

AGENDA
CITY OF CHARLEVOIX CITY COUNCIL MEETING

Monday, July 15, 2013 - 7:00 p.m.
210 State St, City Hall, Second Floor City Council Chambers, Charlevoix, MI

- I. Invocation or Pledge of Allegiance**
- II. Roll Call of Members Present**
- III. Inquiry Regarding Possible Conflicts of Interest**
- IV. Consent Agenda**
 - A. City Council Meeting Minutes – July 1, 2013 Regular Meeting
 - B. Accounts Payable Check Register PG 1-6
 - C. Payroll Check Register PG 7-11
 - D. City Planning Commission Resignation – Dan Buday PG 12
- V. Public Hearings**
 - A. Public Hearing – New Zoning Ordinance and Zoning Map PG 13-19
- VI. Reports**
- VII. Requests, Petitions and Communications and Actions Thereon**
 - A. Venetian Festival Fireworks Permit PG 20-37
 - B. Consideration of Park Bench Donation PG 38-45
 - C. Consideration to Approve a Boat Storage Concession Agreement with the Lake Charlevoix Mariners PG 46-48
 - D. Consideration of a Feasibility Study to Explore the Creation of a Public Transition to a Public Safety Department PG 49-51
 - E. Discussion Regarding Conceptual Design of the Antrim and State Street Intersection PG 52-57
 - F. SB 284 – Electric Low-Income Energy Assistance Fund PG 58-66
 - G. Discussion of Regarding Changing Clerk Position from Elected to Appointed PG 67-68
 - H. Consideration of Community Economic Development Director Job Description PG 69-71
 - I. MERS Officer Delegate Appointment PG 72
 - J. MML Worker's Compensation Fund – Election PG 73-77
- VIII. Introduction and Initial Actions Relating to Ordinances or to Resolutions That Require Publication or Hearings Prior to Final or Further Action**
- IX. Resolutions**
- X. Ordinances**
- XI. Miscellaneous Business**
- XII. Audience – Non-Agenda Input (written requests take precedent)**
- XIII. 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.

Posted July 11, 2013 4:00 p.m.

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Public Hearing on 2013 Draft Zoning Ordinance

DATE: July 15, 2013

PRESENTED BY: Mike Spencer, City Planner

ATTACHMENTS: Public comment from Don Swem with recommended changes.
Public comment from Ann Bandfield of 115 Pine River Lane.

BACKGROUND INFORMATION:

There have been three public meetings with City Council to date on the Draft 2013 Zoning Ordinance. This is the first public hearing scheduled on the Draft. We have received two additional written comments to date, which are attached to this email.

Unfortunately the Clerk's Office notified me that the hearing notice published in the newspaper said the date of the hearing was Monday, July 13, 2013. Clearly this was a typo and even though there is no Monday, July 13, Jim Young has recommended a second public hearing that has the correct date in the notice so that no one can attempt to question the legality of the ordinance based on a technicality. This is probably a good idea anyway since several of you have expressed interest in taking additional time to review, and this will also provide the public more time to comment. The Planning Commission also felt a second hearing would be a good idea. We can schedule that hearing date for August 5 at 7PM.

City Council may direct staff to incorporate specific changes into the draft at this time however; Council cannot adopt the new ordinance until after the public hearing on August 5.

RECOMMENDATION:

Motion to set a 2nd public hearing on the Draft 2013 Zoning Ordinance for August 5, 2013 at 7PM in Council Chambers.

ATTACHMENT

Mike,

Zoning Ordinance Comments:

Change:

Page 44, Item (9) Solar Panels

(a) General Requirements

Add new paragraph 1:

1. If it is intended that a solar energy collector system be hooked to the electrical grid, then any single lot or parcel shall be limited to twenty (20) kilowatts (kW) of total aggregated nameplate capacity.

Renumber remaining paragraphs.

Change:

Page 46, Item (10) *Wind Energy Conversion Systems, Single Accessory*

(c) Single Accessory WECS General Requirements

Revise paragraph 3:

3. Power rating of the WECS turbine shall not be greater than twenty-five (25) kilowatts (kW). If it is intended that the WECS be tied into the grid, the total aggregated nameplate capacity of all turbines shall not exceed twenty (20) kilowatts (kW).

