



AGENDA
CITY OF CHARLEVOIX CITY COUNCIL REGULAR MEETING
Monday, November 18, 2019- 6:00 PM
Council Chambers, 210 State Street, Charlevoix, MI

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Presentations**
 - A. Leilani Durbin
Luther Kurtz, Mayor
- 4. Inquiry Regarding Conflicts of Interest**
- 5. Consent Agenda**
 - A. City Council Meeting Minutes - November 4, 2019
 - B. Accounts Payable and Payroll Check Registers
 - C. November 2019 Local Election Results
 - D. Pole Attachment Contract Development: \$14,274
 - E. Purchase 1/0 Kerite Cable: \$22,957
 - F. Construction Engineering Services Agreement: \$26,200
 - G. Grand Traverse Band of Ottawa & Chippewa Indians Grant Application
- 6. Public Hearings and Actions Requiring Public Hearings**
 - A. Ordinance 808: Amendment to the Shade Tree Commission
Mark L. Heydlauff, City Manager
 - B. Ordinance 809: Amendment to the Shade Tree Ordinance
Mark L. Heydlauff, City Manager
 - C. Ordinance 810: Storm Water Control
Mark L. Heydlauff, City Manager
 - D. Ordinance 811: Noise Control
Mark L. Heydlauff, City Manager
 - E. Dangerous Building Enforcement Hearing: 102 & 104 W. Upright Street
Jonathan Scheel, Zoning Administrator
- 7. All Other Actions and Requests**

- A. Organizational Meeting
Joyce M. Golding, City Clerk
- B. Discussion: Short-Term Rental Regulations
Scott Howard, City Attorney; Mark L. Heydlauff, City Manager
- C. Brookside Cemetery Chapel
Leilani Durbin, Silver Linings Charlevoix

8. Reports and Communications

- A. Public Comment
- B. City Manager 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

Presentations

TITLE: Leilani Durbin

DATE: November 18, 2019

PRESENTED BY: Luther Kurtz, Mayor

CHARLEVOIX CITY COUNCIL

Consent Agenda

TITLE: City Council Meeting Minutes - November 4, 2019

DATE: November 18, 2019

RECOMMENDATION:

Motion to approve City Council minutes.

ATTACHMENTS:

- ▣ Draft Council Minutes

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, November 4, 2019 – 6:00 p.m.
Council Chambers, 210 State Street, Charlevoix, MI

The meeting was called to order at 6:00 p.m. by Mayor Luther Kurtz.

1. Pledge of Allegiance

2. Roll Call

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

3. Presentations

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. Special Accounts Payable Check Register – October 22, 2019
 - b. Regular Accounts Payable Check Register – November 5, 2019
 - c. ACH Payments – October 21, 2019 to November 1, 2019
 - d. Payroll Check Register – November 1, 2019
 - e. Payroll Transmittal – November 1, 2019
 - f. Tax Disbursement – November 5, 2019
- C. Charlevoix State Bank Internet Banking Resolution – approve Resolution 2019-11-01

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.**

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

Resolution was adopted by the following yea and nay vote:

Yeas: Perron, Hagen, Oleksy, Cole, Bryan

Nays: None

Absent: Kalbfell

D. Ice Control Sand Purchase – approve purchase from J&N Construction for \$19,100

E. New and Revised Mt. McSauba Camp Job Descriptions – approve job descriptions for Camp Director, Camp Counselor/Assistant Director and Camp Counselor

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

Yeas: Perron, Hagen, Oleksy, Cole, Bryan

Nays: None

Absent: Kalbfell

6. Public Hearings & Actions Requiring Public Hearings

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

City Manager Heydlauff stated that 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 a 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.

Mayor Kurtz opened the item to public comment and none was heard.

Motion by Cole, second by Oleksy, 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. Motion passed by unanimous voice vote.

B. Set Public Hearing for Noise Control Ordinance 811

City Manager Heydlauff stated that 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. He explained that in the past couple of years, he was asked for waivers from this standard and he felt that it was 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.

Mayor Kurtz opened the item to public comment and none was heard.

Motion by Perron, second by Hagen, 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. Motion passed by unanimous voice vote.

7. All Other Actions & Requests

C. Mayoral Appointment

Motion by Oleksy, second by Bryan to appoint Liam Dreyer to the DDA as a non-voting student member, term expiring November 2021. Motion passed by unanimous voice vote

8. Reports & Communications

A. Public Comments

- Bob Timms questioned the single hauler waste hauler status.

B. City Manager Comments

C. Mayor & Council Comments

- Bryan noted that four year terms for Council would eliminate the need for tomorrow's low turn-out election; he questioned the survey of Kelsey B's.

9. Other Council Business

10. Adjourn

The Mayor adjourned the meeting at 6:20 p.m.

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Joyce M. Golding

City Clerk

Luther Kurtz

Mayor

Special Accounts Payable – 10/22/2019

AT&T MOBILITY	221.10	VERIZON WIRELESS	56.72
CHARLEVOIX STATE BANK	11,684.01	VISION SERVICE PLAN	554.12
CHARTER COMMUNICATIONS	918.99	WEX BANK	880.42
DELTA DENTAL	3,468.30	XEROX FINANCIAL SERVICES	168.84
GREAT LAKES ENERGY	225.71	TOTAL	64,738.69
PRIORITY HEALTH	43,149.56		
RAMSEY, WESTON	500.00		
STANDARD INSURANCE CO	2,910.92		

Regular Accounts Payable – 11/05/2019

ABILITA	1,087.50	JOHNSON, MELISSA A.	50.00
ABRAMOWSKI, DWAIN M.	50.00	KALBFELL, JANET P.	56.84
ALL-PHASE ELECTRIC SUPPLY CO.	164.63	KLOOSTER, ALIDA K.	50.00
ANDERSON, ELIZABETH A.	50.00	KLOOSTER, PATRICK H.	50.00
ANDRESKY, MARK	185.00	KNORR, KENT J.	50.00
ANDY'S CLEANING SYSTEMS	125.00	KODIAK EMERGENCY VEHICLES	36.97
ANZELL, BETH A.	50.00	KSS ENTERPRISES	456.60
AVFUEL CORPORATION	32,657.08	KUSINA, DENNIS	235.48
BERGER CHEVROLET	30,336.00	LAVENDER, JOSEPH E.	50.00
BRADY'S CARPET CLEANING	374.00	LEELANAU COFFEE ROASTING CO INC	138.95
CDW GOVERNMENT INC.	711.70	MAYER, SHELLEY L.	50.00
CEDAR AREA FIRE & RESCUE	409.00	MCGINN, KELLY A.	50.00
CHARLEVOIX AREA CHAMBER OF COMM	240.00	MCLAREN NORTHERN MICHIGAN	100.00
CHARLEVOIX COMMUNITY SHOPPER	388.00	MCMULLEN, DONALD R.	50.00
CHARLEVOIX TOWNSHIP	28.77	MDC CONTRACTING LLC	194.00
CHARLEVOIX-EMMETT ISD	160.00	MICHIGAN CAT	31.95
CINTAS	30.00	MILLER, WILLIAM S.	50.00
CONWAY PROFESSIONAL SERVICES	4,012.00	MONY LIFE INSURANCE	1,552.16
COOK FAMILY FARMS	310.00	MORRISON, KEVIN P.	48.00
COUNTY OF CHARLEVOIX	4.00	MSM	339.00
CURREY FARMS LLC	174.00	MUNSON HEALTHCARE CHX HOSPITAL	245.00
DeROSIA, PATRICIA E.	50.00	NCL OF WISCONSIN INC.	574.25
DERRER OIL & PROPANE CO	1,711.33	NORTHERN CREDIT BUREAU	659.04
DHASELEER, CARL	88.00	NORTHERN MICHIGAN TRUCK &	928.04
DITCH WITCH SALES OF MICHIGAN	145.78	ORBAN, BARBARA K.	24.00
DOAN, GERARD P.	50.00	POWER LINE SUPPLY	841.82
DORAN, JUSTIN J.	50.00	PREIN & NEWHOF	626.13
DOTSON, LINDSEY J.	50.00	PRO-VISION VIDEO SYSTEMS	715.00
EDGEWATER RESOURCES LLC	2,889.79	QUILL CORP	334.90
ELLIOTT, PATRICK M.	50.00	R & R PRODUCTS INC	109.33
ELLSWORTH FARMER'S EXCHANGE	191.52	RECDESK LLC	2,300.00
FASTENAL COMPANY	506.47	SIEGRIST, DAVID	25.00
FATA, JOHN	213.15	SILVA, JESSE L.A.	50.00
FERGUSON, ROYCE L	43.75	SOS ANALYTICAL	550.00
FISHER SCIENTIFIC	605.47	SOUND ENVIRONMENTS	480.00
GINOP SALES INC	39.36	STATE AND MASON LLC	3,000.00
GIVE 'EM A BRAKE SAFETY	1,338.15	STATE OF MICHIGAN	675.00
GOLDING, JOYCE M.	50.00	STEPHENS, LYON G.	50.00
GRAINGER	187.16	SWEM, DONALD L.	50.00
GREAT LAKES ELEVATOR LLC	2,864.46	TELE-RAD INC	133.98
HANKINS, SCOTT A.	50.00	TRUCK & TRAILER SPECIALTIES	686.87
HARBOR INDUSTRIES INC.	1,911.60	UNIFIRST CORPORATION	532.91
HARRELL'S	668.51	UNITED STATES PLASTIC CORP.	148.09
HEYDLAUFF, MARK L.	50.00	WHITMAN, LEE A	35.00
HOLIDAY COMPANIES	6,090.84	WORK & PLAY SHOP	125.00
HYDE SERVICES LLC	86.73	WURST, RANDALL W.	50.00
ICMA-MEMBERSHIP RENEWAL	1,018.71	WYMAN, MATTHEW A.	50.00
JOHN E. GREEN COMPANY	2,284.58	TOTAL	112,471.35

ACH Payments – 10/21/2019 to 11/01/2019

MI PUBLIC POWER AGENCY	7,199.87	STATE OF MI (WITHHOLDING TAX)	6,276.65
MI PUBLIC POWER AGENCY	227,926.91	VANTAGEPOINT (401 ICMA PLAN)	858.02
MI PUBLIC POWER AGENCY	15,438.07	VANTAGEPOINT (457 ICMA PLAN)	20,672.48
IRS (PAYROLL TAX DEPOSIT)	43,066.73	VANTAGEPOINT (ROTH IRA)	955.76
ALERUS FINANCIAL (HCSP)	350.00	TOTAL	322,744.49

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Payroll Net Pay – Pay Period Ending 10/26/2019 (Paid 11/01/2019)

HEYDLAUFF, MARK L.	3,008.26	HART III, DELBERT W.	835.47
GOLDING, JOYCE M.	2,260.16	DOTSON, WILLIAM R.	222.02
DEROSIA, PATRICIA E.	1,122.78	KUNKLE, KENNETH E.	518.27
DOTSON, LINDSEY J.	1,390.26	MUMICH, BARRY J.	600.32
KLOOSTER, ALIDA K.	2,097.10	CRANDELL, ZACKARY R.	525.50
GOLOVICH, KAREN J.	984.98	MUELLER, JASON C.	398.19
BARNEVELD, RICHELLE L.	1,185.19	ROSENTHAL, GABRIEL M.	736.28
SPENCLEY, PATRICIA L.	1,305.30	KNORR, KENT J.	1,916.46
MILLER, FAITH G.	75.84	ANZELL, BETH A.	1,287.41
MCGINN, KELLY A.	2,464.31	KLOOSTER, PATRICK H.	282.65
LAVENDER, JOSEPH E.	1,692.80	EVANS JR, HALBERT K.	23.19
SCHULMAN, BLAKE B.	725.83	WHITE III, MARCUS W.	77.52
DOAN, GERARD P.	2,033.71	GREYERBIEHL, KELLY M.	91.62
SCHLAPPI, JAMES L.	1,069.73	KIRINOVIC, THOMAS F.	15.19
UMULIS, MATTHEW T.	1,138.24	SHANAHAN, CHERYL J.	303.21
HANKINS, SCOTT A.	1,611.30	MASSON, DONALD J.	426.02
ORBAN, BARBARA K.	1,272.40	LIVINGSTON, BRIAN D.	1,390.93
FLICKEMA, ANDREW M.	1,853.93	WYMAN, MATTHEW A.	1,612.75
RILEY, DENISE M.	468.57	MILLER, WILLIAM S.	1,383.24
MUNK, CHRISTOPHER J.	1,747.79	DOUGLAS, MARK	868.50
MATELSKI, KRISTEN L.	1,372.39	PRIOR, ERIN C.	935.56
WURST, RANDALL W.	1,121.15	CERTA, BRIAN	180.58
MAYER, SHELLEY L.	1,563.92	SEAVAR, WILLIAM F.	84.58
HILLING, NICHOLAS A.	1,459.81	MCMULLEN, DONALD R.	1,687.59
MEIER III, CHARLES A.	1,591.18	SILVA, JESSE L.A.	1,517.11
ZACHARIAS, STEVEN B.	1,738.11	JOHNSON, MELISSA A.	2,071.07
NEWMAN, MARK J.	1,028.67	STEPHENS, LYON G.	2,004.73
SWEM, DONALD L.	1,710.39	RILEY, CASEY W.	623.85
EATON, BRAD A.	2,813.82	JONES, LARRY M.	532.11
WILSON, TIMOTHY J.	3,531.22	FLORE, ROBERT A.	788.63
LAVOIE, RICHARD L.	2,800.17	MATZ, EMILY S.	1,312.27
STEVENS, BRANDON C.	3,096.46	TRAVERS, MANUEL J.	610.04
DRAVES, MARTIN J.	2,190.84	WHEELER, MICHAEL W.	1,836.49
ANDERSON, ELIZABETH A.	1,233.28	AZZOPARDI, ANTHONY J.	1,516.38
KENWABIKISE, DAVID L.	1,097.45	DEKORNE, ELIZABETH A.	1,208.35
ELLIOTT, PATRICK M.	2,331.90	MCCRANEY, RUSSELL R.	165.18
SCHWARTZFISHER, JOSEPH.	1,198.47	WELLS, JANNINA J.	139.86
BRADLEY, KELLY R.	1,497.25	MOYER, NATHAN I.	1,498.63
HART II, DELBERT W.	1,396.20	MARIHUGH, ANDREW J.	162.03
JONES, ROBERT F.	1,399.09	KLOOSTER, ALIDA K.	2,689.84
FARRELL, MITCHELL L.	1,745.72	WHITLEY, ANDREW T.	2,532.84
THORP JR, WILLIAM D.	1,503.89	MORRISON, KEVIN P.	1,238.36
LEITNER, RYAN S.	1,399.22	BISHAW, JAMES H.	562.78
FERGUSON, ROYCE L.	2,083.56	KISH, ANASTASIA L.	518.89
DORAN, JUSTIN J.	2,064.45	GILL, DAVID R.	959.25
MANKER SR, DAVID W.	606.42	WATTS, TIMOTHY L.	221.19
NEDWICK, DAVID J.	155.84	TOTAL	116,806.77
FREY, DYLAN V.	454.49		

Payroll Transmittal – 11/01/2019

4FRONT CREDIT UNION	932.01	MI STATE DISBURSEMENT UNIT	533.10
AMERICAN FAMILY LIFE	673.86	MONY LIFE INSURANCE	326.65
CHAR EM UNITED WAY	90.00	POLICE OFFICERS LABOR COUNCIL	201.00
CHARLEVOIX STATE BANK	1,274.00	PRIORITY HEALTH	1,428.29
CHEMICAL BANK	175.00		
COMMUNICATION WORKERS OF AMER	638.72	TOTAL	6,272.63

Tax Disbursement – 11/05/2019

CHARLEVOIX COUNTY TREASURER	12,004.38	CHARLEVOIX PUBLIC SCHOOLS	402.01
CHARLEVOIX PUBLIC SCHOOLS	14,226.34	CHARLEVOIX PUBLIC SCHOOLS	172.22
CHARLEVOIX PUBLIC SCHOOLS	2,067.68	CITY OF CHARLEVOIX - TAXES DUE	14,002.10
CHARLEVOIX PUBLIC SCHOOLS	574.32	TOTAL	43,449.05

CHARLEVOIX CITY COUNCIL

Consent Agenda

TITLE: Accounts Payable and Payroll Check Registers

DATE: November 18, 2019

ATTACHMENTS:

- ▣ Accounts Payable and Payroll Check Registers

Check Number	Payee	Amount
10/30/2019		
128574	CHARLEVOIX COUNTY	345.00
Total 10/30/2019:		345.00
Grand Totals:		345.00

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

10/30/19 Special Accounts Payable Run	\$	345.00
11/15/19 Payroll (net pay)	\$	109,582.29
11/15/19 Payroll Transmittal Checks	\$	6,038.79
11/19/19 Regular Accounts Payable	\$	206,830.17
Checks Sub-Total:	\$	322,796.25

HUNTINGTON NATIONAL BANK - ACH/WIRE PAYMENTS

11/04/19 MI Public Power Agency	\$	24,267.21
11/04/19 Neofunds by Neopost	\$	50.00
11/04/19 Proximity Space, Inc.	\$	99.00
11/05/19 Payment Service Newtork, Inc.	\$	234.90
11/08/19 State of MI (Sales Tax)	\$	18,740.83
11/12/19 DTE Energy	\$	2,933.33
11/12/19 MI Public Power Agency	\$	22,038.34
11/15/19 IRS (Payroll Tax Deposit)	\$	39,502.79
11/15/19 Alerus Financial (HCSP)	\$	350.00
11/15/19 State of MI (Withholding Tax)	\$	5,809.31
11/15/19 Vantagepoint (401 ICMA Plan)	\$	858.02
11/15/19 Vantagepoint (457 ICMA Plan)	\$	20,636.13
11/15/19 Vantagepoint (Roth IRA)	\$	955.76

ACH Sub-Total: \$ 136,475.62

Huntington National Bank Total: \$ 459,271.87

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

11/19/19 Tax Disbursement	\$	82,080.05
Charlevoix State Bank Total:	\$	82,080.05
Grand Total:	\$	541,351.92

