



Agenda
City of Charlevoix City Council Regular Meeting
Monday, July 17, 2023 - 6:00 PM
Council Chambers, 210 State Street, Charlevoix, MI

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Presentations**
- 4. Inquiry Regarding Conflicts of Interest**
- 5. Consent Agenda**
 - A. City Council Meeting Minutes - July 3, 2023
 - B. Accounts Payable and Payroll Check Registers
 - C. MML Worker's Compensation Fund Board of Trustees Election
 - D. MERS 2023 Officer and Employee Delegate Certification Form
- 6. Public Hearings and Actions Requiring Public Hearings**
 - A. Citizen Initiated Ordinance on the Sale of 229 Stover Road
Mark Heydlauff, City Manager
- 7. All Other Actions and Requests**
 - A. Citizen Initiated Ordinance to Enhance and Preserve Ferry Beach
Mark Heydlauff, City Manager
 - B. Bridge Light Removal and Reattachment
Mark Heydlauff, City Manager
- 8. Reports and Communications**
 - A. Public Comment
 - B. City Manager's Comments
 - C. Mayor and Council Comments
- 9. Other Council Business**
- 10. Adjourn**

Persons with disabilities who need an accommodation to fully participate in these meetings should contact the City Clerk's Office at 231-547-3250 or by email clerk@charlevoixmi.gov. A 24-hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodations requests.

Charlevoix City Council

Consent Agenda

Title: City Council Meeting Minutes - July 3, 2023

Date: July 17, 2023

Presented By:

Background:

Recommendation:

Motion to approve the minutes as presented.

Attachments:

1. City Council Draft Meeting Minutes 07/03/2023

City of Charlevoix
City Council Regular Meeting Minutes
Monday, July 3, 2023 - 6:00 PM
Council Chambers, 210 State Street, Charlevoix, MI

1. Pledge of Allegiance

The meeting was called to order at 6:00 p.m. by Mayor Gennett. The Council, staff, and members of the public rose and recited the Pledge of Allegiance.

2. Roll Call

Mayor: Lyle Gennett

Members Present: Shane Cole, Aaron Hagen, Janet Kalbfell, Mark Knapp, Phil Parr, Richard Spring

Members Absent: None

City Manager: Mark L. Heydlauff

City Clerk: Sarah J. Dvoracek

3. Presentations

A. Recognition Life Saving Awards

Jill McDonnell, Chief of Police

Chief of Police, Jill McDonnell, presented five life-saving awards to Officer Morgan Stewart, Heather Lewis, Cam Done (not present), Officer Barbara Orban, and Officer Christopher Munk.

4. Inquiry Regarding Conflicts of Interest

5. Consent Agenda

Mayor Gennett opened the item for public comment. None were heard.

Motion by Parr, seconded by Cole to approve the consent agenda as presented.

Yeas: Hagen, Cole, Kalbfell, Parr, Spring, Knapp

Nays: None

Absent: None

Motion carried.

A. City Council Meeting Minutes - June 19, 2023

Motion to approve the minutes as presented.

B. Accounts Payable and Payroll Check Registers

Motion to approve the accounts payable and payroll check registers as presented.

Dates	Description	Amount
06/22/2023	Special Accounts Payable Run	\$69,815.91
06/23/2023	Payroll (net pay)	\$134,454.12
06/23/2023	Payroll Transmittal Checks	\$5,495.07
07/05/2023	Regular Accounts Payable	\$213,936.86

06/20/2023-06/26/2023	ACH/WIRE Payments	\$426,477.25
Grand Total		\$850,179.21
To view the entire accounts payable and payroll check registers, please Click here.		

- C. Charlevoix Yacht Club Request for Free Parking for the Nucore Triangle Race & Red Fox Regatta Race
 Motion by Parr, seconded by Cole to approve Resolution 2023-07-01 to waive the parking fees at the Ferry Launch Ramp for the Nucore Triangle Race and the Red Fox Regatta Race on September 1, 2, and 3, 2023.

CITY OF CHARLEVOIX

RESOLUTION NO. 2023-07-01

WAIVE PARKING FEES FOR CHARLEVOIX YACHT CLUB

WHEREAS, the Charlevoix Yacht Club is hosting the Nucore Triangle Race and Red Fox Regatta on September 1-3, 2023; and

WHEREAS, the Charlevoix Yacht Club is requesting that parking fees be waived for the races; and

WHEREAS, the City Code permits the City Council to waive parking fees for special or public events.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Charlevoix, hereby waives parking fees for the Nucore Triangle Race and Red Fox Regatta on September 1-3, 2023.

RESOLVED this 3rd day of July, 2023 A.D.

Resolution was adopted by the following yea and nay vote:

Yeas: Hagen, Cole, Kalbfell, Parr, Spring, Knapp

Nays: None

Absent: None

Motion carried.

- D. Uniform Policy Change for Public Works Department and Electric Department
 Motion to approve the purchase of new uniforms for a total cost of \$17,000.
- E. 2023 Charlevoix Venetian Festival-Approvals and Permits

Motion to authorize the Mayor to sign the contract between the City of Charlevoix and the Charlevoix Venetian Festival including the payment of \$15,000 to the Venetian Festival.

Motion to authorize the City Clerk to issue the fireworks permit for the 2023 Venetian Festival fireworks displays and authorize the City Manager to sign the Hold Harmless Agreement with Colonial Fireworks Special Effects, LLC.

Motion to approve the Mass Gathering Permit as presented.

6. Public Hearings and Actions Requiring Public Hearings

7. All Other Actions and Requests

A. Approval for the Michigan Township Participating Plan Grant Application

Jill McDonnell, Chief of Police

City Manager Heydlauff stated one of Chief McDonnell's goals for the Police Department is to become accredited. The accreditation process is very complex and detailed but Chief McDonnell is very experienced with the process. Mr. Heydlauff stated applying for the grant from the City's liability insurance carrier would help offset some of the costs associated with the process.

Mayor Gennett opened the item for public comment. None were heard.

Motion by Spring, seconded by Kalbfell to approve Resolution 2023-07-02 for the Michigan Township Participating Plan Grant Application.

CITY OF CHARLEVOIX

RESOLUTION NO. 2023-07-02

MICHIGAN TOWNSHIP PARTICIPATING PLAN GRANT APPLICATION

WHEREAS, the City of Charlevoix City Council wishes to apply for a Risk Reduction Grant through the Michigan Township Participating Plan (Par Plan) to assist in purchasing/funding Michigan Law Enforcement Accreditation and;

WHEREAS, the City of Charlevoix Police Department is seeking a grant contribution of \$2,200.00.; and

NOW THEREFORE BE IT RESOLVED that the City of Charlevoix City Council supports submittal of an application to the Michigan Township Participating Plan for a \$2,200.00 grant to assist in funding the Michigan Law Enforcement Accreditation and accreditation software program.

RESOLVED the 3rd day of July 2023 A.D.

Resolution was adopted by the following yea and nay vote:

Yeas: Hagen, Cole, Kalbfell, Parr, Spring, Knapp

Nays: None

Absent: None

Motion carried.

B. Mayoral Appointment

Mayor Lyle Gennett

Mayor Gennett provided Ms. Oosthuizen's background and stated that she would be a great asset to the commission.

Mayor Gennett opened the item for public comment. None were heard.

Motion by Kalbfell, seconded by Spring to appoint Anne Oosthuizen to the Charlevoix Housing Commission for a term to expire April of 2027.

Yeas: Hagen, Cole, Kalbfell, Parr, Spring, Knapp

Nays: None

Absent: None

Motion carried.

C. Citizen Initiated Ordinance on the Sale of 229 Stover Road

Mark Heydlauff, City Manager

City Manager Heydlauff stated the committee submitted their petitions again with revised preapproved language. The City Clerk deemed all the signatures sufficient and the City Attorney provided Council with a memo with their options. Council reviewed the options as stated in the memo. Discussion was held.

Mayor Gennett opened the item for public comment, five were heard.

Motion by Hagen, seconded by Cole to set a public hearing for July 17, 2023 (for the Citizen Initiated Ordinance on the Sale of 229 Stover Road).

Yeas: Cole, Hagen, Kalbfell, Parr, Spring

Nays: Knapp

Absent: None

Motion carried.

8. Reports and Communications

A. Public Comment

- Brandon Mason stated his concerns about the excessive noise ordinance

B. City Manager's Comments

- Congrats to all recipients of the Life Saving Awards
- Congrats to Chief McDonnell for receiving a grant to attend the International Association of Chief of Polices Conference
- Boyne Thunder and the Art Show are scheduled for this weekend
- Mason Street Project is completed and thank you to all the businesses for their patience during construction and the Public Works Department for all their hard work

C. Mayor and Council Comments

- Council Members collectively thanked the Public Works Department and Elmers for the success of the Mason Street project

9. Other Council Business

10. Adjourn

Mayor Gennett adjourned the meeting at 6:54 p.m.

Sarah J. Dvoracek

City Clerk

Lyle Gennett

Mayor

Charlevoix City Council

Consent Agenda

Title: Accounts Payable and Payroll Check Registers

Date: July 17, 2023

Presented By:

Background:

Recommendation:

Motion to approve the accounts payable and payroll check registers as presented.

Attachments:

1. Check Registers 07-17-23 Agenda

Check Number	Payee	Amount
06/29/2023		
139952	BARUZZINI AQUATICS	3,250.00
139953	CHARLEVOIX TOWNSHIP TREASURE	908.76
Total 06/29/2023:		4,158.76
Grand Totals:		4,158.76

Summary of Check Registers & ACH Payments

HUNTINGTON NATIONAL BANK - CHECKS ISSUED

06/29/23	Special Accounts Payable Run	\$ 4,158.76
07/07/23	Payroll (net pay)	\$ 150,830.69
07/07/23	Payroll Transmittal Checks	\$ 6,114.90
07/10/23	Special Accounts Payable Run	\$ 2,930.94
07/11/23	Special Accounts Payable Run	\$ 2,962.50
07/18/23	Regular Accounts Payable	\$ 247,596.44
Checks Sub-Total:		\$ 414,594.23

HUNTINGTON NATIONAL BANK - ACH/WIRE PAYMENTS

07/03/23	AMG Payment Solutions	\$ 837.11
07/03/23	MI Public Power Agency	\$ 20,895.36
07/05/23	Payment Service Network Inc	\$ 250.30
07/07/23	IRS (Payroll Tax Deposit)	\$ 52,279.90
07/07/23	Alerus Financial (HCSP)	\$ 558.00
07/07/23	Vantagepoint (401 Plan)	\$ 1,062.00
07/07/23	Vantagepoint (457 Plan)	\$ 20,872.27
07/07/23	Vantagepoint (Roth IRA)	\$ 1,220.76
07/07/23	State of MI (Withholding Tax)	\$ 7,914.99
07/10/23	MI Public Power Agency	\$ 25,318.80
07/11/23	DTE Energy	\$ 3,480.59
07/11/23	State of MI (Sales Tax)	\$ 32,012.59
ACH Sub-Total:		\$ 166,702.67

Huntington National Bank Total: \$ 581,296.90

CHARLEVOIX STATE BANK - CHECKS ISSUED

(PROPERTY TAX DISBURSEMENT TO VARIOUS TAXING AUTHORITIES)

