



MAIN STREET DDA

AGENDA

CITY OF CHARLEVOIX CITY COUNCIL REGULAR MEETING

Monday, October 30, 2017- 7:00 PM

Council Chambers, 210 State Street, Charlevoix, MI

-
- 1. Call to Order**
 - 2. Pledge of Allegiance**
 - 3. Roll Call**
 - 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. DDA/Main Street Meeting Minutes - September 25, 2017
- B. Wayfinding Signage Cost Amendment

- 6. Reports**

- A. Directors Report

- 7. Old Business**

- 8. New Business**

- A. Facade Improvement Grant- 108 VanPelt
- B. Facade Grant Guidelines
- C. Reserved Parking Spaces
- D. Downtown Peddling/Petitioning

- 9. Public Comment**

- 10. Request for Future Agenda Items**

- 11. Board Comments**

- 12. 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 MAIN STREET MISSION

The mission of the Charlevoix Main Street program is to strengthen the year-round economic vitality of our vibrant historic business district through community efforts, events, and public/private partnerships while fostering a sense of community pride and ownership.

CITY OF CHARLEVOIX
210 STATE STREET CHARLEVOIX , MICHIGAN 1 49720
Charlevoix Main Street DOA
(231) 547-3257 lindseyd@cityofcharlevoix.org

Consent Agenda

TO:

FROM:

SUBJECT: DDA/Main Street Meeting Minutes - September 25, 2017

DATE: October 30, 2017

ATTACHMENTS:

- ▣ DDA/Main Street Minutes - September 25, 2017

CITY OF CHARLEVOIX
CHARLEVOIX DOWNTOWN DEVELOPMENT AUTHORITY/MAIN STREET MINUTES
Monday, September 25, 2017 at 5:30 p.m.
210 State Street, Charlevoix, Michigan

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

Chair: Kirby Dipert
Members Present: Richard Christner, Fred DiMartino, Luther Kurtz, Carissa Mullaney, Maureen Owens, Rick Wertz
Members Absent: Tami Gillespie, John Yaroeh
City Staff: Lindsey Dotson, Executive Director

4. Inquiry into Potential Conflicts of Interest

5. Consent Agenda

- a. Minutes of the August 28, 2017 Regular Board Meeting
- b. Committee Meeting Minutes
- c. Main Street Monthly Report for August 2017

Member Owens stated with regards to the Board Meeting minutes she did not recall the need to specify color on the posts so she requested that the reference to "black posts" be removed. She also stated that the adjourned time was 6:56 not 7:56 p.m.

Motion by Member Wertz, second by Member Owens, to approve the Consent Agenda with the above changes.
Motion passed by unanimous voice vote.

6. Reports

a. Director's Report

Director Dotson stated that she received a letter of resignation from Farmers Market Manager Chris Leese, but she will be finishing the season. She stated with recent challenges that Boyne City has faced in filling their Market Manager position they talked about combining and posting the jobs together, essentially making the posting more attractive. The Board concurred with the suggestion to combine the advertising/posting for the position.

b. Branding Update

Director Dotson discussed the new Brand Guidelines. She stated that the "brand rollout" will be gradual and would include incorporating the new brand into items as they come up for purchase, i.e., business cards, letterhead, signage in addition to designing graphics and ads related to events and wayfinding.

c. Wayfinding Signage Update

Director Dotson stated that City Council approved the DDA's recommendation for the signs with the logo on the bottom. Pro Image will attend the next Design Committee meeting to discuss pricing for the first phase of sign production and installation along with specifics for placement. Discussion followed about new or existing poles for the signage, locations for the signage, and the upcoming Design Committee meeting.

7. Old Business

8. New Business

a. Letter of Support for Bridge Lights Project

Director Dotson stated that Leilani Durbin and her team were asking for a letter of support from the DDA as the group plans to take the proposal to City Council on October 2nd and then to MDOT. Ms. Durbin stated that Paul Belding who was the visionary behind this project passed away on September 1st and she promised him that she would help bring this project to fruition. She stated that if they went through the regular channels of the Main Street Program that it could take 2-3 years to complete and they were hoping to fast track the project. Ms. Durbin felt confident with the community and DDA support that they could get City Council on board with the project. She

stated that she would involve the Design Committee, but basically Mr. Belding's design was white lights along the bottom of the arch, lights along the pathway and possibly lighting the railing as well. She stated that she had two lighting companies come forward with the idea of product donations to support the project. Estimated cost of the project: \$200,000–\$300,000.

Discussion followed regarding the history of this project, whether the project is within the DDA District, lighting of the bridge all year, and project specifics. Ms. Durbin read the letter of support from the Chamber of Commerce. Mayor Kurtz felt that they should enthusiastically support this project and discuss how to make some sort of contribution in the future.

Motion by Member DiMartino, second by Mayor Kurtz, that the DDA show enthusiastic support of the possible lighting of our bridge. Motion passed by unanimous voice vote.

9. Public Comment

10. Request for Future Agenda Items

11. Board Comments

12. Adjourn

Motion by Mayor Kurtz, second by Member Mullaney, to adjourn the meeting. Motion passed by unanimous voice vote. Meeting adjourned at 6:02 p.m.