Reason: The City electrical system is a relatively small system. IEEE (Institute of Electrical and Electronics Engineers) has recommended that electrical distribution systems allow renewables up to a total of not more than 1% of their normal peak load to tie to the grid. If a significantly higher number of renewable wind or solar generators are allowed to tie in, it could, under certain circumstances, cause the City to suddenly have a major loss of voltage on our grid that could damage pumps, motors and other equipment nearby. This could happen merely from having major clouds appear suddenly, or the wind suddenly stops blowing. At 1% the grid should be able to avoid any problems. 1% of our peak is 150 kW, so by limiting each individual project to 20 kW we allow more properties to install renewable generation and tie to the grid.

Change:

Page 46, Item (10) *Wind Energy Conversion Systems, Single Accessory*

(c) Single Accessory WECS General Requirements

Revise paragraph 4:

4. The WECS shall provide energy only to the structures and uses on the same property upon which the tower is located and must be owned or leased by the owner of the same property; however, this does not prevent the distribution to the local utility company,

through metering required by the utility, of any power that is generated beyond the needs of the structures or uses on the property.

Reason: Changed the wording from "net" metering to "required" metering because the word net ties us down to only one possible option for metering. We may want to meter both incoming and outgoing energy for various reasons and this change would allow that.

Change:

Page 46, Item (10) *Wind Energy Conversion Systems, Single Accessory*

(d) Single Accessory WECS General Requirements

Revise paragraph 6:

6. There shall be no signs on the WECS other than the name of the manufacturer, which may only be affixed to the base of the tower or to the nacelle, or necessary safety information signs. No sign shall exceed three (3) square feet in area.

Major Concern:

Page 93, Item (5) *Specific requirements*

(b) Fixtures

1. Lighting fixtures shall be a down-lighted type having one hundred (100) percent cut off.
 - a. Protruding lenses shall be prohibited.
 - b. Unless otherwise approved by the **planning commission**, light sources for area illumination (such as **parking lots** and **outdoor storage** areas) shall be high pressure sodium or metal halide. Approved exceptions shall use warm light or natural lamp colors.

I have several concerns here. Every decorative light that we have throughout downtown (and that we are planning to install more of on Park and other side streets) is a down-lighted type WITH A PROTRUDING LENSE, which is prohibited. This also covers lights on Ferry Avenue and other places.

Every light on Antrim, Dixon, Michigan Avenue, Belvedere Avenue, etc., are not allowed because they are NOT the down-lighted type and they DO NOT have 100% cutoff.

More than half of the remaining streetlights in the City HAVE protruding lenses. I have been actively searching for a replacement for the downtown lights that have protruding lenses, yet this would prohibit them.

If I am interpreting right all post lights are prohibited, and I believe that is a mistake. I guess what is intended is to be able to stand anywhere and look around you and not be able to see any light sources,

no bulbs in view, correct? I personally would not like this. I think it is very attractive to look down a street and see a line of attractive streetlights glowing along the way – this ordinance will outlaw that. Please take a look at the four post lights on the corners of the bridge. They are NOT 100% cutoff but have a very small amount of light let into the top to make it glow and makes it much more attractive in my opinion. The 100% cutoff means that the top section of the light would be black, so all you would see is the cylinder of light below the top (and that is even outlawed because it is not the down-lighted type). My preference is that we require a nearly 100% cutoff and do not prohibit protruding lenses and do allow post lights, but that is just my opinion.

Lastly, we are requiring high pressure sodium or metal halide when we should be pushing more energy efficient choices such as LED or induction lighting.

Call me with questions.

Don

ATTACHMENT

July 10, 2013

Dear City Council,

Yes, I do want to sell the land at 115 Pine River Lane. My grandfather P. D. Campbell bought the land in early 1900 and it has been in our family since that time.

The zoning change from C₁ to R₄ is huge in order to make it work for a developer.

Historically Pine River Lane has been a mixed use area with a gas station, the Argo mill, the Fountain City House, and now the Weatherware and Points North Inn. These commercial properties were mixed in with single family residences. Now these homes are used only seasonally or as rentals. The traffic on the street is congested for about 8 weeks of the year. A sign stating Dead End or No Outlet would help keep tourists turning down the street thinking they will find a way past the bridge.

It is my wish that an amicable agreement can be reached between the city, developers and us. I hope it will become a place that is attractive, where people can live and enjoy the natural beauty of Charlevoix.

