

CITY OF CHARLEVOIX
CITY COUNCIL SPECIAL MEETING MINUTES
Saturday, April 4, 2020 – 2:00 p.m.
Remote Participation

The meeting was called to order at 2:00 p.m. by Mayor Kurtz.

1. Access Instructions

In order to be in compliance with Governor Whitmer's Executive Order 2020-21 which prohibits in-person work not necessary to sustain or protect life, this Special Meeting was held remotely in accordance with Executive Order No. 2020-15 which grants temporary authorization of remote participation in public meetings due to the COVID-19 pandemic.

2. Roll Call

Mayor:	Luther Kurtz
Members Present:	Greg Bryan, Shane Cole, Aaron Hagen, Janet Kalbfell, Tom Oleksy, Brian Slater
Members Absent:	None
City Manager:	Mark L. Heydlauff
City Attorney:	Scott Howard
City Clerk:	Joyce Golding

3. Inquiry Regarding Conflicts of Interest

Mayor Kurtz and Hagen disclosed that they both have businesses in town, but did not see a conflict.

4. Public Hearings and Actions Requiring Public Hearings

A. Emergency Ordinance to Require Essential Businesses Implement Safety Precautions and Restrict the Use, Operation and Licensing of Certain Lodging Establishments

The Mayor opened the public hearing at 2:00 p.m.

As a result of the April 3rd Special Council Meeting, this revision covers certain other lodging establishments and ensures travelers staying at hotels and motels are there for essential services. Further, this ordinance requires all essential businesses comply with health and sanitation practices outlined by the Health Department of Northwest Michigan.

Questions were asked and answered regarding health practices and how that would be managed.

The item was open to public comment. Eleven members of the public were heard. The public hearing was closed at 3:07 p.m.

Council agreed to change the wording in Section 4 to "strongly encourage" participation in an employee screening plan along with defining a short-term rental as 28 days in Section 2.

Motion by Slater, second by Oleksy to approve Emergency Ordinance 817 of 2020 as amended.

CITY OF CHARLEVOIX
ORDINANCE NO. 817 of 2020

**ORDINANCE TO REQUIRE ESSENTIAL BUSINESSES TO IMPLEMENT SAFETY PRECAUTIONS TO LIMIT THE SPREAD OF COVID-19;
RESTRICT THE USE OF HOTELS OR MOTELS;
AND TO TEMPORARILY SUSPEND THE OPERATION AND LICENSING OF SHORT-TERM RENTALS**

An emergency ordinance to temporarily suspend the operation of and issuance of licenses to short-term rentals under Section 114.01 et seq. of the Code of the City of Charlevoix; to restrict use of hotels and motels to only those uses allowed by Executive Order 2020-21; and to require essential service businesses to implement certain safety precautions to limit the spread of COVID-19, effective immediately.

WHEREAS, by means of Executive Order 2020-21 issued on March 23, 2020, Governor Gretchen Whitmer has prohibited in-person work not necessary to sustain or protect life and ordered all individuals currently living within the State of Michigan to stay at home or at their place of residence subject to certain exceptions in order to suppress the spread of novel coronavirus COVID-19;

WHEREAS, under the Order, the only applicable exception is for the provision of shelter to the "economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities";

WHEREAS, the Governor has indicated that, for purposes of the Order, the term "otherwise needy individuals" includes anyone residing in a hotel or motel at the time the order was issued or anyone seeking shelter during the current pandemic and that hotels and motels may also remain open to the extent they are used for COVID-19 mitigation and containment efforts and to serve critical infrastructure workers;

WHEREAS, on March 31, 2020 the Health Department of Northwest Michigan, in collaboration with the Northern Michigan Public Health Alliance, issued a health advisory warning of the substantial strain that increased population to the northern Michigan area may place on essential services including but not limited to groceries and health care, and advising "[a]ll individuals traveling to seasonal homes or returning home from areas with community spread should self-quarantine for 14 days upon arrival to your destination";

WHEREAS, the Health Department of Northwest Michigan has created COVID-19 Business Guidelines for essential service businesses which include screening guidelines and instructions for proper cleaning and disinfection of surfaces;

WHEREAS, the City of Charlevoix City Council finds that allowing the ongoing operation and permitting of short-term rentals within the City promotes the movement of people for reasons contrary to Executive Order 2020-21 and that may exacerbate the spread of COVID-19; and

WHEREAS, the City of Charlevoix City Council finds that adoption of this Emergency Ordinance is necessary to protect the health, safety, and welfare of its citizens.

Now, therefore, the City of Charlevoix ordains:

Section 1. EMERGENCY ORDINANCE. The ongoing COVID-19 pandemic has caused a state of emergency to exist in the State of Michigan and the City of Charlevoix.