Tax Disbursement	\$ -
Charlevoix State Bank Total:	\$ -
Grand Total:	\$ 581,296.90

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
07/01/2023	PC	07/07/2023	37664	DORAN, JUSTIN J.	634		2,378.61
07/01/2023	PC	07/07/2023	37665	NEDWICK, DAVID J.	642		354.62
07/01/2023	PC	07/07/2023	37666	HART III, DELBERT W.	657		1,153.84
07/01/2023	PC	07/07/2023	37667	PERSONS, CHLOE M.	659		673.68
07/01/2023	PC	07/07/2023	37668	CONWAY, ANNEMARIE	668		791.71
07/01/2023	PC	07/07/2023	37669	FINNERTY, HOLLY E.	669		1,097.82
07/01/2023	PC	07/07/2023	37670	WILSON, SAMUEL J.	672		965.86
07/01/2023	PC	07/07/2023	37671	POIROT, KENNETH R.	673		982.99
07/01/2023	PC	07/07/2023	37672	VENTZKE, COLE C.	674		1,046.46
07/01/2023	PC	07/07/2023	37673	WILSON, GARRETT L.	687		980.13
07/01/2023	PC	07/07/2023	37674	HIGGINS, THERESE M.	689		559.88
07/01/2023	PC	07/07/2023	37675	MOOAR, ISAAK S.	690		1,066.63
07/01/2023	PC	07/07/2023	37676	CRANDELL, ZACKARY R.	691		836.91
07/01/2023	PC	07/07/2023	37677	RABIDEAU, JACOB L.	696		998.33
07/01/2023	PC	07/07/2023	37678	POP, ELIZABETH S.	699		817.47
07/01/2023	PC	07/07/2023	37679	KNORR, KENT J.	700		2,223.40
07/01/2023	PC	07/07/2023	37680	ANZELL, BETH A.	702		1,546.15
07/01/2023	PC	07/07/2023	37681	STEBE, LAURA A.	703		13.85
07/01/2023	PC	07/07/2023	37682	STEWART, SPENCER P.	720		1,173.35
07/01/2023	PC	07/07/2023	37683	MCDERMOTT, DENNIS J.	732		2,046.05
07/01/2023	PC	07/07/2023	37684	EICHLER, MYA N.	747		374.97
07/01/2023	PC	07/07/2023	37685	JASURDA, DONALD J.	748		838.35
07/01/2023	PC	07/07/2023	37686	DORST, KRISTA M.	749		599.93
07/01/2023	PC	07/07/2023	37687	PARRISH, SAMANTHA K.	750		651.76
07/01/2023	PC	07/07/2023	37688	WHITE III, MARCUS W.	754		903.60
07/01/2023	PC	07/07/2023	37689	CARUSELLO, JACOB M.	755		753.10
07/01/2023	PC	07/07/2023	37690	SNYDER, JACOB M.	756		820.47
07/01/2023	PC	07/07/2023	37691	CUNNINGHAM, ABIGAIL A	759		1,012.09
07/01/2023	PC	07/07/2023	37692	JAREMA, CAROLINE J.	760		1,281.23
07/01/2023	PC	07/07/2023	37693	ELGART, SARAH N.	769		532.26
07/01/2023	PC	07/07/2023	37694	WALKER, MEREDITH A.	771		1,602.51
07/01/2023	PC	07/07/2023	37695	SMITH, ANNA K.	773		1,137.78
07/01/2023	PC	07/07/2023	37696	JAREMA, ALISON, K.	774		965.73
07/01/2023	PC	07/07/2023	37697	LEVY, JAYDEE L.	775		536.55
07/01/2023	PC	07/07/2023	37698	DOWDS, LILLIAN J.	777		715.16
07/01/2023	PC	07/07/2023	37699	SAUER, JOHN V.P.	778		1,056.69
07/01/2023	PC	07/07/2023	37700	BOLLMANN, JOSIE J.	779		1,028.26
07/01/2023	PC	07/07/2023	37701	PETROSKY, TAYLOR G.	780		1,029.83
07/01/2023	PC	07/07/2023	37702	PHILP, DAVAYAH A.	781		743.36
07/01/2023	PC	07/07/2023	37703	SPRAGUE, CHEYENNE L.	783		221.69
07/01/2023	PC	07/07/2023	37704	WAGNER, KIRSTEN M.	793		939.92
07/01/2023	PC	07/07/2023	37705	BIRD, SPENCER H.	794		504.93
07/01/2023	PC	07/07/2023	37706	STEVENS, JEFFREY W.	798		352.41
07/01/2023	PC	07/07/2023	37707	DRENTH, DOUGLAS A.	838		1,098.05
07/01/2023	PC	07/07/2023	37708	GILL, DAVID R.	856		896.49
07/01/2023	PC	07/07/2023	37709	LABLANCE, MAUREEN J.	863		360.30
07/01/2023	PC	07/07/2023	37710	LIVINGSTON, BRIAN D.	866		2,135.26
07/01/2023	PC	07/07/2023	37711	STANLEY, MARK J.	867		174.08
07/01/2023	PC	07/07/2023	37712	KLOOSTER, PATRICK H.	868		517.96
07/01/2023	PC	07/07/2023	37713	WAY, KRISTINA M.	870		138.52
07/01/2023	PC	07/07/2023	37714	DIETRICH, ARLENE M.	871		177.32
07/01/2023	PC	07/07/2023	37715	PARKER, SCOTT W.	873		124.67
07/01/2023	PC	07/07/2023	37716	PETROSKY, TIMOTHY D.	874		113.65
07/01/2023	PC	07/07/2023	37717	CUDD, ROBERT M.	875		559.59
07/01/2023	PC	07/07/2023	37718	EWALT, BRIAN W.	901		2,505.07
07/01/2023	PC	07/07/2023	37719	OLIVER, GRANT T.	915		1,259.02
07/01/2023	PC	07/07/2023	37720	POSTMUS, ANTHONY H.	916		950.93

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
07/01/2023	PC	07/07/2023	37607	GENNETT, LYLE E.	49		889.80
07/01/2023	PC	07/07/2023	37608	COLE, SHANE D.	50		489.45
07/01/2023	PC	07/07/2023	37609	HAGEN, AARON W.	56		731.87
07/01/2023	PC	07/07/2023	37610	KALBFELL, JANET P.	58		743.42
07/01/2023	PC	07/07/2023	37611	PARR, PHILIP M.	61		577.05
07/01/2023	PC	07/07/2023	37612	KNAPP, MARK D.	62		577.05
07/01/2023	PC	07/07/2023	37613	SPRING, RICHARD C.	63		544.01
07/01/2023	PC	07/07/2023	37614	HEYDLAUFF, MARK L.	102		3,686.68
07/01/2023	PC	07/07/2023	37615	DVORACEK, SARAH J.	105		2,321.15
07/01/2023	PC	07/07/2023	37616	DEROSIA, PATRICIA E.	107		907.69
07/01/2023	PC	07/07/2023	37617	DOTSON, LINDSEY J.	109		1,507.73
07/01/2023	PC	07/07/2023	37618	KLOOSTER, ALIDA K.	121		2,335.30
07/01/2023	PC	07/07/2023	37619	BARNEVELD, RICHELLE	123		1,270.32
07/01/2023	PC	07/07/2023	37620	SCHULZ, GINNY L.	125		1,528.11
07/01/2023	PC	07/07/2023	37621	BRADLEY, KATHLEEN R.	126		1,264.57
07/01/2023	PC	07/07/2023	37622	MILLER, FAITH G.	142		361.93
07/01/2023	PC	07/07/2023	37623	MCGINN, KELLY A.	146		2,704.46
07/01/2023	PC	07/07/2023	37624	SCHEEL, JONATHAN D.	149		2,269.02
07/01/2023	PC	07/07/2023	37625	MCDONNELL, JILL L.	202		2,712.40
07/01/2023	PC	07/07/2023	37626	SCHOLEY, ROBERT W.	204		2,012.92
07/01/2023	PC	07/07/2023	37627	UMULIS, MATTHEW T.	205		1,469.64
07/01/2023	PC	07/07/2023	37628	ORBAN, BARBARA K.	209		1,308.92
07/01/2023	PC	07/07/2023	37629	RILEY, DENISE M.	213		548.50
07/01/2023	PC	07/07/2023	37630	MUNK, CHRISTOPHER J.	215		1,514.22
07/01/2023	PC	07/07/2023	37631	STEWART, MORGAN J.	217		1,632.03
07/01/2023	PC	07/07/2023	37632	CHRISTIANSEN, BRIAN D	218		1,695.62
07/01/2023	PC	07/07/2023	37633	YOUNG, KRISTEN L.	230		1,872.03
07/01/2023	PC	07/07/2023	37634	CONWAY, PATRICK G.	239		905.21
07/01/2023	PC	07/07/2023	37635	BINGHAM, LARRY E.	240		488.09
07/01/2023	PC	07/07/2023	37636	MACGILLIVRAY, ROGER	244		1,138.95
07/01/2023	PC	07/07/2023	37637	DOTSON, WILLIAM R.	249		478.13
07/01/2023	PC	07/07/2023	37638	DAVIS, RONALD L.	250		195.54
07/01/2023	PC	07/07/2023	37639	WURST, RANDALL W.	411		2,029.21
07/01/2023	PC	07/07/2023	37640	HILLING, NICHOLAS A.	413		3,046.28
07/01/2023	PC	07/07/2023	37641	MEIER III, CHARLES A.	421		1,758.05
07/01/2023	PC	07/07/2023	37642	ZACHARIAS, STEVEN B.	422		321.25
07/01/2023	PC	07/07/2023	37643	NEWMAN, MARK J.	424		2,467.47
07/01/2023	PC	07/07/2023	37644	LOUGHMILLER, JOHN A.	425		1,851.50
07/01/2023	PC	07/07/2023	37645	BORTHS, MICHAEL J.	450		854.30
07/01/2023	PC	07/07/2023	37646	GRIFFITH, JOHN J.	500		2,531.86
07/01/2023	PC	07/07/2023	37647	EATON, BRAD A.	515		2,904.55
07/01/2023	PC	07/07/2023	37648	WILSON, TIMOTHY J.	516		3,346.12
07/01/2023	PC	07/07/2023	37649	LAVOIE, RICHARD L.	519		2,512.85
07/01/2023	PC	07/07/2023	37650	STEVENS, BRANDON C.	521		2,859.29
07/01/2023	PC	07/07/2023	37651	WHITLEY, ANDREW T.	522		2,786.00
07/01/2023	PC	07/07/2023	37652	FARRELL, MITCHELL L.	524		2,022.77
07/01/2023	PC	07/07/2023	37653	LEITNER, RYAN S.	525		1,888.68
07/01/2023	PC	07/07/2023	37654	ANDERSON, ELIZABETH	526		1,401.92
07/01/2023	PC	07/07/2023	37655	KENWABIKISE, DAVID L.	528		1,239.33
07/01/2023	PC	07/07/2023	37656	ELLIOTT, PATRICK M.	600		3,201.04
07/01/2023	PC	07/07/2023	37657	SCHWARTZFISHER, JOS	603		1,460.79
07/01/2023	PC	07/07/2023	37658	BRADLEY, KELLY R.	614		1,801.13
07/01/2023	PC	07/07/2023	37659	HART II, DELBERT W.	616		1,563.06
07/01/2023	PC	07/07/2023	37660	JONES, ROBERT F.	618		1,548.69
07/01/2023	PC	07/07/2023	37661	THORP JR, WILLIAM D.	623		1,638.14
07/01/2023	PC	07/07/2023	37662	FERGUSON, ROYCE L.	625		2,577.68
07/01/2023	PC	07/07/2023	37663	REID, ROB A.	632		1,495.49