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
11/09/2019	PC	11/15/2019	29626	HEYDLAUFF, MARK L.	102		2,719.82
11/09/2019	PC	11/15/2019	29627	GOLDING, JOYCE M.	106		1,836.29
11/09/2019	PC	11/15/2019	29628	DEROSIA, PATRICIA E.	107		1,014.48
11/09/2019	PC	11/15/2019	29629	DOTSON, LINDSEY J.	109		1,390.26
11/09/2019	PC	11/15/2019	29630	KLOOSTER, ALIDA K.	121		1,728.91
11/09/2019	PC	11/15/2019	29631	GOLOVICH, KAREN J.	122		984.97
11/09/2019	PC	11/15/2019	29632	BARNEVELD, RICHELLE	123		1,151.78
11/09/2019	PC	11/15/2019	29633	SPENCLEY, PATRICIA L.	136		1,349.69
11/09/2019	PC	11/15/2019	29634	MILLER, FAITH G.	142		34.25
11/09/2019	PC	11/15/2019	29635	MCGINN, KELLY A.	146		2,040.43
11/09/2019	PC	11/15/2019	29636	LAVENDER, JOSEPH E.	153		1,692.80
11/09/2019	PC	11/15/2019	29637	SCHULMAN, BLAKE B.	154		383.23
11/09/2019	PC	11/15/2019	29638	DOAN, GERARD P.	201		2,033.70
11/09/2019	PC	11/15/2019	29639	SCHLAPPI, JAMES L.	204		963.51
11/09/2019	PC	11/15/2019	29640	UMULIS, MATTHEW T.	205		1,143.28
11/09/2019	PC	11/15/2019	29641	HANKINS, SCOTT A.	208		1,704.09
11/09/2019	PC	11/15/2019	29642	ORBAN, BARBARA K.	209		1,263.97
11/09/2019	PC	11/15/2019	29643	FLICKEMA, ANDREW M.	211		1,402.06
11/09/2019	PC	11/15/2019	29644	RILEY, DENISE M.	213		479.76
11/09/2019	PC	11/15/2019	29645	MUNK, CHRISTOPHER J.	215		1,230.05
11/09/2019	PC	11/15/2019	29646	MATELSKI, KRISTEN L.	230		1,296.95
11/09/2019	PC	11/15/2019	29647	WURST, RANDALL W.	411		1,517.47
11/09/2019	PC	11/15/2019	29648	MAYER, SHELLEY L.	412		1,675.40
11/09/2019	PC	11/15/2019	29649	HILLING, NICHOLAS A.	413		1,391.34
11/09/2019	PC	11/15/2019	29650	MEIER III, CHARLES A.	421		1,184.70
11/09/2019	PC	11/15/2019	29651	ZACHARIAS, STEVEN B.	422		1,279.12
11/09/2019	PC	11/15/2019	29652	NEWMAN, MARK J.	424		931.22
11/09/2019	PC	11/15/2019	29653	SWEM, DONALD L.	512		1,710.39
11/09/2019	PC	11/15/2019	29654	EATON, BRAD A.	515		2,827.49
11/09/2019	PC	11/15/2019	29655	WILSON, TIMOTHY J.	516		3,025.41
11/09/2019	PC	11/15/2019	29656	LAVOIE, RICHARD L.	519		2,320.83
11/09/2019	PC	11/15/2019	29657	STEVENS, BRANDON C.	521		3,403.37
11/09/2019	PC	11/15/2019	29658	DRAVES, MARTIN J.	523		2,459.80
11/09/2019	PC	11/15/2019	29659	ANDERSON, ELIZABETH	526		1,233.28
11/09/2019	PC	11/15/2019	29660	KENWABIKISE, DAVID L.	528		1,097.46
11/09/2019	PC	11/15/2019	29661	ELLIOTT, PATRICK M.	600		2,331.90
11/09/2019	PC	11/15/2019	29662	SCHWARTZFISHER, JOS	603		1,001.27
11/09/2019	PC	11/15/2019	29663	BRADLEY, KELLY R.	614		1,293.40
11/09/2019	PC	11/15/2019	29664	HART II, DELBERT W.	616		1,523.33
11/09/2019	PC	11/15/2019	29665	JONES, ROBERT F.	618		1,336.01
11/09/2019	PC	11/15/2019	29666	FARRELL, MITCHELL L.	622		1,493.84
11/09/2019	PC	11/15/2019	29667	THORP JR, WILLIAM D.	623		1,846.03
11/09/2019	PC	11/15/2019	29668	LEITNER, RYAN S.	624		2,175.44
11/09/2019	PC	11/15/2019	29669	FERGUSON, ROYCE L.	625		1,769.17
11/09/2019	PC	11/15/2019	29670	DORAN, JUSTIN J.	634		2,064.45
11/09/2019	PC	11/15/2019	29671	MANKER SR, DAVID W.	639		461.06
11/09/2019	PC	11/15/2019	29672	NEDWICK, DAVID J.	642		777.33
11/09/2019	PC	11/15/2019	29673	FREY, DYLAN V.	643		418.49
11/09/2019	PC	11/15/2019	29674	HART III, DELBERT W.	657		709.90
11/09/2019	PC	11/15/2019	29675	DOTSON, WILLIAM R.	661		284.46
11/09/2019	PC	11/15/2019	29676	KUNKLE, KENNETH E.	665		275.90
11/09/2019	PC	11/15/2019	29677	MUMICH, BARRY J.	671		536.40
11/09/2019	PC	11/15/2019	29678	CRANDELL, ZACKARY R.	691		162.25
11/09/2019	PC	11/15/2019	29679	MUELLER, JASON C.	694		438.22
11/09/2019	PC	11/15/2019	29680	ROSENTHAL, GABRIEL M	698		498.75
11/09/2019	PC	11/15/2019	29681	KNORR, KENT J.	700		1,916.46
11/09/2019	PC	11/15/2019	29682	ANZELL, BETH A.	702		1,287.41

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
11/09/2019	PC	11/15/2019	29683	MASSON, DONALD J.	861		194.40
11/09/2019	PC	11/15/2019	29684	LIVINGSTON, BRIAN D.	866		1,123.05
11/09/2019	PC	11/15/2019	29685	WYMAN, MATTHEW A.	927		1,612.74
11/09/2019	PC	11/15/2019	29686	MILLER, WILLIAM S.	933		959.37
11/09/2019	PC	11/15/2019	29687	DOUGLAS, MARK	935		1,020.69
11/09/2019	PC	11/15/2019	29688	PRIOR, ERIN C.	938		878.48
11/09/2019	PC	11/15/2019	29689	CERTA, BRIAN	939		90.87
11/09/2019	PC	11/15/2019	29690	MCMULLEN, DONALD R.	1000		1,687.59
11/09/2019	PC	11/15/2019	29691	SILVA, JESSE L.A.	1001		1,905.67
11/09/2019	PC	11/15/2019	29692	WILLSON, BRENDA R.	1002		1.75
11/09/2019	PC	11/15/2019	29693	JOHNSON, MELISSA A.	1004		1,595.39
11/09/2019	PC	11/15/2019	29694	STEPHENS, LYON G.	1005		1,429.59
11/09/2019	PC	11/15/2019	29695	STEVENS, JEFFREY W.	1028		274.86
11/09/2019	PC	11/15/2019	29696	RILEY, CASEY W.	1052		574.38
11/09/2019	PC	11/15/2019	29697	JONES, LARRY M.	1057		1,182.50
11/09/2019	PC	11/15/2019	29698	FLORE, ROBERT A.	1058		303.34
11/09/2019	PC	11/15/2019	29699	MATZ, EMILY S.	1059		1,173.98
11/09/2019	PC	11/15/2019	29700	TRAVERS, MANUEL J.	1071		710.80
11/09/2019	PC	11/15/2019	29701	MOYER, DAVID T.	1073		363.85
11/09/2019	PC	11/15/2019	29702	WHEELER, MICHAEL W.	1103		1,794.85
11/09/2019	PC	11/15/2019	29703	CORNELL, BRITTA J.	1106		55.87
11/09/2019	PC	11/15/2019	29704	AZZOPARDI, ANTHONY J.	1108		1,877.44
11/09/2019	PC	11/15/2019	29705	DEKORNE, ELIZABETH A.	1109		907.38
11/09/2019	PC	11/15/2019	29706	MCCRANEY, RUSSELL R.	1111		246.68
11/09/2019	PC	11/15/2019	29707	WELLS, JANNINA J.	1117		183.91
11/09/2019	PC	11/15/2019	29708	MOYER, NATHAN I.	1118		1,257.76
11/09/2019	PC	11/15/2019	29709	MARIHUGH, ANDREW J.	1119		180.58
11/09/2019	PC	11/15/2019	29710	CARLSON, JOANNE E.	2007		177.00
11/09/2019	PC	11/15/2019	29711	COLT, JUDITH C.	2018		104.00
11/09/2019	PC	11/15/2019	29712	FRANCIS, CATHERINE A.	2029		84.00
11/09/2019	PC	11/15/2019	29713	HUNTLEY, ROSALYNN R.	2031		96.00
11/09/2019	PC	11/15/2019	29714	DALY, SUZETTE M.	2040		213.50
11/09/2019	PC	11/15/2019	29715	DUERR, JANE R.	2042		183.75
11/09/2019	PC	11/15/2019	29716	GIBSON, SHIRLEY J.	2043		84.00
11/09/2019	PC	11/15/2019	29717	HERDER, DIANE M.	2044		104.00
11/09/2019	PC	11/15/2019	29718	OHALLORAN, LINDA J.	2045		91.00
11/09/2019	PC	11/15/2019	128671	WHITLEY, ANDREW T.	522		2,390.13
11/09/2019	PC	11/15/2019	128672	MORRISON, KEVIN P.	601		1,876.21
11/09/2019	PC	11/15/2019	128673	BISHAW, JAMES H.	633		426.11
11/09/2019	PC	11/15/2019	128674	KISH, ANASTASIA L.	668		276.65
11/09/2019	PC	11/15/2019	128675	GILL, DAVID R.	856		670.28
11/09/2019	PC	11/15/2019	128676	WATTS, TIMOTHY L.	868		135.86
11/09/2019	PC	11/15/2019	128677	RUDOLPH, JOELLEN B.	2008		81.00
11/09/2019	PC	11/15/2019	128678	LEFT, LILLIAN M.	2010		84.00
11/09/2019	PC	11/15/2019	128679	BUDAY, JOAN E.	2011		123.00
11/09/2019	PC	11/15/2019	128680	PICOTTE, DIANE M.	2016		96.00
11/09/2019	PC	11/15/2019	128681	CIUK, JULIA A.	2035		195.00
Grand Totals:			104				109,582.29

Pay Period Date	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
11/09/2019	11/15/2019	128682	4FRONT CREDIT UNION	9024	HSA-EMPLOYEE CONTRIB-4FR	932.01
11/09/2019	11/15/2019	128683	AMERICAN FAMILY LIFE	9011	AMERICAN FAMILY LIFE-POST T	148.82
11/09/2019	11/15/2019	128683	AMERICAN FAMILY LIFE	9011	AMERICAN FAMILY LIFE-PRETA	525.04
11/09/2019	11/15/2019	128684	CHAR EM UNITED WAY	9009	UNITED WAY Pay Period: 11/9/2	90.00
11/09/2019	11/15/2019	128685	CHARLEVOIX STATE BAN	9017	HSA - EMPLOYEE CONTRIB - C	1,165.00
11/09/2019	11/15/2019	128686	CHEMICAL BANK	9018	HSA - EMPLOYEE CONTRIB - C	175.00
11/09/2019	11/15/2019	128687	COMMUNICATION WORK	9004	CWA UNION DUES Pay Period:	638.72
11/09/2019	11/15/2019	128688	MI STATE DISBURSEMEN	9012	FRIEND OF THE COURT Pay Pe	533.10
11/09/2019	11/15/2019	128689	MONY LIFE INSURANCE	9008	LIFE - VOLUNTARY Pay Period:	233.30
11/09/2019	11/15/2019	128689	MONY LIFE INSURANCE	9008	SPOUSE LIFE Pay Period: 11/9/2	39.61
11/09/2019	11/15/2019	128689	MONY LIFE INSURANCE	9008	CHILD LIFE Pay Period: 11/9/201	4.00
11/09/2019	11/15/2019	128689	MONY LIFE INSURANCE	9008	AD&D - VOLUNTARY Pay Period	40.32
11/09/2019	11/15/2019	128689	MONY LIFE INSURANCE	9008	SPOUSE AD&D Pay Period: 11/9	6.83
11/09/2019	11/15/2019	128689	MONY LIFE INSURANCE	9008	CHILD AD&D Pay Period: 11/9/20	2.59
11/09/2019	11/15/2019	128690	PRIORITY HEALTH	392358	PRIORITY HEALTH Pay Period:	1,504.45
Grand Totals:		15				6,038.79

Check Number	Payee	Amount
11/19/2019		
128575	ACCUMED GROUP, THE	2,903.70
128576	ACE HARDWARE	2,229.15
128577	ADKINS, JORDAN	100.00
128578	AMERICAN WASTE INC.	3,156.40
128579	ANDRESKY, MARK	50.00
128580	AT YOUR SERVICE PLUS INC	345.00
128581	AT&T LONG DISTANCE	122.29
128582	AUTO VALUE	339.63
128583	AVFUEL CORPORATION	37,572.32
128584	BEAVER RESEARCH COMPANY	109.92
128585	BECKER, BRADY	75.00
128586	BLUETARP FINANCIAL	39.99
128587	BOB MATHERS FORD	79.00
128588	BOUND TREE MEDICAL LLC	241.12
128589	BS& A SOFTWARE	1,190.00
128590	CARQUEST OF CHARLEVOIX	1,592.51
128591	CDW GOVERNMENT INC.	673.51
128592	CHARTER COMMUNICATIONS	1,052.70
128593	CHEBOYGAN TITLE AGENCY	4,888.29
128594	CINTAS	39.39
128595	CINTAS CORPORATION	196.77
128596	CITY OF CHARLEVOIX - UTILITIES	38,784.35
128597	COOK FAMILY FARMS	21.00
128598	COOPER, MELANIE SUE	73.00
128599	COUVREUR, DAVID	100.00
128600	DHASELEER, CARL	100.00
128601	DIGITAL DOLPHIN	289.90
128602	DITCH WITCH SALES OF MICHIGAN	569.29
128603	DOTSON, LINDSEY J.	50.00
128604	EJ USA INC.	92.20
128605	ELLSWORTH FARMER'S EXCHANGE	1,741.60
128606	EMERGENCY MEDICAL PRODUCTS IN	100.43
128607	ETNA SUPPLY	2,148.85
128608	FAMILY FARM & HOME	1,441.69
128609	FASTENAL COMPANY	330.48
128610	FERGUSON & CHAMBERLAIN	1,400.00
128611	FEYEN ZYLSTRA LLC	3,872.37
128612	FLOWERS UP NORTH	113.00
128613	FREEDOM MAILING SERVICES INC.	2,309.74
128614	GILMET CONSTRUCTION SERVICES	223.40
128615	GOLDING, JOYCE M.	94.72
128616	GRAINGER	125.31
128617	GRAND TRAVERSE CONSTRUCTION	44,257.51
128618	HERZOG ELECTRIC	566.00
128619	HEYDLAUFF, MARK L.	248.00
128620	HYDRO CORP	539.50
128621	IDEXX DISTRIBUTION INC.	658.54
128622	JACK DOHENY SUPPLIES INC	1,334.46

Check Number	Payee	Amount
128623	JONES & JONES GARAGE DOOR SVC	110.00
128624	KIWANIS CLUB OF CHARLEVOIX	40.00
128625	KLINGER, SUSAN	100.00
128626	KSS ENTERPRISES	487.03
128627	LACROIX, TRACEY	43.67
128628	LAMAR COMPANIES	750.00
128629	LOTTIE'S BAGELS	12.00
128630	MATELSKI, KRISTEN	24.00
128631	MCCARDEL CULLIGAN-PETOSKEY	50.50
128632	METAL HEAD WELDING LLC	148.22
128633	MICHAEL, JOHN	75.00
128634	MICHIGAN MUNICIPAL LEAGUE	19,632.00
128635	MICHIGAN OFFICEWAYS INC	1,568.14
128636	MURRAY'S CREATIONS	45.00
128637	NAVIA BENEFIT SOLUTIONS	50.00
128638	NORTH COUNTRY CRITTERS	140.00
128639	NORTHWEST FIRE	232.50
128640	OLESON'S FOOD STORES	84.07
128641	OLSON BZDOK & HOWARD	1,536.50
128642	OTEC	563.00
128643	PARASTAR INC.	174.67
128644	POWER LINE SUPPLY	6,276.94
128645	POWERPLAN	394.66
128646	PREIN & NEWHOF	240.00
128647	PRO WEB MARKETING LLC	40.00
128648	PROVIDENCE FARM LLC	124.00
128649	PURITY CYLINDER GASES INC	83.80
128650	RANGE TELECOMMUNICATIONS	236.30
128651	RAYMOND, CHET	603.64
128652	REVOLUTION BIKE LLC	566.53
128653	ROTARY CLUB OF CHARLEVOIX	37.50
128654	SERVPRO OF GAYLORD & CHEBOYG	1,774.00
128655	SOUTH POINT COLLISION INC	1,146.00
128656	SPARTAN DISTRIBUTORS INC	2,054.53
128657	STANDARD ELECTRIC CO	121.92
128658	STATE AND MASON LLC	1,000.00
128659	STRICKER'S OUTDOOR POWER EQUI	216.84
128660	SUMMIT COMPANIES	4,705.00
128661	SWANSON K & D INC	797.50
128662	TIMMS, ROBERT	200.00
128663	TRUCK & TRAILER SPECIALTIES	90.58
128664	UNIFIRST CORPORATION	669.02
128665	USA BLUE BOOK	476.43
128666	UWC	2.58
128667	WILBERT BURIAL VAULT CO	215.04
128668	WORK & PLAY SHOP	164.28
128669	ZBIKOWSKI, LORRAINE	5.75
128670	ZIIBIMIJWANG INC	139.00

Check Number	Payee	Amount
Total 11/19/2019:		206,830.17
Grand Totals:		206,830.17

Check Number	Payee	Amount
11/04/2019		
110419001	MICHIGAN PUBLIC POWER AGENCY	24,267.21
110419002	NEOFUNDS BY NEOPOST	50.00
110419003	PROXIMITY SPACE INC.	99.00
Total 11/04/2019:		24,416.21
Grand Totals:		24,416.21

Check Number	Payee	Amount
11/05/2019		
110519001	PAYMENT SERVICE NETWORK INC.	234.90
Total 11/05/2019:		234.90
Grand Totals:		234.90

Check Number	Payee	Amount
11/08/2019		
110819001	STATE OF MICHIGAN	18,740.83
Total 11/08/2019:		18,740.83
Grand Totals:		18,740.83

Check Number	Payee	Amount
11/12/2019		
111219001	DTE ENERGY	2,933.33
111219002	MICHIGAN PUBLIC POWER AGENCY	22,038.34
Total 11/12/2019:		24,971.67
Grand Totals:		24,971.67

Check Issue Date	Check Number	Payee	Amount
111519001			
11/15/2019	11151900	**EFTPS* Payroll Taxes	10,345.01
11/15/2019	11151900	**EFTPS* Payroll Taxes	10,345.01
11/15/2019	11151900	**EFTPS* Payroll Taxes	2,419.39
11/15/2019	11151900	**EFTPS* Payroll Taxes	2,419.39
11/15/2019	11151900	**EFTPS* Payroll Taxes	13,973.99
Total 111519001:			
	5		39,502.79
111519002			
11/15/2019	11151900	Alerus Financial	350.00
Total 111519002:			
	1		350.00
111519003			
11/15/2019	11151900	STATE OF MICHIGAN	5,809.31
Total 111519003:			
	1		5,809.31
111519004			
11/15/2019	11151900	Vantagepoint - 401 Plan 109153	858.02
Total 111519004:			
	1		858.02
111519005			
11/15/2019	11151900	Vantagepoint - 457 Plan 300959	5,662.92
11/15/2019	11151900	Vantagepoint - 457 Plan 300959	2,491.68
11/15/2019	11151900	Vantagepoint - 457 Plan 300959	4,164.44
11/15/2019	11151900	Vantagepoint - 457 Plan 300959	8,317.09
Total 111519005:			
	4		20,636.13
111519006			
11/15/2019	11151900	Vantagepoint - Roth IRA 706117	955.76
Total 111519006:			
	1		955.76
Grand Totals:			
	13		68,112.01



Check Number	Payee	Amount
11/19/2019		
3310	CHARLEVOIX COUNTY TREASURER	18,881.68
3311	CHARLEVOIX PUBLIC SCHOOLS	29,917.97
3312	CHARLEVOIX PUBLIC SCHOOLS	3,654.93
3313	CHARLEVOIX PUBLIC SCHOOLS	1,015.20
3314	CHARLEVOIX PUBLIC SCHOOLS	710.62
3315	CHARLEVOIX PUBLIC SCHOOLS	304.46
3316	CITY OF CHARLEVOIX - TAXES DUE	18,926.36
3317	CITY OF CHARLEVOIX/DDA	8,668.83
Total 11/19/2019:		82,080.05
Grand Totals:		82,080.05

CHECKS DRAWN ON CHARLEVOIX STATE BANK ACCOUNT

CHARLEVOIX CITY COUNCIL

Consent Agenda

TITLE: November 2019 Local Election Results

DATE: November 18, 2019

BACKGROUND:

The November 2019 local election results are as follows:

- WARD 1: Aaron Hagen 127
- WARD 2: Leon Perron 107 vs Mike Doherty 47
- WARD 3: Greg Bryan 90

RECOMMENDATION:

Motion to accept the November 2019 local election results as presented.