Joyce Golding/fgm

City Clerk

Kirby Dipert

Chair

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Charlevoix Main Street DOA
(231) 547-3257 lindseyd@cityofcharlevoix.org

Consent Agenda

TO: DDA/Main Street Board

FROM: Mark L. Heydlauff, City Manager

SUBJECT: Wayfinding Signage Cost Amendment

DATE: October 30, 2017

BACKGROUND:

At your last meeting, you approved Pro Image Design to build and install phase 1 of the wayfinding signage project for a cost not to exceed \$50,000. However they had not actually prepared a cost projection for this phase. Their proposal is for \$52,500. I would propose you amend the approval to increase the cost to \$52,500 though I have also secured off setting revenue from the Charlevoix County Community Foundation to support wayfinding to the Lake to Lake Trail. This funding comes from the original Lake to Lake Trail Fund. As such, the cost to the DDA will not exceed your original approval.

Authorize Pro Image Design to implement Wayfinding Phase 1 for a cost not to exceed \$52,500 and accept, with thanks, the grant from the Charlevoix County Community Foundation.

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Reports

TO: Chair Dipert and the DDA/Main Street Board

FROM: Mark L. Heydlauff, City Manager

SUBJECT: Directors Report

DATE: October 30, 2017

BACKGROUND:

A. Apple Fest Shuttle

Rich Bergmann and the Charlevoix Area Chamber of Commerce helped put the Charlevoix County Transit to use as a shuttle service during the recent Apple Fest. Given the short notice we had getting it ready, I believe it was very successful. We'll be meeting next week to review ways to improve it in the future and apply those lessons to other festivals and special events.

B. BIBCO Floor

The floor in the reception area of the Beaver Island Boat Company Office is failing and should be replaced. I will be reviewing the lease but apparently the DDA paid for floor repair several years ago. Assuming it is our full responsibility, I will solicit bids from local firms and bring you a recommendation at your next meeting. Winter would be an optimal time to complete this project.

C. Acting Director

For the next couple of months, I expect to be acting as the DDA Director. Thankfully we have many dedicated volunteers, who can help with our programming.

D. November 2 Site Visit

On November 2, we will meet with a property developer to improve our recruitment skills for new businesses. We will also learn how to "sell" ourselves to new business prospects. I look forward to learning what we do well and how we can improve. Major support for this visit is being provided by Alison Hubbard of the Charlevoix Area Chamber of Commerce, Amanda Wilkin and Katherine Forrester of the Charlevoix Convention and Visitors Bureau, and Carissa Mullaney. This is a very time-consuming project but should prepare us well for the future.

E. Paperless Agendas

The City Council moved this summer to paperless agendas and we are now making this transition for the DDA/Main Street Board. It reduces staff time to prepare the packet and also reduces costs for paper and distribution. iPads are available in the Council Chambers for viewing of the packet during the meeting and you can review the whole packet on the device of your choice at home. I'll be able to demonstrate this Monday evening. We'll work over a couple of months to phase this in but the first change you'll notice is the format for the preparation of this packet.

Committee Updates

Organization Committee- did not meet

Promotions Committee- Preparing for Restaurant Week and looking ahead at summer activities

Economic Vitality Committee- Preparing for Main Street Visit on November 2 and updating the market study

Design- Continuing work on wayfinding and facade grant projects

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New Business

TO: DDA/Main Street Board

FROM: Main Street Design Committee

SUBJECT: Facade Improvement Grant- 108 VanPelt

DATE: October 30, 2017

BACKGROUND:

Stoneycroft Farms, LLC and property owner Ron Way have acquired the former Seeley Printing building on Van Pelt Place. They applied for the facade improvement grant program and received a favorable opinion from the Design Committee though the grant is split in two parts. In the current fiscal year, a grant of \$3,285 would be awarded to assist with the cost of new siding and trim. In FY 2019, a grant of \$9,085 to also work on siding and trim and window replacement. You can see full details of the plan in your packet.

By approving the first phase grant, you will close out your budgeted funds for this year's Facade Improvement Grants. If you approve the second phase, you will be committing funds that have not yet been budgeted for next fiscal year.

Board discussion and direction.

ATTACHMENTS:

- Stoneycroft Farms LLC Application



Charlevoix Main Street Façade Incentive Grant Program Application

PHASE I FALL 2017

Applicant's Name: RON WAY Phone # 231-675-7764

Business Name STONECROFT FARMS LLC

Property Owner's Name Ron Way

Project Address 108 VAN PELT

Parcel # LOT 8

Mailing Address (Applicant) 05768 BARNARD
CHARLEVOIX, MI. 49720

The work to be performed in connection with the Charlevoix Main Street Façade Incentive Grant Program, for which the Applicant will be reimbursed, is outlined below:

Improvement(s) Planned (check whichever applies)

☐ Exterior brick or wall surface cleaning

☐ Pointing of brick/Mortar joint repair

☐ Patching and painting of façade walls

☒ Window and/or door replacement/repair

☐ Cornice repair and/or replacement

☒ Other (please specify) NEW SIDING & TRIM

Façade(s) Impacted (check whichever applies)

☒ Front ☒ Rear ☒ Side ☐ Corner lot

Total Cost of Improvement \$ 6570.8

Incentive Amount Requested \$ 3285.00

The following information must be submitted with your application to ensure quick processing:

1. Project Improvement Plans drawn to scale, if applicable



**Charlevoix Main Street Façade Incentive Grant Program
Application**

PHASE II SPRING 2018

Applicant's Name: RON WAY Phone # 231-675-7764
Business Name Stuycroft farms LLC
Property Owner's Name Ron Way
Project Address 108 VAN PELT
Parcel # 8
Mailing Address (Applicant) 05768 BARNARD RD
Charlevoix, MI. 49720

The work to be performed in connection with the Charlevoix Main Street Façade Incentive Grant Program, for which the Applicant will be reimbursed, is outlined below:

Improvement(s) Planned (check whichever applies)

☐ Exterior brick or wall surface cleaning

☐ Pointing of brick/Mortar joint repair

☐ Patching and painting of façade walls

☒ Window and/or door replacement/repair

☐ Cornice repair and/or replacement

☒ Other (please specify) new Siding & trim

Façade(s) Impacted (check whichever applies)

☒ Front ☒ Rear ☒ Side ☐ Corner lot

Total Cost of Improvement \$ 18,170.04

Incentive Amount Requested \$ 9,085.00

The following information must be submitted with your application to ensure quick processing:

1. Project Improvement Plans drawn to scale, if applicable

2. Samples of paint colors to be used in façade improvements
3. Photograph(s) of existing condition of property
4. Historic photo of building(s), which can be found in the archives of the Charlevoix Historical Society
5. Proposed budget and detailed cost estimates for work
6. Written permission by property owner, if tenant
7. Proof of payment of taxes (available at Charlevoix City Hall)
8. \$250 application fee (check payable to Charlevoix Main Street)
9. Proof of project funding

The Applicant certifies and agrees to the terms and conditions set forth below:

1. The Applicant is the owner or tenant of a property in the Charlevoix Main Street Façade Incentive Grant Program Target Area as outlined in the Charlevoix Main Street Façade Incentive Grant Program Guidelines Exhibit "A", hereinafter referred to as "Program Guidelines".
2. The Applicant is in good standing with the City of Charlevoix in terms of payment of taxes and utilities.
3. The Applicant agrees to be bound by the rules as outlined in the Façade Grant Incentive Program Guidelines and should consult the Downtown Charlevoix Design Guidelines (see Exhibit C) when making decisions regarding the aesthetic quality of the façade design.
4. All improvements to be undertaken will be consistent with all applicable zoning and building codes. Further, if review is necessary by the Charlevoix Planning Commission in accordance with the Charlevoix Zoning Ordinance, the review will be conducted before the work on the façade begins. Applicant must pay all relevant fees.
5. Only the work that is outlined on the application will be eligible for reimbursement.
6. The project must be completed within one year of approval of the application. There are no extensions of grant funds. The project is not eligible for reimbursement if the work is not completed during the approved time period.
7. Funds are awarded on a reimbursement basis. Disbursement of funds shall be made only after the entire project is complete and certified by City staff and the grant inspector to be in compliance with the approved design. The work must also adhere to any required inspections (e.g. Charlevoix County) before funds are disbursed for reimbursement. The Applicant must submit copies of invoices, receipts and an itemized statement of the total cost of the project, signed by the applicant. All documentation for payment must be provided at one time to Charlevoix Main Street for one payout, and the receipts must be provided no later than fifteen (15) months after the application has been approved. Payment will be made to the applicant by Charlevoix Main Street within 4-6 weeks. Charlevoix Main Street will only make checks payable to the Applicant. The amount of the reimbursement must adhere to the Program Guidelines. The specific amount is outlined in the application.
8. The Applicant understands that he/she is responsible for the construction management for the entire project.

9. The grant money awarded will be in keeping with the Façade Grant Incentive Program

Guidelines and shall not exceed the amount as outlined in the application.

10. It is expressly understood and agreed that the Applicant shall be solely responsible for all safety conditions and in compliance with all federal, state, and local safety conditions, safety regulations, building codes, ordinances and other applicable regulations.

11. The applicant shall, at his/her own expense, indemnify, protect, defend and hold harmless Charlevoix Main Street and/or its agent and employees, from all claims, damages, lawsuits, costs, and expenses, for any property damage, personal injury or other loss relating in any way to the Charlevoix Main Street Façade Incentive Grant Program.

12. The Applicant understands that he/she is responsible for the maintenance of the façade improvements described here for a period of ten years from the project completion.

Applicant's Signature [Signature] Date 9/10/17
Property Owner's Signature [Signature] Date 9/10/17

Complete and return to:

Charlevoix Main Street
210 State Street
Charlevoix, MI 49720
(231) 547-3257

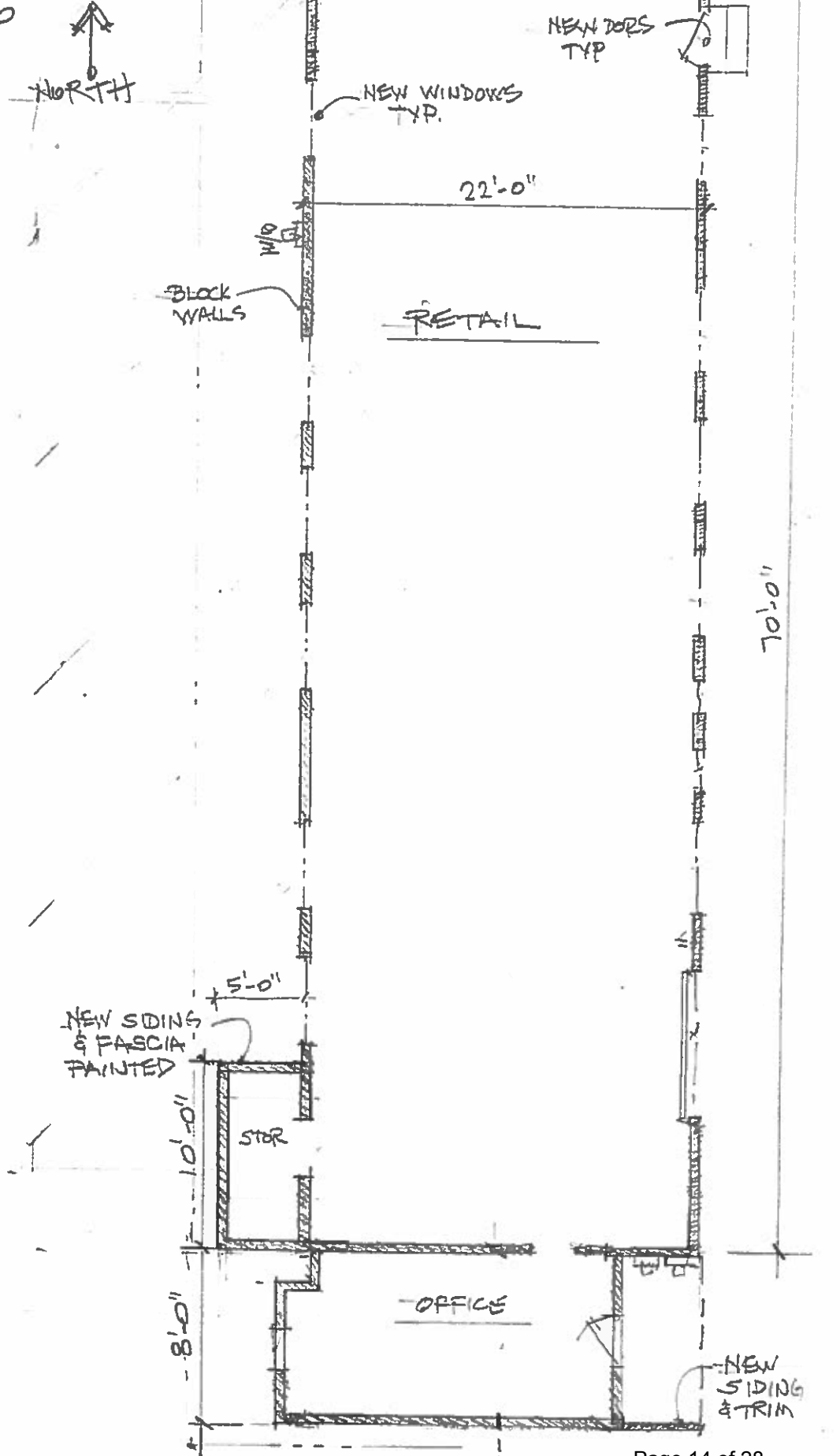
Full size window
replacements

4 over 1

Siding - shiplap siding on
back

STONECROFT FARMS LLC
108 VAN PELT
CHARLEVOIX, MI.
49720

VAN PELT



Way Building Contractors Inc.

05768 Barnard Rd.
Charlevoix, MI 49720

Estimate

Date	Estimate #
9/10/2017	225

Name / Address
Stonet Croft Farms 108 Van Pelt Charlevoix Mi. 49720

			Project
Description	Qty	Rate	Total
PHASE #1 Fall 2017			
Removal of existing windows and frames		450.00	450.00
Install new windows and trim		695.00	695.00
Wojan windows		5,200.08	5,200.08
Trim material		225.00	225.00
PHASE #2 Spring 2018			
Remove existing windows and frames		475.00	475.00
Install new windows & trim		890.00	890.00
Wojan Windows		4,800.00	4,800.00
Trim material		320.00	320.00
Paint all trim hunter green to match existing trim		1,120.00	1,120.00
Install new siding and trim on non block areas		4,101.00	4,101.00
New trim & siding		947.00	947.00
New entry doors		1,907.00	1,907.00
Removal and Install of new doors		325.00	325.00
		Total	\$21,455.08