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
07/01/2023	PC	07/07/2023	37721	DOUGLAS, MARK	935		1,627.99
07/01/2023	PC	07/07/2023	37722	FRATRICK, JOSEPH W.	940		262.92
07/01/2023	PC	07/07/2023	37723	PAALMAN, STEPHEN J.	942		2,007.40
07/01/2023	PC	07/07/2023	139954	MORRISON, KEVIN P.	601		1,547.37
07/01/2023	PC	07/07/2023	139955	COX, RONALD L.	869		274.52
Grand Totals:			119				150,830.69

xlm

Report Criteria:

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

Pay Period Date	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
07/01/2023	07/07/2023	139956	4FRONT CREDIT UNION	9024	HSA-EMPLOYEE CONTRIB-4FR	947.98
07/01/2023	07/07/2023	139957	4FRONT CREDIT UNION	9028	Lump Sum Employer Contribution	409.00
07/01/2023	07/07/2023	139958	AMERICAN FAMILY LIFE	9011	AMERICAN FAMILY LIFE-POST T	86.90
07/01/2023	07/07/2023	139958	AMERICAN FAMILY LIFE	9011	AMERICAN FAMILY LIFE-PRETA	390.05
07/01/2023	07/07/2023	139959	CHARLEVOIX STATE BAN	9017	HSA - EMPLOYEE CONTRIB - C	1,220.00
07/01/2023	07/07/2023	139960	COMMUNICATION WORK	9004	CWA UNION DUES Pay Period:	789.40
07/01/2023	07/07/2023	139961	MI STATE DISBURSEMEN	9012	FRIEND OF THE COURT Pay Pe	116.55
07/01/2023	07/07/2023	139962	POLICE OFFICERS LABO	9003	POL UNION DUES Pay Period: 7	201.00
07/01/2023	07/07/2023	139963	PRIORITY HEALTH	392358	PRIORITY HEALTH Pay Period:	1,591.01
07/01/2023	07/07/2023	139964	THE HARTFORD	9035	LIFE - VOLUNTARY Pay Period:	268.76
07/01/2023	07/07/2023	139964	THE HARTFORD	9035	SPOUSE LIFE Pay Period: 7/1/2	44.60
07/01/2023	07/07/2023	139964	THE HARTFORD	9035	CHILD LIFE Pay Period: 7/1/202	13.13
07/01/2023	07/07/2023	139964	THE HARTFORD	9035	AD&D - VOLUNTARY Pay Period	25.71
07/01/2023	07/07/2023	139964	THE HARTFORD	9035	SPOUSE AD&D Pay Period: 7/1/	5.26
07/01/2023	07/07/2023	139964	THE HARTFORD	9035	CHILD AD&D Pay Period: 7/1/20	5.55
Grand Totals:		15				6,114.90

2m

Check Number	Payee	Amount
07/10/2023		
139965	CHARTER COMMUNICATIONS OPERA	118.93
139966	HARTFORD, THE	2,812.01
Total 07/10/2023:		2,930.94
Grand Totals:		2,930.94

Check Number	Payee	Amount
07/11/2023		
140054	INFORMA BUSINESS SYSTEMS INC	2,962.50
Total 07/11/2023:		2,962.50
Grand Totals:		2,962.50

Check Number	Payee	Amount
07/18/2023		
139967	ACE HARDWARE	8,135.01
139968	ALL-PHASE ELECTRIC SUPPLY CO	894.81
139969	ALPENA SUPPLY COMPANY	55.91
139970	AMAZON CAPITAL SERVICES	768.66
139971	APX INC	32.74
139972	ARRIGO, BART	47.53
139973	AUTO-WARES GROUP	437.99
139974	AVFUEL CORPORATION	112,310.83
139975	BALLARD'S PLUMBING AND HEATING	357.50
139976	BUSMAN FAMILY FARM LLC	24.00
139977	CAMPBELL, JOHN	540.00
139978	CARQUEST OF CHARLEVOIX	1,522.26
139979	CDW GOVERNMENT	263.14
139980	CHARLEVOIX CHEESE COMPANY	105.00
139981	CHARLEVOIX LAVENDER LLC	130.00
139982	CHARLEVOIX SCREEN MASTERS INC	6,228.00
139983	CHARTER COMMUNICATIONS	149.98
139984	CHARTER COMMUNICATIONS OPERA	78.18
139985	CHEMICAL SYSTEMS INC.	4,620.00
139986	CHRISTIANSEN, BRIAN	60.00
139987	CINTAS	33.68
139988	CITY OF CHARLEVOIX - UTILITIES	49,151.31
139989	CONWAY PROFESSIONAL SERVICES	8,569.00
139990	DETROIT PUMP & MFG CO	6,617.27
139991	DRIVERS LICENSE GUIDE COMPANY	47.00
139992	ECONO SIGNS LLC	332.80
139993	EDGEWATER RESOURCES LLC	475.00
139994	ELHORN ENGINEERING COMPANY	1,285.00
139995	ELLSWORTH FARMERS EXCHANGE	120.25
139996	ETNA SUPPLY	1,085.00
139997	FAMILY FARM AND HOME	1,249.60
139998	FARMER WHITE'S	518.00
139999	FILARSKI, JACOB THOMAS	1,200.00
140000	FLOTATION DOCKING SYSTEMS INC.	835.60
140001	GALLS LLC	582.00
140002	GFL ENVIRONMENTAL	145.80
140003	GILLESPIE-CUSHMAN, BRIGHID	75.00
140004	GORDON FOOD SERVICE	483.20
140005	GRAND TRAVERSE SAUCE COMPANY	23.00
140006	GRP ENGINEERING INC	1,685.00
140007	GUNTZVILLER BERRY FARM	710.00
140008	HART II, DELBERT W.	150.00
140009	HECK, CHRISTINE	75.00
140010	HOFFMAN, MELANIE	550.00
140011	HUGHES, LAURIE	182.00
140012	HULL, KNEASHIA	75.00
140013	INDEPENDENT DRAFTING SERVICES	1,320.00
140014	INTEGRITY BUSINESS SOLUTIONS	9.46

Check Number	Payee	Amount
140015	JACK DOHENY COMPANY	774.30
140016	JIM RIEHL'S FRIENDLY CHRYSLER-JE	185.00
140017	KCI	473.35
140018	KOPRWICZ, JOSEPH S	250.00
140019	KSS ENTERPRISES	2,661.65
140020	LEELANAU COFFEE ROASTING CO IN	276.90
140021	LEMIE, MICHELLE	78.75
140022	MACGREGOR PLUMBING & HEATING	823.00
140023	MCDONNELL, JILL L	20.05
140024	MICHAUD, ADAM	45.76
140025	MILLER, FAITH G	40.61
140026	MINERAL MASTERS	3,560.00
140027	NAVIA BENEFIT SOLUTIONS	100.00
140028	NORTHERN SAFETY CO INC	122.60
140029	NUCO2 LLC	215.17
140030	OLESON'S FOOD STORES	162.93
140031	OVIEDO, IRENE	100.00
140032	PAUL'S METER TESTING LLC	170.35
140033	PETALS	295.00
140034	POWER LINE SUPPLY	9,548.73
140035	PRESTON FEATHER	666.75
140036	QUILL LLC	413.94
140037	ROESTEL, KEN	35.76
140038	SCHOLEY, RIAN	75.00
140039	SCHWEITZER ENGINEERING LABORA	4,492.17
140040	SIGMA-ALDRICH INC	86.56
140041	SPARTAN DISTRIBUTORS INC	652.74
140042	SPARTAN STORES LLC	108.09
140043	STATE OF MICHIGAN	57.00
140044	STEWART, MORGAN	30.00
140045	SWEET MARIA'S LLC	385.00
140046	SYSTEMS SPECIALISTS INC	437.50
140047	TELNET WORLDWIDE	198.59
140048	TILLIE'S TAFEL	89.00
140049	TRACE ANALYTICAL LABORATORIES I	1,034.00
140050	TRAVERSE CITY DANCE PROJECT	1,000.00
140051	UNIFIRST CORPORATION	514.11
140052	USABBLUEBOOK	399.48
140053	WAUSAU EQUIPMENT COMPANY LLC	2,670.09
Total 07/18/2023:		247,596.44
Grand Totals:		247,596.44

Check Number	Payee	Amount
07/03/2023		
70323001	AMG PAYMENT SOLUTIONS	837.11
70323002	MICHIGAN PUBLIC POWER AGENCY	20,895.36
Total 07/03/2023:		21,732.47
Grand Totals:		21,732.47

Check Number	Payee	Amount
07/05/2023		
70523001	PAYMENT SERVICE NETWORK INC.	250.30
Total 07/05/2023:		250.30
Grand Totals:		250.30

Check Issue Date	Check Number	Payee	Amount
70723001			
07/07/2023	70723001	**EFTPS* Payroll Taxes	13,825.99
07/07/2023	70723001	**EFTPS* Payroll Taxes	13,825.99
07/07/2023	70723001	**EFTPS* Payroll Taxes	3,233.52
07/07/2023	70723001	**EFTPS* Payroll Taxes	3,233.52
07/07/2023	70723001	**EFTPS* Payroll Taxes	18,160.88
Total 70723001:			
	5		52,279.90
70723002			
07/07/2023	70723002	Alerus Financial	558.00
Total 70723002:			
	1		558.00
70723003			
07/07/2023	70723003	MissionSquare - 401 Plan 109153	1,062.00
Total 70723003:			
	1		1,062.00
70723004			
07/07/2023	70723004	MissionSquare - 457 Plan 300959	4,636.00
07/07/2023	70723004	MissionSquare - 457 Plan 300959	2,770.14
07/07/2023	70723004	MissionSquare - 457 Plan 300959	4,630.73
07/07/2023	70723004	MissionSquare - 457 Plan 300959	8,835.40
Total 70723004:			
	4		20,872.27
70723005			
07/07/2023	70723005	MissionSquare - Roth IRA 706117	1,220.76
Total 70723005:			
	1		1,220.76
70723006			
07/07/2023	70723006	STATE OF MICHIGAN	7,914.99
Total 70723006:			
	1		7,914.99
Grand Totals:			
	13		83,907.92



Check Number	Payee	Amount
07/10/2023		
71023001	MICHIGAN PUBLIC POWER AGENCY	25,318.80
Total 07/10/2023:		25,318.80
Grand Totals:		25,318.80

Check Number	Payee	Amount
07/11/2023		
71123001	DTE ENERGY	3,480.59
71123002	STATE OF MICHIGAN	32,012.59
Total 07/11/2023:		35,493.18
Grand Totals:		35,493.18

Charlevoix City Council

Consent Agenda

Title: MML Worker's Compensation Fund Board of Trustees Election

Date: July 17, 2023

Presented By:

Background:

The City is a member of the Michigan Municipal League Worker's Compensation Fund. The fund is governed by a board of trustees elected by the members of the fund (like us). As such, we have the opportunity to vote for the Board of Trustees. The Fund's Nominating Committee has renominated Devin Olson, City Manager of Munising, Adam Smith, City Manager of Grand Ledge, and David Tossava, Mayor of the City of Hastings. The Fund's Nominating Committee has nominated three new appointees, including Christine Burns, Manager of the Village of Spring Lake, Juan Ganum, City Manager of Bridgman, and Kevin Klynstra, Mayor of Zeeland.