ATTACHMENTS:

- ▣ Election Results

STATE OF MICHIGAN)
)ss
CHARLEVOIX COUNTY)

The Board of Canvassers of the County of Charlevoix having ascertained and canvassed the voters at the General Election do **Hereby Certify and Determine that:**

The whole number of votes given for the office of 1st Ward Councilmember, two-year term expiring 2021 was One hundred-twenty-seven-----(127)

And they were given for the following named persons.

Aaron W. Hagen One hundred-twenty-seven-----(127)

Aaron W. Hagen having received a sufficient number of votes is hereby elected for the office of 1st Ward Councilmember.

We do hereby **Certify** that the attached is a correct statement of the votes given in the County of Charlevoix, City of Charlevoix, Ward 1, Precinct Number 18 for the proposals (if any) named in such statement and for any persons designated therein, at the General Election held on the 5th day of November, in the year Two thousand and nineteen.

In Witness Whereof, we have hereunto set our hands and caused to be affixed the Seal of the Circuit Court for the County of Charlevoix this 6th day of November 2019.

SEAL

John C. Metzger
Ellen Cavanaugh
Phyllis R. Haggard
Will Becha

ATTEST:

Cecilia Borch
Clerk of the Board of County Canvassers

STATE OF MICHIGAN)
)ss
CHARLEVOIX COUNTY)

The Board of Canvassers of the County of Charlevoix having ascertained and canvassed the voters at the General Election do **Hereby Certify and Determine that:**

The whole number of votes given for the office of 2nd Ward Councilmember, two-year term expiring 2021 was One hundred fifty-four-----(154)

And they were given for the following named person(s).

Leon R. Perron One hundred seven-----(107)
Mike Doherty Forty seven-----(47)

Leon R. Perron having received a sufficient number of votes is hereby elected for the office of 2nd Ward Councilmember.

We do hereby **Certify** that the attached is a correct statement of the votes given in the County of Charlevoix, City of Charlevoix, Ward 2, Precinct Number 19 for the proposals (if any) named in such statement and for any persons designated therein, at the General Election held on the 5th day of November, in the year Two thousand and nineteen.

In Witness Whereof, we have hereunto set our hands and caused to be affixed the Seal of the Circuit Court for the County of Charlevoix this 6th day of November 2019.

SEAL

Ellen Aarington
Phyllis Haggard
Ann C. Metzger
Mike Perron

ATTEST:

Alicia Borcia
Clerk of the Board of County Canvassers

STATE OF MICHIGAN)
)ss
CHARLEVOIX COUNTY)

The Board of Canvassers of the County of Charlevoix having ascertained and canvassed the voters at the General Election do **Hereby Certify and Determine that:**

The whole number of votes given for the office of 3rd Ward Councilmember, two-year term expiring 2021 was Ninety-----(90)

And they were given for the following named person(s).

Greg Bryan Ninety-----(90)

Greg Bryan having received a sufficient number of votes is hereby elected for the office of 3rd Ward Councilmember.

We do hereby **Certify** that the attached is a correct statement of the votes given in the County of Charlevoix, City of Charlevoix, Ward 3, Precinct Number 20 for the proposals (if any) named in such statement and for any persons designated therein, at the General Election held on the 5th day of November, in the year Two thousand and nineteen.

In Witness Whereof, we have hereunto set our hands and caused to be affixed the Seal of the Circuit Court for the County of Charlevoix this 6th day of November 2019.

SEAL

Eileen Cradington
James C. Metzger
Phyllis R. Haggard
John P. Haggard

ATTEST:

Cecilia Borchers
Clerk of the Board of County Canvassers

CHARLEVOIX CITY COUNCIL

Consent Agenda

TITLE: Pole Attachment Contract Development: \$14,274

DATE: November 18, 2019

BACKGROUND:

Michigan Senate Bill 0637 of 2017 (SB 637) has several requirements for controlling phone/cable/fiber/5G related attachments to utility poles in the public right-of-way. In compliance with SB 637 Charlevoix should have a consistent fee structure set up for pole attachments as well as procedures to control the construction on and usage of our poles. The fee structure and procedures were supposed to have been in place this past summer, so we are behind schedule (along with most other cities in Michigan).

The Michigan Municipal Electric Association (MMEA) hired McLean Engineering to work up a package of procedures to help the cities comply with the requirements. In order to implement a program here we need to negotiate and establish new agreements with all of the existing and future attachers on our poles. We need to do periodic surveys of our system and document all attachments and make sure that all attachments meet all of the safety regulations for our system. And we need to establish a consistent fee structure that meets the requirements and we will need to be able to justify our fees to the attachers. Once the system is set up the fee structure is intended to pay for all attachment related services in the future.

Earlier this year we hired McLean Engineering to help us with the calculations to determine the proper fees to charge for attachments. This work is still in progress. We now need to establish new agreements with each of the existing attachers on our poles and get them to pay in accordance with the fee structure as well as commit to paying their fair share of surveys and any corrective actions identified by those surveys. We need to do this by negotiating new agreements with each attacher.

McLean Engineering has been specializing in this work. By hiring them as our consultant they can provide a standard contract that meets our goals and requirements in compliance with SB 637. They can get the contract reviewed by City Staff, attorney, and City Council. They can then negotiate any changes and adjustments as needed and obtain all required signatures for each attacher.

McLean's goal in this process is to help improve relations with the various attachers, create a structured process for dealing with the pole attachment/joint use function of the electric system, and establish methods to recover our costs to provide this service. (The attachers are required to share in the costs of periodic surveys and any make ready work to fix any situations that do not meet code.)

McLean Engineering has estimated the total cost of this process to be \$14,274. The attached work sheet shows the hourly rates and estimated hours to accomplish the work. The work will be paid for out of the Contractual Services budget.

RECOMMENDATION:

Motion to approve hiring McLean Engineering to help the City establish Pole Attachment Agreements as outlined in Pole Attachment Contract Development worksheet dated 10/10/19 and authorize the Electric Department Superintendent to sign the letter outlining the Pole Attachment Contract Development Services dated 10/15/19.

ATTACHMENTS:

- ▣ Contract Worksheet

▢ Contract Letter



MCLEAN
ENGINEERING
Power Engineers Since 1936

Cost Estimate

Client: City of Charlevoix
Project: Pole Attachment Contract Development

Date: 10/10/2019

Scope of Work

McLean will provide hourly consulting services to implement a standard contract based on City of Charlevoix goals and requirements, in compliance with Michigan Senate Bill 637, including review of contract with City of Charlevoix staff, attorney, and city council (if needed) and attaching entities; accept feedback and adjust agreement language as needed; and obtain signatures from all parties.

Cost Estimate						
Staff	Title	Hours	%	Rate	Total	
Sean Knowles	Vice President, Business Development	40	32%	\$153.00	\$6,120.00	
Tyler Logan	Pole Attachment Analyst	80	65%	\$76.00	\$6,080.00	
Beth Hutchinson	Administrative Support	4	3%	\$53.00	\$212.00	
Subtotal, Labor		124	100%		\$12,412	
Total Travel Reimbursibles (at cost)					\$1,862	
Total					\$14,274	

For more information, contact:

Sean Knowles

404.520.0288

sean.knowles@mcleanengineering.com



October 15, 2019

Mr. Don Swem
Electric Dept. Supt.
City of Charlevoix
210 State Street
Charlevoix, MI 49720

Reference: Pole Attachment Contract Development Services

Dear Mr. Swem:

Thank you for the opportunity to provide this proposed agreement for pole attachment services. We seek to provide the highest quality services of this type in our industry based on our subject matter expertise and our professional and courteous treatment of all parties. Our goals are to help improve your relationships with your attachers and to help create an orderly business environment for the pole attachment/joint use function of your electric system, all while recovering your costs to provide this service to your attachers.

We propose for the consideration of the City of Charlevoix the following services:

Pole Attachment Contract Development

Scope of Work:

McLean will provide hourly consulting services to implement a standard contract based on City of Charlevoix goals and requirements, in compliance with Michigan Senate Bill 637, including review of contract with City of Charlevoix staff, attorney, and city council (if needed) and attaching entities; accept feedback and adjust agreement language as needed; and obtain signatures from all parties.

Cost Estimate:

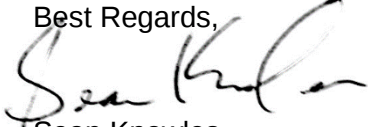
\$14,274, based on expected time required at standard hourly rates.

Online: www.mcleanengineering.com •   

Phone: (229) 985-1148 • Toll-Free: (877) 985-1148 • Fax: (229) 985-2248

Please don't hesitate to contact me if you have any questions or concerns regarding this proposed agreement. If the City of Charlevoix is in acceptance of this proposal as detailed above, please sign below and return to me via email at sean.knowles@mcleanengineering.com or via mail at P.O. Box 2587, Moultrie, GA 31776-2587.

Best Regards,



Sean Knowles

Vice President, Business Development/Co-Owner

Accept Proposal

By signing and dating this letter below, I, Don Swem, accept this agreement on behalf of the City of Charlevoix as offered by McLean Engineering Company, Inc.

Signature: _____ Date: _____

Online: www.mcleanengineering.com •   

Phone: (229) 985-1148 • Toll-Free: (877) 985-1148 • Fax: (229) 985-2248

CHARLEVOIX CITY COUNCIL

Consent Agenda

TITLE: Purchase 1/0 Kerite Cable: \$22,957

DATE: November 18, 2019

BACKGROUND:

In the past three decades the City has purchased all of our underground primary cable exclusively from the Kerite Corporation. This has been done because of the superior quality of this cable compared to the competition. Over the years the competition has made some improvements but we still believe Kerite to be the better product. We have never had a problem with Kerite cable, and in fact the manufacturer claims that Kerite has never suffered a failure anywhere in the country due to manufacturing defects. Because of this they warranty this cable for life. We want the most dependable cable we can get to build our underground system, which leads us to choosing Kerite over the competition. The Kerite cable is available in this area from only one supplier - Resco.

We have received a quote for 8,250 feet of 1/0 Kerite cable for \$2.65 per foot, which comes to a total of \$21,862.50. This unit price is 10 cents higher than it was in 2017 and 2015 when we last purchased it. It is also 7% cheaper than the prices we paid in 2012 and 2013.

The competition for Kerite is Okonite Cable, so we also got a quote for Okonite. Okonite quoted comparable cable for 23% less money – this is a pretty significant price difference. Okonite also claims their cable has never had a failure in the field, but they are not as old a company as Kerite and haven't had as much experience. We still feel that Kerite is best. The cost to locate and repair an underground primary cable fault ranges from \$20,000 to \$50,000. An extra \$4,950 up front to try and prevent this occurrence seems well worth it.

This cable is needed to continue the construction of the underground primary electrical system. The purchase is covered in the capital supplies budget. Purchases of cable are approximate as the actual cable length varies somewhat from reel to reel, so the quantity could go over the bid quantity by up to 5%. Because of this the maximum we would spend on the cable is 5% over the quoted \$21,862.50 for a total not to exceed of \$22,957.

RECOMMENDATION:

Motion to approve the purchase of a maximum of 8,663 feet of 1/0 Kerite cable from the Resco Corporation for \$2.65 per foot for a maximum expenditure of \$22,957.

ATTACHMENTS:

- ▣ Quote

Zimbra**dons@charlevoixmi.gov**

Kerite

From : Brietzman, Steve C. <SBrietzman@resco1.com> Tue, Nov 05, 2019 02:50 PM

Subject : Kerite

To : Don Swem <dons@charlevoixmi.gov>

Cc : Winter, Russ <RWinter@resco1.com>

Don,

Following is the quote you requested.

Please review and call with any questions.

Have a good day.

Qty. 8250' - 1/0solid, aluminum, 15kv, 220mil, full concentric Neutral, EPR, jacketed, 2750' reel.

tolerance: -/+ 10%

\$ 2.65/ft Resco stock subject to prior sale. freight included.

If stock is out at time of order, quote may need to be revised.

Best Regards,

Steve Brietzman

Inside Sales Rep.

RESCO

800-356-9370 x307

sbrietzman@resco1.com

CHARLEVOIX CITY COUNCIL

Consent Agenda

TITLE: Construction Engineering Services Agreement: \$26,200

DATE: November 18, 2019

BACKGROUND:

The Water Treatment Plant has completed Phase One of Filter Rehabilitation and is now starting Phase Two of the project. Grand Traverse Construction was the lowest bidders for this project which started October 1, 2019. The City will still need construction engineering services and oversight for this project from Prein & Newhof who designed the project. They are also facilitating a warranty claim regarding valves installed in an earlier phase of this work.

RECOMMENDATION:

Motion to accept the proposal from Prein & Newhof in the amount of \$26,200 for construction engineering services for the Water Treatment Plant Filter Rehab Project Phase II.

ATTACHMENTS:

- ▣ Proposal

October 14, 2019

Mr. Mark Heydlauff, City Manager
City of Charlevoix
210 State Street
Charlevoix, MI 49720

RE: Water Treatment Plant
Filter Rehabilitation Phase II
Construction Engineering Services

Dear Mr. Heydlauff:

We appreciate the opportunity to submit this proposal to assist the water treatment plant with filter rehabilitation activities. Below is a brief summary of work completed in Phase I and the proposed construction phase scope of work for Phase II.

Background

A Filter and Flocculator Evaluation study was completed in 2016 and recommended rehabilitation of the filters. Work was broken into two phases with the first phase including the replacement of eight filter isolation valves which did not seal properly. Phase I of the Filter Rehabilitation project was completed in December 2018.

Phase II of the Filter Rehabilitation project will include removal of filter media, inspection of the existing underdrain, recoating of the filter box concrete, and replacement of the filter media.

Bids were received for Phase II on July 23, 2019 and Grand Traverse Construction was awarded the contract at the August 5, 2019 City Council meeting.

Scope of Work

Construction Services is proposed to consist of the following activities:

- Review four Shop Drawing Submittals and maintain status log
 - Coatings
 - Polyurethane Grout
 - Filter Media
 - Backwash Nozzles
- Address contractor requests for information, bulletins, and change orders
- Process Payment Applications
- Conduct weekly progress discussions with the Water Treatment Plant superintendent by telephone
- Coordinate with original filter plant vendor during their six required site visits

- Field observation site visits to verify the Contractor's work for the following milestones (8 each stage; 14 total):
 - Removal of filter media
 - Replacement of underdrain nozzles
 - Inspection of existing precast underdrain slabs
 - Surface preparation
 - Coatings of the filter walls
 - Inspection of backwash trough repair
 - Replacement of filter media
 - Startup and initial backwash
- Prepare punch list and review substantial completion status
- Project Closeout

Please note that this work scope assumes the existing filter underdrains are useable with nozzle replacement only. An allowance has been included in the contract documents in the event that substantial repairs are required. Additional design effort during construction may be necessary if actual conditions are found to differ from record documents or the filter components have degraded more than would be expected.

Fee Structure

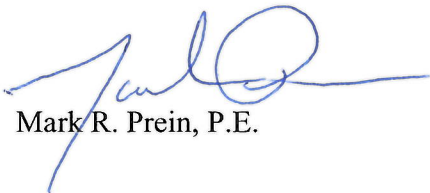
We propose to perform the scope of work on a time and materials basis for a not-to-exceed total of \$26,200, in accordance with the master services agreement. Should additional services be requested by you or water plant representatives, we would contact you and obtain your authorization prior to performing such services.

Schedule

The Contractor's work on site is beginning and they intend to begin submitting shop drawings. Thank you for allowing us the opportunity to present this proposal to you. Feel free to contact us with any additional thoughts or questions.

Sincerely,

Prein&Newhof



Mark R. Prein, P.E.

Cc: Ms. Shelley Mayer

CHARLEVOIX CITY COUNCIL

Consent Agenda

TITLE: Grand Traverse Band of Ottawa & Chippewa Indians Grant Application

DATE: November 18, 2019

BACKGROUND:

The Grand Traverse Band of Ottawa and Chippewa Indians (GTB) pays 2% of its video gaming revenue to local units of government through a grant process. GTB requires the local unit of government to endorse all grant submittals. Colorado Challenge - Northern Michigan is seeking \$3,500 for their annual trip.

RECOMMENDATION:

Motion to authorize the City Manager to sign the grant application and forward to GTB for their consideration.

ATTACHMENTS:

- ▢ Application

**Tribal Council Allocation of 2% Funds
Application Form**

PLEASE NOTE:

Under the terms of the consent decree, which settled *Tribes v. Engler* (Case No. 1:90-CV-611, U.S. Dist. Ct., West. Dist. Mich.), the Grand Traverse Band of Ottawa and Chippewa Indians, as defined in the stipulation, has agreed to pay 2% of its video gaming revenue to local units of government (i.e., local township, village, city, county board of commissioners, public school system).

***ONLY APPLICATIONS FROM LOCAL UNITS OF GOVERNMENT LOCATED WITHIN
GTB'S 6-COUNTY SERVICE AREA WILL BE CONSIDERED FOR 2% FUNDING**

1. Allocation Cycle: _____ JUNE – New submission date, Postmarked by MAY 31st
 X DECEMBER – New submission date, Postmarked by NOVEMBER 30th
2. Name of Applicant: COLORADO CHALLENGE - NORTHERN MICHIGAN
Address: 4080 LAKE SHORE DRIVE
 CHARLEVOIX MICHIGAN
Phone #: 231-675 1541 Fax #: _____
Printed Name: MICHAEL WHEAT
 - Authorized Signature: _____
(Signature of local unit of government official; e.g., county/city official, township supervisor, village president, college president, school superintendent)
Title: _____
E-mail address: _____

Printed Name of contact person: MICHAEL WHEAT
Telephone #: 231-675- 1541 Fax #: _____
E-mail address: WHEATM @ CHARLEVOIX COUNTY, ORG
3. Type of Applicant: _____ Local Government _____ Local Court
 _____ Township _____ County Commissioner _____ Road Commission
 _____ Public School District _____ College _____ Charter School
 _____ Public Library _____ Sheriff/Police Department _____ Fire Department
 X 501c3 applying through local unit of government (name): CITY OF CHARLEVOIX

4. Fiscal Data: Amount Requested: \$ 3 500.00 Percent: 19.46%
 Local Leveraging: \$ _____ Percent: _____ %
 (Match)
 Total Budget: \$ 17,990.00 Percent: 100 %
5. Target Population numbers: X Children/Young People _____ Adults _____ Elders
 (Indicate the number of GTB members) _____ Total GTB member Community _____ Others
6. Counties Impacted: X Antrim _____ Benzie _____ Charlevoix
 _____ Grand Traverse _____ Leelanau _____ Manistee

7. Brief Description (purpose of funding); include statement of need:

THE COLORADO CHALLENGE TRIP HAS BEEN TAKING PLACE YEARLY FOR OVER 45 YEARS. THE TRIP IS A NON DENOMINATIONAL OUT REACH TEACHING YOUNG PEOPLE ABOUT THE LOVE OF GOD BUT ALSO GIVING THE YOUNG PEOPLE A GREAT CHANCE TO GAIN CONFIDENCE AND RAISE THEIR SELF ESTEEM. Depending on the year 11 to 33 students go on the trip with 3 leader/drivers per 15 passenger van routed. The cost of doing the trip is usually about 650.00 per person. The trip is 9 days when you include travel, camp days and out of camp activities. The trip ~~total~~ includes chapel services, rock climbing, rappelling, white water rafting, high and low ropes, mountain biking, paint ball and a trip up Pikes Peak.

STUDENTS THAT GO ON THIS TRIP ARE FROM ALL WALKS OF LIFE. They range from "NORMAL" church going young people to broken homes, single parent families, low income families, wards of the court, foster home kids and kids that don't believe in God.

