment will begin arriving at the site in the next few days.

We have reached tentative agreement with the Larsons and Michigan Scientific on using a portion of the former Destaco Building as the temporary location of Electric Department operations during construction. We'll bring an agreement to Council, likely later in November.

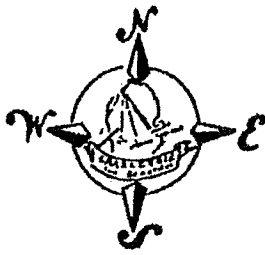
Also on Tuesday, we began the value engineering process for the new complex and, based on the expertise of our contractor and sub-contractors, identified approximately \$200,000 of savings over the approved bid. There are additional items we are reviewing and will consider as we go along.

B. New Phones and Security System

We are continuing our process of exploring a new phone system for the City and will likely be releasing an RFP this week. This will bring us vendors and service options for consideration later in November. We expect to realize significant long-term savings over our current, traditional phone system. We have also finished installing upgrades to our City Hall security systems utilizing, in part, a grant from our insurance company aimed at reducing risks.

ATTACHMENTS:

- ❑ Housing Commission Minutes
- ❑ Historic District Commission Minutes
- ❑ DDA Minutes
- ❑ ZBA Minutes
- ❑ Building Authority Commission Minutes



CHARLEVOIX HOUSING COMMISSION

210 WEST GARFIELD ST.

CHARLEVOIX, MICHIGAN 49720

(231) 547-5451

PROJECT
PINE RIVER PLACE

REGULAR MEETING CHARLEVOIX HOUSING COMMISSION

TUESDAY, September 17, 2019

2:00 P.M.

PINE RIVER PLACE COMMUNITY ROOM

AGENDA:

Call to Order/Roll Call

Additions to the Agenda

Approval of Meeting Minutes and Payables – August 21st, 2019

Old Business:

Resolution #VII-19 Amendment to No Smoking Policy (Tabled from 8/21/19 meeting)

New Business: Report from Mark Little - Boiler Project Completion Update
Sewer Line Repair Project Info

Executive Director's Report - Audit Report Finalized
MI-NAHRO Conference Report
SAM Registration- Letter Sent
EPC- No Updates Currently
Cell Phone Use Policy Discussion

Resolution #VIII-19 Adoption of Cell Phone Policy

Public Comment on subjects unrelated to Agenda Items

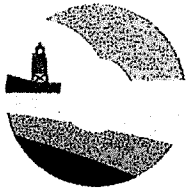
Adjournment

CHARLEVOIX HOUSING COMMISSION

210 WEST GARFIELD ST.

CHARLEVOIX, MICHIGAN 49720

(231) 547-5451



REGULAR MEETING

PROJECT
PINE RIVER PLACE

CHARLEVOIX HOUSING COMMISSION

TUESDAY, SEPTEMBER 17, 2019

2:00 P.M.

PINE RIVER PLACE COMMUNITY ROOM

Commissioners present: Mitts Lee, Laurene Crandall, Lillian Left, R.J. Waddell

Commissioners absent: Joan Buday

Others present: Cindy Morris, Occupancy Specialist, Annessa Haist, Interim Director, Mark Little, Mt. Pleasant Housing Commission

Chairperson M. Lee called the meeting to order at 2:00 p.m.

The agenda was accepted as presented.

R.J. Waddell moved, seconded by L. Left to accept the regular meeting minutes of August 20, 2019.

Noted correction on July 16, 2019 minutes, R.J. Waddell present and voted.

Ayes: Lee, Crandall, Left, Waddell

Nays: None

L. Left moved, seconded by R.J. Waddell to accept payables as presented, August 1st, 2019 through September 3rd, 2019

Ayes: Lee, Crandall, Left, Waddell

Nays: None

Old Business:

Resolution #VII-19 Amendment to No Smoking Policy (Tabled from 8/21/19 meeting

Board discussion. A. Haist reported that the insurance policy will not change if amendment is adopted.

L. Crandall moved, seconded by L. Left to accept Resolution #VII-19 Amendment to No Smoking Policy.

Ayes: Lee, Crandall, Left, Waddell

Nays: None

New Business:

Report from Mark Little, Mt. Pleasant Housing Commission:

Boiler Project Completion Update- State violations being corrected

Sewer Line Repair Project Info- New quote says full replacement is not necessary and a plan was proposed to deal with the root obstruction

Executive Director Report:

A. Haist made a conference call with Robert R. Klaczekiewicz, CPA for Smith & Klaczekiewicz, PC for a summary and explanation of the Audit Report and findings.

A. Haist talk briefly of the MI-NAHRO Conference that was held on September 11-13, 2019 @ Shanty Creek Resort, in Bellaire Michigan. C. Morris, K.

A Haist updated the board on SAM Registration referring to the notarized letter that was sent for access. There are no updates currently for the EPC.

A Haist put before the board for discussion Cell Phone Use Policy. Board openly engaged in discussion.

L. Left moved, seconded by L. Crandall to accept Resolution #VIII-19 Adoption of Cell Phone Policy.

Ayes: Lee, Crandall, Left, Waddell

Nays: None

Public Comment:

Concern of a resident of the new heater boiler system and the new exhaust piping that is outside of the front of the building.

Adjournment: Meeting was adjourned at 2:45PM

Respectfully submitted,

J. Buckley

Mission Statement: *To promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.*

Meeting of the
City of Charlevoix
Historic District Commission
Friday, September 27, 2019
Minutes

Vicki Voisin, Chair of the Historic District Commission, called the meeting to order at 11:01 am.
She introduced Carol Kranz, new commissioner.

1) Roll Call

Present: Mary Adams, Kay Heise, Carol Kranz, Vicki Voisin, Paul Weston

Representing the City of Charlevoix: Lindsey Dotson, Executive Director, Downtown Development Authority (DDA)

Absent: John Campbell, David Miles

2) Approval of Agenda: A quorum was present, and the agenda was unanimously approved.
Motion made by Mary Adams and supported by Paul Weston.

3) Inquiry Regarding Conflicts of Interest: none

4) Approval of Minutes: The minutes of the April 26, 2019 meeting were unanimously approved.
Motion made by Paul Weston and supported by Mary Adams.

5) Old Business

a. CLG (Certified Local Government) Application Status.

Dotson reported that changes have occurred in the administration of the program. She has been asked to provide more details for the goals we have set. (See April minutes.) She will send that information to the appropriate state office.

b. Signage for the two ends of Earl Young Historic Buildings Local Historic District.

Dotson continues to work on renderings which will conform to the new city signs and will determine how much they will cost and suggest who will pay for them.

6) New Business

a. MHPN (Michigan Historic Preservation Network) webinar training video for Historic District Commissions.

Commissioners gathered at The Vault, the new collaboration space in downtown Charlevoix, to listen to Sharon Ferraro from Kalamazoo discuss proper procedures for assessing requests to make changes to protected historic properties.

b. A letter will be written and sent by the secretary to Hans Wiemer, thanking him for his service to the Commission. (Attached.)

7) Request for Future Agenda Items

- Webinar video training continued

8) Adjournment: Meeting adjourned at 12:20 pm.

Next Meeting: October 25, 2019 at The Vault, 201 State Street

Submitted by: Kay Heise, Secretary

CITY OF CHARLEVOIX
DOWNTOWN DEVELOPMENT AUTHORITY / MAIN STREET MEETING
Monday, September 23, 2019 at 5:30 p.m.
210 State Street, City Hall, Charlevoix, Michigan

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

Vice Chair: Richard Christner
Members Present: Sam Bingham, Sean Bradley, Luther Kurtz, Paul Silva, Rick Wertz
Members Absent: Maureen Owens, Kirby Dipert, Amanda Wilkin
City Staff: Lindsey Dotson, Executive Director

4. Inquiry into Potential Conflicts of Interest

5. Consent Agenda

- A. Minutes
- B. Monthly Report
- C. Committee Minutes
- D. Michigan Main Street Community Requirements Agreement

Member Bingham stated that he was present at the Economic Vitality Committee. Vice Chair Christner stated that the Building Committee minutes indicate Kirby Dipert instead of him. Mayor Kurtz stated that since there was only one audience member present that the Board would consider amending the agenda to move the Bridge Drop Sponsorship item before Reports.