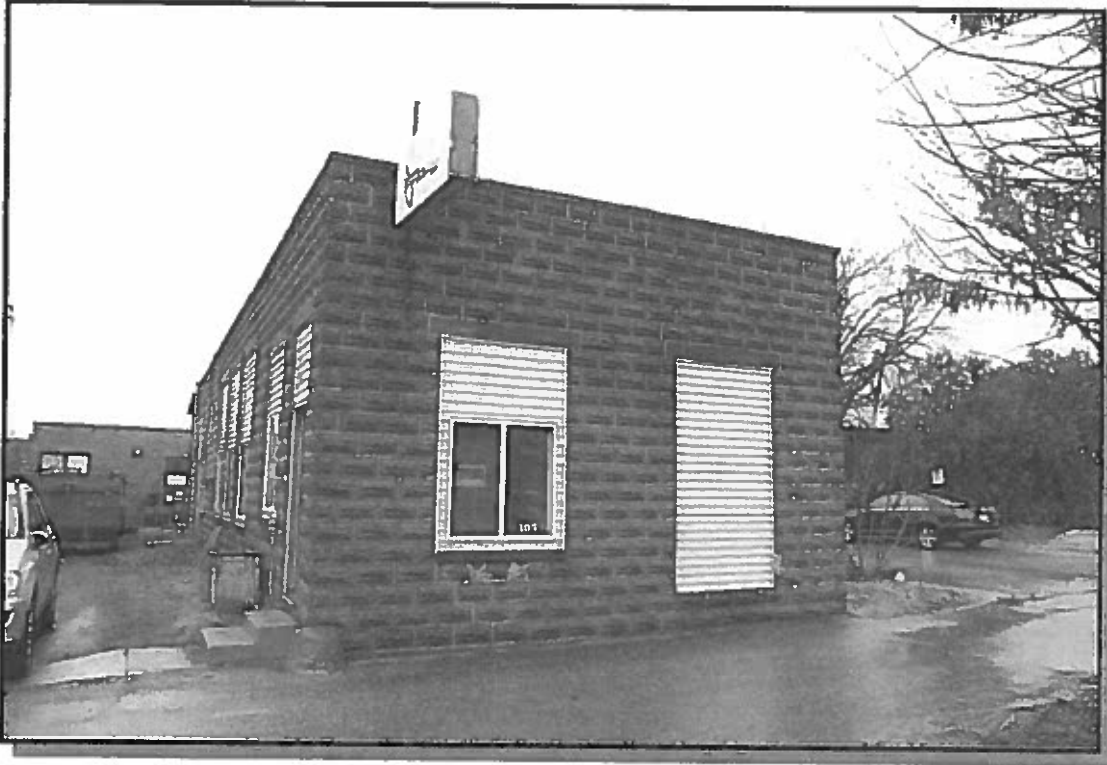




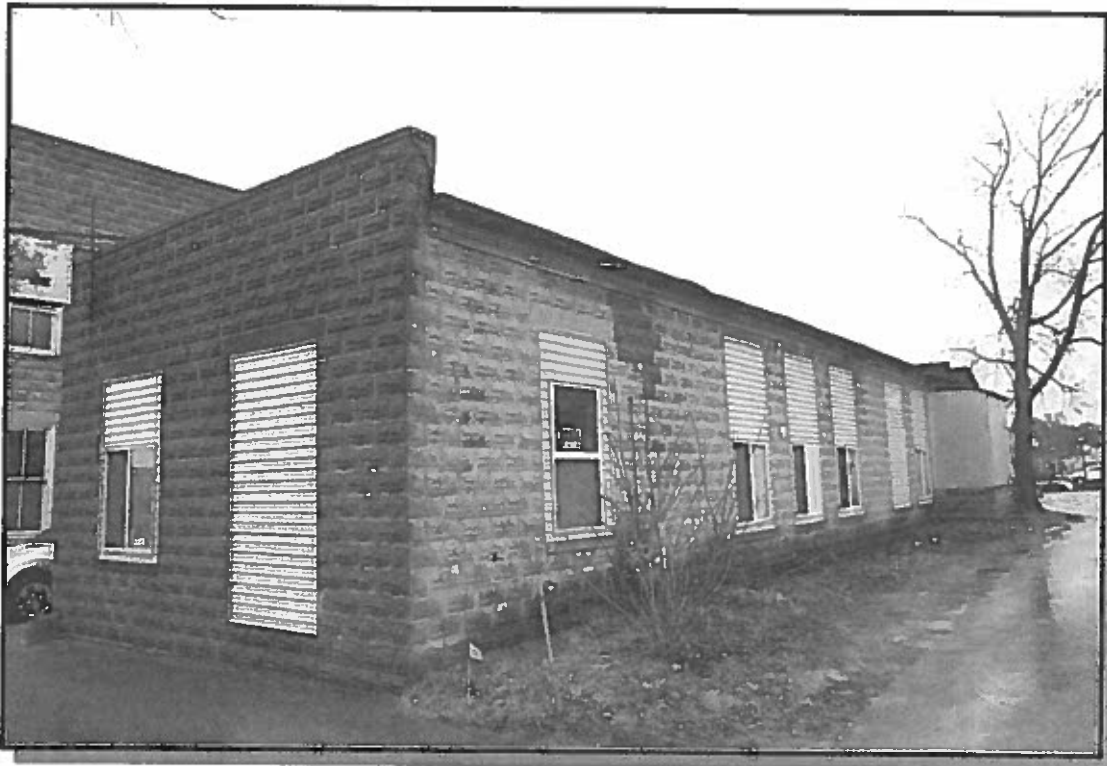
Rear Elevation Facing NW



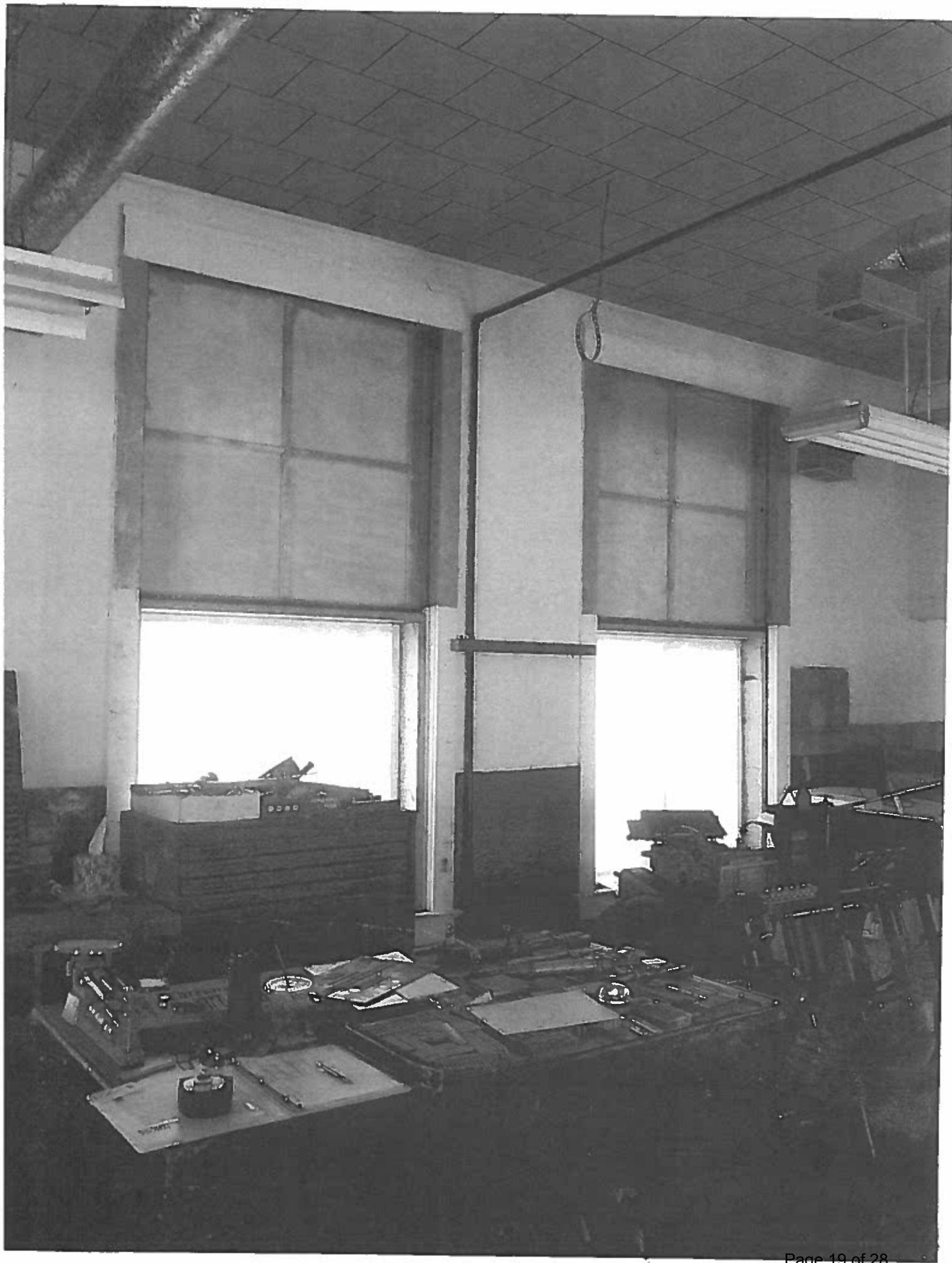
Rear Elevation Facing NE



Front Elevation Facing SW



Front Elevation Facing SE



Outlook Mail

Hide email

Ron Way

historical

New | Reply | RE: 105 vanpelt | Archive | Junk | Sweep

Search results

RE: 105 vanpelt

trevor@chxhistory.com

Thu 7/13, 10:26 AM

In folders

All folders

Inbox

Sent Items

Ron

Trevor@chxhistory.com

Thu 7/13, 10:26 AM

You

Reply |

You forwarded this message



Options

With attachments



Attachment

OneDrive - Personal

SHOW ME

SHOW ME

...erial photos, which I have cropped to show 105 Van Pelt. Each photo is from a different angle, but the other is undated, but judging by cars in the whole photo, I would say it is from the 1950s. I am not sure if you have the date the building was constructed, but it seems to have been between June 1907 and May 1912. The building is not there on the June 1907 Sanborn Fire Insurance Map, but appears on the May 1912. I checked our photo file and documents cabinet and the only item I found was an envelope from c. 1950s that said "John Rathburn, Printer, been a printer for some time." I would give me a business name or owner name to 105 Van Pelt. I will continue to search later today and tomorrow.

If you have the date the building was constructed, but it seems to have been between June 1907 and May 1912. The building is not there on the June 1907 Sanborn Fire Insurance Map, but appears on the May 1912. I checked our photo file and documents cabinet and the only item I found was an envelope from c. 1950s that said "John Rathburn, Printer, been a printer for some time." I would give me a business name or owner name to 105 Van Pelt. I will continue to search later today and tomorrow.