WE TRY TO PAY \$200.00 of the 650.00 trip expense for everyone that participates but there are a lot of students and young leaders that cannot afford even the \$450.00 to go on the trip. This grant would allow us to take young people on this life changing trip that could not afford to go any other way.

8. This question only pertains to Indian Education Programs of Public School Systems. If you are not an Indian Education Program of a Public School system, skip to question 9.

- (a) **Program formula: (1) \$5,000, up to \$10,000 per school district + (\$1,000, up to \$1,500 x # of GTB member students) = allocation. The increase to the formula will be determined by the previous timely 2% report received, and the data provided within the report on the success of the school's Indian Education Program as a result of the 2% allocation.**

Please note: 1) In completing this section, only provide the student numbers of currently enrolled GTB members; do not include the general Native American data of your school system; and 2) there will be a cap of \$100,000, up to \$125,000 per school, based on the school's GTB membership count and data provided within the 2% report received from the previous year.

- (b) Recommendation from Parent Committee: _____ YES _____ NO

Please have the Parent Committee sign the attached Certification Form.

- (c) Describe parent involvement in project: _____

- (d) Does the school receive Title VII Indian Education Funds? _____ YES _____ NO
If yes, how much: _____

9. What are the start and completion dates of the proposed project?

Start June 13, 2020 Completion June 21, 2020

10. Has applicant received prior awards through the Tribe's 2% funding allocation?

X YES _____ NO. If yes, please list the start and end dates and amount:

June 16, 2018 - June 24, 2018 and amounts: \$3,000.00

_____ - _____ and amounts: _____

_____ - _____ and amounts: _____

11. Is the proposed project new _____ or a continuation project _____?

If this is a continuation project, please explain why there is a need to continue funding:

ALTHOUGH A FEW STUDENTS GO ON THE TRIP MORE THAN ONE YEAR, FOR THE MOST PART THERE IS A NEW GROUP OF STUDENTS EACH YEAR WITH THEIR OWN FINANCIAL NEEDS.

EACH YEAR IS NEW BUT THE TRIPS HAVE TAKEN PLACE FOR ABOUT 45 YEARS

12. If the previous project has been completed, did you submit your 2% report? _____ YES _____ NO.
The 2% report must be submitted one year from the date you received your 2% award. If your report has not been submitted, your current application will not be considered! 2% Reports are mandatory for future grant considerations. Mail your 2% report to: Attn: 2% Reports; GTB, 2605 N.W. Bay Shore Drive, Peshawbestown, MI 49682.
we did not apply for or receive a grant for the 2019 trip.
13. Impact of Gaming on local program: (e.g., increase in student population, resulting from increase in Tribal employment or increase in emergency services to Casino patrons).
we hope that the positive impact of this trip will help young people serve in all aspects of the community.
14. How will the success of the project be assessed (evaluation plan)? *Each year we know that the Colorado Challenge trip makes a positive difference in the lives of some of the young people that go on it.*
15. If new staff is required, will preference be given to Native American applicants?
 _____ YES _____ NO *ALL of the STAFF/DRIVERS/LEADERS ARE UNPAID VOLUNTEERS, we would GLADLY CONSIDER NATIVE AMERICANS WITH GOOD CHRISTIAN BACKGROUNDS.*
16. Budget: Please attach a one-page itemization of the planned budget. Include explanation for each category of the budget.

IMPORTANT!! BEFORE YOU MAIL YOUR 2% APPLICATION, PLEASE REMEMBER TO:

- 1) Execute authorized signature on first page, question #2.
- 2) Attach 1-page budget
- 3) Attach Parent Committee Certification Form if application is from an Indian Education/Title VII Program.
- 3) Submit by appropriate deadline:
 - **If for June cycle, postmarked by May 31st.**
 - **If for December cycle, postmarked by November 30th.**

Mail completed 2% applications to:

**Attention: 2% Program
 Grand Traverse Band of Ottawa and Chippewa Indians
 2605 N.W. Bay Shore Drive
 Peshawbestown, MI 49682**

If you have any questions, please call 231-534-7601.

Grand Traverse Band of Ottawa and Chippewa Indians 2% Indian Education Parent Committee Certification Form

Instructions: By filling out this form, you are certifying that only one 2% application is being submitted for your school district's Indian Education/Title VII program.

We affirm that we have participated in providing information regarding the content of this 2% application for the Grand Traverse Band of Ottawa and Chippewa Indians (GTB).

We affirm that previous 2% reports have been submitted to GTB for 2% funding that this school district has received from GTB.

As current members of this school district's Parent Committee for the Indian Education Program/Title VII, we approve of and certify that this 2% application is being submitted on behalf of the _____ School District.
(Name of school district)

_____ Print Name	_____ Sign Name	_____ Date
_____ Print Name	_____ Sign Name	_____ Date
_____ Print Name	_____ Sign Name	_____ Date
_____ Print Name	_____ Sign Name	_____ Date
_____ Print Name	_____ Sign Name	_____ Date
_____ Print Name	_____ Sign Name	_____ Date

Grand Traverse Band of Ottawa & Chippewa Indians'
2% Guidelines

1. Your organization must be located within GTB's six-county service area (Antrim, Benzie, Charlevoix, Grand Traverse, Leelanau, or Manistee counties).
2. Local units of government can apply for 2% funding the same as before.
3. If your organization is not a local unit of government, the following applies:
 - a.) Local units of government must request 2% funding on behalf of your organization.
 - b.) The local unit of government will be responsible for submitting your 2% application to GTB.
 - c.) If awarded 2% funding, the local unit of government will be responsible for distributing the 2% funding to your organization through their internal accounting process.
 - d.) The local unit of government will be responsible for maintaining accounting records of 2% funding received, for reporting purposes, consistent with the accounting standards for local units of government established by the State of Michigan.
 - e.) The local unit of government will be responsible for submitting the follow-up report to Tribal Council on how 2% funding was spent. The report should be submitted to the Tribal Chairman one year after receiving 2% funding.
 - f.) Tribal Council will not consider any requests for job positions or year to year funding for job positions (this only pertains to 501c3 organizations).
4. Weight will be given to applicants who have provided services to GTB tribal members.
5. Weight will be given to applicants located in near proximity to either Turtle Creek Casino or Leelanau Sands Casino.
6. Weight will be given to applicants who have been impacted by the establishment of either Turtle Creek Casino or Leelanau Sands Casino (e.g., increased traffic, increased employment, increase in student population, etc.).
7. Tribal Council will not consider any requests for land purchases.
8. Tribal Council will not allow 2% applicants to approach Tribal Council for individual presentations of 2% applications.
9. Please contact the GTB Legal Department if you would like a copy of the Stipulation for Entry of Consent Judgment from: *Tribes v. Engler* (Case No. 1:90-CV-611, U.S. Dist. Ct., West. Dist. Mich).

If you have any questions, please contact the GTB Legal Department at 231-534-7601.

Approved June 2, 2009

CHARLEVOIX CITY COUNCIL

Public Hearings and Actions Requiring Public Hearings

TITLE: Ordinance 808: Amendment to the Shade Tree Commission

DATE: November 18, 2019

PRESENTED BY: Mark L. Heydlauff, City Manager

BACKGROUND:

As you recall, Council requested language be drafted to change the number of members on the Shade Tree Commission from three to five. I also recommend making a change to designate the board be retitled the Shade Tree and Park Commission reflecting their role in giving guidance about the vegetation of the City beyond just trees in the right of way. The Shade Tree Commission reviewed a draft of the ordinance at their previous meeting and enthusiastically and unanimously endorsed the proposal. I'm also sharing the draft ordinance with Kevin Sayers at the Michigan Department of Natural Resources who advises communities on these matters. We are holding a public hearing to consider the adoption of this ordinance.

RECOMMENDATION:

Motion to approve Ordinance 808 of 2019, an ordinance to amend Title III, Chapter 32, Section 32.055 and Section 32.058 of the Charlevoix City Code.

ATTACHMENTS:

- ▣ Ordinance 808

**CITY OF CHARLEVOIX
ORDINANCE NO. 808 of 2019**

AN ORDINANCE TO AMEND TITLE III, CHAPTER 32, SECTION 32.055 AND SECTION 32.058 OF THE CHARLEVOIX CITY CODE

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Title III, Chapter 32, Section 32.055 is hereby amended and replaced in its entirety as follows:

The Shade Tree Commission for the city, heretofore created, is continued. This Commission shall consist of five members, citizens and residents of the city, who shall be appointed by the Mayor with the approval of the Council.

SECTION 2. Shade Tree and Park Commission

All references to 'Shade Tree Commission' in any portion of the City Code shall be struck and replaced with 'Shade Tree and Park Commission.'

SECTION 3. Title III, Chapter 32, Section 32.058 is hereby amended to add a new paragraph as follows:

The Commission shall also have the power to review the conditions of landscaping, tree maintenance, turf and plantings in City parks and make reports, plans, and recommendations to the City Council, Mayor, and City Manager as they may from time to time determine is valuable. The City Council, Mayor, and City Manager may also request the Commission consider various aspects of policy and seek a recommendation as they may wish; the Commission shall also perform those duties assigned to it by resolution or ordinance as Council may, from time to time, determine.

SECTION 4. 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 5. Effective Date.

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

Ordinance No. 808 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

Public Hearings and Actions Requiring Public Hearings

TITLE: Ordinance 809: Amendment to the Shade Tree Ordinance

DATE: November 18, 2019

PRESENTED BY: Mark L. Heydlauff, City Manager

BACKGROUND:

As you recall, Council requested I look into the requirements for trimming trees and the process through which this is accomplished. Chapter 152 of the City Code currently allows the City Manager to issue permits for tree maintenance for abutting property owners for street trees. I have drafted a revision to the ordinance that would allow the appropriate department of the City to conduct maintenance activities along public ways and in City public spaces. Property owners seeking other kinds of pruning or cutting would need approval from the Shade Tree Commission for the work to be done. Upon Commission approval, owners would be required to provide funding for the planting of new trees and to pay for work requested. As with the Shade Tree Commission Ordinance Amendment, I've referred this language to Kevin Sayers at the DNR for his input; this amendment also received the unanimous endorsement of the Shade Tree Commission earlier this month. In many ways, it reflects current practice more clearly than the current ordinance language. We are holding a public hearing to consider the adoption of this ordinance.

GOALS:

Ensure Charlevoix is environmentally sustainable while also economically viable

RECOMMENDATION:

Motion to approve Ordinance 809, an ordinance to amend Title XV, Chapter 152 of the Charlevoix Code related to shade trees.

ATTACHMENTS:

- ▣ Ordinance 809

**CITY OF CHARLEVOIX
ORDINANCE NO. 809 of 2019**

AN ORDINANCE TO AMEND TITLE XV, CHAPTER 152 TREES, SECTIONS 152.02 AND 152.03 OF THE CHARLEVOIX CITY CODE

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Title XV, Chapter 152, Section 152.02 is hereby amended and replaced in its entirety as follows:

- (A) Except where contemplated herein, no person shall trim, prune, cut, spray or otherwise modify the trees of the City of Charlevoix.
- (B) The Department may undertake such actions to maintain the trees of the City including pruning or cutting when a public way is obstructed or when a tree may cause damage to an adjacent structure, lawfully erected.
- (C) The Department may undertake actions to maintain the public spaces, parks, and recreation areas of the City consistent with the direction of the City Council and the Shade Tree Commission to maintain public access and enjoyment balanced with ecological conditions for the maintenance and preservation of the same.
- (D) Property owners adjacent to a street, public space or park may request to the Shade Tree Commission in writing for the maintenance of trees not discussed above. If the request is granted, the City shall be compensated for all costs associated with the request and receive payment, as the Shade Tree Commission may determine, for the appropriate planting of additional trees at rate of at least two new trees for every one tree removed. New trees shall be planted on City property or a street and shall be at the discretion of the City. The Shade Tree Commission shall render a decision on such requests within 45 days of receipt.

SECTION 2. Title XV, Chapter 152, Section 152.03 is hereby amended and replaced in its entirety as follows:

The Shade Tree Commission and the Department, separately or in conjunction, shall, from time-to-time recommend the planting of trees to the City Council to ensure the city maintains a strong tree canopy. The Council may also consider the planting of trees as a special assessment for the benefit of abutting property owners, either upon its own initiative or upon a petition as contemplated in Article IX of the Charter of the City of Charlevoix.

SECTION 3. 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 4. Effective Date.

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

Ordinance No. 808 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

Public Hearings and Actions Requiring Public Hearings

TITLE: Ordinance 810: Storm Water Control

DATE: November 18, 2019

PRESENTED BY: Mark L. Heydlauff, City Manager

BACKGROUND:

As explained in the attached memo from Boyne City Planning Director Scott McPherson, the three cities in Charlevoix County have long discussed a collaborative storm water control ordinance based on the ordinance already enacted by all of the townships in Charlevoix County. This draft ordinance accomplishes this goal and will lead to stronger standards for the control of storm water runoff but more applicable to the urban atmosphere of a city where, for example, storm sewers are far more prevalent than in the townships. Charlevoix County has agreed to enforce this ordinance during the building plan review and inspection process as they do with the existing township ordinance. The three cities have worked jointly on this ordinance along with input and support from the Tip of the Mitt Watershed Council. We are holding a public hearing to consider the adoption of this ordinance.

GOALS:

Ensure Charlevoix is environmentally sustainable while also economically viable

RECOMMENDATION:

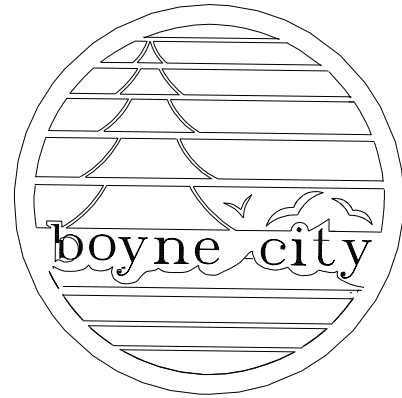
Motion to adopt Storm Water Management Ordinance 810.

ATTACHMENTS:

- ▣ Scott McPherson Memo RE: SWCO
- ▣ Ordinance 810
- ▣ Tip of the Mitt Watershed Council Letter of Support

CITY OF BOYNE CITY

To: Michael Cain, City Manager
From: Scott McPherson, Planning Director
Date: October 8, 2019
Subject: Storm Water Control Ordinance First Reading



Background

Prior to 2006 Charlevoix County administered and regulated storm water through the Charlevoix County Storm Water Management Ordinance. The County subsequently repealed the ordinance in reaction to an Attorney General opinion that stated counties could not enact storm water ordinances as that power had not been specifically provided by the State. The opinion further stipulated that cities and townships did have the authority to adopt a storm water ordinance. In the years following the repeal, the County, working through the Michigan Townships Association, with the assistance of Tipp of the Mitt Watershed Council, developed a new storm water control ordinance which the County agreed to administer and enforce for all communities that chose to adopt the ordinance. In 2012 the majority of the townships had adopted the ordinance and had entered into intergovernmental agreements with the County. The proposed ordinance was brought to the Boyne City City Commission in August of 2012 for their consideration, however, the Commission had concerns that the ordinance did not sufficiently consider the unique aspects of the City as compared to rural township in regards to storm water systems and control. Given these concerns the City decided not to adopt the ordinance as proposed. It is my understanding the Cities of Charlevoix and East Jordan also chose not to adopt the ordinance citing similar concerns.

Discussion

While the City of Boyne City did not adopt the proposed storm water control ordinance as proposed, the control and treatment stormwater has been and continues to be a top concern and priority. The City, on its own initiative and expense, has installed and improved storm water control and treatment systems throughout the City. And while not required, developers have voluntarily abided by the storm water control standards of the ordinance. However, given the increasing development pressure, the value and importance of having an enforceable ordinance in place is recognized. In 2013, as part of the SAW grant application, funding was designated for the development of a City storm water ordinance. After the grant was awarded three years later, the City began working on developing a new ordinance. Working with Tipp of the Mitt Watershed Council and partnering with the Cities of East Jordan and Charlevoix, a new ordinance was developed. The draft ordinance has been reviewed and is fully supported by Dr. Grenetta Thomassey, Director of Watershed Policy, Tipp of the Mitt Watershed Council, and has been submitted to Charlevoix County Board of Commissioners, who have tentatively agreed to administer and enforce the ordinance pending review by their legal counsel.

The proposed ordinance is being presented to the City Commission at its October 8, 2019, meeting for a first reading. As required by the Boyne City Charter, ordinance amendments cannot be adopted until at least one month after the meeting it is introduced. The next available

City Commission meeting that meets this requirement would be November 12, 2019. The proposed ordinance has been provided the Cities of East Jordan and Charlevoix and it is being recommended that municipalities that wish to adopt the ordinance do so during the same time frame as this would allow sharing of publication costs.

Recommendation

Schedule proposed Storm Water Management Ordinance for second reading on November 12, 2019.

Options

1. Do not Schedule second reading.
2. Refer proposed ordinance back to staff for further review or changes.
3. Other action as the Commission deems appropriate.

CITY OF CHARLEVOIX
ORDINANCE NO. 810 of 2019
STORM WATER MANAGEMENT ORDINANCE

THE CITY OF CHARLEVOIX ORDAINS:

ARTICLE I PURPOSE, OBJECTIVES, & ADMINISTRATION

Section 1.1 Purpose

The purpose of this Ordinance is to supplement Michigan Public Act 451 of 1994, as amended, for the more stringent regulation of storm water discharges originating within the City; to provide a set of regulations for storm water management; and to provide rules and guidelines to facilitate enforcement thereof.

Section 1.2 Objectives

The objective of this Ordinance is to accomplish, among other things, the following:

1. To manage storm water runoff resulting from earth changes occurring within the City of Charlevoix, both during and after development.
2. To ensure that future development provides measures to manage the quantity and quality of storm water runoff originating from the property so that surface water and groundwater quality is protected and flooding potential is reduced.
3. To preserve and use the natural drainage system for receiving and conveying storm water runoff and to minimize the need to construct enclosed, below grade storm drain systems.
4. To preserve natural infiltration and the recharge of groundwater and to maintain subsurface flows which replenish lakes, streams and wetlands.
5. To ensure that storm water management systems are incorporated into site planning at an early stage of the planning and design process.
6. To minimize the need for costly maintenance and repairs to roads, embankments, ditches, streams, lakes, wetlands and storm water management facilities which are the result of inadequate storm water control.
7. To reduce long-term expenses and remedial projects which are caused by uncontrolled storm water runoff.
8. To encourage the design and construction of storm water management systems which serve multiple purposes, including but not limited to flood prevention, water quality protection, wildlife habitat preservation, education, recreation and wetlands protection.
9. To minimize the impact of development on downstream properties and to preserve the biological and structural integrity of existing watercourses.
10. To allow for off-site storm water management facilities and measures if such proposals meet the requirements of these regulations.
11. To assure that all storm water management facilities will be properly designed, constructed and maintained in accordance with a uniform set of standards.
12. To provide for enforcement of this Ordinance and penalties for violations.

Section 1.3 Ordinance Administration

The City of Charlevoix shall designate an Enforcing Agent ("Agent") to administer and enforce the Ordinance. The City may enter into an inter-local agreement with Charlevoix County which will permit the Charlevoix County Soil Erosion and Sedimentation Control Officer to be the Agent for this Ordinance.

Section 1.4 Exclusive Storm Water Regulation Provision

To the extent that this storm water ordinance is in conflict with any previously adopted ordinance within the City, the intent is to have this storm water ordinance supersede any other storm water regulations that may have been previously adopted or included as a portion of other local ordinances or zoning provisions. If any conflicts arise, the City shall either repeal or amend such other ordinances to make this Ordinance the exclusive regulation.

Section 1.5 Repeal

Any non-zoning regulation inconsistent with the storm water regulations contained in this Ordinance is hereby repealed to the extent of such inconsistency.

Section 1.6 Rules Applying to Text in this Ordinance

When not inconsistent with the context, the present tense includes the future; words used in the singular include the plural. The word "shall" is understood to be mandatory, and the word "may" is merely suggestive.