Motion by Mayor Kurtz, second by Member Silva to approve the Consent Agenda items as corrected. Motion passed by unanimous voice vote.

8. D. Bridge Drop Sponsorship

Dan Baron stated he was present on behalf of Charlevoix Bridge Drop. He stated that the Bridge Drop has been a New Year's Eve celebration for several years run by a non-profit organization with volunteer efforts to stage the event. Mr. Baron asked the DDA to continue their support of the 2019 event at the \$2,500 level. Discussion followed regarding the sponsorship levels, sponsorship from restaurants and area businesses, and other annual events.

Motion by Mayor Kurtz, second by Member Silva to approve a \$2,500 sponsorship of the 2019 Bridge Drop event. Motion passed by unanimous voice vote.

6. Reports

A. Director's Report

Director Dotson announced that the Charlevoix Main Street Program achieved the Master Level as awarded by the *Michigan Main Street Association*. She noted that they have been in the media quite a bit recently mostly related to The Vault. She stated that the August Cooperative Ad Campaign for the Mushroom House tours exceeded expectations. She said the *Charlevoix Area Community Foundation* grant application to support The Vault was due October 1st.

B. DDA Financials

Director Dotson clarified that the Hoop Skirt Alley project was placed in revenue under the account for "Grants, Other". She stated that Miscellaneous Expenses was budgeted for \$300, but they had spent \$1,500 for the Big Belly trash unit. The City applied for the grant which only paid for half of it and she was directed by the City Manager to have the DDA and Street Department pay for the remainder of the expense.

7. Old Business

A. The Vault Co-Working Space Update

Director Dotson stated that all three private offices were rented, one person purchased multiple punches for day-use drop-ins, and there were two 24/7 access members. They created a \$10 rate for non-profits for drop-ins. She stated they were creating an artist agreement that releases the DDA of any liability for the displayed artwork.

Director Dotson stated that the Well Being Day Spa (Lindsey Lewis) approached them wanting to rent out the vault space. She stated that they had changed the vault to a meditation space, and she was hesitant to lose that space. The

Board discussed the proposal along with other options for Ms. Lewis at length. It was noted that there was no preferred occupancy plan in place.

Motion by Member Silva, second by Member Bingham to direct Director Dotson to enter into an agreement with Lindsey Lewis with the premise that is on a month to month basis and having discussions with Ms. Lewis about their plans and what that space may be in the future so that she understands that this is a trial which could become a permanent commitment. Motion passed by roll call vote as follows:

Yeas: Bingham, Bradley, Christner, Kurtz, Silva

Nays: Wertz

8. New Business

A. License Agreement with Charlevoix Screen Masters

Director Dotson stated that they trademarked the Charlevoix C logo as a means to preserve its integrity and make sure that it is used in ways that are appropriate. She stated they were talking with Charlevoix Wear about the possibility of entering into a license agreement, with most garments being ordered through Screen Masters. Screen Masters has already been printing a lot of items with the "C" on them for City staff. Screen Masters could monitor logo use by adding a small fee per garment that the logo is printed on (.75/multi-color, .25/one color); that fee would be passed to the City.

Motion by Mayor Kurtz, second by Member Wertz to enter into a License Agreement with Charlevoix Screen Masters, Inc. for the use of the trademarked Charlevoix C logo and to give Director Dotson the authority to approve them at her discretion within the guidelines. Motion passed by unanimous voice vote.

B. Grant Agreement for Match on Main

Director Dotson stated this was an agreement with the *Michigan Economic Development Corporation* for the Match on Main Grant awarded to *My Grandmother's Table*. She explained details of the grant and monitoring processes.

Motion by Member Bingham, second by Member Silva to permit Director Dotson to sign the grant agreement and reimburse *My Grandmother's Table* \$25,000 as paid by the MDEC as a part of the Match on Main grant program. Motion passed by unanimous voice vote.

C. Restaurant Week Sponsorship

Director Dotson stated that in lieu of soliciting sponsors for the November Restaurant Week and noting donor fatigue, the Chairs of Restaurant Week are proposing that Main Street be the \$500 sponsor instead. She stated that in addition to their regular promotion on Lite 96.3 and Facebook ads, *Visit Charlevoix* will be promoting Restaurant Week.

Motion by Member Bingham, second by Member Wertz to approve the request as presented. Motion passed by unanimous voice vote.

9. Public Comment

10. Request for Future Agenda Items

Member Silva supported a dog beach. Director Dotson stated she was talking with Recreation Director Knorr about the newly formed Dog Park Committee. One of the biggest challenges is a lack of City owned adequate space (at least two acres). Member Silva referenced other locations with much smaller amounts of property. Mayor Kurtz stated that City Council debated and decided that people can bring their dogs to Mt. McSauba. Director Dotson stated that the Junior Main Street Committee has also expressed interest in this topic.

Motion by Member Silva, second by Member Wertz that the DDA support the newly formed Dog Beach Committee. Motion passed by unanimous voice vote.

11. Board Comments

Mayor Kurtz stated that they started the *Live from Charlevoix's More Than Summer* campaign and they had sold 64 packages over the weekend. He stated they had increased what the hotels get by \$5.00 and they added \$30.00 in shopping at the ten shops that had signed up to participate. Last year they sold close to 1,000 packages.

12. Adjourn

Motion by Mayor Kurtz, second by Member Silva to adjourn the meeting. Motion passed by unanimous voice vote. Meeting adjourned at 6:43 p.m.

CITY OF CHARLEVOIX
ZONING BOARD OF APPEALS MINUTES
Wednesday, September 18, 2019 - 6:00 p.m.
210 State Street, Charlevoix, MI

A) CALL TO ORDER

The meeting was called to order by Zoning Administrator Scheel at 6:00 p.m.

B) ROLL CALL/PLEDGE OF ALLEGIANCE

Chair: Richard Hodgson
Members Present: Shirley Gibson, Ann Gorney, Patricia Miller, Dennis Kusina
Absent: Timothy Kish
Staff Present: Jonathan Scheel, Zoning Administrator; Scott Howard, City Attorney

C) INQUIRY INTO POTENTIAL CONFLICTS OF INTEREST

Member Gibson stated that regarding Project 2019-05 (John and Jackie Coppens) she had a financial exchange 11 years ago; the home was her parents' house and she sold it to the applicants. City Attorney Howard stated that the fact that Member Gibson's family owned the home in the past does not constitute a financial interest in the property now.

Member Miller stated on Project 2019-05 (Delbert Terrill) her home was across the street from the applicant's home. She questioned whether she could express an opinion as a member of the public regarding the application and City Attorney Howard stated that she would need to sit in the audience and then speak from the podium during the appropriate time. Mr. Terrill stated that he would waive any issue with respect to his neighbor, and City Attorney Howard stated that Member Miller would get that opportunity as a member of the public, just not as a member of the Board.

D) APPROVAL OF AGENDA

Motion by Member Miller, second by Member Kusina to approve the agenda as presented. Motion passed by unanimous voice vote.

E) APPROVAL OF MINUTES

Minutes were approved by the Chairman as per policy.