Recommendation:

Motion to direct the City Clerk to cast a ballot for the nominating committee's recommendation of the six members presented.

Attachments:

1. MML Fund Trustee Election

To: Members of the MML Workers' Compensation Fund
From: Michael J. Forster, Fund Administrator
Date: June 26, 2023
Subject: Fund Trustee Election

Dear Fund Member:

Enclosed is your ballot for this year's Board of Trustees election. Three appointees have agreed to seek election to their first term, as well as three incumbent Trustees seeking re-election. You may also write in one or more candidates if you wish.

A brief biographical sketch of the candidates is provided for your review.

I hope you will affirm the work of the Nominating Committee by returning your completed ballot in the enclosed return envelope, no later than August 11th. Alternately, you may complete your ballot online:

Go to www.mml.org. At the top of the page, hover over *Programs & Services* and select *Risk Management* from the drop-down list. Next, look for the *Jump To* panel and select *Worker's Compensation Fund*. The ballot link is on the next page, in the *Jump To* panel, under *Online Forms*.

The MML Workers' Compensation Fund is owned and controlled by its members. Your comments and suggestions on how we can serve you better are very much appreciated. Thank you again for your membership in the Fund, and for participating in the election of your governing board.

Sincerely,



Michael J. Forster
Fund Administrator
mforster@mml.org



THE CANDIDATES

Four-year terms beginning October 1, 2023



Christine Burns, Manager, Village of Spring Lake

Chris has more than 25 years of experience as a municipal official. She has been the village manager of Spring Lake since 2012, after serving the City of Cedar Springs for more than five years, the Village of Oxford for nearly two years, and the City of Clare for more than 14 years. Chris graduated from Central Michigan University in 1990 with a BS in Business Administration, majoring in Management, earned her MSA in Public Administration from CMU in 2006 (*Fire Up Chips!*), and holds a Certified Master Municipal Clerk designation. She is a member of Michigan Municipal Executives (MME); the International City/County Management Association (ICMA); and the West Michigan Local Government Management Association (WMLGMA). She has served on the MME Board of Directors and as President of the WMLGMA. Chris is seeking election to her first term.



Juan Ganum, Manager, City of Bridgman

Juan has 25 years of experience in local government. He served as the Community Development Director for the City of Niles from 1998 to 2015 and has since served as City Manager for the City of Bridgman. Juan graduated from Michigan State University in 1995 with a BS in Urban and Regional Planning and earned his Masters in Public Administration from Western Michigan University in 2007. He currently serves as the vice-chair of the Michigan Municipal Executives' Ethics Committee and is actively engaged on boards and committees within Berrien County. Juan is seeking election to his first term.



Kevin Klynstra, Mayor, City of Zeeland

Kevin has more than 28 years of experience in local government. He was elected as mayor of the City of Zeeland in 2011 and was most recently reelected in 2021 for his sixth two-year term. Before becoming mayor, he was a member of the Zeeland City Council for 16 years. Kevin serves on several boards and commissions, including the Michigan Association of Mayors (MAM) board, Zeeland's Planning Commission, the Macatawa Area Coordinating Council (MACC), and the West Michigan Airport Authority (WMAA). Kevin is seeking election to his first term.

THE CANDIDATES
Four-year terms beginning October 1, 2023



Devin Olson, City Manager, City of Munising

Devin has more than five years' experience as a municipal official, having served as Munising's City Manager since 2014. Devin has also served on MML's Transportation and Infrastructure Committee for three years. Devin is seeking election to his first term. Devin is seeking re-election to his second term.



Adam Smith, Manager/Municipal Executive, City of Grand Ledge

Adam has worked in local government since 2004 and currently serves as the City Manager/Municipal Executive of Grand Ledge. He is chair of the MML's Municipal Services Committee, formerly served six years as City Manager Representative on the Elected Officials Academy Board of Directors, and received the League's Special Award of Merit in 2013. Adam is an active member of Michigan Municipal Executives, having served on its Board of Directors from 2013-2016, and currently serving as its Advocacy Chairperson. He has given workshops on effective Council-Manager relationships. Adam has a Bachelor's Degree in Public Administration and a Master's in Administrative Leadership, both from Central Michigan University; a Certificate in Strategic Foresight from the University of Houston; and is a graduate of the Disney Institute for Leadership Excellence. Adam is seeking re-election to his third term.



David J. Tossava, Mayor, City of Hastings

David has over twelve years' municipal experience and has served as mayor of Hastings for two years. He also serves on the Board of Directors of the Michigan Association of Mayors. David is seeking re-election to his second term.

Michigan Municipal League
Workers' Compensation Fund

OFFICIAL BALLOT - 2023

Vote for six Trustees by marking the line to the left of the name for four-year terms beginning October 1, 2023.

- ____ Christine Burns, Appointee
Manager, Village of Spring Lake
- ____ Juan Ganum, Appointee
Manager, City of Bridgman
- ____ Kevin Klynstra, Appointee
Mayor, City of Zeeland
- ____ Devin Olson, Incumbent
Manager, City of Munising
- ____ Adam Smith, Incumbent
Manager/Municipal Executive,
City of Grand Ledge
- ____ David Tossava, Incumbent
Mayor, City of Hastings

Write-in Candidate

I hereby certify that:

(Municipality/Agency)

by action of its governing body, has authorized its vote to be cast for the above persons to serve as Trustees of the Michigan Municipal League Workers' Compensation Fund.

Official Signature

Date:

**Ballot deadline:
August 11, 2023**

Charlevoix City Council

Consent Agenda

Title: MERS 2023 Officer and Employee Delegate Certification Form

Date: July 17, 2023

Presented By:

Background:

We are seeking Council approval for the 2023 MERS Officer and Employee Delegate Certification Form. Both an Employee and Officer Delegate will represent the City of Charlevoix at the Annual MERS Conference which is being held at the Detroit Marriott Renaissance Center in Detroit on September 28-29, 2023. Employees elected Ryan Leitner as their Employee Delegate and Barbara Orban as the Alternate Employee Delegate. Kelly McGinn was chosen to serve as the Officer Delegate and Alida Klooster will serve as the Alternate Officer Delegate.

Recommendation:

Motion to approve the MERS 2023 Officer and Employee Delegate Certification Form.

Attachments:

1. MERS Delegate Form 2023

2023 Officer and Employee Delegate Certification Form

MERS Annual Business Meeting | September 2023

Please print clearly • **Scan and attach this file when you register online** • Retain a copy for your records

IMPORTANT: If you are not electing/appointing delegates to vote during the MERS Annual Business Meeting, please **DO NOT** submit this form. A **delegate** is **NOT** confirmed to have voting rights until this form has been uploaded with their online registration.

The voting delegate representative must be a MERS member, defined as an **active employee on payroll** who is enrolled in either a MERS Defined Benefit Plan, Defined Contribution Plan or Hybrid Plan.

1. Officer (and alternate) delegate information

The officer delegate (or alternate) shall be a MERS member who holds a department head position or above, exercises management responsibilities, and is directly responsible to the legislative, executive, or judicial branch of government.

Officer Delegate name

Officer Alternate name

ALIDA KLOOSTER

Officer delegate and alternate listed above were appointed to serve during the 2023 MERS Annual Business Meeting by official action of the governing body (or chief judge for a participating court) on _____, 2023.

2. Employee (and alternate) delegate information

The employee delegate (or alternate) shall be an employee member who is not responsible for management decisions, receives direction from management and, in general, is not directly responsible to the legislative, executive, or judicial branch of government.

Employee Delegate name

Employee Alternate name

Employee delegate and alternate listed above were elected to serve during the 2023 MERS Annual Business Meeting by secret ballot election conducted by an authorized officer on _____, 2023.

3. Certification

NOTE: Certification should be signed by a member of the governing body or chief administrative officer, or the chief judge for a participating court. **An electronic signature is permissible.**

I certify that the officer delegate and alternate selections are true and correct, and the secret ballot election results for the employee delegate and alternate are true and correct.

Employer/municipality name*

Municipality number*

Email address

Employer address

Employer city

Employer state

Employer zip code

Printed name

Title of authorized authority*

Authorized signature*

Date

* Required field

2

ways to
complete

1. You may complete it electronically (an electronic authorized signature is permissible), then save it and upload it when registering your delegate(s) – OR –
2. You may print it off and complete it, then scan and upload it to your computer for uploading when you register your delegate(s).

Charlevoix City Council

Public Hearings and Actions Requiring Public Hearings

Title: Citizen Initiated Ordinance on the Sale of 229 Stover Road

Date: July 17, 2023

Presented By: Mark Heydlauff, City Manager

Background:

Council requested a public hearing for the proposed Citizen Initiated Ordinance on the Sale of 229 Stover Road. Additionally, a letter is attached from an attorney representing the committee who initiated the preservation petition.

Recommendation:

Council discussion and direction.

Attachments:

1. Copy of Proposed Ordinance
2. Sample of Revised Petition
3. Certificate of Sufficiency from City Clerk
4. 2023-06-29 Memo from City Attorney on Initiative Petition
5. Letter from Attorney Representing Citizens to Preserve & Enhance Ferry Beach
6. 2023-07-17 Memo from City Attorney Regarding Ballot Initiative Petition Timeline

CITY OF CHARLEVOIX
ORDINANCE NO. ____ OF 2023
AN ORDINANCE REGULATING USE OF THE PROPERTY LOCATED AT 229 STOVER
RD., CHARLEVOIX, MICHIGAN 49720

THE CITY OF CHARLEVOIX ORDAINS:

Section 1: Purpose

A December 2021 joint working session of the Planning Commission and City Council found the City of Charlevoix's housing supply is not adequate to meet the housing needs for year-round residents at all income levels. Meanwhile, the City owns vacant property suitable for development for housing. The City intends to use the property for the purpose of providing year-round housing by either (i) selling the property to a Developer who intends to develop year-round housing on the property, or (ii) selling the property to any third-party and using the proceeds thereof to promote the development of year-round housing within the City.

Section 2: Definitions

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

Developer: A person, association, corporation, joint venturer, or partnership which possess the requisite skill, experience, and credit worthiness to successfully produce year-round housing as required by this Ordinance.

Property: The parcel of land owned by the City commonly known as 229 Stover Rd., Charlevoix, MI 49720, but only the portion of that parcel west of Ferry Avenue and not including any portion of Ferry Avenue.