ARTICLE II DEFINITIONS Section 2.1

General

This Article sets forth the definitions of certain terms used within the Ordinance which have a meaning specific to the interpretation of the text of the Ordinance.

Section 2.2 Undefined Words

Any word not defined herein shall first be interpreted as defined within Part 91, Public Act 451 of 1994, as amended, and where not defined there, shall be interpreted within its common and approved usage.

Section 2.3 Definitions

The following terms and phrases shall have the meaning given herein, unless the context otherwise requires:

AGENT: Person designated by the City of Charlevoix for administration and enforcement of the Ordinance.

APPEALS BOARD: The public body which is charged with the responsibility to consider and decide appeals from decisions made by the Agent in administering and enforcing this Ordinance.

APPEALS BOARD CLERK: The individual who is charged with the responsibility to process appeals to the Appeals Board pursuant to Article VIII of this Ordinance.

APPLICANT: The landowner, or his duly authorized agent, for the property upon which a regulated earth change is proposed, and who has submitted an application for a Storm Water Management Permit.

CHANNEL: The portion of a stream which conveys normal flows of water, or a ditch or other conveyance structure excavated for the flow of water.

COMMERCIAL DEVELOPMENT: An activity, action or alteration of property that is proposed for the purpose of a commercial activity, such as retail sales, professional offices, multi-family residential structures of three or more units, or any other purpose which includes access by the public for conducting business. Activity, action or alteration of property by the City is not commercial development.

CONVEYANCE FACILITY (STRUCTURE): A surface or subsurface structure, pipe or channel which transports storm water from one location to another.

COUNTY DRAIN: Drains established and/or constructed pursuant to the Michigan Drain Code (Act 40 of 1956, as amended).

DESIGN STANDARD (OR ENGINEERING DESIGN STANDARD): A specification or set of specifications that prescribes the methodology for developing storm water management facilities based upon a uniform set of standards, calculations, and procedures.

DESIGN STORM: A hypothetical rainfall event that is developed as a statistical relationship between actual rainfall intensity-duration-frequency data for the purpose of modeling the effectiveness of a given drainage system.

DETENTION BASIN (POND): A structure or facility, natural or artificial, which stores storm water on a temporary basis and releases it at a controlled rate to another water course, wetland, conduit or drain. A detention basin may drain completely after a storm event (dry detention basin) or it may be a body of water with a fixed minimum and maximum water elevation between runoff events (wet detention basin).

DISCHARGE: The rate of flow of water through an outlet structure at a given point and time, typically measured in cubic feet per second (cfs) or gallons per minute (gpm).

DISTURBED AREA: An area of land subjected to erosion due to the removal of vegetative cover and/or earthmoving activities, including filling.

DRAINAGE: The interception and removal of water (groundwater or surface water) by natural or artificial means.

DOWNSTREAM PROPERTIES: Down gradient lands and waters which receive storm water runoff and other surface water flows from the applicant's property and are often subjected to the cumulative impact of upstream development.

DRAINAGE SYSTEM: All facilities, channels and areas which serve to convey, filter, store and/or receive storm water, either on a temporary or permanent basis.

EARTH CHANGE: A human-made change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the state. The term "earth change" as used in this Ordinance shall not apply to the practice of plowing and tilling soil for the purpose of crop production.

FLOOD: An overflow of surface water onto lands not normally covered by water. Floods have these essential characteristics: the inundation of land is temporary and results from unusually heavy precipitation and the land is inundated by overflow from a lake, pond, stream and/or wetland, or is flooded by natural runoff.

FLOODPLAIN: The area of land adjoining a lake or stream which is inundated when the flow exceeds the capacity of the normal watercourse. For mapping purposes, floodplains are as designated in the National Flood Insurance Program Flood Insurance Rate Maps for the City of Charlevoix effective May 16, 2019 (as amended).

GRADING: Any stripping, clearing, stumping, excavating, filling, stockpiling or any combination thereof, including the land in its excavated or filled condition.

GRUBBING: To clear (ground) of roots and/or stumps.

IMPERVIOUS AREA: Surfaces that do not readily allow rainfall to infiltrate into the soil; examples include but are not limited to: roof area, paved or gravel driveways, parking areas, roads (both asphalt and gravel), or areas of heavy clay soils.

INDUSTRIAL USE: Any manufacturing, processing, fabrication, maintenance assembly, printing or improvement of articles or merchandise, warehousing, wholesaling, storage, or activities related to mineral extraction and processing; and other business enterprises not classified as commercial.

INFILTRATION: The downward movement or seepage of water from the surface into the subsoil and/or groundwater. The infiltration rate is expressed in terms of inches per hour.

MAINTENANCE AGREEMENT: A binding agreement between the landowner and the City, which sets forth the location and design of best management practices as well as terms and requirements for storm water and erosion management facility maintenance, recorded with the Charlevoix County Register of Deeds.

OFF-SITE FACILITY: Storm water management facility which is located partially or completely off the applicant's subject property.

ORDINARY HIGH WATER MARK: The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. On an inland lake which has a level established by law, it means the ordinary high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark.

OUTFALL: The point where storm water flows out from a conduit, drain or stream.

PEAK DISCHARGE RATE (PEAK FLOW): The maximum calculated rate of storm water flow at a given point in a channel, watercourse, or conduit resulting from a predetermined frequency storm or flood, measured in cubic feet per second (cfs).

PERSON: Any individual, firm, partnership, association, public or private corporation, company, organization or legal entity of any kind, including governmental agencies.

REGISTERED PROFESSIONAL: One following licensed professionals: State of Michigan Licensed Engineer, Land Surveyor, Architect and/or Landscape Architect.

RETENTION BASIN: A wet or dry storm water holding area, either natural or manmade, which does not have any outlet to adjoining watercourses or wetlands other than an emergency spillway.

SITE: Any tract, lot, or parcel of land or combination of tracts, lots or parcels of land proposed for development.

STOP WORK ORDER: A notice for cessation of activity issued by the Agent to any person engaged in an activity in violation of this Ordinance including, but not limited to, grading and development activities.

STORM WATER MANAGEMENT FACILITIES: Any structure, ditch, swale, facility, barrier, berm, vegetative cover, basin or other measure which serves to manage storm water.

Temporary Measures: Installations designed to manage storm water runoff during development or until soils in the contributing drainage area are stabilized.

Permanent Measures: Installations designed to manage storm water runoff after development is completed.

STORM WATER MANAGEMENT PERMIT: Written approval along with supporting documentation and storm water management plan that is executed by the Agent and issued under the provisions of this Ordinance authorizing the applicant to engage in specified earth changes.

STORM WATER MANAGEMENT PLAN: Maps and written information prepared in accordance with specific standards identified within the Ordinance for a proposed land use or earth change. The storm water management plan describes the way in which storm water runoff will be managed during and after completion of the proposed development.

STORM WATER RUNOFF: Excess water that does not infiltrate the soil, but instead flows over the surface of the ground or is collected in channels, watercourses or conduits and transported over a given drainage area.

STREAM: A moving body of water that has definite banks, a bed and visible evidence of a continued flow or continued occurrence of water. See Public Act 451 of 1994, as amended, Part 301, Inland Lakes and Streams Section 324.30101, Subparagraph E, as amended.

SWALE: Low lying grassed area with gradual slopes which transports storm water, either on site or off site.

WATERSHED: A land area, also known as a drainage area, which collects precipitation and contributes runoff to a receiving body of water or point along a watercourse.

ARTICLE III REGULATED ACTIVITIES & PERMIT REQUIREMENTS

Section 3.1 Regulated Activities

Except as otherwise provided in this Ordinance, all earth changes described below shall be regulated activities and shall require a Storm Water Management Permit from the Agent, pursuant to Section 3.2 of this Ordinance:

1. Industrial and commercial development regardless of the size or location, with the following exception:

A proposal for redevelopment or alteration of an existing commercial or industrial site with a maximum total increase of ten percent (10%) of the impervious surface in existence on May 8, 2018, or 4,356 square feet, whichever is less, shall not be required to meet the design standards of this Ordinance. Greater than a ten percent

(10%) increase in the impervious surface in existence on May 8, 2018, or more than 4,356 square feet of additional impervious surface shall require storm water management measures in accordance with the design standards of this Ordinance for the entire increase.

2. All subdivision developments as defined by Section 102 of Public Act 288 of 1967, as amended, regardless of size, location or environmental sensitivity.
3. All site condominium developments or condominium developments as defined by Public Act 59 of 1978, as amended, Section 559.101 et seq. of the Michigan Compiled Laws regardless of size, location or environmental sensitivity.
4. A mobile home park, manufactured housing development, or campground.
5. Private roads which either provide access to five (5) or more parcels, are more than five hundred (500) feet in length, and/or have a grade of ten percent (10%) or greater.
6. A private driveway that is at a ten percent (10%) grade or greater, sloping down toward the intersecting road.
7. Public road and facility projects of the City are not classified as regulated activities and are exempt from the permitting requirements of this Ordinance.

Section 3.2 Permit Requirements

For purposes of this Ordinance, a Storm Water Management (SWM) Permit for regulated activities as identified in Section 3.1 is required before any earth changes commence. The SWM Permit requirements are independent of any other regulations governing the proposed earth change, such as soil erosion regulations or zoning requirements, which may require additional permitting through other enforcing agencies. The granting of a SWM Permit shall authorize only such earth changes for which the permit has been issued, and shall not be deemed to approve any development as a whole, or any other land use activities.

Section 3.3 Permit Application Submittal

1. An application for a SWM Permit shall be submitted on the form provided by the Agent, signed by the landowner or his/her duly authorized agent, and shall include a storm water management plan, prepared in accordance with Article IV, along with the appropriate permit and review fees, prior to being considered by the Agent as an administratively complete application. The Agent may request additional storm water management plans or supporting documentation at his/her discretion during the permit review process.
2. The application for a SWM Permit shall be made, reviewed and approved prior to the start of any earth change including construction of access roads, driveways, grubbing or grading. Permit approval shall be given prior to the initiation of any work activity. Any unauthorized work shall be considered a violation of this Ordinance subject to enforcement actions under Article VII regardless of any later actions taken toward compliance. Soil test borings including those utilizing reasonable backhoe test excavation, vegetative cutting for land surveys, percolation tests and normal maintenance shall not be considered a start of work under these regulations.

Section 3.4 Plan Preparation by a Registered Professional

Following the calculation of pre- and post-development (or increase in development) stormwater runoff, if 100% of this increased storm water will not be retained on-site in a stormwater retention basin, the storm water management plan shall be prepared by a registered professional as defined by this ordinance. The agent may waive this requirement for regulated activities on a single family dwelling site when the agent finds that, considering the size, location, or natural discharge of the stormwater runoff, a storm water management plan is not reasonably required to accomplish the objectives of this ordinance.

Section 3.5 Sequential Applications

1. On development proposals which are so large or complex that a storm water management plan encompassing all phases of the project cannot reasonably be prepared prior to initial ground breaking, an application for a sequential SWM Permit, based on successive major incremental earth change activities may be allowed. Requests for sequential applications shall be approved by the Agent prior to submittal of the initial SWM Permit application.
2. Approval of sequential applications shall take place in two phases. First, the overall conceptual plan for the entire development shall be submitted for review and approval. Second, detailed plans for each phase of the total project shall be submitted for review and approval.

3. All permits processed and issued for phases of a project shall be clearly defined as to the nature and extent of work covered for that phase. Each phase of the project must be reviewed and permitted individually prior to construction.

Section 3.6 Permit Application Review

The application review period begins upon receipt of an administratively complete application submittal. The Agent shall act upon an application for an earth change permit involving five (5) acres or less of disturbed area within fifteen (15) calendar days. An application for all other regulated projects shall be acted upon within thirty (30) calendar days.

Section 3.7 Permit Approval or Disapproval

1. If the Agent determines that the proposed storm water management plan complies with the standards in this Ordinance, a permit shall be issued specifying the work approved, along with any supplemental conditions. If the proposed storm water management plan does not comply with these standards, the permit request shall be modified by the applicant or denied. When necessary, the Agent may request additional information from the applicant upon which to base the permit decision.
2. The Agent shall notify the applicant in writing if the application is denied, citing the reasons for the denial.
3. The Agent shall notify the City after a permit decision has been made.
4. Upon written request, the Agent shall furnish any interested party with a statement in writing, detailing the reasons for permit denial or approval.

Section 3.8 Permit Expiration or Revocation

1. SWM Permits shall terminate automatically upon completion of the project or one (1) year from the date of issuance, whichever occurs first. The applicant may request a one-year extension, which shall be reviewed and shall be granted by the Agent if he/she finds good cause for the extension and that the SWM regulations governing the proposed development have not changed since the date the SWM Permit was first approved.
2. A SWM Permit issued by the Agent under this Ordinance may be revoked or suspended, subject to the provisions of Article VII, for any of the following causes:
 - a. A violation of a condition of the permit.
 - b. Obtaining a permit by misrepresentation or failure to fully disclose relevant facts in the application or storm water management plan.
 - c. A change in a condition that requires a temporary or permanent change in the activity.

Section 3.9 Permit Revisions

Revisions to an approved SWM Permit, permit condition, or approved storm water management plan must first be approved by the Agent. The applicant shall make a written request for the proposed revision(s) to the Agent, including any supporting documentation that the Agent may require as a basis for making a decision regarding the proposed revision. Proposed revisions do not take effect until approved by the Agent, and construction of unapproved plan revisions may be subject to enforcement action.

Section 3.10 Administrative Fee Schedule

1. All fees applicable under this Ordinance shall be specified in a fee schedule determined from time to time by resolution of the legislative body of the City and maintained in the Agent's office.
2. Permit fees shall be directly related to the actual costs of administering the SWM Permit program, including design review, site inspection, enforcement and permit administration.
3. A printed fee schedule shall be made available by the Agent.

4. If the Agent determines that the basic fees will not cover the actual costs of the application review, or if the Agent determines that review of the application and/or participation in the review process by qualified professional planners, engineers, attorneys, or other professionals is necessary or advisable, then the applicant shall deposit with the Agent such additional fees in an amount determined by the Agent equal to the estimated additional costs. The additional fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application is not completed, then the Agent may require the applicant to deposit additional fees into escrow in an amount determined by the Agent to be equal to the estimated costs to complete the review. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete thereby justifying the denial of the application. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application. Any actual costs incurred by the Agent in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the release of a final decision on the application.

Section 3.11 Penalties for Initiating Earth Change Activities without a Permit

Any earth change activity, subject to regulation under this Ordinance, which has commenced without a valid permit, is not proceeding in accordance with an issued SWM Permit, or is in violation of a permit condition shall be considered a violation of this Ordinance and subject to the provisions of Article VII of this Ordinance.

ARTICLE IV STORM WATER MANAGEMENT PLAN REQUIREMENTS

Section 4.1 Storm Water Management Plan Requirements

A storm water management plan shall be prepared for any regulated earth change subject to SWM Permit requirements. The plan shall be designed to effectively manage the runoff from the site to not more than the rate and volume prior to development. Pretreatment of runoff shall be required if deemed necessary by the Agent. Administratively complete plans shall include the following:

1. A map or maps at a scale of not more than two hundred (200) feet to the inch or as otherwise determined by the Agent, including the following:
 - a. A legal description
 - b. Site location sketch which includes the proximity of any proposed earth change to lakes, streams, and wetlands
 - c. Predominant land features
 - d. Contours at not more than 2-foot intervals, or slope description.
2. A written description of the soil types of the exposed land area contemplated for the earth change.
3. A description and the location of the physical limits of each proposed earth change.
4. Location of all lakes, streams, and wetlands partially or completely contained within the boundaries of the site or within fifty (50) feet of the site boundary to the extent that the property owner has the ability of depicting the same.
5. A description and the location of all existing and proposed on-site storm water management facilities and measures.
6. The timing and sequence of each proposed regulated earth change.
7. A description and the location of all proposed temporary storm water facilities and measures.
8. A description and the location of all proposed permanent storm water facilities and measures.
9. Pre and post development storm water calculations.
10. A program for the continued maintenance of all permanent storm water facilities and measures.

11. Other information which the Agent requires to review the impact of the proposed earth change in relationship to the standards and requirements of this Ordinance.

Section 4.2 Site Condominium & Subdivision Requirements

Applicants for site condominium or subdivision plat approval shall submit the same information as in Section 4.1 of this Ordinance and may need to submit additional relevant information including but not limited to the following: off-site watershed boundaries, existing and proposed easements, and proposed drainage system including water movement onto and out of the proposed development.

Section 4.3 General Standards for Approval of Storm Water Management Plans

Approval of a storm water management plan shall be based upon the following general provisions:

1. The Agent shall approve or disapprove storm water management permit applications and plans in accordance with the provisions of this Ordinance and the design standards included and/or referenced in Appendix A.
2. All regulated earth changes subject to review under the requirements of this Ordinance shall be designed, constructed and maintained to provide for the retention/detention of storm water runoff and to protect water quality.
3. Measures required for storm water shall take into consideration natural features, proximity of the site to lakes, streams and wetlands, extent of impervious surfaces, potential for flooding, and the size of the site.
4. Alteration to natural drainage patterns shall not create downstream or off-site flooding.
5. Storm water management plans shall be designed in accordance with the specific design criteria included as "Design Standards", attached and made a part of this Ordinance as Appendix A.
6. All storm water management plans and maintenance agreements shall be recorded with the Charlevoix County Register of Deeds by the Agent, at the expense of the applicant.
7. Storm water management facilities shall be constructed, operated and maintained on the applicant's property, without impact or degradation to downstream conveyance structures or properties. However, the applicant may request a waiver from the requirements for on-site storm water management by written petition to the Agent with the SWM Permit application. Where a request is made for off-site storm water management, the request shall comply with the following general criteria:
 - a. Off-site storm water management areas may be shared between two or more property owners or developments, provided that maintenance agreements have been approved by the Agent and storm water management easements have been obtained and recorded with the Charlevoix County Register of Deeds by the Agent, at the expense of the applicant.
 - b. The storm water management easement shall contain language stating that the easement shall exist as long as said development exists and shall not be modified or terminated without the prior written authorization of the Agent. The Agent may only approve a modification or termination of this easement upon a determination that alternative means are available and will be used to improve the handling and disposition of storm water generated from the development or redevelopment of the site.
 - c. Easements within drainage districts shall require prior approval of the Drain Commissioner.
 - d. Storm water management plan requirements specified in Section 4.3 and the Design Standards included as Appendix A of this Ordinance shall be used as the basis for reviewing off-site storm water management proposals.

ARTICLE V MAINTENANCE, INSPECTION & ACCESS

Section 5.1 Applicability

All temporary storm water management facilities shall be maintained and inspected during the life of the facility to provide adequate protection against adverse impacts from storm water runoff. Permanently installed storm water management facilities shall be routinely inspected and

maintained by the property owner or designated qualified party to ensure the continued and proper operation of the facility for the protection of downstream properties.

Section 5.2 Maintenance Requirements

Where maintenance is required, it shall be performed in accordance with the following general provisions, as well as any specific conditions that may be included with the SWM Permit.

1. All storm water management facilities and measures shall be maintained in accordance with permit conditions.
2. The person(s) or organization(s) responsible for maintenance shall be designated in the storm water management plan or the permit application submitted to the Agent. Options may include:
 - a. The owner(s) of the property.
 - b. Property owners association or other designated qualified party as determined by the Agent, provided that provisions for financing necessary maintenance are included in deed restrictions or other contractual agreements.
3. Maintenance agreements may be required by the Agent when the average annual cost of maintenance is reasonably expected to exceed \$500 per year and shall be required for all site condominium and subdivision plat proposals. When required, maintenance agreements shall specify responsibilities for financing maintenance and emergency repairs, including but not limited to the procedures specified in Sections 5.3 and 5.4 and Article VI of this Ordinance.
4. The Agent is not required to accept the applicant's desired responsible party for maintenance purposes in a given situation. Natural features, proximity of site to lakes, streams and regulated wetlands, extent of impervious surfaces, size of the site and potential need for ongoing maintenance activities will be considered when making this decision, as well as the overall complexity of the storm water management facilities. Where deemed necessary by the Agent, third party maintenance may be required for the adequate protection of sensitive sites, or complex storm water management facilities.