SHOW ME

SHOW ME

Curator of Collections
Charlevoix Historical Society
231-547-0373

CITY OF CHARLEVOIX
210 STATE STREET CHARLEVOIX , MICHIGAN 1 49720
Charlevoix Main Street DOA
(231) 547-3257 lindseyd@cityofcharlevoix.org

New Business

TO: DDA/Main Street Board

FROM: Mark L. Heydlauff, City Manager

SUBJECT: Facade Grant Guidelines

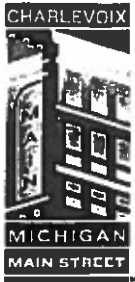
DATE: October 30, 2017

BACKGROUND:

The Board, in conjunction with the Design Committee, approved guidelines last year for the Facade Improvement Grant Program. This program has helped improve several buildings in the district this year. With the conclusion of the year coming and a grant application already received for next year, it seems like an optimal time to review these guidelines and modify them if the Board so desires. The existing guidelines are attached.

ATTACHMENTS:

- ▣ Facade Incentive Program Guidelines - Approved February 27, 2017



Charlevoix Main Street Façade Incentive Grant Program Guidelines

Bringing History Back to Downtown Storefronts

January 2017

Background

The Façade Incentive Grant Program is developed by the Design Committee of Charlevoix Main Street (CMS).

Program Purpose

The grant program was created to encourage private investment in historic facades by providing financial incentives. Historically sensitive rehabilitation and dramatic improvement of facades in downtown Charlevoix will encourage good design that will serve as quality examples to preserve the architectural character that is distinctive to Charlevoix. By improving the appearance of the building facades, the Program helps to improve the economic viability of the downtown.

Source of Funding

This program is funded by Charlevoix Main Street. The number of projects receiving grants in a fiscal year is based on program budget, with a new funding cycle beginning April 1. Grants are awarded on a first-approved, first-funded basis.

Program Process

Applications are submitted to the Charlevoix Main Street Design Committee for initial review. The Design Committee will then recommend projects to the Charlevoix Main Street/DDA Board of Directors, who makes all final grant funding approvals.

Program Target Area

The target area for the Charlevoix Main Street Façade Incentive Grant Program is the Charlevoix Main Street downtown district. (See Exhibit A)

Eligible Applicants

1. Owners of commercial buildings in the Charlevoix Main Street district, used for commercial purposes, and conforming to zoning use are eligible to apply for grant funds.
2. Applications for projects must be approved by the CMS Board of Directors prior to commencement of rehab work. Any applicant submitting an application after commencement of exterior demolition or construction becomes ineligible to receive a grant.
3. Tenants of eligible buildings may request grant funds if they submit a notarized letter of permission from the property owner with their application.
4. No building shall receive more than one façade incentive grant award in any three-year period unless the applicant has been pre-approved for a phased project.

on a reimbursement basis with funds released upon provision of adequate proof of payments to contractors and waivers of lien.

Step-by-Step Application Process

1. A complete grant application must be submitted to the Charlevoix Main Street office. Since funds for this program are allocated based on funding availability, estimates for the façade work to be performed must be submitted on letterhead from licensed contractors that will perform the work. Two estimates are required, and three estimates are recommended. The exact amount of funding being requested shall be based on the estimate selected and outlined on the application. Proof of funding must be provided. If the cost of the project exceeds the initial estimate, the applicant only receives the original grant amount approved.

2. If an applicant wants to perform phased improvements, he/she will be required to submit an outline of the work to be performed in connection with each new phase along with an estimate of costs for each phase. An applicant may phase a substantial project over the course of three years. In doing so, the applicant must perform at least one phase in every consecutive year until the project is complete. At the end of each phase, the applicant may apply for reimbursement of only the amount expended in the completion of the immediately preceding phase. No costs or reimbursements will be considered for any phases other than the one immediately preceding the request for reimbursement. For example, if Phase 1 was completed on January 1, 2015, Phase 2 was completed on January 1, 2016 and Phase 3 was completed on January 1, 2017, and the applicant only applies for reimbursement on January 2, 2017, he/she is only entitled to reimbursement of the costs associated with Phase 3.

3. If an applicant is requesting funding for more than one building, the applicant must complete a separate application for each building. Each eligible building will be considered a separate project for purposes of grant funding.

4. A \$250 application fee made payable to Charlevoix Main Street to cover historic review consultant and proof of project funding must accompany the completed application form. The application fee will be reimbursed if your project is not approved for funding.

5. Charlevoix Main Street staff will forward the application to the City of Charlevoix Economic Development & Planning Department to make sure the work proposed complies with the city's zoning and building codes. If it complies, it will be returned to the Charlevoix Main Street staff. If the work does not comply, the applicant will be contacted for a meeting with the Economic Development & Planning Department to resolve the zoning and building code issues. A revised application may be required. No grant application will proceed that does not meet City of Charlevoix Zoning Ordinances or the Michigan Rehabilitation Code. This preliminary review will not replace City requirements for obtaining zoning approval or building permits.

6. Once a compliant application is returned to Charlevoix Main Street staff, it will be reviewed by the Charlevoix Main Street Design Committee at their next monthly meeting (the applicant or representative may attend). The Design Committee will

c. In general, the Design Committee will encourage repair and preservation of existing historic features of facades, and encourage appropriate changes to alterations to these facades that have resulted in an incoherent, unattractive or inharmonious appearance.

d. Paint and material colors will be reviewed, and should either be based on original colors obtained from paint samples on the buildings, historic color samples, or be compatible with adjoining buildings and colors in downtown Charlevoix. Trim colors, which highlight building details, are encouraged. Spectacular colors should be avoided.