F) OLD BUSINESS

G) NEW BUSINESS

1. Public Hearing for Applicant 2019-04 ZBA: Dimensional variance request from John Pearl Construction LTD – 607 State Street

a. Staff Presentation

Zoning Administrator Scheel stated that the applicants were proposing to demolish a front entry porch and construct a larger wrap around porch. At present the house is legal non-conforming; it is within about 6' from the side street and the applicant wants the front wrap around porch to match the existing house. He stated the applicant was asking for a 9' setback variance. The side street is not improved with a sidewalk so the feel of it is quite a distance at approximately 23' from pavement, but if the sidewalk were to go in, it would be about 6' from the existing residence if the porch was approved. Zoning Administrator Scheel stated that the property was a basic corner lot at 50' wide. He stated in standing at that corner and looking in all four directions one would notice that all homes are non-conforming including garages and porches that are too close. He stated that since 2010, there have been eight cases of dimensional variances in the R-2 district and of the eight, seven were approved and one was denied.

b. Applicant presentation (if requested)

c. Call for Public Comments

Lynette Grahams, Upright Street homeowner, stated that variances concern her because the ordinances are put in place for safety and aesthetics. She looked at that 5' from the road and she thought about coming up to that corner and having the appropriate visibility to turn left concerns her. She stated the area was a huge walking path for people down that street because there was no sidewalk. It concerned her that the people have gone to get variances for fences that would have bumped out into that visual and most were denied.

The public comment period was closed.

d. ZBA Determination of Findings of Fact

The Board proceeded to review each of the conditions as explained in the Staff Report related to the dimensional variance:

1. Extraordinary Circumstances. Member Miller stated that it was a non-conforming corner lot so it that had two 15' setbacks, both front and side. She stated she was a bit confused about the diagram and she questioned if the deck was just following the line of the house and coming straight out on the side yard. She thought the diagram showed that it was 27' from the pavement unless there was a sidewalk added. Chair Hodgson stated that it was a 100-year old house and it did not allow for the 15' setback requirement. The Board concurred that the request satisfies extraordinary circumstances.

2. Substantial Justice. Member Gorney referenced the reason expressed for the variance request and stated that she did not feel they should be granting variances because "someone wanted to make their home look better". She stated it was a really busy intersection. No changes to the condition as written in the Staff Report.
3. Impact on the Surrounding Neighborhood. No changes to the condition as written in the Staff Report.
4. Public Safety and Welfare. Zoning Administrator Scheel stated that there was a section in the Zoning Ordinance that talks about corner lots and visual areas being a 15' by 15' triangle. He stated that even if this were to be approved and the road changed, or a sidewalk was put in "it would still meet that part of the ordinance". He read aloud the "corner clearance" section of the Ordinance to the Board. Member Gorney referenced the public comments stated previously. Member Gibson stated that a future plan for widening roads with curbs, gutters, and sidewalks would cause walkers to be walking very close to the home. Member Miller stated that would happen anyway because the house was already there. Chair Hodgson stated that he liked adding the requirement that the porch remain open and not enclosed.
5. Not Self-Created. No changes to the condition as written in the Staff Report.

e. Motion

Motion by Member Kusina to approve Project 19-06-ZBA without conditions, based on specific Findings of Fact that prove the project does meet the review standards in 153.038 (F). Member Gorney seconded and amended the motion to provide the requirement that the porch remain open and not enclosed for reasons that were stated previously. Member Kusina agreed with the amendment to the motion.

Motion passed by roll call vote as follows:

Yeas: Gorney, Hodgson, Kusina

Nays: Gibson, Miller

2. Public Hearing for Applicant 2019-05 ZBA: Dimensional variance request from John and Jackie Coppens – 305 May Street

a. Staff Presentation

Zoning Administrator Scheel stated that this a corner lot and they are asking for a 9' front side yard dimensional variance with the setback requirements as defined in Article IV, Section 5.27(2) of the Zoning Ordinance. The property is zoned residential R-2 with a 15' front side yard setback. The applicants wish to construct a 24' x 24' accessory structure (garage) which will line up with the existing house.

Member Gibson questioned if the garage could be built within the setbacks without a variance and Zoning Administrator Scheel stated that they had received a letter from a citizen that showed how the garage could be built within the setbacks. He stated that the applicants were trying to maximize the yard for young children. He stated that there was a letter from Mr. Haggard and a sketch from Sherm Chamberlain showing how it could be built within the setbacks in their agenda packet.

b. Applicant presentation (if requested)

c. Call for Public Comments

None.

d. ZBA Determination of Findings of Fact

Member Gorney questioned the distance from the dotted line on the drawing to where they want the back of the garage and Zoning Administrator Scheel stated it was about 20', without a variance it would be about 11'. If the proposed garage was moved back 9' it would not need a variance. Member Miller questioned if the applicant would be willing to consider moving the location of the proposed garage and Zoning Administrator Scheel stated that the answer would be no as they would really like to have that 20' section of back yard instead of 11'. Member Gorney questioned how they could justify the need for a variance if the garage could be built without a variance.

The Board proceeded to review each of the conditions as explained in the Staff Report related to the front side yard variance:

1. Extraordinary Circumstances. Member Gibson questioned if the Board should be concerned about the size of the back yard. She expressed that if you could build a garage without a variance "that's the way it should be done" because once again the City has plans for all of our streets – widening the curb, gutter and sidewalk. Chair Hodgson stated that the language provided stated that: "The ZBA finds the standards are not met since there is potentially room within the building area on the parcel to build a garage within setbacks". The Board concurred with the referenced language.
2. Substantial Justice. No changes to the condition as written in the Staff Report.
3. Impact on the Surrounding Neighborhood. Chair Hodgson stated that having a two-story garage that close to the road would have a negative impact on the look and feel of the surrounding neighborhood.
4. Public Safety and Welfare. Member Miller stated that she had a safety concern about having a 6' driveway which was below a standard size. No changes to the condition as written in the Staff Report.

5. Not Self-Created. Member Miller stated she felt it was self-created because the garage could be added without a variance. Member Gorney stated that it could also be done without adding 3' to the roof.

e. Motion

Motion by Member Gorney, second by Member Gibson to deny Project 2019-05 ZBA based on specific Findings of Fact that prove the project does not meet the review standards.

Member Gorney commented that the applicant could propose an alternative plan that might need a variance. Zoning Administrator Scheel felt that would be sending the wrong message because the Board said numerous times during the meeting that the garage could be built with the existing setbacks.

Motion passed by roll call vote as follows:

Yeas: Gibson, Gorney, Hodgson, Kusina, Miller

Nays: None

Zoning Administrator Scheel stated that there was no need to go through the height variance request given the outcome of the first variance request.

3. Public Hearing for Applicant 2019-05 ZBA: Dimensional variance request from Delbert Terrill, Jr. – 117 Eaton Avenue

Member Miller left the dais at this time.

a. Staff Presentation

Zoning Administrator Scheel stated that this was a request to raise a 4' existing, non-conforming fence to 6'. It was non-conforming because it is 4' which was legal at the time and the Zoning Ordinance has since changed to 3'. He explained the history of the property, there were a couple of columns on the property that are within the public right-of-way by about 1' that was brought to the attention of the City in 2002 and the City granted a license for the two columns. At that same time, the applicant asked for a similar variance and it was denied. Included in this request is not only the 4' fence that exists but another 50' or so with a gate going back down the parcel to a couple of other stone columns on the lower plateau.

Member Gibson stated on page 6 in the agenda packet from the ZBA minutes from 2003 it read that "the Board agreed that in the past 12 years only two fence variances have been granted and one has been denied" and questioned if that was still the case. Zoning Administrator Scheel felt that is probably a true statement, but he only researched records back to 2010. Member Gibson stated that she noticed that the actual fence posts are 6'. Zoning Administrator Scheel stated "that's either legal, non-conforming or illegal" and he has not researched that well enough to know the status or addressed it with the owner at this point.

b. Applicant presentation (if requested)

Delbert Terrill stated that he was not going to take the fence 50' down the hill, all he was talking about was taking the 4' fencing he has now and adding them next to the pillars on the lower terrace to keep people and vehicles from intruding onto his lower terrace. He stated that over the years he has had people parking there and had a neighbor use his lower terrace to bring over 30 dump truck loads of dirt to fill in behind their hill. He stated that the hardship for him was economic because he would like to fill in spots that are insecure with the 4' fencing and the gate at the top of the hill which would be to protect the pavers that he was going to put in place. If he puts pavers in and the City's snow truck keeps plowing and backing up it would disrupt his pavers. He stated that a year ago he put in a new cement driveway and its been cracked by the City snow trucks. He stated that he noticed numerous 6' opaque fences in place while driving throughout the City. He referenced other issues with teenagers climbing onto his current fence and trash being thrown at the fence.

c. Call for Public Comments

Mr. Terrill's property caretaker described the current fence and he sees signs of people walking on the property. He stated that a 6' fence would prevent people from accessing the property and the fence being open would not block the view.