Year-Round Housing: Owner-occupied housing that is intended for use by an individual or group of individuals as a primary residence, wherein such individual and family will reside for more than 10 months a year, and which is subject to a deed restriction or other regulation prohibiting short-term, seasonal, or vacation rentals.

Section 3: Obligations of the Council

- A. The Council shall take the following steps to market for sale and sell the Property:
 - i. Engage, within 6 months after the effective date of this Ordinance, a real estate agent or realtor of requisite skill to conduct a comparable market analysis, establish a listing price, and list the Property for sale;
 - ii. Review any and all offers made by Developers; and
 - iii. Upon approval by resolution of Council, agree to sell the Property to a Developer on the terms and conditions of Section 4 of this Ordinance; provided, Council shall not be obligated to sell the property unless a reasonable offer, as determined by the Council in its sole discretion, is made. An offer below fair

market value may be considered reasonable if such discount is necessary to induce a developer to construct year-round housing.

- B. If, within 1 year after the effective date of this Ordinance, Council has not received a reasonable offer and the property remains unsold, Council may choose to use the property in any way that substantially benefits year-round housing in Charlevoix.
- C. The Council shall not take any action to develop the Property in a manner inconsistent with this Ordinance.

Section 4: Terms and Conditions of the Sale of the Property

- A. The sale of the Property to a Developer pursuant to Section 3.A. of this Ordinance shall be on the following terms and conditions:
 - i. The Property must be subject to Housing North's deed restriction program with the City as a third-party beneficiary.
 - ii. The Developer must agree to develop and construct year-round housing;
 - iii. The constructed housing must reasonably fit into the surrounding neighborhood, such as condos or apartments with a similar look.
 - iv. The constructed housing must comply with all other state laws and City ordinances; and
 - v. Any other terms and conditions the Council reasonably believes are necessary to ensure compliance with the purpose of this Ordinance.

Section 5: Severability

No other portion, paragraph, or phrase of the Code of the City of Charlevoix, Michigan shall be affected by this Ordinance, 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 part or portion of this Ordinance or the Code of the City of Charlevoix, Michigan.

Section 6: Effective Date

This Ordinance shall be effective 30 days after its enactment by the City Council under Article VI, Section 1(a) of the Code, or upon passage of the Ordinance by a majority of the registered electors under Article 6, Section 7(a) of the Code.

The circulator of this petition is (check one): ☐ A paid signature gatherer ☒ A volunteer signature gatherer

If the petition circulator does not comply with all of the requirements of the Michigan election law for petition circulators, any signature obtained by that petition circulator on that petition is invalid and will not be counted.

INSTRUCTIONS ON REVERSE SIDE

LOCAL PROPOSAL PETITION

☐ Township
☒ City

We, the undersigned qualified and registered electors, residents in the ☐ Village of Charlevoix in the County of Charlevoix, State of Michigan, respectively petition for:
the initiation of an Ordinance Regulating Use of the Property Located at 229 Stover Road, Charlevoix, Michigan 49720, pursuant to the City Charter. The proposed ordinance is attached to this petition or printed on the reverse side.

WARNING - A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.

Signature	Printed Name	Street Address or Rural Route	Zip Code	DATE OF SIGNING		
				Month	Day	Year
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence; that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the City or Township listed in the heading of the petition, and the elector was qualified to sign the petition. The circulator further states that each signer had an opportunity before signing to read the full text of the proposed ordinance.

☐ If the circulator is not a resident of Michigan, the circulator shall make a cross [X] or check mark [√] in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on the circulator.

WARNING - A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.

CIRCULATOR - Do not sign or date certificate until after circulating petition.

_____/_____/_____
(Signature of Circulator) (Date)

(Printed Name of Circulator)

(Complete Residence Address [Street and Number or Rural Route]) - [Do not enter a post office box]

(City or Township, State, Zip Code)

(County of Registration, if Registered to Vote, of a Circulator who is not a Resident of Michigan)

NOTICE

This form complies with Michigan election law, MCL 168.488 and 168.544d. Before using this form, you are strongly encouraged to review the provisions of Michigan law which grant you the right to place your proposal on the ballot through a petitioning process to determine if any additional petition formatting requirements are specified. If additional requirements are specified under the governing statutes, this form cannot be used.

READ BEFORE CIRCULATING PETITION

Complete the heading of the petition before circulating it.

- Enter the city, township, or village and county where the petition will be circulated, and indicate whether the jurisdiction listed is a “city,” “township,” or “village.” **Do not list more than one city, township, or village.** (Note: If the petition includes a county proposal, note that this petition sheet can only be circulated within a single city, township or village; it *cannot* be circulated countywide. Use the County Proposal (Countywide) form instead.)
- Enter an appropriate description of your proposal.

Make sure that all signers complete the petition. Ask each signer:

- Whether he or she is registered to vote in the city, township or village listed in the heading.
- To sign and print his or her full name on the petition.
- To enter the street address or rural route where registered to vote. A P.O. Box provided in lieu of a residential address is not acceptable.
- To write the zip code and date of signing.

Complete the circulator’s certificate after circulating the petition.

- Sign and print your full name and enter the date of signing. Signatures on the petition which are dated after the date on the circulator’s certificate are invalid.
- Enter your complete residence address (street and number or rural route – do not enter a P.O. Box), city or township, and state.
- If you do not reside in Michigan, check the box located in the lower left corner of the petition sheet and enter your county of registration (if you are registered to vote in your home state).

Remember:

- Ask potential signers whether and where they are registered to vote. Voter registration information may be found at Michigan.gov/Vote.
- Review each signer’s entry for completeness. If information is omitted, ask the signer to fill in the blank(s).
- Do not leave the petition unattended.



June 29, 2023

Initiative Committee
102 Chicago Ave.
Charlevoix, MI 49720

RE: Resubmission of Local Proposal Petitions

Dear Members of the Initiative Committee:

My office has verified all the signatures on the petitions and the number of signatures submitted meet the requirement of the City Charter Section 6.3 Petitions(a.).

In the City Charter, Section 6.4, Procedure After Filing states that within 20 days the petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particular wherein it is defective and shall promptly send a copy of the certificate to the petitioner's committee by certified mail.

Enclosed with this letter is a Certificate of Sufficiency.

Please do not hesitate to contact me with any questions.

Sincerely,

Sarah Dvoracek
City Clerk



Certificate of Sufficiency

Pursuant to Article XI, Section 6.4(a), the City Clerk has determined that the Petition submitted by the Initiative Committee (102 Chicago Ave.) meets the requirements of the Charter, contains the required number of signatures, and is sufficient.

Sarah Dvoracek, City Clerk

Dated: June 29, 2023



MEMORANDUM

To: City Council
From: Scott Howard, Attorney
Date: June 29, 2023
Re: Initiative Petition

The City Clerk has certified the petitions submitted by the Initiative Committee meet the requirements of the Charter, contain the required number of signatures, and are sufficient. Article VI, Section 6.6 of the Charter provides that once an initiative petition has been determined sufficient, the Council shall promptly consider the proposed initiative ordinance as it normally would any other proposed ordinance. If it desires to enact the ordinance, the Council must set a public hearing in accord with standard action. The section also states that. “[i]f the Council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days... after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the City.” If Council does not adopt the ordinance, then a vote of the City on the proposed ordinance shall be held no sooner than sixty days and no later than one year from the date of the Council vote.

Therefore, Council has three options with the proposed initiative ordinance:

1. Adopt the initiative ordinance without any change in substance of the ordinance,
2. Decline to adopt the initiative ordinance formally which will place the question of whether to adopt the ordinance on the ballot, or
3. Take no action for the next 60 days which will be the same as a denial and will result in the putting the question of whether to adopt the ordinance on the ballot.

A proposed motion for action on this matter is as follows:

“I move that the proposed initiative ordinance submitted to the City **[is/is not]** adopted without any change in substance to the ordinance.”



Warner Norcross + Judd LLP

July 13, 2023

Lyle Gennett, Mayor
Janet Kalbfell, Council Member
Aaron Hagen, Council Member
Mark Knapp, Council Member

Phil Parr, Council Member
Shane Cole, Council Member
Richard Spring, Council Member

City of Charlevoix
210 State Street
Charlevoix, Michigan 49720

Re: Proposals Concerning the Property Located at 229 Stover Road

Dear Members of the City Council:

We represent Citizens to Preserve & Enhance Ferry Beach. This letter will explain the initiative and referendum processes related to the relevant proposals concerning the property located at 229 Stover Road.

Citizens to Preserve & Enhance Ferry Beach is a ballot-question committee that has submitted an initiative petition under Section 6.3 of the City Charter proposing an ordinance to designate the property located at 229 Stover Road as part of Ferry Beach Park (the "Preserve Proposal"). On July 11, the City Clerk issued a certificate under Section 6.4 of the City Charter determining that the petition meets the requirements of the City Charter, contains the required number of signatures, and is deemed sufficient. Under Section 6.4(a) of the City Charter, this certificate is a final determination as to the sufficiency of the petition for which the City Council must now consider.

Another group has submitted an alternative initiative petition proposing an ordinance, the purpose of which is to either sell the property located at 229 Stover Road to a developer who intends to develop year-round housing on the property or sell the property to any third party and use the proceeds of the sale to promote the development of year-round housing (the "Development Proposal").¹

¹ It is unclear how this is a proper purpose for an initiative petition under the City Charter. Under section 6.1 of the City Charter, the power to propose an initiative ordinance does not extend to "any ordinance relating to appropriation of money." The stated purpose in Section 1 of the Development Proposal includes direction on the appropriation of money: "selling the property to any third-party and *using the proceeds thereof to promote the development of year-round housing within the City.*"

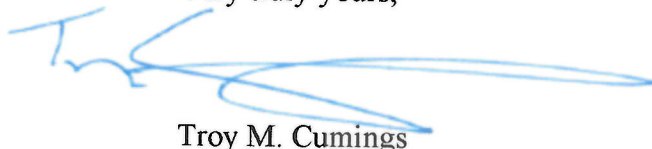
When an initiative petition is determined to be sufficient, the City Council must promptly consider the proposed initiative ordinance in the same manner as an ordinance introduced by the City Council.² If the Council fails to adopt the proposed initiative ordinance without any change in substance within 60 days after the date the petition was finally determined sufficient, the City Council must submit the proposed ordinance to the voters of the City at the next regular election.³

Accordingly, if the City Council does not adopt either the Preserve Proposal or the Development Proposal within the required timeframes, both proposed ordinances must be submitted to the voters at the next regular election. Under Section 6.7(a) of the City Charter, if conflicting ordinances are approved by a majority of voters at the same election, the one receiving the greatest number of affirmative votes prevails to the extent of such conflict. The Preserve Proposal and the Development Proposal are wholly conflicting because if the property is designated part of Ferry Beach Park, the property can neither be developed nor sold without removing the property from Ferry Beach Park, which would require the approval of the voters.⁴ So whichever of the Preserve Proposal or the Development Proposal that is adopted by the voters and receives the most votes between the two proposals will prevail and the other will have no effect.