Sincerely, Anne Bandfield

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Venetian Festival Fireworks Permit

DATE: July 15, 2013

PRESENTED BY: Dan Barron, Charlevoix Venetian Festival

BACKGROUND INFORMATION: (By Paul Ivan) Fireworks are again planned for both Friday (July 26th) and Saturday (July 27th) night. I have reviewed the permits requests, and there are no changes in the setup and size of the display for either night. The fireworks company (and their owners) used by the Venetian Festival has not changed in over a decade, and we have developed an excellent working relationship with Frank Loffredo and his staff.

RECOMMENDATION: NFPA 1123 of 2010 is the standard that the City must follow because we do not have a fireworks code of our own. This display meets all NFPA requirements, and exceeds the NFPA standard for minimum setbacks for both shows.

Pending submission of the proper paperwork and proof of liability insurance, I recommend that the permit be authorized as long as representatives from the Venetian Festival understand that we will take an aggressive stance to stop the display if drifting debris or other unforeseen issues compromise safety in any way.

The following language has been recommended:

If Council desires:

1. Motion to authorize the Deputy Clerk to issue the fireworks permit for the 2013 Venetian Festival fireworks displays.
2. Motion to authorize the Mayor to sign the hold harmless agreement with Colonial Fireworks Company.

CHARLEVOIX VENETIAN FESTIVAL, INC.

309 Petoskey Avenue
P.O. Box 120
Charlevoix, Michigan 49720
PH 231-547-9950 / FAX 231-547-2977
www.venetianfestival.com Email: info@venetianfestival.com

June 27, 2013
"HAND DELIVERED"

Fire Chief Paul Ivan
Charlevoix Fire Department
210 State Street
Charlevoix, Michigan 49720

RE: Proposed Fireworks Displays
83rd Annual Charlevoix Venetian Festival

Dear Chief Ivan:

I have enclosed an Application for Fireworks Display Permit, together with the following materials:

- Application For Approval of Marine Event (with correspondence to USCG)
- U.S.C.G. depiction of Lake Charlevoix display site with waypoints
- U.S.C.G. depiction of Round Lake display site with waypoints
- Itinerary/ Colonial Fireworks Company
- Venetian Festival Boat Parade Route
- Certificate of Liability Insurance
- Proposed Hold Harmless Agreement
- Summary of Experience / Lead Pyrotechnician

The master pyrotechnician overseeing the displays is once again Frank Loffredo, Jr., the same individual who has overseen the Venetian fireworks displays since 1999. Mr. Loffredo is the owner and master pyrotechnician of Colonial Fireworks Company. I have enclosed a Summary of Experience, to confirm references you already possess relative to Mr. Loffredo. Please note, however, that Mr. Loffredo now possesses 34 years of experience as a pyrotechnician.

In addition to the foregoing, I would like to confirm the following matters relating to this year's proposal:

1. As you can see from the enclosed materials, the maximum shell size for the Friday night display (July 26, 2013) is 12". A clear zone radius of 1,200 feet will be maintained, which exceeds the NFPA clear zone standard of 840 feet. The maximum shell size for the "harbor" fireworks on Saturday night (July 27, 2013) is 3". A clear zone radius of 250 feet will be maintained, which exceeds the NFPA clear zone standard of 210 feet.
2. St. James Marine Co. of Beaver Island, Michigan, will again be providing the barge and tug services, as they have since 2003.

Chief Paul Ivan
June 27, 2013
Page 2

3. There will be no manual ignition in either fireworks display. Such ignition shall be effected via computer and/or electronically.
4. The buoys marking the clear zone perimeters will once again be set by Irish Boat Shop, based upon data provided by the United States Coast Guard.
5. We will promptly provide to you an originally executed version of the Hold Harmless Agreement.

Please feel free to contact me if you should have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Barron", written over a horizontal line.

Dan Barron
President

DBB/jlm

Enclosures

xc: Robert Straebel
U.S.C.G. - BMC Charles Burleigh
Carol Ochs
Frank Loffredo, Jr.

2013

Application for Fireworks Other Than Consumer or Low Impact
 Michigan Department of Licensing & Regulatory Affairs
 Bureau of Fire Services
 P.O. Box 30700
 Lansing MI 48909
 (517) 241-8847