Don Exelby, Eaton Street neighbor, stated he had no problem with raising the fence from 4' to 6', and further explained his reasons for supporting the request, the history and unique circumstances of the property, and security concerns.

The public comment period was closed.

d. ZBA determination of Findings of Fact.

Member Gibson stated that there was no drawing in the packet about this fence and she just learned that the request was for a 6' fence on the bluff and below and nothing shows from where to where and the distance of the fence sections. Zoning Administrator Scheel stated that it would be the existing fence plus 8' of new fence and a gate.

The Board proceeded to review each of the conditions as explained in the Staff Report related to the dimensional variance:

1. Extraordinary Circumstances. Chair Hodgson stated that it would be difficult to argue that you couldn't just build a 3' fence and stay within the zoning requirements. Member Gorney stated that in her years on the Board they never had security as a reason for a variance. The Board concurred that the request did not satisfy extraordinary circumstances.

2. Substantial Justice. Member Gorney stated that the Staff Report indicated that: "it's not been proven that the extra height is necessary to enjoy the normal rights of a Charlevoix owner". The Board concurred that the request did not meet this standard.
3. Impact on the Surrounding Neighborhood. The language in the Staff Report related to this item was not updated for this project. Chair Hodgson stated that he would not find that the fence would have an impact on the surrounding neighborhood. Member Gorney stated that she was sure it would not have a negative impact on the surrounding neighborhood.
4. Public Safety and Welfare. Member Gorney stated that the higher fence would not affect public safety and welfare.
5. Not Self-Created. Chair Hodgson stated that requesting the higher fence than what is allowed is self-created.

e. Motion

Motion by Member Gorney, second by Member Gibson to deny Project 2019-05 ZBA based on specific Findings of Fact that prove the project does not meet the review standards specifically standards 1 and 2 about extraordinary circumstance and substantial justice as being concurrent with staff findings.

Motion passed by roll call vote as follows:

Yeas: Gibson, Gorney, Hodgson

Nays: Kusina

Member Miller rejoined the Board at the dais.

4. Public Hearing for Applicant 2018-06 ZBA: Administrative Challenge from Mary Eveleigh – 206 Dixon Avenue

a. Staff Presentation

City Attorney Howard stated that this was a unique circumstance for this body as the Board has been asked to determine whether or not to have a re-hearing on a particular decision that the Zoning Board of Appeals has already made. The re-hearing provision comes from Section 9 of the Board's By-Laws. He stated that once a ZBA decision is made it is final. The Section goes on to state: "The ZBA may grant a re-hearing under exceptional circumstances for any decision made by it". The By-Laws go on to define what exceptional circumstances are, "exceptional circumstances shall meet any of the following:

- Subparagraph a, the applicant who brought the matter before the ZBA made misrepresentations concerning a material issue which was relied upon by the ZBA in reaching a decision.
- Subparagraph b, there has been a material change in circumstances regarding the ZBA's Findings of Fact which occurred after the public hearing.
- Subparagraph c, the City Attorney by written opinion states that in the Attorney's professional opinion the decision made by the ZBA or the procedure used in the matter was clearly erroneous.

City Attorney Howard stated that subparagraph c does not apply because he has not issued a written opinion saying that there was some sort of erroneous decision or erroneous use of the procedures. He stated that first the ZBA needed to consider whether there are exceptional circumstances to grant a re-hearing and if the answer is no, then they were done with that particular item because the original ZBA decision stands. If the answer is yes, then the ZBA would go on to consider what the ZBA decided in the first place.

Chair Hodgson stated that there were procedural limits under Section 9.2. City Attorney Howard stated that the applicant needs to bring this request to the ZBA within 21 days of approval of the ZBA minutes of that particular meeting. He stated it was procedurally appropriate before the Board.

City Attorney Howard stated that at present all they would be considering was whether there were exceptional circumstances, facts that have arisen since the decision was made that justify re-consideration or if misrepresentations were made that justify re-consideration. He stated that those were the standards and they want to hear from the applicant and the public. Once they hear from the applicant and the public, the Board will then have additional discussion and then there would be a vote on whether or not there were exceptional circumstances. He stated that there is a process for a legal appeal of a Zoning Board of Appeals decision to circuit court.

b. Applicant presentation (if requested).

Jack Turner, Attorney representing the Eveleighs, stated with respect to the comments by the City Attorney, he did not understand the statement in the By-Laws necessarily to be an exclusive description of exceptional circumstances. He felt the Board had more latitude than what had been suggested to decide whether or not there were exceptional circumstances with respect to this particular request for re-hearing. He stated that he did send a memo to the City Attorney and he wanted to be sure it was circulated to the Board members because he did try to explain in writing what he thought were the exceptional circumstances. He stated in this case the question had to do with whether the building permit had been properly issued by the Zoning Administrator and he suggested in the memo that it had not been properly issued because the City Attorney back in 2003 had already determined that the property for the building permit was not a legal, non-conforming use and at that point it seemed to him that the requirement of the Zoning Ordinance based on that determination would have been for the Zoning Administrator to deny the application. If the person that applied for the building permit thought the denial was wrong there were other opportunities for that to be discussed and may be decided upon but he did not think that the Zoning Administrator had the authority to do anything other than to enforce the requirements of the Zoning Ordinance which in this case were to deny the building permit because this was not a legal, non-conforming use. He also thought that even the Zoning Board of Appeals wouldn't have the authority

to determine that this was a legal, non-conforming use because there's no latitude in the Zoning Ordinance about what a legal, non-conforming use is and the City Attorney again in 2003 had already determined that this wasn't a legal, non-conforming use. He stated that to the extent that the ZBA relied on the opinion of the City Attorney in 2003 to say that it was a legal, non-conforming use and his opinion was based on the idea that this was something that the City might be estopped from claiming that it was a legal, non-conforming use he felt that they would be putting words into the ordinance that were not there. The words that they were essentially implying into the ordinance would be the words that the attorney wrote about in his memo which had to do with whether there had been lapses that the applicant could have raised as a defense which goes way beyond the authority of the Zoning Board of Appeals.

Attorney Turner stated that to the extent that one of the exceptional circumstances (subparagraph b) discussed in the By-Laws and the problem with trying to apply that standard here if one were to go back and look at the minutes of the January meeting where the Board heard this matter there really weren't any Findings of Fact. He stated that there were no Findings of Fact in the minutes so it was impossible to go through the minutes and try to make an argument about whether or not there had been a material change in circumstances because there's no explanation of what the circumstances were. He stated that they have a decision of the Zoning Board of Appeals that essentially deprives the residents of constitutionally protected due process rights in that there's no Findings of Fact on which the decision was based so there's no way to come back and effectively ask for a re-hearing if you were going to follow the exact words of the By-Laws. He believed that the Board had the authority to go outside the exact words of the By-Laws and to find that there were exceptional circumstances here for the reasons that he had discussed.

c. Call for Public Comments

Mike Edwards, Attorney representing the property owners at 206 Dixon LLC (owned by the Andersons), wanted to re-state what Attorney Howard had indicated to the Board. The ZBA has already issued a final decision back on January 23, 2019, and at that point in time if the Eveleighs did not like the decision made they had some appellant rights to file an appeal in the circuit court. Attorney Edwards stated that they were only here because they had requested a motion for reconsideration under the Board By-Laws. He stated that he reviewed the Michigan Zoning Enabling Act which controls the powers and procedures of the ZBA and there isn't anything actually in the Statute that actually authorizes the ZBA to offer somebody an opportunity to reconsider a final decision. The Statute provides in Section 605: "All decisions of the ZBA shall be final and an aggrieved party may appeal to circuit court." He stated that even though it is in the ZBA's By-Laws he does not necessarily believe that the Board has the authority to have a motion for re-consideration in the By-Laws.