Section 5.3 Inspections

1. The Agent, or his/her authorized agent, shall have the right to conduct on-site inspections of the storm water management facilities to verify compliance with the requirements of this Ordinance, including that maintenance is being performed as required by this Ordinance. Any such inspections may take place before, during, and after any earth change activity has occurred for which a permit has been issued. The Agent or his/her authorized agent shall exercise this right to inspection by written consent of the person having the right to possession of the property, or by administrative search warrant issued by a court of competent jurisdiction. Submission of an application for a permit under this Ordinance shall be deemed as providing written consent for the Agent to conduct on-site inspections of the storm water management facilities.
2. If upon inspection, existing site conditions are found not to be as stated in the permit or approved storm water management plan, the permit may be revoked. No earth disrupting work shall be undertaken or continued, except preventative storm water measures as authorized by the Agent, until revised plans have been submitted and a valid permit issued.
3. Requests for revisions must be submitted to and approved by the Agent in writing before being effective unless approved by the Agent on site. If a change is approved on site, the following shall occur:
 - a. The Agent shall provide written verification of a change and/or revision.
 - b. The permit holder shall provide updated drawings, calculations, etc. to reflect the changes and/or revisions.

Section 5.4 Storm Water Management Easements

1. If any portion of the storm water management facilities will be located on property other than the property on which the storm water will originate, then the owner of the property on which the storm water will originate shall obtain a storm water management easement from the owner of the property on which all or a portion of the storm water management facilities will be located. The storm water management easement shall define the scope of the easement to include at a minimum the legal right of the owner of the property on which the storm water will originate to access the property on which the storm water management facilities will be located for the

purpose of installing, inspecting, and maintaining the storm water management facilities; shall run in perpetuity with the land benefitted by the easement, or until the storm water management facilities are removed, whichever is sooner; and shall be recorded in the office of the Charlevoix County Register of Deeds.

2. A recorded copy of the storm water management easement shall be filed with the Agent prior to the issuance of a SWM Permit.
3. The recorded storm water management easement shall not be revoked, terminated, re-conveyed, or amended without the prior written authorization of the Agent. Any such extinguished or revised storm water management easement shall be recorded in the office of the Charlevoix County Register of Deeds, and a recorded copy shall be filed with the Agent.

ARTICLE VI COMPLIANCE ASSURANCE

Section 6.1 Performance Guarantees

1. Applicants proposing subdivision plats, site condominiums, private road construction projects, or other developments identified by the Agent with a high potential for storm water management problems may be required to post a cash escrow, letter of credit, or other acceptable form of performance security in an amount sufficient to assure the installation and completion of the storm water management plan.
2. Letters of credit shall extend for a minimum of one (1) year with the option of renewal. Money held in escrow, cash deposits, and/or certified checks will be returned to the applicant when the site is completely stabilized to meet requirements set forth by the Agent, and as-built plans of the site, sealed by a State of Michigan Licensed Professional Engineer, are submitted to the Agent.

Section 6.2 Construction Certification by a Registered Professional

1. For any sites that require a professionally prepared site plan in accordance with Section 3.4, a certification letter shall be submitted after any storm water management facilities have been installed to affirm that construction has been completed in accordance with the approved storm water management plan. Unless this Ordinance requires certification by a State of Michigan Licensed Engineer as provided later in this section, the certification letter can be prepared by a registered professional as defined by this ordinance.
2. If there are changes during the course of construction, the Agent may require final "as-built" drawings for final approval of the site work.
3. "Changes during construction", as used in this Section, includes, but is not limited to: unanticipated soil conditions, elevation, acts of God, or other changes in circumstances not anticipated during the initial application, process.
4. Sites Where Certification by a State of Michigan Licensed Engineer is Mandatory
 - a. Certain activities listed under the Michigan Natural Resources and Environmental Protection Act (Public Act 451 of 1994, as amended).
 - i. Part 23, Pretreatment
 - ii. Part 31, Floodplain iii. Part 41, Sewage Systems iv. Part 111, Solid Waste
 - v. Part 115, Hazardous Waste
 - vi. Part 307, Inland Lake Levels
 - vii. Part 309, Inland Lake Improvements viii. Part 315, Dams
 - b. Certain activities listed under the U.S. Environmental Protection Agency, Title 40 of the Code of Federal Regulations.
 - i. Part 112, Spill Prevention, Control and Counter Measures
 - ii. Part 122, Storm Water Pollution Prevention Plan (SWPS)

Section 6.3 Letter of Compliance

Upon receipt and approval of the certification letter, the Agent shall issue a letter of compliance to the property owner.

ARTICLE VII STOP WORK ORDERS & ENFORCEMENT ACTION

Section 7.1 Stop Work Orders

1. If necessary to assure compliance with the permit requirements, standards, and other provisions of this Ordinance or to protect public health, safety and/or welfare, the Agent may issue a stop work order for the purpose of preventing uncontrolled storm water, or other conditions posing imminent and substantial danger to public health, safety, welfare or natural resources.
2. The stop work order, when issued, shall require all specified storm water activities to be stopped. A copy of the stop work order shall immediately be submitted to other state and local agencies with regulatory jurisdiction. Said order shall describe the specific alleged violation and the steps deemed necessary to bring the project back into compliance.
3. If the Agent determines that storm water violations have or will reasonably occur from a parcel of land in violation of this Ordinance, it may seek to enforce the Ordinance by notifying the person who owns the land by mail, with return receipt requested, of its determination. The notice shall contain a description of specific storm water measures which, if implemented by the property owner, would bring the property owner into compliance.

Section 7.2 Enforcement

1. Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws and shall be subject to a fine of not more than Five Hundred and 00/100 Dollars (\$500.00). In addition, any person found responsible for a municipal civil infraction may be subject to an enforcement order issued by the District Court Judge requiring remedial action to bring the property into compliance with this Ordinance. Each day this Ordinance is violated shall be considered as a separate violation.
2. The Agent and any other person designated by the legislative body of the City are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
3. A violation of this Ordinance is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety and welfare.
4. In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Agent may initiate proceedings in the Circuit Court on behalf of the City, to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 7.3 Emergency Action

1. Where necessary to protect public safety or water resources, including lakes, streams, regulated wetlands, and other receiving bodies of water, the Agent, through a Circuit Court abatement proceeding, may seek a temporary restraining order or preliminary injunction from the court authorizing entry onto private property for the purpose of initiating emergency action to abate imminent and substantial danger and risk.
2. Except as otherwise provided through maintenance agreements, the property owner shall reimburse the City and/or Charlevoix County for all expenses incurred as a result of the emergency action, including but not limited to reasonable attorneys' fees, administrative costs, and the costs of any remedial action taken to abate the emergency condition.

ARTICLE VIII APPEALS

Section 8.1 Creation of Appeals Board

An Appeals Board is hereby created which shall consist of five (5) members. The membership and organizational structure of the Appeals Board shall be determined by the City. When discharging its duties under this Ordinance, the Appeals Board shall comply with all requirements of the Open Meetings Act, being Act 267 of the Public Acts of 1976, as amended. The Appeals Board Clerk shall be responsible for providing all required notices for Appeals Board hearings and for taking the minutes of the Appeals Board hearings.

Section 8.2 Right of Appeal

Any person aggrieved by the action or inaction of the Agent related to this Ordinance may appeal to the Appeals Board. Such appeal shall be made in writing and shall be filed with the Appeals Board Clerk within thirty (30) calendar days of the decision that is being appealed. Any appeal that is not filed in a timely manner shall be dismissed by the Appeals Board. The written appeal shall state the order, requirement, decision, or determination that is being appealed, the sections of this Ordinance that relate to the appeal, and those facts relevant to the appeal, which support the basis for the appellant's claim.

Section 8.3 Appeals Process

Upon receipt of an appeal, the Appeals Board Clerk shall direct the Agent to transmit to the Appeals Board a summary report of all previous action taken on the subject of the appeal, a copy of any permits issued, and the appellant's written statement. The Appeals Board will then adhere to the following general process:

1. Within fifteen (15) calendar days of receiving a completed application, the Appeals Board Clerk shall schedule a hearing date before the Appeals Board. The Appeals Board Clerk shall send a written notice specifying the time, date, and place of the Appeals Board hearing to the appellant and to all land owners within three hundred (300) feet of the subject parcel and shall publish a copy of the hearing notice in a newspaper of general circulation within the City where the subject property is located. The notice shall be mailed and published no less than fifteen (15) days before the scheduled hearing. The Appeals Board shall hold the hearing within sixty (60) calendar days from receipt of a completed application.
2. The appellant shall deposit with the Appeals Board Clerk when the appeal is filed the required fee, as specified in the fee schedule adopted under Section 3.10.1 of this Ordinance. The fee shall be used to cover the cost of handling said appeal including compensation for Appeals Board members and associated administrative costs.
3. If the Appeals Board Clerk determines that the basic fee will not cover the actual costs of the appeal, then the appellant shall deposit with the Appeals Board Clerk such additional fees in an amount determined to be equal to the estimated additional costs, including costs which may be incurred by the Agent. The additional fees shall be held in escrow in the appellant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and the appeal is not completed, the Appeals Board Clerk may require the appellant to deposit additional fees into escrow in an amount determined to be equal to the estimated costs to complete the appeal. Failure of the appellant to make any required deposits shall be deemed to make the appeal incomplete thereby justifying denial of the appeal. Any unexpended funds held in escrow shall be returned to the appellant following final action on the appeal. Any actual costs incurred in excess of the amount held in escrow shall be billed to the appellant and shall be paid by the applicant prior to the release of a final decision on the appeal.
4. The Appeals Board may affirm or reverse, wholly or in part, a decision of the Agent. In deciding an appeal, the Appeals Board shall determine:
 - a. Whether the Agent properly interpreted and applied this Ordinance in making the decision.
 - b. Whether the specific situation has circumstances that warrant a variance from the standards of this Ordinance. Where the Appeals Board has determined that a variance from the standards of this Ordinance may be warranted, the Board may grant the appellant a variance from any design standard, setback, or other provision contained within this Ordinance, provided that such variance complies with the following general standards:
 - i. The variance will not adversely impact adjacent property owners or downstream properties in any material way.
 - ii. The variance is necessary to grant the appellant substantial relief from a hardship that would otherwise be imposed by strict enforcement of this Ordinance.
 - iii. The variance granted is the minimum deviation from the requirements of this Ordinance necessary to do substantial justice to the appellant. The Appeals Board may include such conditions or limitations on any variance issued to ensure that granting the relief requested will not substantially prevent, nor result in less, effective management of storm water runoff.
 - iv. Granting of the variance would not knowingly be in conflict with other regulatory requirements.

- v. The need for the variance is due to circumstances that are unique to the property in question and not due to any act or omission of the property owner, a prior property owner, or a past or present occupant of the property.
5. The decisions of the Appeals Board shall in all instances be final administrative decisions, shall be in writing, and shall include specific findings of fact by the Board, and further, shall be subject to such judicial review as by law may be provided.

ARTICLE IX SEVERABILITY

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

ARTICLE X EFFECTIVE DATE

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

ARTICLE XI REVISIONS

The Agent shall review this Ordinance at least biannually, and make recommendations for amendments if needed. The recommendations of the Agent shall be transmitted to the legislative body of the City of Charlevoix.

APPENDIX A

City of Charlevoix Storm Water Ordinance Design Standards

Temporary Storm Water Management Standards

1. Temporary storm water management facilities shall be installed by the applicant and inspected by the Agent before grading, filling or grubbing is initiated.
2. Where permanent storm water management facilities, such as detention or retention basins are proposed for use during construction as a temporary storm water management measure, the construction sequence and grading plan shall be designed for the proper and effective implementation of these facilities.
3. Temporary storm water management measures shall be maintained throughout the duration of the earth change, including the later stages of development. Maintenance activities may include, but are not limited to removal of accumulated sediment, structural repairs, and reseeding or replacement of temporary vegetative covers.
4. Temporary storm water management facilities shall be designed in accordance with the Michigan Department of Environment, Great Lakes, and Energy (EGLE) Best Management Practices (BMP) Guide Book for Michigan Watersheds.
5. At a minimum, during construction all regulated earth changes shall be required to provide temporary storm water management that either contains the volume of runoff generated from a 10-year, 24-hour design storm on-site for all disturbed area, or to provide silt fencing or other permeable barriers that will manage the flow of storm water discharging off-site, diffusing it and releasing it at reduced velocities, where such discharge will not adversely impact downstream properties.

Permanent Storm Water Management Standards – General

1. Storm Water Management Plan Preparation
 - a. For regulated activities on sites that exceed 1 acre, the Agent may require the Storm Water Management Plan is prepared by a registered professional as defined by this ordinance.
 - b. For regulated activities on sites that exceed 1 acre, the Agent may request that the submitted site plan be reviewed by one or more registered professionals contracted by the Agent. The costs incurred for such review(s) shall be the responsibility of the applicant. The applicant shall deposit with the Agent such fees in an amount determined by the Agent equal to the

estimated costs. The fees shall be held in escrow in the applicant's name and shall be used solely to pay these costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application is not completed, then the Agent may require the applicant to deposit additional fees into escrow in an amount determined by the Agent to be equal to the estimated costs to complete the review. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete, thereby justifying denial of the application. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application. Any actual costs incurred in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the release of a final decision on the application.

- c. If the applicant disputes the Agent's need for outside professional assistance in the review of the submitted plans, or the professional(s) selected, the applicant has the right to appeal the Agent's decision to the Appeals Board, who shall be responsible for making the final decision.
2. On-site storm water management facilities which minimize adverse impact to downstream properties shall be required for all sites unless a proposal for off-site storm water management has been approved. Storm water management facilities may include, but are not limited to: retention basins/ponds, detention basins/ponds, wet basins, storm water treatment units, controlled outfall structures, and rain gardens or other bio-filtration systems.
3. The Michigan Department of Environmental Quality "Urban Stormwater Best Management Practices Manual" will be used as a reference as well as the following manuals: "Controlling Urban Runoff" by the Metropolitan Washington Council of Governments; "Designing Stormwater Quality Management Practices" by the University of Wisconsin, Madison; and the "Design of Stormwater Filtering Systems" by the Center for Watershed Protection.
4. Retention and detention basins shall have an emergency overflow system. The overflow system shall be designed to accommodate flow from a 100-year storm event, or as otherwise required by the appropriate State of Michigan agency.
5. If the storm water facilities for a 50-year storm cannot discharge to a stream, lake or wetland without causing scouring, flooding or pollution on site or downstream, then the basin shall be designed to hold or infiltrate storm water from a 100-year, 24-hour frequency storm event.
6. Sites that are located in areas serviced with a municipal storm system, and that have the prior approval of the municipal system owner, may discharge storm water to that system after it has been treated with an approved separator system that removes sixty percent (60%) of sediments. The applicant shall be responsible for all costs incurred to the municipal system to accommodate any storm water discharged to the system from the site.
7. The rainfall amounts for Charlevoix County shall be the numbers given by the Natural Resources Conservation Service for a 24-hour duration and are as follows: 1-year storm equals 1.8 inches; 2-year storm equals 2.2 inches; 5-year storm equals 2.7 inches; 10-year storm equals 3.0 inches; 25-year storm equals 3.5 inches; 50-year storm equals 3.9 inches; 100-year storm equals 4.2 inches.
8. The maximum grade for the side slopes of any storm water retention or detention basin shall be no greater than 3:1 (horizontal to vertical) for vegetated basins. Where, due to site limitations, this maximum side slope grade cannot be met, the Agent may grant an increase in the slope, provided additional stabilization (beyond seed and mulch) is proposed.
9. Storm water basins with permanent pools of water of three (3) foot depth or greater with side slopes steeper than one (1) on six (6) shall have one or more of the following safety features:
 - a. Safety ledges at the basin perimeter which are at least ten (10) feet wide
 - b. Aquatic vegetation surrounding the basin which discourages wading
 - c. Fencing to prevent unauthorized access to the basin.
10. Storm water detention basins shall not be constructed in regulated wetlands unless approved by the appropriate State of Michigan agency and/or the Army Corps of Engineers.

11. Storm water detention basins which impound five (5) acres or more and have a head of six (6) feet or more shall meet dam construction permit requirements in Part 315 of Act 451 of 1994, as amended, administered by the Michigan Department of Environmental Quality.
12. Whenever possible, a created wetland or other bio-filtration area shall be incorporated into storm water management facilities to assist removal of soluble pollutants that cannot be removed by conventional settling. Sediment carried off by runoff shall be required to settle out prior to discharge into the created wetland or other bio-filtration area.
13. Storm water management basins designed for retention, detention or infiltration shall be isolated from septic systems and water wells by fifty (50) feet or more. Variations in the required setback may be granted by the Health Department of Northwest Michigan prior to the issuance of a Charlevoix County Storm Water Management Permit.
14. New fueling stations will be required to install an approved separator system for sites that discharge storm water off-site. Existing fueling stations that are modifying more than twenty five percent (25%) of their existing impervious surfaces will be required to install an approved separator system if they discharge storm water off-site.

Retention Basin Design

1. Small projects in areas that have less than one-half (0.5) acre of impervious surface shall be allowed to have runoff retention stored at two inches (2") of runoff from all impervious surface areas in lieu of detailed hydrologic calculations.
2. At a minimum, retention basins created in soils with permeability greater than 1.3 inch per hour shall have the storage capacity to hold the increase in runoff volume generated by the earth change.
 - a. The required volume shall be calculated by comparing the undeveloped conditions for a 2-year, 24-hour frequency storm event to the developed condition for a 25-year, 24-hour frequency storm event. Soil permeability rates are listed in the following table:

Soil Texture & Structure	Permeability (Inches/Hour)
Coarse Sand and Medium Sand	6 or more
Fine Sand and Loamy Sand	3 – 6
Sandy Loam	2 – 3
Loam, Sandy Clay Loam	1.3 – 2
Clay Loam, Silt Loam, Clays, Silts, Muck, Peat, Marl	Less than 1.3

The retention basin shall be designed to drain within seventy two (72) hours.

3. At a minimum, retention basins, which are created in soils with permeability less than 1.3 inch per hour, shall be designed to store runoff from back-to-back 50-year, 24-hour rainfall events.

Detention Basin Design Standards

1. When using the Natural Resource Conservation Service Method, the volume of a detention pond is to be calculated based upon a 50-year, 24-hour storm with the developed site conditions and with an allowable outflow of a 10-year, 24-hour storm based upon the pre-existing site conditions or 10% of the flow rate calculated by the 50-year developed site conditions analysis. [The TR-55 program does not accept lower values than ten percent (10%) of the developed rate.]
2. The allowable peak discharge rate from a permanent storm water management measure may be a staged rate. The maximum allowable peak discharge rate shall not exceed the peak discharge rate from the project site prior to the proposed development for all of the following 24-hour storm events: 2-year, 5-year, 10-year, 25-year, and 50-year. In no event shall the discharge exceed the ability of the downstream condition to convey the flow without damage to abutting properties.
3. All sites with greater than one (1) acre of impervious surface will require the detention outflow to be directed to approved storm systems or have the approval of adjacent property owners, with documented easements, or one can release at a 2-year before construction rate if it can be determined that there is not a flooding hazard on the adjacent property. Low porosity in the soils in the area of discharge and depressions in the land would be examples of reasons to deny detention out-flowing at a 2-year rate. Sites that

have three (3) acres or more of parking area must in addition have an approved separator system to remove impurities before discharging to the detention/retention pond or install an approved treatment forebay.