If, however, the City Council approves the Development Proposal within the required timeline, Citizens to Preserve & Enhance Ferry Beach will immediately seek a referendum of that ordinance under Section 6.2 of the City Charter. Attached is the form of petition that will be used to pursue that referendum. And we fully anticipate obtaining the required number of signatures and filing the petition with the City Clerk within 10 days. Further, when Citizens to Preserve & Enhance Ferry Beach files the referendum petition with the City Clerk, the Development Proposal will be suspended from taking effect until: (i) there is a final determination of insufficiency of the petition, (ii) the petitioners' committee withdraws the petition, (iii) the Council repeals the ordinance, or (iv) 30 days have elapsed after a vote on the ordinance by the voters of the City.⁵

We would be happy to follow up on any of the issues raised in this letter.

Very truly yours,



Troy M. Cumings

TMC
28906617-2

² City Charter, § 6.6(a).

³ *Id.* The vote on the proposal must be held after 60 days and before one year from the date of the final City Council vote on the proposal.

⁴ See City Charter, § 2.16(f).

⁵ City Charter, § 6.5.

LOCAL PROPOSAL PETITION

The circulator of this petition is (check one)
☐ A paid signature gatherer
☐ A volunteer signature gatherer

If the petition circulator does not comply with all of the requirements of the Michigan election law for petition circulators, any signature obtained by that petition circulator on that petition is invalid and will not be counted.

We, the undersigned qualified and registered electors, residents in the ☒ City ☐ Township ☐ Village of } Charlevoix, in the County of Charlevoix, State of Michigan, respectively petition for:
[Check One]

A referendum of Ordinance No. _____ of 2023, an ordinance to allow for the sale and development of the property located at 229 Stover Road.

For the full text of the ordinance sought to be reconsidered, see the reverse side of this petition.

WARNING – A PERSON WHO KNOWINGLY SIGNS THIS PETITION MORE THAN ONCE, SIGNS A NAME OTHER THAN HIS OR HER OWN, SIGNS WHEN NOT A QUALIFIED AND REGISTERED ELECTOR, OR SETS OPPOSITE HIS OR HER SIGNATURE ON A PETITION, A DATE OTHER THAN THE ACTUAL DATE THE SIGNATURE WAS AFFIXED, IS VIOLATING THE PROVISIONS OF THE MICHIGAN ELECTION LAW.

	SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	ZIP CODE	DATE OF SIGNING		
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CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence; that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the City or Township listed in the heading of the petition, and the elector was qualified to sign the petition.

☐ If the circulator is not a resident of Michigan, the circulator shall make a cross [X] or check mark [✓] in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on the circulator.

WARNING-A CIRCULATOR KNOWINGLY MAKING A FALSE STATEMENT IN THE ABOVE CERTIFICATE, A PERSON NOT A CIRCULATOR WHO SIGNS AS A CIRCULATOR, OR A PERSON WHO SIGNS A NAME OTHER THAN HIS OR HER OWN AS CIRCULATOR IS GUILTY OF A MISDEMEANOR.

Paid for with regulated funds by Citizens to Preserve & Enhance Ferry Beach, 309 Petoskey Ave., Charlevoix, MI 49720

CIRCULATOR – DO NOT SIGN OR DATE CERTIFICATE UNTIL AFTER CIRCULATING PETITION.

(Signature of Circulator) _____ / _____ / _____ (Date)

(Printed Name of Circulator)

(Complete Residence Address [Street and Number or Rural Route]) – [Do not enter a post office box]

(City or Township, State, Zip Code)

(County of Registration, if Registered to Vote, of a Circulator who is not a Resident of Michigan)



MEMORANDUM

To: City Clerk and Charlevoix City Council
From: Scott W. Howard
Date: July 16, 2023
Re: Procedure for Ballot Initiative Petitions

You have requested a summary of the process for the competing ballot initiative petitions submitted to the City. The process is set forth in the City Charter and the City Home Rule Act. Section 6.6 of the Charter states that once a petition is determined to be sufficient, Council shall promptly consider whether to adopt the proposed initiative ordinance without any change in substance. If the Council does not adopt a proposed initiative ordinance without any change in substance within sixty days, it shall submit the proposed or referred ordinance to the voters of the City. The vote of the City on a proposed or referred ordinance shall be held no sooner than sixty (60) days and no later than one (1) year from the date of the final Council vote.

Because there are two competing ballot proposals that deal with the same area, the proposal that gets the most votes is the winning decision of the electorate, and that initiative will be enacted into the City's Code of Ordinances. Council could vote to approve one or the other of these competing ordinances, but the version not adopted would still appear on the ballot. If that ballot initiative passes, it would then effectively repeal the decision of Council to adopt the other competing ordinance.

The next steps and timeline for this process are as follows:

1. Council considers the competing ordinances and decides if it would like to adopt either of the two proposed ordinances without any substantive change, or if it would prefer to send the two questions to the ballot. If Council takes no action on the initiative proposal for sixty days, then it is automatically put on the ballot. However, it is recommended that Council decide whether it would like to adopt either of the proposed ordinances or if it would prefer that both initiatives go to the ballot for a vote at its next meeting so the clerk has enough time to submit the questions to the County and meet the timing requirements of Michigan election law.
2. Depending on Council's decision on number 1, the Clerk (with assistance from Legal Counsel) will prepare either one or two resolutions to approve the ballot language for whichever of the competing proposals is to appear on the ballot.
3. The City Clerk must certify the ballot language by Tuesday, August 15, 2023 4:00 p.m. the City Clerk must forward the language to the County Clerk by Thursday, August 17, 2023.

Memo re: Ballot Initiative Petitions
Page 2 of 2

4. The ballot question(s) will then appear on the November 7, 2023 ballot. If there are two competing proposed ordinances on the ballot, the one with the most votes gets adopted. If Council were to adopt one of the two proposed ordinances, then the other competing ballot initiative would still appear on the ballot. If successful, the ballot initiative would overturn or repeal the ordinance adopted by Council.

Charlevoix City Council

All Other Actions and Requests

Title: Citizen Initiated Ordinance to Enhance and Preserve Ferry Beach

Date: July 17, 2023

Presented By: Mark Heydlauff, City Manager

Background:

On June 23, 2023, Clerk Dvoracek received correspondence from a group of citizens stating they were commencing an initiative petition to preserve and enhance Ferry Beach. City Attorney Howard preapproved the group's proposed ordinance language. Early this week, the committee submitted their petitions and Clerk Dvoracek verified all the signatures on the petitions and provided them with a Certificate of Sufficiency.

City Attorney Howard has provided Council with a memo stating all of their options.

Recommendation:

Attachments:

1. Copy of Proposed Initiative Ordinance
2. Copy of Petition Circulated
3. Certificate of Sufficiency from City Clerk
4. Memo from Scott Howard, City Attorney

LOCAL PROPOSAL PETITION

An initiative ordinance that designates the property located at 229 Stover Rd. as part of Ferry Beach Park

CITY OF CHARLEVOIX ORDINANCE NO. ___ OF 2023

AN ORDINANCE TO DESIGNATE THE PROPERTY LOCATED AT 229 STOVER RD. AS PART OF FERRY BEACH PARK

THE CITY OF CHARLEVOIX ORDAINS:

Section 1: Purpose

For decades, the City of Charlevoix Street Department (now known as the Department of Public Works), ran all operations from the "Property", as defined in Section 2 of this Ordinance. The structures on the Property were removed, and the City hired consultants to evaluate the Property and develop recommendations on the best future use for the Property. On October 27, 2022, the consultants finalized the Ferry Avenue Corridor Study, which recommended that the best future use of the Property was passive park use that includes open lawn spaces, seating and viewing areas, and limited parking. The purpose of this Ordinance is to designate the Property as part of Ferry Beach Park to implement the recommendations of the Ferry Avenue Corridor Study.

Section 2: Property description

As used in this Ordinance, the "Property" means the parcel of land owned by the City commonly known as 229 Stover Rd., Charlevoix, MI 49720 and legally described and depicted on Exhibit A, and subject to all easements, covenants, restrictions, and conveyances previously granted, including but not limited, to the use and enjoyment of Ferry Avenue as a public road.

Section 3: Designation as city park

Under Section 2.16(f) of the Charter, the Property is hereby designated as part of Ferry Beach Park.

Section 4: Approval of majority of electors

As required by Section 2.16(f) of the Charter, the following actions require the specific approval of a majority of electors voting thereon at any general or special election:

- A. The removal of or any change to the designation of the Property as part of Ferry Beach Park.
- B. To sell, divide, lease, partition, plat, subdivide, or dispose of Ferry Beach Park or any part thereof, including but not limited to, the Property, except as provided in Section 2.16(h) of the Charter.

Section 5: Effective Date

This Ordinance shall take effect as follows:

- A. If the City Council approves the Ordinance, the Ordinance shall take effect when the Ordinance is recorded and authenticated under Section 5.6 of the Charter or within seven (7) days after notice has been published in a local newspaper of general circulation in the City that the Ordinance has been properly authenticated and recorded under Section 5.6 of the Charter.
- B. If the Ordinance is submitted to voters under Section 6.6 of the Charter and a majority of the registered electors votes in favor of the Ordinance, the Ordinance shall take effect upon certification of the election results.

Section 6: Treated same as ordinance adopted by the Council

If this Ordinance is submitted to voters under Section 6.6 of the Charter and a majority of the registered electors votes in favor of the Ordinance, the Ordinance shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council.

Section 7: Not related to budget, appropriation of money, or levy of taxes

This Ordinance is not related to the budget or Capital Program, an appropriation of money, a levy of taxes, or salaries of City officials or employees. Any action to implement this Ordinance that relates to the budget or Capital Program, an appropriation of money, a levy of taxes, or salaries of City officials or employees must be taken pursuant to authority other than an initiated ordinance under Article VI of the Charter.

Exhibit A
Description and Depiction of Property

Real property located in the City of Charlevoix, Charlevoix County, Michigan, and described as follows:

229 STOVER RD 87COMB 335-069-00,335-000-10&335-073-10 BEG ON N LI STOVER RD 1162.26FT E OF C/LMAY ST TH N 297 FT TH E 62.44 FT TH N 165 FT TH E 260.75 FT TO NWLY LI C&O RR R/W TH SWLY AL R/W TO N LI ST OVER RD TH W TO POB PT GOV LOT 1 & PT SE 1/4 OF NW 1/4 SEC 35 T34N R8W. ALSO A STRIP OF LD 100 FT IN WIDTH TH C/L OF WHICH IS DESC AS FOLLOWS: COM AT SW COR LOT 1 J MILO EATONS ADD TO VILLAGE OF CX TH WLY AL SLY LI SD EATONS ADD 49.73 FT FOR POB TH S 15DEG 40'35"W 1310 FT M/L TO PT ON NLYLI STOVER RD WHICH IS 82 FT M/L E OF N&S1/4 LI SEC 35-34-8 EX THEREFROM ANY LANDLYING ELY OF A LI BEING 33 FT EL Y OF & PARA WI THE C/L FERRY RD AS IS NOW LAID OUT & TRAVELED L280 P858 ALSO: COM AT INTER OF C/L OF STOVER RD WI C/L FERRY AVE TH NLY AL C/L SD FERRY AVE 158 FT TH W TO WLY LI SD AVE FOR POB TH CONT W TO SELY LI OF C&O RR R/W TH NELY AL SELY LISD R/W TO INTER WI WLY LI SD FERRY AVE TH SLY AL SD FERRY AVE TO POB BEING PT OF GOV LOT 1 SEC 35 T34N R8W.