Attorney Edwards stated, "let's just assume for a moment that your By-Laws do allow you to have a motion for re-consideration and the Statute authorizes that and as Mr. Howard stated there's only three criteria". He stated that there were exceptional circumstances for a reason, they are exceptional. The first criteria would require the Eveleighs to present evidence that the applicant lied to this Board and based upon that lie or misrepresentation, the ZBA would have reached a different decision. He stated that not necessarily getting into the merits of what the original objections were to the applicants is that they had a whole string of objections to a building permit that the Building Administrator had issued to 206 Dixon LLC and they were all based upon not looking at this property as legal, non-conforming lot. He stated that the Zoning Administrator went through each and every one of the issues they had raised and explained why each issue did not apply. He stated that there were Findings of Fact and there were no lies or misrepresentations. He stated at that hearing he had brought a small packet with him that contained several letters and there was a letter dated May 3, 1996 by Jeffrey Wantress who was probably the City Attorney at that time that indicated that when they were talking about these illegal splits, approvals only needed to come to the City if they were in a platted subdivision. There was no requirement to get approval from the City if it was just metes and bounds description outside of a platted subdivision. The subject property is not part of a platted subdivision, so there was never a requirement for it to come to the City for approval. He referenced a letter dated January 20, 2003 by Mayor Snapes who was an attorney and a title person; apparently the Eveleighs had come to concerns because they wanted a variance, they wanted to take down a deck or if they had to make it bigger and they had an illegal split when they purchased the property. He stated it was made very clear to them that there was no illegal split and at that time for about 20 years the City recognized lawful parcels of property, non-conforming but lawful. Based upon that determination, the ZBA at that time issued them a variance to build a deck that was too close to the boundary line so as of 2003 the Eveleighs weren't complaining that they own an illegal lot they were all on board with saying that they had a legal, non-conforming lot. He stated that shortly thereafter Brian Graham, City Attorney in 2003, issued an opinion that the City has been correct in labeling these properties as legal, non-conforming lots just the way that they have been taxed and assessed and the way they have been treated, the way variances have been granted the City would be hard pressed at this time to suggest that 35 years later that these are now illegal lots.

Attorney Edwards stated that the Eveleighs did not appeal the ZBA's decision to the circuit court, instead he thought that Ms. Eveleigh sent a letter or email requesting a re-hearing and he did not think that she indicated why she wanted a rehearing or list any of the three exceptional circumstances indicating that the procedure was wrong. He stated that the City Attorney has not indicated to the Board that somehow, they made a fairly erroneous error. He stated that Mr. Turner has not indicated how the Eveleighs have lied or misrepresented anything to the Board so option one is not an exceptional circumstance.

Attorney Edwards referenced subparagraph b and stated that the Andersons relied upon the ZBA's decision being final and they waited until the 21 days had passed to make sure that there was no appeal and they had given the okay to demolish the house and start building a new home so the home has been demolished based upon the reliance of the ZBA denying the Eveleighs the opportunity to object to the building permit that was granted.

Attorney Edwards stated that it was his understanding that initially when Ms. Eveleigh had indicated that she wanted a rehearing that she did not state why she wanted a rehearing, internally that request was denied. He stated that actually resulted in the Eveleighs suing the City, and the City has filed a response and answer, and in trying to work things out they allowed the Eveleighs the opportunity for a re-hearing to determine whether or not they meet the criteria for exceptional circumstances. He stated that if you looked at the criteria alone,

they do not meet the criteria, if you look outside the criteria, they don't meet the criteria. He stated that they did not appeal the decision. He felt it was the ZBA's duty and obligation and responsibility to find that there are no exceptional circumstances and deny them the opportunity to have a re-hearing. He believed that the facts and the staff findings support that decision and the City Attorney has not issued an opinion on that but it would be his educated guess that if he were sitting on the ZBA Board he would reach the same decision.

The public comment period was closed.

d. ZBA Determination of Findings of Fact.

City Attorney Howard read Section 9.1 aloud:

- "Subparagraph a, the applicant who brought the matter before the ZBA made misrepresentations concerning a material issue which was relied upon by the ZBA in reaching a decision.
- Subparagraph b, there has been a material change in circumstances regarding the ZBA's Findings of Fact which occurred after the public hearing.
- Subparagraph c, the City Attorney by written opinion states that in the Attorney's professional opinion the decision made by the ZBA or the procedure used in the matter was clearly erroneous."

City Attorney Howard stated that the applicants were the Eveleighs who are the neighboring property owners who were challenging the building permit issued by the Zoning Administrator for the neighboring property.

Chair Hodgson stated that the applicants were not claiming that any lies or misrepresentations were made by anybody, so they were down to the second criteria (subparagraph b) regarding material changes. He stated that at the public hearing each item was gone through and addressed, and he did not see a material change in circumstances and Members Gorney and Kusina agreed. Member Gibson stated that she was not at that meeting, but she questioned if there was any new evidence. Chair Hodgson stated that's not what the paragraph is asking about though it was addressing whether there had been a material change in circumstances. Member Gorney questioned if they had been presented with anything new, and Chair Hodgson stated it was his opinion that they had not been presented with anything new and Member Gorney agreed.

Chair Hodgson stated that they were saying that they did not find exceptional circumstances. Attorney Howard stated that is accurate if the Board believes that none of the three criteria have been met. Attorney Howard stated subparagraph c was not met because he has not issued a written opinion. He advised that if they agreed that those first two were not met someone would need to make a motion that "you find that the exceptional circumstances have not been presented and therefore the request for rehearing is denied".

Motion by Member Kusina, seconded by Member Gorney that the exceptional circumstances have not been met and therefore the request for rehearing is denied. Motion passed by roll call vote as follows:

Yeas: Gibson, Gorney, Hodgson, Miller, Kusina
Nays: None

Attorney Howard stated that ended the inquiry, therefore there will be no reconsideration.

G) CALL FOR GENERAL PUBLIC COMMENT

Lynette Grahams thanked the Board for what they do, it's a tough job and it is appreciated.

H) ADJOURNMENT

Motion by Member Miller, second by Member Gorney to adjourn the meeting. Motion passed by unanimous voice vote.

The meeting adjourned at 7:53 p.m.

Richard Hodgson, Chair

Joyce Golding/fgm, City Clerk



BUILDING AUTHORITY COMMISSION MEETING MINUTES

Monday, October 31, 2019 – 4:00pm
City Hall, 210 State Street, Charlevoix MI 49720

A. Call to Order/Roll Call

Chair Heydlauff called the meeting to order at 4:00pm.

Present: City Manager Mark L. Heydlauff
Treasurer Kelly McGinn (by phone pursuant to Council policy)
City Clerk Joyce Golding

Absent: None

B. Inquiry into Potential Conflicts of Interest

C. Public Comment

D. General Business

a. Bond Resolution and Contract for Lease for Public Service Facility

Motion by Golding, second by McGinn to approve the Bond Resolution and Contract for Lease for the Public Service Facility.
Motion passed by unanimous roll call vote.