Storm Water Separator Design Standards

1. Approved separators are to remove a minimum of sixty percent (60%) of sediments.
2. Treatment forebay criteria – The treatment forebay is designed to store the “first flush” of pollutants typically found in urban storm water runoff, and to capture initial flush pollutant loads.
 - a. The treatment forebay shall be a wet basin or approved structure with an impermeable bottom and sides to the design high water level.
 - b. Sizing – The treatment forebay shall be sized to store the water quality volume (V^{wq}) defined as one-half (0.5) inch of runoff from the directly connected impervious area. This volume can be included in the overall flood control volume.
 - c. The minimum required water quality volume is given by the equation:

$$V^{wq} = 1815 A 1$$

Where: V^{wq} = Water quality volume (cft)
1815 = 0.5 inch of runoff x 3,630 to convert ac-in to cft
 A = Contributing drainage area (ac)
1 = Percent impervious expressed as a ration

- d. Capacity for the water quality volume shall be provided above the normal water level.
- e. The overflow structure from the treatment forebay shall be sized for the peak inflow from the design rainfall event.
- f. The top-of-berm elevation between the treatment forebay and the infiltration basin shall be a minimum of one (1) foot below the outer berm elevation.
- g. The treatment forebay shall have a minimum 1-foot-deep sump below the inlet pipe for sediment accumulation.
- h. The outlet structure from the treatment forebay shall be designed to draw water from the central portion of the water column with the forebay to trap floatables and contain sediments. The top of the inlet structure shall be located a minimum of one (1) foot below the normal water level, and the invert shall be a minimum of one and one-half (1.5) feet above the bottom of the treatment forebay.
- i. Material – Treatment forebays shall be lined with impermeable materials extending up to the design high water elevation. A minimum 18-inch-thick clay layer, or an impermeable liner protected with a minimum of twelve (12) inches of soil cover are acceptable alternatives. Maximum allowable permeability shall be 0.0001417 inch/hour as determined by a geotechnical engineer for clay placement, or manufacturer’s certificate for line products.

Underground Storm Water Management Facilities

1. If the use of storm water retention or detention basins, either on-site or off-site is not feasible and the permeability of the soils is greater than 1.3 inch per hour, the installation of underground drainage systems (catch basins / manholes with open bottoms with stone and/or run(s) of perforated piping) may be allowed if they provide for detention or retention volumes as stated in these Charlevoix County Storm Water Ordinance guidelines. The perforated piping and dry basin structure(s) cannot be considered to provide for any outflow when calculating volumes for the detention system design. All underground drainage systems must provide the following:
 - a. Catch basins or separator systems, sediment basins, silt traps for storm water flowing to the underground drainage system

- b. An approved overflow system
 - c. Adequate provisions for maintenance
2. The required detention volume may be reduced by the Agent by an amount not to exceed fifty percent (50%) if rain gardens are implemented and demonstrate the ability to accommodate an equivalent amount of storm water.

Ordinance No. xxx 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



426 Bay St., Petoskey, MI 49770
231-347-1181

November 12, 2019

Charlevoix City Council
210 State Street
Charlevoix, MI 49720

Dear Council Members and Mayor Kurtz,
As you know, during and after new development and redevelopment projects, the control of storm water and subsequent runoff is critical to maintaining high water quality. We are writing to ask for your vote in favor of the proposed Storm Water Control Ordinance to address storm water protection that is needed for Lake Charlevoix.

The proposed ordinance does not add any costs to standard development practices. These requirements safeguard neighboring property owners, city streets, and water resources. They are also Best Management Practices that provide a potentially significant cost-savings to developers by preventing circumstances that usually result in lawsuits. The ordinance should also save neighborhoods and communities a lot of money and headaches, far into the future.

Because we have an EGLE and US EPA approved Watershed Management Plan in place, this area is eligible for numerous grants to implement the plan and keep Lake Charlevoix healthy and protected. Various Watershed Plan partners are working on fixing road stream crossings, doing shoreline restoration projects, monitoring water quality, and meeting with local government officials to talk about site-specific challenges. Additionally, since the township and village governments in the watershed moved so strongly to adopt these basic protections back in 2012, it opened the door to even more investment in the region. Creating a similar set of Storm Water Control Ordinance standards for the cities in the watershed will further compliment these efforts and continue bringing vital economic investment to our beautiful area.

Thanks, in advance, for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Grenetta Thomassey".

Grenetta Thomassey, PhD
Tip of the Mitt Watershed Council

CHARLEVOIX CITY COUNCIL

Public Hearings and Actions Requiring Public Hearings

TITLE: Ordinance 811: Noise Control

DATE: November 18, 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 adopt Ordinance 811 of 2019, an ordinance to amend Title IX, Chapter 91, Section 91.26(B) of the Charlevoix City Code.

Motion to adopt Resolution 2019-11-02 to add a Construction Hours Waiver Fee to the *Schedule of Rates, Fees & Charges*.

ATTACHMENTS:

- ▣ Ordinance
- ▣ Resolution

**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

CITY OF CHARLEVOIX
RESOLUTION NO. 2019-11-02
AMENDED RATES, FEES & CHARGES ASSOCIATED WITH THE FISCAL BUDGET

WHEREAS, the City of Charlevoix assumes the adoption of rates, fees and charges for various services they provide in order to pay for those services in whole or in part as proposed in their annual budget; and

WHEREAS, the City of Charlevoix defines these amounts in the *Schedule of Rates, Fees & Charges*; and

WHEREAS, the Charlevoix City Council wishes to incorporate in one Resolution all amendments to fees, rates and charges under the purview of the City Manager.

NOW THEREFORE BE IT RESOLVED that the Charlevoix City Council hereby adds a Construction Hours Waiver Fee of \$350 to the *Schedule of Rate, Fees & Charges*, effective November 18, 2019.

RESOLVED, this 18th day of November, 2019 A.D.

Resolution adopted by the following yea and nay votes:

Yeas:

Nays:

CHARLEVOIX CITY COUNCIL

Public Hearings and Actions Requiring Public Hearings

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

DATE: November 18, 2019

PRESENTED BY: Jonathan Scheel, Zoning Administrator

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 hold a hearing to consider the request for action in this matter in accord with Chapter 91, Section 91.10.

RECOMMENDATION:

Motion to approve the order for repairs of 102 W. Upright Street and demolition of 104 W. Upright Street pursuant to the Hearing Officer's order given pursuant to Chapter 91.10 of the Charlevoix City Code and authorize City Staff to take all necessary actions for promulgation of these orders.

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

All Other Actions and Requests

TITLE: Organizational Meeting

DATE: November 18, 2019

PRESENTED BY: Joyce M. Golding, City Clerk

BACKGROUND:

Section 2.15 of the City Charter requires that Council hold an organizational meeting at the first meeting of the Council after the November General Election. The meeting shall be held for the purpose of organization at the usual place for holding meetings of the legislative body of the City. Council is asked to consider the following items:

Meeting time -- The regular meetings of the Council shall be held at least twice each month. These meetings shall be held at the City Hall unless otherwise provided. The *Rules of Procedure for City Council*, Rule 1c sets the meetings as the first and third Mondays of the month at 6:00 p.m., unless Monday is a legal holiday, at which point the meeting moves to the following Tuesday at 6:00 p.m. The City Charter allows the Council to set the day and time of its meetings. If Council would like to change its meeting dates and times, a resolution would need to be drafted to amend the Rules of Procedure. Any change would not take place until January 2020, but a decision needs to be made now in order for the Clerk to meet required posting and advertising deadlines for the coming year.

Deputy Mayor -- Section 2.9 of the City Charter requires that the Council elect one of its members to serve as Deputy Mayor at the organizational meeting of the Council. The Deputy Mayor shall serve until the next organizational meeting of the Council or until a successor takes office. Council member Cole currently serves as Deputy Mayor.

RECOMMENDATION:

Motion to set 2020 City Council meetings for the first and third Mondays of the month at 6:00 p.m .

Motion to appoint (re-appoint) *Councilmember Name* as Deputy Mayor.

CHARLEVOIX CITY COUNCIL

All Other Actions and Requests

TITLE: Discussion: Short-Term Rental Regulations

DATE: November 18, 2019

PRESENTED BY: Scott Howard, City Attorney; Mark L. Heydlauff, City Manager

BACKGROUND:

In follow-up to your last work session on the topic of Short-Term Rentals, I have updated the draft ordinance language to reflect some of your discussion. I remind you this is a work in progress.

The Zoning Administrator is reviewing the nature of the registrations we have received to see how they fit within the notion of two categories of rental units; this will help us determine how a cap of 110 might be split between the two, kept as an overall number, or tweaked.

The City Attorney will be present to answer your legal questions on this topic as we look toward revising the language once again.

RECOMMENDATION:

Council discussion and direction

ATTACHMENTS:

- ▣ Short-term Rental Ordinance Draft Version 3

Section 1: Purpose

The City Council finds the rental of dwelling units in the City of Charlevoix provides value to our local economy but also brings with it negative externalities affecting the year-round quality of neighborhoods, housing supply, and health and safety. The City Council has enacted this regulatory ordinance to strike a regulatory balance between the interests of community residents, business owners, visitors, and property owners.

The community has different expectations for noise, occupant loads, and transient activity in its residential neighborhoods than it does in commercial, and even mixed-used zones where hotels are currently permitted. The renting of a home on a short-term basis is substantially more like a business than traditional residential use.

Section 2: Definitions

When used in this chapter, the following words and phrases shall have the meanings hereafter ascribed to them:

Section 3: Registration required

- (a) All dwelling units used for short-term rentals for more than 14 days per calendar year shall be registered with the city and licensed as stipulated in this chapter. The advertisement or rental of an unregistered dwelling unit for a total 14 days or more weeks during a calendar year is prohibited. Registration shall be issued by calendar year. All short-term rental registrations shall expire at the end of the calendar year and must be renewed each year.
- (b) The Zoning Administrator shall develop a form(s) to properly carry out this ordinance. The registration form shall collect not less than the following information and other items as the Zoning Administrator may deem effective for implementation of this ordinance:
 - a. Name, address and telephone number of the property owner and/or local agent for the dwelling unit;
 - b. The street address of the dwelling unit, along with other identification if more than one dwelling unit has the same street address;
 - c. The number of bedrooms in each dwelling unit and in the dwelling as a whole;
 - d. The number of weeks the dwelling unit is available for short term rental each calendar year;
 - e. A statement certifying that the property owner or a local agent will provide at least one copy of the city's good visitor guideline materials to the renters each time the dwelling unit is rented;
 - f. A statement indicating which year the dwelling unit was first used as a short-term rental, and for how many weeks it was rented in the previous calendar year; and
- (c) There shall be a fee for registration collected at the time of registration. Council shall set a fee from time to time by resolution; such fee may vary depending on the type of property, dwelling, or other distinction Council may deem advisable.

Section 4: Types of Short Term Rentals

- (a) Personal units. Personal units may be rented up to 28 days per calendar year when the owner is not present or unlimited when the property owner is present and living on-site.

- (b) Business units. Business units may be rented without restriction.

Section 5: Restrictions

- (a) Registration for both types of units will be capped at 110 total between both unit types. Not more than annually, Council may amend this cap by resolution.
- (b) Preference for registrations will be as follows:
 - 1) First, properties duly registered prior to July 1, 2019 and whose principle owner at the time of registration was and remains a person whose principle residence is in the City of Charlevoix and who can demonstrate rental history within the past calendar year.
 - 2) Second, properties duly registered prior to July 1, 2019 but whose principle owner at the time of registration was not or is not currently a person whose principle residence is in the City of Charlevoix and who can demonstrate rental history within the past calendar year.
 - 3) Third, properties duly registered prior to July 1, 2019 but which does not fall under either of the above categories.
 - 4) Fourth, all other properties which might qualify for registration and licensing.
- (c) The Zoning Administrator is empowered to develop a method for registration in accordance with this provision.
- (d) Short-term rental shall follow applicable regulations found within chapter 153 of the Charlevoix City Code.

Section 6: Regulations

- (a) *Local agent required.* All dwelling units used for short-term rentals shall have a designated local agent.
- (b) *Contact information posted.* A notice shall be posted in a prominent location within any dwelling unit used for short-term rentals stating (in at least 16-point type) the name of the local agent, a 24-hour telephone number with which the agent can be reached.
- (c) *Compliance with codes.* The dwelling unit must meet all applicable Residential Building, Health Department, Nuisance and Safety Codes.
- (d) *Noise and nuisance.* Noise during quiet hours must be limited to that which does not disturb the quiet, comfort or repose of a reasonable person of normal sensitivities. Quiet hours shall be from 11:00 p.m. to 7:00 a.m. The city's Noise Control Ordinance shall apply.
- (e) *Fireworks.* Fireworks of any kind are not allowed on rental property, except in accordance with the city's Fireworks Ordinance.
- (f) *Maximum occupancy.* Short-term rentals shall be permitted maximum occupancy of 2 persons per bedroom (above the age of 12 years) as described in the registration and as may be verified by inspections from time to time; no rental shall be permitted for more than 10 persons except those units in operation and registered with the City prior to July 1, 2019 which may have clearly indicated occupancy up to 16 or two per bedroom. No dwelling unit used as a short-term rental may be built or modified hereafter to exceed to limitation of 10 persons as described above.
- (g) *Parking Restrictions.* Based on lot and neighborhood characteristics, the Zoning Administrator may place reasonable restrictions on the number and manner of vehicle parking.
- (h) *Fee.* Short-term rentals shall pay a fee as City Council may, from time to time, establish by resolution, to account for costs related to the enforcement, community impact, and other customary fees and costs associated with short-term lodging which may already be allowed within the City.
- (i) *Inspections and conditions.* Not less than once every other calendar year and/or upon written complaint, the Zoning Administrator may make periodic inspections of a short-term rental to

ensure continuing compliance with the approval standards specified in this chapter. In addition, the Zoning Administrator may impose reasonable conditions on a registration issued under this chapter which are reasonably necessary to ensure compliance with the approval standards provided in this chapter.

Section 7: Revocations and Appeals

Revocation procedure. The written notice of the charges and the notice of the hearing shall be personally served on the owner or agent or served on the owner by certified mail, restricted delivery, no less than 21 days before the hearing before the Zoning Administrator.

1. Upon a finding by the Zoning Administrator of a first violation within any 12-month period, the short-term rental registration may be suspended for up to 30 days and during said time the premises shall not be utilized for a short-term rental.

2. Upon a finding by the Zoning Administrator of a second violation within any 12-month period, the short-term rental registration shall be suspended for 30 days and during said time the premises shall not be utilized for a short-term rental.

3. Upon a finding by the Zoning Administrator of a third violation within any 12-month period, the short-term rental registration shall be revoked and the owner or local agent who had been issued the short-term rental registration shall not again be issued a short-term rental registration for a period of 12 months and during said time the premises shall not be utilized for a short-term rental. Appeal from denial or suspension or revocation of a short-term rental registration is allowed.

Appeals. Upon a determination by the Zoning Administrator that the registration of a dwelling unit is subject to revocation pursuant to division (C)(5) above, the Zoning Administrator shall issue a notice to the owner and agent stating that the city intends to revoke the rental registration. The notice shall inform the owner and local agent of a right to a hearing to show cause as to why the registration should not be revoked. If a hearing is requested within 14 days of the service of the notice, the city shall schedule the hearing before the Zoning Board of Appeals and notify the owner and agent in writing of a time and place for that hearing. At the hearing, the owner and agent may present evidence that the requirements for revocation provided in division (C)(5) above are not satisfied, or that the property owner and agent should not be held responsible for one or more of the three requisite violations due to extenuating circumstances. Extenuating circumstances may include circumstances that the owner or the owner's agent could not reasonably anticipate and prevent, and could not reasonably control. The Zoning Board of Appeals shall independently determine whether there is competent, material and substantial evidence establishing a violation of this division (C), and/or whether there is competent, material and substantial evidence establishing that extenuating circumstances exist.

CHARLEVOIX CITY COUNCIL

All Other Actions and Requests

TITLE: Brookside Cemetery Chapel

DATE: November 18, 2019

PRESENTED BY: Leilani Durbin, Silver Linings Charlevoix

BACKGROUND:

As Council will recall, Leilani Durbin presented early this fall on a concept she and several folks in the community had to improve and update the Chapel at Brookside Cemetery. Since that time, the group, known as Silver Linings Charlevoix, has been undertaking a variety of assessments with local experts like Performance Engineers and other key volunteers with technical knowledge of building trades.

Ms. Durbin will present her findings to you and also discuss with Council the need to undertake significant structural repairs to the roof of the building. Some years ago, the City shored up the walls of the building but it appears a design flaw from the very beginning will continue to cause structural problems until the roof supports are modified. For restoration of the Chapel to continue by SLC, it would be wise and necessary for the City to undertake corrective structural work on the roof of the building. Once this work is complete, SLC believes they can continue working with local contractors, tradespersons, and artisans to restore the building to useful condition and add a columbarium.

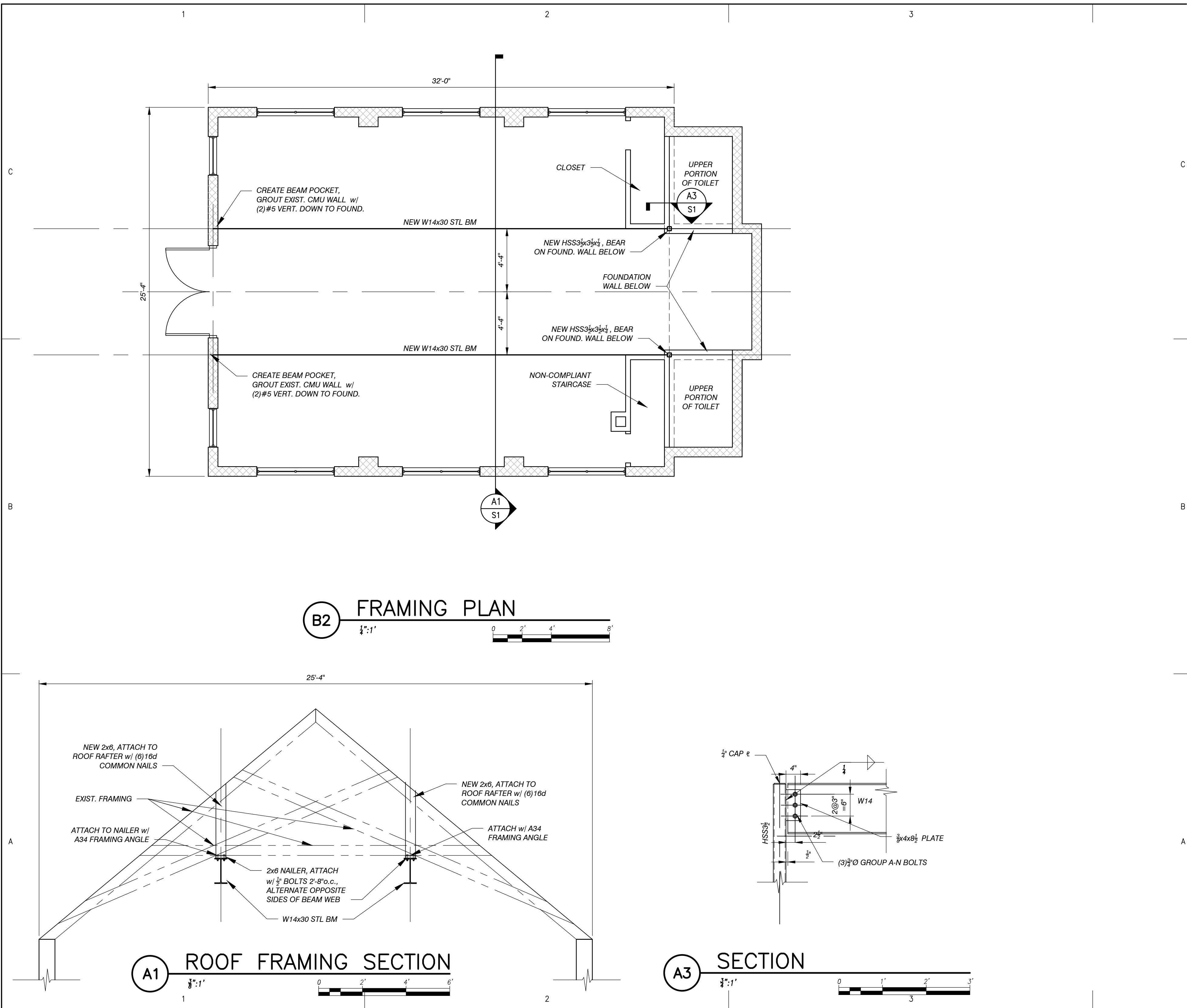
RECOMMENDATION:

Council discussion and direction.