Section 2. TEMPORARY SUSPENSION OF THE OPERATION AND LICENSING OF SHORT-TERM RENTALS. Pursuant to § 114.03 of the Code of Ordinances for the City of Charlevoix, all dwelling units used for short-term rentals must be registered and licensed with the City. The operation and licensing of short-term rentals within the City of Charlevoix is suspended for the duration of Executive Order 2020-21 and any subsequent Executive Order extending the duration of the Governor's order for individuals to stay at home or at their place of residence, or any equivalent order from the federal government. Short-term rentals may be used to house individuals residing at a short-term rental at the time the order was issued; to house economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities; or to house persons for COVID-19 mitigation and containment efforts and to serve critical infrastructure workers so long as the City of Charlevoix is notified of the use and the person residing in the short-term rental and is provided with a copy of a signed declaration that they are staying at the short-term rental in compliance with the Governor's executive orders relating to COVID-19. For purposes of this Ordinance, short-term rental includes the rental of any dwelling unit for a period of 28 days or less.

Section 3. OPERATION OF A HOTEL OR MOTEL. Vacation or leisure stays at a hotel or motel within the City of Charlevoix are prohibited for the duration of Executive Order 2020-21 and any subsequent Executive Order extending the duration of the Governor's order. All hotels and motels shall only operate in compliance with Executive Order 2020-21 and all future executive orders pertaining to COVID-19. All guests at hotels and motels shall sign a declaration that they are staying at the hotel or motel in compliance with the Governor's executive orders relating to COVID-19 and the hotel or motel shall keep a copy of the signed declaration for all persons staying at the establishment.

Section 4. OPERATION OF ESSENTIAL SERVICE BUSINESSES. All businesses operating under the governor's order as essential businesses or must review the COVID-19 BUSINESS GUIDELINES for essential service businesses as posted by the Health Department of Northwest Michigan. At a minimum, all said businesses must create and adopt an employee screening plan and cleaning plan following the screening and cleaning guidelines provided in the COVID-19 BUSINESS GUIDELINES within seven days of the adoption of this Ordinance. Additionally, each business must post a copy of page 3 of said guidelines in at least two conspicuous locations in the place of business. All five pages of the guidelines must be made available for review by each employee as part of the employee screening program. The essential businesses may and are strongly encouraged to create a log to document compliance with the screening requirements and cleaning guidelines at the business. Businesses will provide the City with copies of the adopted plans upon request by the City.

Section 5. PENALTY. Any person who violates this Ordinance shall be subject to the provisions of Executive Order No. 2020-21 and to the payment of such fines, fees, and costs for municipal civil infractions as are provided in Revised Judicature Act, MCL 600.8701, et seq. and Section 10.99 of the Charlevoix Code of Ordinances.

Section 6. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed. This Ordinance does not repeal § 114.03 of the Code of Ordinances but imposes, among other things, a temporary suspension of operation and licensing for short-term rentals. Such operation and licensing for short-term rentals may resume upon the expiration or repeal of this Emergency Ordinance.

Section 7. PUBLICATION. As provided in Section 5.4(c) of the City Charter, this ordinance shall be effective immediately.

Adopted this 4th day of April, 2020.

Ordinance No. 817 was adopted on the 4th day of April, 2020 A.D. at a special meeting of the Charlevoix City Council and takes immediate effect.

Motion by: Slater
 Seconded by: Oleksy
 Yeas: Hagen, Kalbfell, Cole, Slater, Oleksy
 Nays: Bryan
 Absent: None

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Motion by Cole, second by Kalbfell to direct Staff to, within its discretion, not enforce the requirement that a short term rental not advertise during the period of time Ordinance No. 817 is in place even if they do not have their license from the City.

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

Motion by Hagen, second by Kalbfell to allow applications but holding the payment of fees until the end of restrictions under the Executive Order.

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

Nays: None

The Mayor opened the floor to public comment and six comments were heard.

Motion by Kalbfell, second by Cole to direct Staff to delay inspections for the 2020 rental season and start inspections January 1, 2021.

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

Nays: None

5. Reports & Communications

A. Public Comments

- A nurse from McClaren was concerned about limited resources and folks coming from downstate

B. City Manager Comments

- Late fees on utility bills have been waived month-by-month
- Thanks to Staff working while City Hall is closed and those in the field

C. Mayor & Council Comments

- Kalbfell expressed gratitude to City workers
- Slater stated that the reason for this ordinance was to protect the public
- Bryan thanked the City Manager
- Cole and Oleksy thanked the City Manager and kudos to Council for a job well done
- Hagen thanked the public for participating in this meeting
- Mayor thanked Staff and Council for working hard to approve this ordinance

6. Adjourn

Mayor Kurtz adjourned the meeting at 4:03 p.m.

Joyce M. Golding

City Clerk

Luther Kurtz

Mayor