RESOLUTION AUTHORIZING ISSUANCE OF THE CITY OF CHARLEVOIX BUILDING AUTHORITY BUILDING AUTHORITY BONDS, SERIES 2019

The following preamble and resolution were offered by Commissioner Golding and supported by Commissioner McGinn:

WHEREAS, the City of Charlevoix Building Authority (the "Authority") has been duly incorporated by the City of Charlevoix, County of Charlevoix, State of Michigan (the "City"), pursuant to the provisions of Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended ("Act 31"), for the purposes set forth in its Articles of Incorporation; and

WHEREAS, the Authority, pursuant to Act 31 and its Articles of Incorporation, has determined that it is necessary to pay all or part of the cost to acquire, construct, furnish, and equip a new Public Services Facility, including site improvements and all related appurtenances and attachments thereto (the "Project"), all as more particularly set out in a Limited Tax Full Faith and Credit General Obligation Contract of Lease (the "Contract") between the City and the Authority, wherein the City has pledged its limited tax full faith and credit for the payment of amounts due under the Contract to retire bonds; and

WHEREAS, the total cost of the Project is estimated to be the sum of Nine Million Two Hundred Thousand Dollars (\$9,200,000), which includes the costs of acquiring and constructing the Project as well as costs of issuance; and

WHEREAS, the Authority intends to authorize the issuance and sale of its Building Authority Bonds, Series 2019 in an amount not to exceed Nine Million Two Hundred Thousand Dollars (\$9,200,000) for the purpose of paying the cost of acquisition and construction of the Project and paying the costs of issuance of the Bonds; and

WHEREAS, the City has approved, executed and delivered the Contract, copies of which have been or shortly shall be delivered to and remain on file with the Secretary of the Authority and the City Clerk; and

WHEREAS, the Authority has received a proposal from Robert W. Baird & Co. Inc. (the "Underwriter") to purchase the bonds; and

WHEREAS, a Notice of Intention of Entering into Limited Tax-Supported Contract of Lease and of Right to Petition for Referendum Thereon has been published in accordance with Act 31 and the Contract will become effective upon the expiration of

sixty (60) days following said publication, if no proper petition for an election on the question of the Contract becoming effective in whole or in part will be filed with the City Clerk within forty-five (45) days of said publication; and

WHEREAS, all other things necessary to the authorization and issuance of the bonds under the provisions of the Constitution and laws of the State of Michigan, and particularly Act 31 have been done and the Authority is now empowered and desires to authorize the issuance of the bonds.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. Definitions. Wherever used in this resolution or in the bonds to be issued hereunder, except where otherwise indicated by the context:

(a) The term "Act 31" shall mean Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended.

(b) The term "Authority" shall mean the City of Charlevoix Building Authority organized pursuant to the provisions of Act 31, or its successor.

(c) The term "Bonds" shall mean the Building Authority Bonds, Series 2019 in the principal amount of not to exceed Nine Million Two Hundred Thousand Dollars (\$9,200,000) authorized to be issued by this Resolution and as finally determined in the Sale Order.

(d) The term "Cash Rental" or "Cash Rentals" shall mean the limited tax full faith and credit general obligation Cash Rentals as provided for and defined in the Contract to be paid annually to the Authority by the City for retirement of the Bonds.

(e) The term "Commission" shall mean the Board of Commissioners of the Authority, the legislative and governing body of the Authority.

(f) The term "Contract" shall mean the Limited Tax Full Faith and Credit General Obligation Contract of Lease executed and delivered by the Authority and the City, as referred to in the preamble hereto, and all amendments thereto hereinbefore and hereafter made.

(g) The term "Project" shall have the meaning set forth in the preamble hereto.

(h) The term "Sale Order" shall mean the resolution of the Authority approving the final bond terms and specifications, approving the sale of the Bonds to the Underwriter and authorizing the execution and delivery of a bond purchase agreement.

(i) The term "City" shall mean the City of Charlevoix, County of Charlevoix, State of Michigan, or its successor.

(j) The term "Transfer Agent" shall have the meaning set forth below.

2. Declaration of Necessity. It is hereby determined to be necessary and advisable for the Authority to acquire, construct and equip the Project for the use of the City as provided and specified in the Contract.

3. Approval of Contract. This Commission hereby approves the Contract, in substantially the form accompanying this Resolution. The Chairman and Secretary of the Authority are authorized and directed to execute and deliver the Contract on behalf of the Authority.

3. Estimated Cost; Period of Usefulness. The total estimated cost of the Project, including the payment of the incidental expenses and costs of issuance, is an amount not to exceed Nine Million Two Hundred Thousand Dollars (\$9,200,000), which is hereby approved and confirmed, and the estimated period of usefulness of the Project is determined to be not less than twenty-five (25) years.

4. Authorization of Bonds; Bond Terms. Bonds of the Authority designated BUILDING AUTHORITY BONDS, SERIES 2019 (the "Bonds") are authorized to be issued in the aggregate principal sum of not to exceed Nine Million Two Hundred

Thousand Dollars (\$9,200,000) for the purpose of paying the cost of the Project, including the costs incidental to the issuance, sale and delivery of the Bonds. The issue shall consist of bonds registered as to principal and interest of the denomination of \$5,000, or multiples thereof, not to exceed for each maturity the maximum principal amount of that maturity, or alternatively, may consist of a single-instrument, non-convertible bond, as determined at the time of sale. The Bonds shall be dated as of such date as shall be determined by the Chairman, Secretary, and Treasurer of the Authority (each an "Authorized Officer") at the time of sale of the Bonds, and numbered as determined by the Transfer Agent (hereinafter defined). The Bonds shall mature on October 1 in the years and in the principal amounts as determined by an Authorized Officer at the time of sale, and be subject to prior redemption as determined at the time of sale of the Bonds. The Bonds shall bear interest at a rate or rates to be determined upon negotiated sale thereof, payable semi-annually on April 1 and October 1 of each year, first payable on such date as determined at the time of sale thereof, by check or draft mailed by the Transfer Agent (as hereinafter defined) to the registered owner of record as of the 15th day of the month prior to the payment date for each interest payment. The record date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the Authority to conform to market practice in the future. The Bonds may be issued as serial or term bonds or both and may be subject to optional or mandatory redemption prior to maturity as determined at the time of sale. The principal of the Bonds shall be payable at a bank or trust company as a registrar and transfer agent for the Bonds to be selected by an Authorized Officer (the "Transfer Agent"). The Authority, by resolution, may appoint a successor Transfer Agent upon notice mailed to the registered owner of the Bonds not less than sixty (60) days prior to any interest payment date.

The Bonds shall be sold through a negotiated sale and shall be awarded, subject to the parameters of this Resolution, upon entry of an order by an Authorized Officer.

5. Execution of Bonds. The Bonds of this issue shall be executed in the name of the Authority with the manual or facsimile signatures of the Chairman and Secretary of the Authority and shall have the seal of the Authority, or a facsimile thereof, printed or impressed on the Bonds. No Bond shall be valid until authenticated by an authorized officer or representative of the Transfer Agent. The Bonds shall be delivered to the Transfer Agent for authentication and be delivered by the Transfer Agent to the purchaser or other person in accordance with instructions from the Authorized Officers upon payment of the purchase price for the Bonds in accordance with the bid therefor when accepted.

The Bonds may be issued in book-entry-only form through The Depository Trust Company in New York, New York ("DTC") and the Authorized Officers are each authorized to execute such custodial or other agreement with DTC as may be necessary to accomplish the issuance of the Bonds in book-entry-only form and to make such changes in the Bond Form within the parameters of this resolution as may be required to accomplish the foregoing.

6. Transfer of Bonds. The Transfer Agent shall keep the books of registration for this issue on behalf of the Authority. Any Bond may be transferred upon such registration books by the registered owner of record, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any Bond or Bonds shall be surrendered for transfer, the Authority shall execute and the Transfer Agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The Transfer Agent shall require the payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.

Unless waived by any registered owner of Bonds to be redeemed, official notice of redemption shall be given by the Transfer Agent on behalf of the Authority. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; CUSIP numbers, if any; certificate numbers (and in the case of partial redemption) the called amounts of each certificate; the place where the Bonds called for redemption are to be surrendered for payment; and that interest on the Bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date.

In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

7. Security for Bonds; Limited Tax General Obligation of City. The Bonds shall be issued in anticipation of and payable from the Cash Rentals received by the Authority from the City pursuant to the Contract, which Cash Rentals are limited tax general obligations of the City, for the payment of which the City, in the Contract, has pledged its limited tax full faith and credit pursuant to the provisions of Act 31. The City has further covenanted and agreed that each year it will provide sufficient moneys from its general funds as a first budget obligation to pay such Cash Rentals, and further has acknowledged that it is obligated, if necessary, to levy ad valorem taxes upon all taxable property within its boundaries in amounts which, taking into consideration

estimated delinquencies in tax collections, will be sufficient to pay the Cash Rentals under the Contract becoming due before the time of the following year's tax collections. Such taxes, however, must be levied by the City within existing constitutional, statutory and charter tax rate limitations. If at the time of making any annual tax levy there shall be funds on hand earmarked and set aside for the payment of said Cash Rentals becoming due prior to the next tax collection period, then such annual tax levy may be reduced by such amount. To secure the payment of the principal of and interest on the Bonds, all such Cash Rentals are hereby pledged solely and only for the payment of the Bonds and a statutory first lien is hereby established upon and against such Cash Rentals for such purpose.