ATTACHMENTS:

- ▣ Brookside Chapel Draft Roof Plan

K:\PROJECTS\5284\DWG\5284PLAN.DWG - PLAN - PLOTTED 11/16/2019 2:08 PM BY BOB BOMIER



Performance Engineers, Inc.

Civil / Structural Engineering
406 Petoskey Avenue
Charlevoix, Michigan 49720
Phone: (231) 547-2121
Fax: (231) 547-0084
www.performanceeng.com

BROOKSIDE CHAPEL RESTORATION
CHARLEVOIX, MICHIGAN

MARK	DATE	DESCRIPTION
1	11/16/19	FOR PRESENTATION ONLY

PROJECT NO: 18-5284
CAD DWG FILE: 5284PLAN.DWG
DRAWN BY: RMB
DESIGNED BY: RMB
CHECKED BY:

SEAL

SHEET TITLE
ROOF REINFORCEMENT DETAILS

S1
SHEET 1 OF 1

CHARLEVOIX CITY COUNCIL

Reports and Communications

TITLE: City Manager Comments

DATE: November 18, 2019

PRESENTED BY: Mark L. Heydlauff, City Manager

BACKGROUND:

A. PFAS Update

The City of Charlevoix Water Treatment Plant has participated in the Michigan Department of Environment, Great Lakes, and Energy (EGLE) state-funded monthly PFAS (per-and polyfluoroalkyl substances) monitoring program. Our water system was tested each month from April thru October of 2019 and all results have been "non-detected." An initial test in April 2018 showed a trace level of PFAS at our plant; we are pleased to receive this longitudinal testing showing us at non-detect levels.

PFAS are a large group of manmade chemicals that are fire resistant, and repel oil, stains, grease, and water. They are used in fire-fighting foams, stain repellants, nonstick cookware, waterproof clothing and shoes, fast food wrappers, personal care products, and many other consumer goods. These chemicals are very persistent, meaning they do not break down easily in the environment.

B. Airport Incident Response Improvements

The week following the emergency landing of a Fresh Air Aviation aircraft on Friday September the 13th a post incident review meeting was held. Representatives from Fire, EMS, City Police, and the Charlevoix Hospital were present. It was mutually agreed that under the circumstances, the outcome was about as good as you could hope for.

Although the outcome was good, we all agreed that some aspects could have been better. Probably the most critical element had to do with the time it took our emergency personnel to access the airfield. Currently our emergency responders have proximity cards that grant them access to our airfield. The vehicle must pull up to the card reader and stop so the driver can flash the card in front of the reader. In the case of a Fire Engine, the driver must get out of the Fire Engine because the driver sits too high. The driver then must wait for the gates to open enough to allow them to drive through. To better equip our first responders, the airport has ordered and will provide 5 gate clickers to each the Fire, EMS and City Police Departments. The clickers are very similar to garage door openers, in that the operator of the vehicle can open the gate from a distance. Each of the clickers will have the ability to operate 4 separate gates.

When seconds matter, our first responders will be able to access the airfield quicker and those providing critical care will be able to exit the airfield and get those patients to the hospital sooner.

C. Green Team Update

Earlier this year, I appointed a Green Team for our city comprised of staff from various departments along with a couple non employees who have been looking at ways to improve our sustainability efforts, specifically as we do business. I am pleased to report we achieved Bronze Level status with the Michigan Green Communities Challenge. When I met with Assessor Joe Lavender and Recreation Director Kent Knorr, who co-chair the team, we believe our goal for next year should be Silver Level. In the past year, thanks to the work of my Environment and Sustainability Intern, Blake Schulman, we have benchmarked our utility consumption for all our municipal properties and thus we have data to start tracking our efforts

to reduce and be more efficient. Future steps include how we can recycle more in our operations, including in public. This is especially important as the cost of trash removal increases.

D. BIBCO Update

On Wednesday, we held the final community meeting for the BIBCO Dock Study. In short, Edgewater Resources recommends making low-impact improvements to the existing ferry dock location, improving the boat launch, and considering a parking structure downtown that can serve both parking needs for BIBCO and general public parking needs. They'll be coming to City Council on December 2 to discuss this plan with you.

E. Budget and Goal Process

At your meeting Monday, I'll outline a potential plan of work sessions and meetings for adoption of next year's budget. Department heads are already at work and nearly finished with their recommendations to me. We will begin reviewing those with Council in early January. I would suggest a work session ahead of your December 2 meeting to review City Goals and action steps for the coming year.

F. MDOT Open House

On the evening of November 20, MDOT will be hosting an open house at the Library to discuss construction plans for next year and to review the changes made to US 31 in this past year. Specifically, they'll be addressing upcoming work to the bascule bridge, the new stoplight and crossing configuration for Clinton and Bridge Streets, and future work planned for a section of US 31 south of Charlevoix.

ATTACHMENTS:

- ▣ Planning Commission Minutes

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, October 14, 2019 - 6:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

A. Call to Order/Pledge of Allegiance

The meeting was called to order at 6:00 p.m. by Chair Chamberlain.

B. Roll Call

Chair: Sherm Chamberlain
Members Present: Ben Edwards, Toni Felter, Brian Gelb, David Gray, Dennis Halverson, Jennifer Muladore, Phillip Parr, RJ Waddell
Members Absent: None
Staff Present: Kathy Egan, Community Planner; Jonathan Scheel, Zoning Administrator

C. Inquiry into Potential Conflicts of Interest

Chair Chamberlain stated that the company he works for was contacted by Midtown Builders for work on their project so he will recuse himself from Item G.3. He disclosed that his company was also contacted by the O'Brian family who live just south of the Jess proposal (Item G.2.) who wanted to know where the boundary lines were, but he felt there was no conflict.

D. Approval of Agenda

Motion by Member Felter, second by Member Muladore to approve the Agenda as presented. Motion passed by unanimous voice vote.

E. Approval of the Minutes

1. September 9, 2019 Meeting Minutes

Motion by Member Waddell, second by Member Gray to approve the minutes of September 9, 2019 as presented. Motion passed by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. New Business

1. Public Hearing Special Land Use Permit: John and Linda Eaton, 206 W. Carpenter Street – Bed and Breakfast

Zoning Administrator Scheel explained that this is a request for a Bed and Breakfast which is an allowed use with a Special Use permit. This property is in the R-1 District and is located at 206 W. Carpenter Street. The lot is approximately 10,700 sq.ft. A 1,200 sq.ft. dwelling and a 780 sq.ft. accessory building (garage) exist on the lot. The surrounding properties were zoned as R-1 as single family homes with one adjacent empty lot. Zoning Administrative Scheel stated that the project was subject to a Level B site plan review. He further detailed the specifics contained in the staff report and review standards. Member Waddell questioned if there were any bed and breakfasts or other uses in the area of this home and Zoning Administrator Scheel stated that there were none. He stated that the current owner owned three adjoining lots.

Mr. John Eaton, applicant, stated that he and his wife wished to purchase 206 Carpenter Street and operate it as a Bed and Breakfast with four rooms for rent.

The public hearing was opened.

Don Seeley, 1217 State Street, was concerned that this would be an attempt to circumvent the temporary ban on short-term rentals. He stated that operating a 3-4 bedroom rental would be like putting a hotel in the neighborhood. He noted the minimal lot size and he questioned that if it was a four-bedroom house where would the owners stay. Chair Chamberlain stated that the owners would have to live within the home. Mr. Eaton stated that there was also a finished basement with a bathroom.

The public hearing was closed.

Zoning Administrator Scheel reviewed information regarding traffic patterns, accessory buildings, and structures previously on the subject lots. Discussion followed regarding the five parking spaces, light spillage to the neighboring properties, and turning radius for accessing the parking area. Mr. Eaton agreed that he would install landscaping or fencing if the parking area became a problem for the neighboring lots.

Under item (6) of the Staff Report, the last section which started "the commercial and office uses..." was an error in the report and would be deleted. After Commission discussion, Zoning Administrator Scheel noted three additional potential conditions

including: that the fifth parking space be paved or graveled instead of grass; potential screening from the adjacent lot; and potentially keep the cement up to the property line next to the garage.

Motion by Member Felter, second by Member Waddell to approve Project 2019-01 SU based on specific findings of fact that the application does meet the review criteria in Chapter 153.253 with conditions as contained in the staff report, and two additional conditions including: 1) graveling or paving the 5th parking space to match the other four spots, and 2) screening parking from the adjacent lot. Motion passed by unanimous voice vote.

2. Public Hearing Rezoning Request: Robert J. Jess, 904 May Street – Conditional Rezoning

Zoning Administrator Scheel explained that this is a request for a Conditional Rezone of a large R-1 Single Family lot located at 904 May Street to R-4, Multi-Family High Density. The lot is approximately 10,700 sq.ft. A 2,100 sq.ft. building and a 780 sq.ft. accessory building (pole barn) exist on the lot. The adjoining properties to the north are a public school, multiple blocks to the southwest that are zoned R-4 High Density, and directly across the street is also R-1 zoning. The existing building is dilapidated and has been empty for some time. The buyers plan to refurbish the existing structure it into 3-4 apartments ranging from micro units of 300 sq.ft. up to potentially larger units of 1,200 sq.ft. The existing pole barn will have storage space available to renters of the apartments only. The exterior would be re-sided, and landscaping would be added.

Chair Chamberlain stated that conditional rezones have to be very use specific and the conditions that are set forth will run with the property. He understood that the physical structure will remain the same and the storage building in the back will remain the same, but all other conditions of the R-4 zoning district will remain in effect. He stated that there was a bit of confusion because the rezone request on page 32 states that "it is proposed that the property will be put into the following uses: rental/office, residential and office" but then when you read page 29 it conflicts with that language. He stated that by going to R-4, there is a minimum standard of 660 sq.ft. for an apartment, and to request a 300 sq.ft. micro unit the applicants would have to go before the Zoning Board of Appeals.

Mr. Robert Jess, applicant, stated he was not aware of the 660 sq.ft. requirement for apartments so that may wipe out the micro units and maybe it would just be 2 or 3 apartments. He stated his intention was to leave the roof line as is, and fix the siding with either cedar shake or vinyl siding. Chair Chamberlain questioned if the applicant would be willing to tear out the basketball court if it did not meet zoning standards and Mr. Jess stated that he would if it was required. Chair Chamberlain questioned if he was withdrawing the request for 300 sq.ft. units and complying with the R-4 zoning standards and Mr. Jess agreed.

Zoning Administrator Scheel clarified that the request was for conditional rezoning approval and the project would come back before them for site plan approval. The applicant will be required to comply with R-4 zoning standards.

The public hearing was opened.

Don Bryant stated that he lived just to the south of the subject property and he was not enthused about having apartments next door to his home. He felt with creative design the property could be converted into a very nice single-family home.

The public hearing was closed.

Member Waddell stated that he understood Mr. Bryant's position and he appreciated the effort to make some affordable housing units, but it is an R-1 neighborhood and was concerned about spot zoning. Member Halverson stated that it would be hard not to classify the current building as an eyesore and it currently adversely affects property owners. Discussion followed regarding the existing building condition, possible spot zoning, conditional rezoning issues, workforce housing, and the need for affordable housing units. Mr. Jess agreed to remove the office use from the application.

Motion by Member Halverson, second by Member Edwards to recommend Project 2019-01 RZ for approval based on specific findings of fact that the application does meet the review criteria in Sections 5.25 and 5.133, and accepting the R-4 zoning with the following provisions: building and accessory unit remaining the same volume, maximum of 3-4 apartments, and all parking, landscaping and setback lines in the R-4 zoning district would be complied with. Motion passed by unanimous roll call vote.

Zoning Administrator Scheel stated that the Planning Commission was recommending approval of the rezoning request with the final decision to come before the City Council on November 4, 2019.

3. Site Plan Review Midtown Development, Inc., 115 Pine River Lane – Residential Development

Chair Chamberlain left the dais. Zoning Administrator Scheel stated that the applicant was requesting site plan approval for a 14-unit site condominium which requires a Level B Site Plan Review. The applicant is proposing building seven two-unit

2,200 sq.ft. duplexes. The property was zoned R-4 High Density Residential. The adjacent land uses included a bed and breakfast to the north, single-family residences to the east and west, the Weathervane Hotel, a site condominium, and the Pine River Channel to the south. The application meets the submittal requirements. He noted that there were numerous letters from neighbors included in the agenda packet.

Tim Burton, Midtown Development President, stated that he came before this body about five years ago for a high-end development but did not have enough commitments to go forward with that project. He stated that they were presenting a more modest proposal which would be marketed as single-family homes. Zoning Administrator Scheel stated that they preferred the 12-unit site condominium (20' wide single-family homes with one duplex).

The public hearing was opened.

Kristen Jones, 113 Pine River Lane, stated that this proposal takes up two sides of her property. She asked the Commission to examine the density appropriate for the residential neighborhood (west side of Pine River Lane). She questioned if the proposal was for residences or sort of commercial hospitality hiding under the designation of R-4 zoning and she felt that those were questions that the Commission was charged to consider. She expressed concerns about traffic, safety and parking spaces. She asked the Commission to delay its decision until things were sorted out.

Linda Weston, 110 Burns Street, who owns a condo in the Weathervane Terrace, stated she had nothing against putting what it is zoned for on the subject property, but the infrastructure leading to the property and the whole street is in need of repair.

Harry Golski, Attorney for the Lake House Association, stated that the Lake House was uniquely impacted because it shares a long boundary with this proposed development. He stated the landscaping and buffering between the Lake House property and the project is minimal at best. He noted that the situation was made worse by safety concerns "caused by the movement of the hill". He referenced the photographs attached to his submittal today that show the hill is a Lake Michigan dune. He stated that this was going to create an enormous amount of storm water runoff because there would be no natural terracing. He advised the Commission to pay close attention to the permeable surface area of this project. Mr. Golski stated that the Lake House community is not adverse to development, but a cramped development using every square inch of property and making no provision for storm water runoff or for protection of the slope was not favorable. The Association felt the Commission should ask the developer for an independent storm water runoff, safety evaluation and slope stabilization study by an engineering firm selected by the Planning Commission.

Larry White, Charlevoix Country Inn owner, felt that the whole project had very little greenspace. He stated that he was very concerned with the back end of the development because there was approximately 4' between the back of his property line and paved turn around space for the project. He stated he would like at least 3-4' of landscaping.

Beverly Eby, 125 Pine River Lane, was concerned about lack of greenspace, extra traffic in the neighborhood, the road erosion on the channel side and trees along there that are covered with grapevines.

The public hearing was closed.

Member Waddell commented that the Commission needed to vote to extend the meeting beyond 8:00 p.m. Motion by Member Halverson, second by Member Gray to continue the meeting beyond 8:00 p.m. Motion passed by unanimous voice vote.

Member Halverson questioned if the plan meets the zoning designation and will there be any Zoning Board of Appeals' requests or deviations from what is written. Zoning Administrator Scheel stated there are 3-4 red-lined areas in his report where they could decide if it did or did not meet the standard.

Zoning Administrator Scheel stated that all the parking areas are permeable pavers. He noted that the Public Works and Electric Department directors voiced no concerns on the ability to deliver utilities to the project. Discussion followed regarding no outdoor space, no place-making aspect to this project, lack of landscape buffer, turning radius for emergency vehicles, and concerns regarding lack of adequate information with the submitted application. There was discussion back and forth with the developer regarding various aspects of the plan.

Member Waddell proceeded to review the standards. Discussion ensued on the following sections:

- 153.072 (2)(b), Parking - *The plan shows parking for each unit between buildings. Planning Commission to decide if parking setback standard applies to single family detached homes.* The proposed parking is set back 10' from property lines instead of the required 20'. After discussion, the Commission agreed that the project met this standard.
- 153.187(h) requires 1.5 parking spaces per dwelling unit thus this development needed 21 parking spaces; the

proposal for the development included 26 parking spaces. Minimum parking space requirements shall not be exceeded unless approved by the Planning Commission. After discussion, Member Waddell stated that he felt that the Commission would approve the additional parking spaces.

- 153.189(a)(1), the plan does not show any snow capacity or language showing how snow will be dealt with. Verbally the Zoning Administrator was told a snow blower will be used instead of plowing and excess snow will be removed from the property. The Commission agreed that the snow blowing option met the criteria.
- 153.189(E), dimensions for parking spaces. The proposed development shows one type of parking space: 90 degree parking which requires 9' width, 18' length, and a maneuvering width of 24'. The proposal shows 9' width, 18' length, and a maneuvering width of 20' which did not meet the 24' requirement. The developer advised that driving on the sidewalk could be used for vehicles to maneuver onto the driveway. The Planning Commission found that the proposed development does meet this requirement.
- 153.171 (H), Landscaping, Off-street parking areas. Verbally the Zoning Administrator was told that 15 bushes and two trees will be added to the rear of the buffer area. A retaining wall and a fence were also included on the plans. After discussion and review of the plans, the Planning Commission found that the proposed development does meet this requirement, and they would address the property to the east as part of the motion.
- Storm water – the proposed plan shows two rain garden holding areas for all storm water. Staff recommendation was that the Commission should require an engineered stamped storm water plan. Mr. Burton stated that they would be required to retain all storm water on site, and submit engineered storm water plans to the County as well.
- Landscaping – (7), Trees and shrubs shall not be placed closer than four feet to a fence, wall or property line. Discussion followed. Planner Egan advised that it was not the Commission's job to redesign a site plan; they need to rule on what is presented to them. She stated that the current rendering of the site plan does not meet the standards of the Ordinance.
- (5) Except for access drives or private streets determined by the Planning Commission to be necessary to provide safe access to a property, a building, structure or parking lot shall not encroach within a required buffer area. The back drive does encroach into the buffer area, therefore the proposed development does not meet this requirement.

Member Waddell summarized that the Commission has a problem with the back road meeting the standards for a buffer, they have requested an engineered storm water plan, and they have asked for natural screening between the development and Ms. Jones' property to the east.

Zoning Administrator Scheel stated that the Planner suggested that they table the item until the next meeting to allow the applicant time to address the standards that were not met. Planner Egan stated that they would be tabling the item for more information needed to make a decision.

Motion by Member Felter, second by Member Edwards to table Project-2-SP until the next Planning Commission meeting. Motion passed by unanimous roll call vote with Chair Chamberlain abstaining.

H. Old Business

Chair Chamberlain returned to the dais. Member Waddell recalled that they were going to include a discussion regarding rooftops on a future agenda. He asked for a report for the next meeting on the four Zoning Board of Appeals cases that were scheduled earlier this month.

I. Staff Updates

Chair Chamberlain stated that he and Members Felter and Muladore went to a class in Petoskey where he learned that any of their personal documents can be subpoenaed for review on any zoning issue. Planner Egan advised that the Novus Agenda System should include all of their notes.

Member Halverson commented that tonight was the second time that the Fire Chief failed to provide written documentation which substantiates his review of the development site plans that come before them.

J. Request for Next Month's Agenda or Research Items

K. Adjournment by 8:00 PM Unless Extended by Motion

Motion by Member Halverson, second by Member Muladore to adjourn the meeting. Motion passed by unanimous voice vote. Meeting adjourned at 9:27 p.m.