Property Address: 229 Stover Road
Charlevoix, Michigan 49720

Property ID No.: 052-335-069-00



LOCAL PROPOSAL PETITION

The circulator of this petition is (check one)
☐ A paid signature gatherer
☐ A volunteer signature gatherer

If the petition circulator does not comply with all of the requirements of the Michigan election law for petition circulators, any signature obtained by that petition circulator on that petition is invalid and will not be counted.

We, the undersigned qualified and registered electors, residents in the }
☒ City ☐ Township ☐ Village of }
Charlevoix }
[Check One]

in the County of Charlevoix

State of Michigan, respectively petition for:

An initiative ordinance that designates the property located at 229 Stover Rd. as part of Ferry Beach Park.

For the full text of the proposed Initiative ordinance, see the reverse side of this petition.

WARNING – A PERSON WHO KNOWINGLY SIGNS THIS PETITION MORE THAN ONCE, SIGNS A NAME OTHER THAN HIS OR HER OWN, SIGNS WHEN NOT A QUALIFIED AND REGISTERED ELECTOR, OR SETS OPPOSITE HIS OR HER SIGNATURE ON A PETITION, A DATE OTHER THAN THE ACTUAL DATE THE SIGNATURE WAS AFFIXED, IS VIOLATING THE PROVISIONS OF THE MICHIGAN ELECTION LAW.

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CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence; that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the City or Township listed in the heading of the petition, and the elector was qualified to sign the petition.

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Paid for with regulated funds by Citizens to Preserve & Enhance Ferry Beach, 309 Peloskey Ave., Charlevoix, MI 49720

CIRCULATOR – DO NOT SIGN OR DATE CERTIFICATE UNTIL AFTER CIRCULATING PETITION.

(Signature of Circulator)

(Printed Name of Circulator)

(Complete Residence Address [Street and Number or Rural Route]) – [Do not enter a post office box]

(City or Township, State, Zip Code)

(County of Registration, if Registered to Vote, of a Circulator who is not a Resident of Michigan)

EXHIBIT A

3 of 3

LOCAL PROPOSAL PETITION

RECEIVED

JUN 27 2023

The circulator of this petition is (check one)
☐ A paid signature gatherer
☐ A volunteer signature gatherer

If the petition circulator does not comply with all of the requirements of the Michigan election law for petition circulators, any signature obtained by that petition circulator on that petition is invalid and will not be counted.

We, the undersigned qualified and registered electors, residents in the

☒ City

☐ Township

☐ Village of

 } Charlevoix }
☒ Check One

in the County of Charlevoix, State of Michigan, respectively petition for:

An initiative ordinance that designates the property located at 229 Stover Rd. as part of Ferry Beach Park.

For the full text of the proposed initiative ordinance, see the reverse side of this petition.

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Paid for with regulated funds by Citizens to Preserve & Enhance Ferry Beach, 309 Petoskey Ave., Charlevoix, MI 49720

CIRCULATOR – DO NOT SIGN OR DATE
CERTIFICATE UNTIL AFTER CIRCULATING PETITION.

(Signature of Circulator) / (Date)

(Printed Name of Circulator)

(Complete Residence Address (Street and Number or Rural Route)) – (Do not enter a post office box)

(City or Township, State, Zip Code)

(County of Registration, if Registered to Vote, of a Circulator who is not a Resident of Michigan)

LOCAL PROPOSAL PETITION

An initiative ordinance that designates the property located at 229 Stover Rd. as part of Ferry Beach Park

CITY OF CHARLEVOIX
ORDINANCE NO. ___ OF 2023

AN ORDINANCE TO DESIGNATE THE PROPERTY LOCATED AT 229 STOVER RD. AS PART OF FERRY BEACH PARK

THE CITY OF CHARLEVOIX ORDAINS:

Section 1: Purpose

For decades, the City of Charlevoix Street Department (now known as the Department of Public Works), ran all operations from the "Property", as defined in Section 2 of this Ordinance. The structures on the Property were removed, and the City hired consultants to evaluate the Property and develop recommendations on the best future use for the Property. On October 27, 2022, the consultants finalized the Ferry Avenue Corridor Study, which recommended that the best future use of the Property was passive park use that includes open lawn spaces, seating and viewing areas, and limited parking. The purpose of this Ordinance is to designate the Property as part of Ferry Beach Park to implement the recommendations of the Ferry Avenue Corridor Study.

Section 2: Property description

As used in this Ordinance, the "Property" means the parcel of land owned by the City commonly known as 229 Stover Rd., Charlevoix, MI 49720 and legally described and depicted on Exhibit A, and subject to all easements, covenants, restrictions, and conveyances previously granted, including but not limited, to the use and enjoyment of Ferry Avenue as a public road.

Section 3: Designation as city park

Under Section 2.16(f) of the Charter, the Property is hereby designated as part of Ferry Beach Park.

Section 4: Approval of majority of electors

As required by Section 2.16(f) of the Charter, the following actions require the specific approval of a majority of electors voting thereon at any general or special election:

- A. The removal of or any change to the designation of the Property as part of Ferry Beach Park.
- B. To sell, divide, lease, partition, plat, subdivide, or dispose of Ferry Beach Park or any part thereof, including but not limited to, the Property, except as provided in Section 2.16(h) of the Charter.

Section 5: Effective Date

This Ordinance shall take effect as follows:

- A. If the City Council approves the Ordinance, the Ordinance shall take effect when the Ordinance is recorded and authenticated under Section 5.6 of the Charter or within seven (7) days after notice has been published in a local newspaper of general circulation in the City that the Ordinance has been properly authenticated and recorded under Section 5.6 of the Charter.
- B. If the Ordinance is submitted to voters under Section 6.6 of the Charter and a majority of the registered electors votes in favor of the Ordinance, the Ordinance shall take effect upon certification of the election results.

Section 6: Treated same as ordinance adopted by the Council

If this Ordinance is submitted to voters under Section 6.6 of the Charter and a majority of the registered electors votes in favor of the Ordinance, the Ordinance shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council.

Section 7: Not related to budget, appropriation of money, or levy of taxes

This Ordinance is not related to the budget or Capital Program, an appropriation of money, a levy of taxes, or salaries of City officials or employees. Any action to implement this Ordinance that relates to the budget or Capital Program, an appropriation of money, a levy of taxes, or salaries of City officials or employees must be taken pursuant to authority other than an initiated ordinance under Article VI of the Charter.

Exhibit A
Description and Depiction of Property

Real property located in the City of Charlevoix, Charlevoix County, Michigan, and described as follows:

229 STOVER RD 87COMB 335-069-00,335-000-10&335-073-10 BEG ON N LI STOVER RD 1162.26FT E OF C/LMAY ST TH N 297 FT TH E 62.44 FT TH N 165 FT TH E 260.75 FT TO NWLY LI C&O RR R/W TH SWLY AL R/W TO N LI ST OVER RD TH W TO POB PT GOV LOT 1 & PT SE 1/4 OF NW 1/4 SEC 35 T34N R8W. ALSO A STRIP OF LD 100 FT IN WIDTH TH C/L OF WHICH IS DESC AS FOLLOWS: COM AT SW COR LOT 1 J MILO EATONS ADD TO VILLAGE OF CX TH WLY AL SLY LI SD EATONS ADD 49.73 FT FOR POB TH S 15DEG 40'35"W 1310 FT M/L TO PT ON NLYLI STOVER RD WHICH IS 82 FT M/L E OF N&S1/4 LI SEC 35-34-8 EX THEREFROM ANY LANDLYING ELY OF A LI BEING 33 FT EL Y OF & PARA WI THE C/L FERRY RD AS IS NOW LAID OUT & TRAVELED L280 P858 ALSO: COM AT INTER OF C/L OF STOVER RD WI C/L FERRY AVE TH NLY AL C/L SD FERRY AVE 158 FT TH W TO WLY LI SD AVE FOR POB TH CONT W TO SELY LI OF C&O RR R/W TH NELY AL SELY LISD R/W TO INTER WI WLY LI SD FERRY AVE TH SLY AL SD FERRY AVE TO POB BEING PT OF GOV LOT 1 SEC 35 T34N R8W.

Property Address: 229 Stover Road
Charlevoix, Michigan 49720

Property ID No.: 052-335-069-00





July 11, 2023

Citizens to Preserve & Enhance Ferry Beach
309 Petoskey Avenue
Charlevoix, MI 49720

RE: Submission of Local Proposal Petitions

Dear Members of the Citizens to Preserve & Enhance Ferry Beach Initiative Committee:

My office has verified all the signatures on the petitions and the number of signatures submitted meet the requirement of the City Charter Section 6.3 Petitions(a.).

In the City Charter, Section 6.4, Procedure After Filing states that within 20 days the petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particular wherein it is defective and shall promptly send a copy of the certificate to the petitioner's committee by certified mail.

Enclosed with this letter is a Certificate of Sufficiency.

Please do not hesitate to contact me with any questions.

Sincerely,

Sarah J. Dvoracek
City Clerk

Enclosure



Certificate of Sufficiency

Pursuant to Article XI, Section 6.4(a), the City Clerk has determined that the petitions submitted by the Citizens to Preserve & Enhance Ferry Beach Initiative Committee (309 Petoskey Ave.) meet the requirements of the City of Charlevoix Charter, and contain the required number of signatures, and is hereby deemed sufficient.

Sarah Dvoracek, City Clerk

Dated: July 11, 2023



MEMORANDUM

To: City Council
From: Scott Howard, Attorney
Date: July 13, 2023
Re: Initiative Petition

The City Clerk has certified the petitions submitted by the Initiative Committee meet the requirements of the Charter, contain the required number of signatures, and are sufficient. Article VI, Section 6.6 of the Charter provides that once an initiative petition has been determined sufficient, the Council shall promptly consider the proposed initiative ordinance as it normally would any other proposed ordinance. If it desires to enact the ordinance, the Council must set a public hearing in accord with standard action. The section also states that. “[i]f the Council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days... after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the City.” If Council does not adopt the ordinance, then a vote of the City on the proposed ordinance shall be held no sooner than sixty days and no later than one year from the date of the Council vote.

Therefore, Council has three options with the proposed initiative ordinance:

1. Adopt the initiative ordinance without any change in substance of the ordinance,
2. Decline to adopt the initiative ordinance formally which will place the question of whether to adopt the ordinance on the ballot, or
3. Take no action for the next 60 days which will be the same as a denial and will result in the putting the question of whether to adopt the ordinance on the ballot.

A proposed motion for action on this matter is as follows:

“I move that the proposed initiative ordinance submitted to the City **[is/is not]** adopted without any change in substance to the ordinance.”