8. Remedies. The holder or holders of the Bonds, representing in the aggregate not less than twenty percent (20%) of the entire issue then outstanding, may, by suit, action or other proceedings, protect and enforce the statutory lien and enforce and compel the performance of all duties of the officials of the Authority, including, but not limited to, compelling the City, by proceedings in a court of competent jurisdiction or other appropriate forum, to make the Cash Rental payments required to be made by the Contract and requiring the City to appropriate general funds and to levy and collect appropriate taxes as herein authorized and as may be required by the Contract to be so appropriated, certified, levied and collected by the City for the payment of Cash Rentals required to be paid by the Contract.

9. Operation of Project. Pursuant to the terms of the Contract, the operation, maintenance and management of the Project and all costs and expenses with respect thereto shall be the obligation of the City.

10. Operating Year. The Project shall be operated on the basis of a fiscal year corresponding with that of the City.

11. Cash Rentals. The Cash Rentals as provided in Section 4 of the Contract are hereby established and fixed as the Cash Rentals authorized by Act 31 to be charged to the City for the use of the Project. The Cash Rentals shall be entirely net to the Authority and are estimated to be sufficient to provide for the payment of the interest on and the principal of all the Bonds as and when the same become due and payable. Such Cash Rental shall not be reduced until such time as all Bonds and the interest thereon are paid in full or sufficient funds for their payment in full have been provided. Such Cash Rental may be increased by the Authority as provided in the Contract.

12. Bond and Interest Redemption Fund. There shall be established and maintained with such bank or trust company where the principal of and interest on the Bonds are primarily payable a separate depository account designated BUILDING AUTHORITY BONDS, SERIES 2019 BOND AND INTEREST REDEMPTION FUND (the "Bond and Interest Redemption Fund"). The Cash Rentals paid to the Authority shall be deposited as received into the Bond and Interest Redemption Fund, together with any premium or accrued interest received upon delivery of the Bonds, any advance payments of Cash Rentals made by the City under the Contract, any unexpended balance of Bond proceeds credited to debt service, and any other moneys attributable to Bond payment. All sums held in the Bond and Interest Redemption Fund shall be used solely and only for the payment of the principal of and interest on the Bonds herein authorized.

The Commission may establish such other funds and accounts and provide for deposits thereto as it shall from time to time deem appropriate and necessary.

13. Proceeds of Bond Sale. The proceeds of the Bonds shall be deposited in an account with a bank or trust company to be designated by an Authorized Officer designated BUILDING AUTHORITY BONDS, SERIES 2019 CONSTRUCTION FUND (the "Construction Fund"), except that from the proceeds of sale of the Bonds, upon receipt thereof, a sum equal to the accrued interest and any premium on the Bonds shall be deposited into the Bond and Interest Redemption Fund. Moneys in the Construction Fund shall be used solely and only to pay costs of the Project and any engineering, architectural, legal, financing or other expenses incidental thereto, including the costs of issuance of the Bonds, on authorization of an Authorized Officer. Any unexpended balance of the proceeds of the sale of Bonds remaining after completion of the Project may be used for the improvement or enlargement of the Project or for other projects of the Authority leased to the City, if such use be approved by the Municipal Finance Division of the Michigan Department of Treasury or any successor thereto, if any (to the extent such approval may be required), and the City. Any remaining balance shall be paid into the Bond and Interest Redemption Fund, and the City shall receive a credit for the amount of such balance against the Cash Rentals next due.

14. Investment of Funds. Moneys in any funds and accounts of the Authority may be invested by the Authority in United States government obligations, the principal of and interest on which are guaranteed by the United States government, or in interest-bearing time deposits, as shall from time to time be determined by the Commission. In the event such investments are made, the securities representing the same shall be kept on deposit with the depository or depositories of the fund or funds from which such investments are made and such securities and the income therefrom shall become a part of such funds.

15. Covenants of Authority. The Authority covenants and agrees with the successive holders of the Bonds that so long as any of the Bonds remain outstanding and unpaid as to either principal or interest as follows:

(a) The Authority will punctually perform all of its obligations and duties under this Resolution and the Contract, and will collect, segregate and apply the Cash Rentals and all other rentals, payments and other funds to be received thereunder in the manner required under this Resolution and the Contract.

(b) The Authority will apply and use the proceeds of the Bonds deposited in the Construction Fund for the purposes and in the manner required by the Contract and this Resolution.

(c) The Authority will maintain and keep proper books of record and account relating to the operation of the Project and all rentals and payments received therefrom pursuant to the Contract. Not later than six (6) months after the close of each operating year, the Commission will cause to be prepared an annual audit of such books of record and account for the preceding operating year to be made by a recognized independent certified public accountant and shall file a copy of such audit with the Clerk of the City and shall, if requested, mail such audit to the manager of the syndicate or account purchasing the Bonds.

(d) The Authority will not sell or otherwise dispose of any substantial portion of the Project in a manner which might impair the security for the Bonds until all of the Bonds have been paid in full both as to principal and interest or until such full payment has been duly provided for and will not do or suffer to be done any act which would affect the Project in such a way as to impair or affect unfavorably the security of the Bonds.

16. Additional Bonds. Nothing contained in this Resolution shall be construed to prevent the Authority from issuing additional bonds pursuant to Act 31, (a) to finance the construction any new buildings or projects within the scope of its corporate powers, but the Bonds shall be payable out of, and have a first lien on, the rentals or payments contracted for in connection with such new projects and shall in no way have any lien on or be payable out of any of the Cash Rentals pledged to the payment of the Bonds or (b) to complete, repair or alter the Project as authorized in the Contract in which instance the additional bonds may be payable out of and have a prior lien on the Cash Rentals of equal standing and priority with the lien on the Cash Rentals for the benefit of the holders of the Bonds.

17. Contract with Bondholders. The provisions of this Resolution, together with the Contract herein referred to, shall constitute a contract between the Authority and the holder or holders of the Bonds from time to time, and after the issuance of any of such Bonds, no change, variation or alteration of the provisions of this Resolution or the Contract may be made which would lessen the security for the Bonds. The provisions of this Resolution and the Contract shall be enforceable by appropriate proceedings taken by such holder or holders, either at law or in equity.

18. Bond Form. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF CHARLEVOIX

CITY OF CHARLEVOIX BUILDING AUTHORITY
BUILDING AUTHORITY BOND, SERIES 2019

<u>Interest Rate</u>	<u>Date of Maturity</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
	October 1, __	_____, 2019	

Registered Owner:

Principal Amount: Dollars

The CITY OF CHARLEVOIX BUILDING AUTHORITY, a public corporation of the State of Michigan (the "Authority"), for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, unless prepaid prior thereto as hereinafter provided, the Principal Amount specified above, in lawful money of the United States of America, on the Date of Maturity specified above, with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day

months) from the Date of Original Issue specified above, or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on April 1, 2020, and semiannually thereafter. Principal of this bond is payable at the principal corporate trust office of _____, _____, Michigan, or such other transfer agent as the Authority may hereafter designate by notice mailed to the registered owner not less than sixty (60) days prior to any interest payment date (the "Transfer Agent"). Interest on this bond is payable to the registered owner of record as of the fifteenth (15th) day of the month preceding any interest payment date as shown on the registration books of the Authority maintained by the Transfer Agent, by check or draft mailed to the registered owner at the registered address.