Program Amendments

The details of the Charlevoix Main Street Façade Incentive Grant Program may be amended at any time during the fiscal year, subject to the formal approval of the Charlevoix Main Street Board of Directors.

All decisions of Charlevoix Main Street Board of Directors are final. There is no appeal process in place therefore there will be no appeals accepted.

Indemnification

The Applicant hereby agrees to defend, indemnify and hold harmless to the fullest extent permitted by law the Charlevoix Main Street Board, and any and all other employees, agents, directors, volunteers, successors in interest and/or representatives from any and all claims, liabilities, damages, personal injuries, requests for reimbursement or other such requests for payment arising out of or in connection with the project referenced in this Agreement. The parties agree that the Applicant's duty to defend and indemnify is intended to be interpreted in the broadest possible sense, except that the Applicant shall have no responsibility to defend or indemnify where the Charlevoix Main Street Board, or its employees, agents, directors, volunteers and/or representatives are found to be solely negligent.

Contact Information

For questions or to apply for the Façade Grant Incentive Program, contact the Charlevoix Main Street Office.

Charlevoix Main Street
210 State Street
Charlevoix, MI 49720
Phone: 231-547-3257
Email: lindseyd@cityofcharlevoix.org

CITY OF CHARLEVOIX
210 STATE STREET CHARLEVOIX , MICHIGAN 1 49720
Charlevoix Main Street DOA
(231) 547-3257 lindseyd@cityofcharlevoix.org

New Business

TO: Main Street/DDA Board

FROM: Mark L. Heydlauff, City Manager

SUBJECT: Reserved Parking Spaces

DATE: October 30, 2017

BACKGROUND:

As you may know Hoffman CPA is relocating their office from the Edgewater Complex to a larger space in the Beacon Center (formerly occupied by the Elks Lodge). Mr. Hoffman questioned whether the City would consider some kind of paid, reserved parking space program similar to what we have in the former Acacia lot. Given the impact to downtown businesses and parking, I thought it was important to get the input of the DDA Board before passing this request along to the City Council. There is no defined plan and I would suggest the Board consider the following:

- whether it makes sense to have paid, reserved spaces
- if there should be other spaces in other lots
- how a program like this should be structured (permits, time-limited, etc)
- other factors deemed relevant

Chief Doan believes this is possible but he and I both would like more direction from you before creating a plan for it.

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New Business

TO: DDA/Main Street Board

FROM: Mark L. Heydlauff, City Manager

SUBJECT: Downtown Peddling/Petitioning

DATE: October 30, 2017

BACKGROUND:

During the recent Apple Fest, there were several groups petitioning and seeking signatures during the festival. Chair Dipert requested more information on the legalities of this and whether there are any different regulations that should or could be applied.

I've included a letter from Chief Doan regarding the circumstances of the weekend.

ATTACHMENTS:

- Apple Fest Petitioning



Mark Heydlauff
Charlevoix City Manager
210 State St.
Charlevoix, MI 49720

October 20, 2017

Dear Mark Heydlauff,

On Friday October 13, 2017 the City of Charlevoix was hosting the 39th annual Apple Fest. During this time there were several vendors in the downtown area. The event was sponsored by the Charlevoix Chamber of Commerce. The vendors had to procure their spots through the Charlevoix Chamber of Commerce.

During the early afternoon on the thirteenth of October, the Charlevoix City Police were requested by the Chamber to contact two individuals who were seeking signatures for a petition to legalize marijuana. The individuals had set up a table on the sidewalk near Bridge and Clinton Streets in the downtown area. This action is in violation of city ordinance under nuisance, section no. 6.3.12. This section states: "Any use of public streets or public sidewalks, or both, which causes a crowd to gather and obstructs the free, lawful movement of people and vehicles along said streets and sidewalks". The individuals were instructed to take their table down but could still seek their signatures if they were not blocking or impeding traffic. The individuals presented paperwork to the officers on which rules they could follow under the American Civil Liberties Union Act. Included in their paperwork, there was a statement: "It may only establish reasonable rules, such as rules against blocking pedestrian traffic or the entrance to buildings and parking lots and rules against setting up tables on sidewalks". The individuals complied with the officer's request to take down their table and continued to collect signatures.

Later in the afternoon that same day, the individuals had set up their table again in a different location. The individuals were contacted by the Charlevoix City Police Department and advised to remove the table. They complied with the orders.

On Saturday morning, October 14, 2017, the individuals again returned to the Apple Fest in downtown Charlevoix. They set up a table on the sidewalk near the bandshell on Bridge Street. The individuals were requested to take the table down as before. This time they refused and were issued a citation under the previously mentioned ordinance. After the citation was issued the individuals removed the table. A short time later the City Police were notified that the table had been set up again. The officer returned and issued a second citation. At this point the individuals said they were not going to remove the table for the remainder of the day.

The question arises: Did these individuals have a Constitutional Right to petition for signatures? The answer is, yes. The individuals were protected under the First Amendment of the United States Constitution. The City Government cannot ban petitioning on sidewalks, however the city can ban the use of tables on sidewalks as stated in ordinance.

Please feel free to contact me if you have any further questions.

Sincerely,

Gerard Doan
Charlevoix City Chief of Police