Charlevoix City Council

All Other Actions and Requests

Title: Bridge Light Removal and Reattachment

Date: July 17, 2023

Presented By: Mark Heydlauff, City Manager

Background:

When we agreed to sponsor the lights to be placed on the bridge, we assumed the obligation for long-term maintenance and expenses related to work needed for maintenance of the bridge. This winter, MDOT will be doing some extensive maintenance on the bridge and will also be sandblasting the paint off of the rails. This will put to bed the question of paint on the bridge but in order for this work to be done, the lights will need to be removed and then reattached when work is complete. Strain Electric installed the lights originally and also happen to be the MDOT electrical contractor for this upcoming project. This fee is inclusive of removal and reinstallation. As noted in the quote, Strain also plans to make some small repairs and updates to the lighting system to ensure longevity.

Recommendation:

Motion to approve the quote from Strain Electric for \$30,000 and authorize the City Manager to make all necessary arrangements.

Attachments:

1. Charlevoix Bridge Lighting Rework Quote

Quotation

To: City of Charlevoix

Re: Bridge Decorative Lights Remove/Reinstall

Attn: Mark Heydlauff

Description of Work:

Remove and reinstall the decorative lights attached to the rails of the drawbridge due to the State contract to remove, repair, blast, paint and reinstall the decorative railing.

Scope of Work:

- Remove (60) strings of lights mounted under the guardrails on all four quadrants of both the movable span and the approach spans on the Charlevoix Drawbridge, this will make room for the removal of the decorative railing.
- Once the decorative rails are reinstalled, we will reinstall the (60) strings of lights, reconnect and confirm proper operation and performance.
- When we go to reconnect, we will be adding an "anti-oxidant" compound to each connection preventing moisture and corrosion at the connection points. This should help any future connection failures.
- We also have (4) new strings of lights and (4) new leader cables available to correct the existing lighting issues. Before we remove the lights, we will test and decide which items that need to be replaced.
- This work is scheduled to take place between January and March of 2024.

Total Lump Sum Price: \$30,000.00

Thank You, and please let me know if you have any questions,

Bob Waldhart
Project Manager
Strain Electric Co

Charlevoix City Council

Reports and Communications

Title: City Manager's Comments

Date: July 17, 2023

Presented By:

Background:

A. Channel Work

The Army Corps of Engineers is scheduled to do repair work along the sea wall in the channel next week. I anticipate they will be fixing or removing the wood attached in places and other hazards to marine traffic along the wall.

B. Fire Department Open House

The Charlevoix Township Fire Department is hosting an open house and demonstrations on Tuesday from 4-7pm.

C. Venetian Festival

Final preparations are underway for the Venetian Festival. We are again permitting carnival and vendor vehicles to use space off State Street by the airport. They are being charged for this space and the services used.

D. Chamber Building Housing Opportunity

We continue to work on the prospect of working with the Chamber of Commerce to partner on a potential development that would add two floors to the Chamber building for housing. We are preparing now to use services from the Michigan Economic Development Corporation on October 1 to do preliminary design and market study work. This seems like a very good opportunity to add dense residential in a dense area of our community with land we already own and with utilities already in place.

Recommendation:

Attachments:

1. Police Department June 2022 Daily Activity Report
2. Planning Commission Regular Meeting Minutes 06/12/2023

CITY OF CHARLEVOIX

POLICE ACTIVITY REPORT FOR THE MONTH OF JUNE 2023

ITEM	NUMBER THIS MONTH	THIS MONTH LAST YEAR	TOTAL THIS YEAR	TOTAL LAST YEAR
TRAFFIC CITATIONS	12	14	30	70
TRAFFIC WARNINGS	68	102	280	582
TRAFFIC CONTACTS	86	-	316	-
MOTORIST/CITIZEN ASSIST	23	56	104	108
POLICE ASSIST	38	47	156	159
MEDICAL RESPONSE	14	10	63	51
PAPER SERVICE	2	-	8	-
RESIDENTIAL/COMMERCIAL	15	14	180	213
FELONY ARRESTS	0	2	7	4
MISDEMEANOR/NTA ARRESTS	3	2	22	12
WARRANT ARRESTS	4	-	14	-
WARRANT ATTEMPTS	1	-	4	-
TRAFFIC CRASH 9300-1	12	7	37	35
TRAFFIC CRASH 9300-2	12	5	22	14
GENERAL ASSISTS/OTHER	262	385	1,649	2,363
FUNERAL ESCORTS	3	-	5	-
ALARMS	8	-	36	-
SCHOOL PATROL	9	-	124	-
SCHOOL PRESENTATIONS	0	-	0	-
PARKING/SNOW TICKETS	37	13	202	136
PARKING METER TICKETS	806	315	911	315
LIQUOR INSPECTIONS	12	20	84	99
ORIGINAL COMPLAINTS	43	38	161	137
CLOSED COMPLAINTS	23	27	110	113
FOLLOW-UP/SUPPLEMENTS	25	-	55	-
PATROL MILES	4,186	5,261	24,529	29,928

TOTAL MILEAGE #87-1

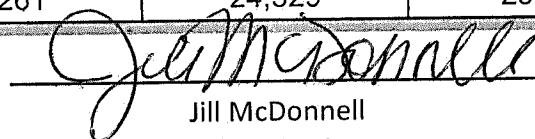
3,470

TOTAL MILEAGE #87-2

428

TOTAL MILEAGE #17

288



Jill McDonnell
Chief of Police

City of Charlevoix
Planning Commission Regular Meeting Minutes
Monday, June 12, 2023 - 6:00 PM
Council Chambers, 210 State Street, Charlevoix, MI

A. Call to Order/Pledge of Allegiance

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

B. Roll Call

Chair: Jennifer Muladore

Members Present: Shelley Boehmer, Sherm Chamberlain, Toni Felter, Mary Millington,
Maureen Radke

Members Absent: Scott Beatty, John Kurtz

Staff Present: Jennifer Neal, Community Planner; Jonathan Scheel, Zoning Administrator

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

Motion by Member Chamberlain, seconded by Member Radke to approve the agenda as presented.

Motion carried by unanimous voice vote.

E. Approval of the Minutes

1. Draft Minutes of May 8, 2023

Motion by Member Chamberlain, seconded by Member Felter to approve the minutes of May 8, 2023 as presented.

Motion carried by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. New Business

1. Housing Subcommittee Report

Chair Muladore referenced and reviewed the Housing Subcommittee's meeting notes with the Commission. Chair Muladore proceeded to review the list of potential properties including the possible action items needed to create housing opportunities.

Member Millington stated the Commission must be very tactful in making sure that any development matches the neighborhood. Member Millington also stated that deed restrictions will be the only way to keep any of these developments from turning into seasonal housing. Commissioner Chamberlain explained the sketches provided in the packet and shared potential examples of future affordable housing ideas. Commissioner Radke and Millington suggested removing the Stover property from the list of potential developments. Discussion followed regarding the list of potential properties for rezoning, the lot size requirements for the R-4

zoning district, amending the Master Plan, seasonal housing, housing types, apartments converted into condominiums, and how to avoid spot zoning. Chair Muladore thanked the Subcommittee's hard work on their efforts.

Chair Muladore opened the item for public comment:

Sarah VanHorn thanked the Commission and Subcommittee for their work

Zach Sompels stated the May Street parcels could be very expensive to develop because of the utilities

Dennis Halverson stated he has concerns regarding the Stover property and the underused commercial and industrial properties

More discussion was held regarding future potential development ideas. Zoning Administrator Scheel stated there are over 100 parcels of small vacant lots and the department is working on how to incentivize them for development. Member Radke stated the Commercial Park is very underutilized and that there are a lot of potential ideas that could turn into larger successful projects.

2. Visual Preferences Exercise - Residential Uses

Planner Neal stated, in the context of the Housing Subcommittee's work, the next couple of exercises were recognizing the community's character and staff prepared a visual preference exercise on "Missing Middle Housing" types to open up discussion about preferred housing types, design, and architectural features. The four housing groups were identified as:

1. Single-family residential/Townhouse
2. Multiplex: Duplex, Triplex, Fourplex
3. Cottage courts/Clustered tiny homes
4. Industrial

Planner Neal gave instructions to the Commission and asked them to identify housing types and/or housing features that they liked or disliked by using colored dots on the provided housing photographs. Zoning Administrator Scheel stated the Members should not focus on affordability issues in this exercise, but rather focus on architectural design features and housing types and indicate which ones they liked or disliked. The Members proceeded to mark the housing images they liked and disliked; afterwards the Commission discussed their particular reasons for liking or disliking a housing type image and/or its features.

3. Proposed Ordinance Language - Residential Uses

Planner Neal stated as the Commission continues to discuss "Missing Middle Housing" opportunities in the City, staff has prepared a table that represents summary information taken from Sections 153.005, Definitions, 153.071, Schedule of Uses, 153.072 Area, Height and Placement requirements (B-D, F), 153.117 Residential Uses (F-G), and 153.086, Allowed Uses, Non-residential and Mixed Use Zones with proposed changes to permit additional residential units and proposed minimum lot sizes. The proposed changes include:

- Remove Single Multiple Family Building as a separate permitted use (based on the definition of Multiple Family, the district is redundant); add the criteria for this use to Two-Family and Multiple-family.
- Remove Home Conversion as a separate permitted use (based on the definition of multiple-family, the district is redundant); add the criteria for this use to two-family and

multiple-family.

Staff responded to questions from Members regarding the proposed ordinance changes. Zoning Administrator Scheel spoke about more density with smaller scale buildings and allowing fourplexes on R-2 zoned properties, which would require standards on setbacks, lot coverage, a certain number of trees to be planted, and architectural and landscaping requirements. Mr. Scheel stated that presently R-1 and R-2 districts are exempt from landscaping requirements, so with duplexes, triplexes or fourplexes, landscaping requirements would be needed. Discussion followed regarding courtyard housing. Zoning Administrator Scheel summarized staff's next steps to move forward.

H. Old Business

I. Staff Updates

1. Zoning Administrator's Report

Zoning Administrator Scheel provided the Commission with the highlights of his report. Mr. Scheel stated that he approved Site Plan A for a change of the Yacht Club's dumpster location and the developer of the 100 block of West Hurlbut advised him that the project is not going to be a hotel, but rather a site-condominium, multi-family residential units that are individually owned but are short-term rented when the owners are not present. Mr. Scheel predicts the West Hurlbut project will not be presented to the Commission for another 2-3 months and he made it very clear to the developers that architecturally it's incredibly important as to how this project fits in the community.

Planner Neal stated she would be assisting the Zoning Administrator on the vacant parcel study throughout the summer.

Zach Sompels stated he received the first update of Housing North's newest Housing Needs Assessment, which is a 600-page document for the 10-County region, and there were no real big surprises for Charlevoix. Mr. Sompels will share the assessment with the Commission in the next few months.

Chair Muladore stated she would not be present at the next two Commission meetings.

J. Requests For Next Months Agenda or Research Items

K. Adjournment by 8:00 p.m. unless extended by a motion

Chair Muladore adjourned the meeting at 8:04 p.m.

Sarah Dvoracek/fgm

Clerk

Jennifer Muladore

Chair

Charlevoix City Council

Reports and Communications

Title: Mayor and Council Comments

Date: July 17, 2023

Presented By:

Background:

Recommendation:

Attachments:

None