The bonds of this issue are issued in anticipation of and are payable from the proceeds of certain cash rentals required to be paid to the Authority by the City of Charlevoix, County of Charlevoix, State of Michigan (the "City"), pursuant to a Limited Tax Full Faith and Credit General Obligation Contract of Lease (the "Contract"), between the City and the Authority, whereby the City has leased a certain public service facility in the City to be acquired by the Authority in accordance with the provisions of Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended ("Act 31"). The cash rentals are limited tax full faith and credit first budget general obligations of the City payable from general funds of the City including collections of ad valorem taxes which must be levied by the City if necessary to make such payments, but subject to applicable constitutional, statutory and charter tax limitations. The Authority has irrevocably pledged to the payment of the bonds the cash rentals payable by the City as set forth in the Contract, the total of the cash rental payments being sufficient in amount to pay promptly when due the principal of and interest on the bonds of this issue, and a statutory first lien on such cash rentals has been created by the bond authorizing resolution for such payment.

This bond is one of a series of bonds of even Date of Original Issue, aggregating the principal sum of \$_____, issued under and in full compliance with the Constitution and statutes of the State of Michigan, including specifically Act 31, and pursuant to a resolution duly adopted by the Board of Commissioners of the Authority on October __, 2019, for the purpose of paying part of the cost of acquiring, constructing, furnishing and equipping the public service facility.

[Reserved for optional and mandatory redemption provisions, if applicable.]

In case less than the full amount of an outstanding bond is called for redemption, the transfer agent, upon presentation of the bond called in part for redemption, shall register, authenticate and deliver to the registered owner of record a new bond in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given to the registered owner of any bond or portion thereof called for redemption by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered address of the registered owner of record. A bond or portion thereof so called for redemption shall not bear interest after the date fixed for redemption, whether presented for redemption or not, provided funds are on hand with the transfer agent to redeem said bond or portion thereof.

This bond is transferable only upon the books of the Authority kept for that purpose at the office of the transfer agent by the registered owner hereof in person, or by the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the Resolution, and upon the payment of the charges, if any, therein prescribed. Neither the Authority or the Transfer Agent shall be required to transfer or exchange this bond or portion of this bond either during the period of fifteen (15) days immediately preceding the date of the mailing of any notice of redemption or (except as to the unredeemed portion, if any, of this bond) after this bond or any portion of this bond has been selected for redemption.

For a complete statement of the funds from which and the conditions under which this bond is payable and the general covenants and provisions pursuant to which this bond is issued, reference is made to the Resolution and the Contract.

This bond is not valid or obligatory for any purpose until the transfer agent's Certificate of Authentication on this bond has been executed by the transfer agent.

It is hereby certified and recited that all acts, conditions and things required by law to be done precedent to and in the issuance of this bond and the series of bonds of which this is one have been done and performed in regular and due time and form as required by law.

IN WITNESS WHEREOF, the Authority, by its Board of Commissioners, has caused this bond to be signed in its name with the facsimile signatures of its Chairman and its Secretary and a facsimile of its corporate seal to be printed hereon, all as of the Date of Original Issue.

CITY OF CHARLEVOIX BUILDING AUTHORITY

By: _____
Its: Chairman

By: _____
Its: Secretary

(SEAL)

[FORM OF TRANSFER AGENT'S CERTIFICATE OF AUTHENTICATION]

Date of Authentication:

Certificate of Authentication

This bond is one of the bonds described in the within-mentioned Resolution.

_____, Michigan
Transfer Agent

By: _____
Authorized Signatory

19. Negotiated Sale. The Authority has considered the option of selling the Bonds through a competitive sale and a negotiated sale, and, pursuant to the requirements of Act 34, hereby determines to proceed with the sale of the Bonds by means of a negotiated sale because of the efficiency provided by a negotiated sale to select and adjust the terms for the Bonds to best achieve the most favorable terms, advantageous interest rates and obtain the lowest issuance costs and interest costs for the Authority.

20. Bond Purchase Agreement; Delegation to Authorized Officers; Award. The Authorized Officers are each hereby authorized to negotiate the sale of the Bonds with the Underwriter and negotiate and execute a Bond Purchase Agreement. The Authorized Officers are each hereby authorized to execute a Sale Order specifying the final terms of the Bonds and take all other necessary actions required to effectuate the sale, issuance and delivery of the Bonds within the parameters authorized in this resolution.

21. Adjustment of Bond Terms; Authorization of Other Actions. Each Authorized Officer is hereby authorized to adjust the final bond details to the extent necessary or convenient to complete the transaction authorized in this Resolution, and in pursuance of the foregoing are each authorized to exercise the authority and make the determinations authorized pursuant to Section 315(1)(d) of Act 34, including but not limited to, determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, designation of series, and other matters, all subject to the parameters established in this Resolution; provided that the principal amount of Bonds issued shall not exceed the principal amount authorized in this resolution, the true interest cost on the Bonds shall not exceed five percent (5.00%), the underwriter's discount shall not exceed 1.00% of the par amount of the Bonds, the purchase price of the Bonds shall not be less than 97% of the par amount of the Bonds and the Bonds shall mature no later than October 1, 2044. The Authorized Officers are each authorized and directed to take all other actions necessary or advisable, and to make such other filings with any parties, including the Michigan Department of Treasury, to enable the sale and delivery of the Bonds as contemplated herein. The Authorized Officers are each hereby authorized and directed to file applications with and to pay the related fees, if any, to the Michigan Department of Treasury for an Order or Orders of Approval to issue all or a portion of the Bonds under Act 34.

22. Tax Covenant; Qualified Tax Exempt Obligations. The Authority shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditures and investment of Bond proceeds and moneys deemed to be Bond proceeds and moneys deemed to be Bond proceeds, and to prevent the Bonds from being or becoming "private activity bonds" as

that term is used in Section 141 of the Code. The Authority hereby designates the Bonds as "qualified tax-exempt obligations" for purposes of deduction of interest expense by financial institutions pursuant to Section 265(b) of the Code.

23. Official Statement; Insurance; Ratings. The Authorized Officers are each authorized and directed to cause the preparation and circulation of a preliminary and final Official Statement with respect to the Bonds; to procure a policy of municipal bond insurance with respect to the Bonds or cause the qualification of the Bonds therefor if the acquisition of such insurance would be of economic benefit to the Authority; to obtain ratings on the Bonds; and to take all other actions necessary or advisable; and to make such other filings with the Department or with other parties, to enable the sale and delivery of the Bonds as contemplated herein.

24. Continuing Disclosure. The Authority agrees to enter into a continuing disclosure undertaking for the benefit of the holders and beneficial owners of the Bonds in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, and the Authorized Officers are each hereby authorized to execute such undertaking prior to delivery of the Bonds.

25. Bond Counsel. The Authority hereby appoints Miller, Canfield, Paddock and Stone, P.L.C. as bond counsel with respect to the Bonds, notwithstanding Miller Canfield's periodic representation in unrelated matters of the Underwriter and other parties and potential parties to the Bonds.

26. Rescission. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Commissioners Heydlauff, McGinn, and Golding

NAYS: None

RESOLUTION DECLARED ADOPTED.

b. Authorize Execution of OHM Contracts

Motion by Golding, second by McGinn to execute the contracts with OHM for design and testing as presented. Motion passed by unanimous voice vote.

c. Authorize Execution of RCL Construction Contract

Motion by Golding, second by McGinn to authorize Chair Heydlauff to execute the contract with RCL Construction for the Public Service Facility. Motion passed by unanimous voice vote.

Motion by Golding, second by McGinn to authorize Chair Heydlauff to execute future change orders to the RCL Construction contract throughout the project. Motion passed by unanimous voice vote.

E. Motion to Appoint Chair to Approve Minutes

a. Motion by Golding, second by McGinn to appoint the Chairman to approve the minutes according to *Robert's Rules of Order, Newly Revised, 10th Edition*. Motion passed by unanimous voice vote.

F. Adjourn

The Chairman adjourned the meeting at 4:04pm.

Joyce M. Golding

Secretary

Mark L. Heydlauff

Chairman