| | | | |
|--|--|---|------------------------|
| Authority: 2011 PA 256 Compliance: Voluntary Penalty: Permit will not be issued | | The Department of Licensing & Regulatory Affairs will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency. | |
| <input type="checkbox"/> Agricultural or wildlife fireworks <input type="checkbox"/> Special effects manufactured for outdoor pest control or agricultural purposes | | <input type="checkbox"/> Articles Pyrotechnic <input checked="" type="checkbox"/> Public Display | |
| | | <input type="checkbox"/> Display Fireworks <input type="checkbox"/> Private Display | |
| NAME OF APPLICANT Charlevoix Venetian Festival, Inc. | | ADDRESS PO Box 120, Charlevoix, MI 49720 | AGE (18 or over) 57 |
| IF A CORPORATION, NAME OF PRESIDENT Daniel B. Barron, President | | ADDRESS PO Box 120, Charlevoix, MI 49720 | |
| IF A NON-RESIDENT APPLICANT, NAME OF MICHIGAN ATTORNEY OR RESIDENT AGENT | | ADDRESS | TELEPHONE NUMBER |
| NAME OF PYROTECHNIC OPERATOR Frank Loffredo, Jr. | | ADDRESS 5225 Telegraph Rd., Toledo, OH 43612 | AGE (18 or over) 53 |
| NO. YEARS EXPERIENCE 34 | NO. DISPLAYS 1,000 + | WHERE Throughout the US, Canada, Virgin Islands and Bahamas | |
| NAME OF ASSISTANT Ken Linton | | ADDRESS 5225 Telegraph Rd., Toledo, OH 43612 | AGE 69 |
| NAME OF OTHER ASSISTANT | | ADDRESS | AGE |
| EXACT LOCATION OF PROPOSED DISPLAY 7/26/2013 - Lake Charlevoix, 7/27/2013 Round Lake | | | |
| DATE OF PROPOSED DISPLAY Rain dates: 7/27/13 & 7/28/13 | | TIME OF PROPOSED DISPLAY approx. 10:00 p.m. to 11:00 p.m. | |
| MANNER AND PLACE OF STORAGE, SUBJECT TO APPROVAL OF LOCAL FIRE AUTHORITIES, IN ACCORDANCE WITH NFPA 1123, 1124 & 1126 AND OTHER STATE OR FEDERAL REGULATIONS. PROVIDE PROOF OF PROPER LICENSING OR PERMITTING BY STATE OR FEDERAL GOVERNMENT Colonial Fireworks truck with 24 hour security at Port Ironton facility | | | |
| AMOUNT OF BOND OR INSURANCE (To be set by local government) \$11,000,000.00 | | NAME OF BONDING CORPORATION OR INSURANCE COMPANY Britton-Gallagher & Associates | |
| ADDRESS OF BONDING CORPORATION OR INSURANCE COMPANY 6420 SOM Center Rd., Cleveland, OH 44139-2985 | | | |
| NUMBER OF FIREWORKS | KIND OF FIREWORKS TO BE DISPLAYED | | |
| 7/26/2013 | 300 pcs 4"; 300 pcs 5"; 200 pcs 6"; 30 pcs 8"; 15 pcs 10"; 30 pcs 12" | | |
| 7/27/2013 | 500 pcs 3" shells; 30MM candles; 15 fans of 3; 1.4G 2" cake items 25 pcs; 1 sponsor set piece | | |
| SIGNATURE OF APPLICANT Daniel B. Barron, President | | DATE 6/27/2013 | |

Instructions for Application for Fireworks Other Than Consumer or Low Impact

Applications shall be made to the legislative body of a city, village or township board. A permit shall be issued as a result of official action by the legislative body. A permit shall be valid only for use within the limits of the issuing political jurisdiction.

1. The Applicant may be a person representing an organization, group, firm or corporation, or self. If the applicant is also the operator, enter the same name in Operator's section.
2. A non-resident applicant shall appoint a Michigan attorney or resident agent in writing to be the applicant's legal representative upon whom all process in any action or proceeding may be served.
3. The pyrotechnic operator is the person in charge of the display. The legislative body shall rule on the competency and qualifications of the operator before granting a permit and may require an affidavit from the applicant as to the operator's experience, former pyrotechnic accidents, criminal record, sobriety, etc.
4. Indicate the total amount of fireworks proposed for the display or use, such as 10 aerial bombs, 30 aerial rocket bursts, etc.
5. Indicate the manner and place of storage within the political jurisdiction of fireworks that are ready for display, just prior to the display in the area of exhibition. The legislative body shall obtain approval from the local fire authorities of the manner and place of storage before any permit is issued.
6. The issuing political jurisdiction shall set the amount of and proof of bond or insurance for the protection of the public to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of the person, firm or corporation, or any agent or employee of the applicant. The applicant shall assure the bond or insurance required is provided.
7. The application is valid for the year shown at the top right corner of the application.
8. Permit fees shall be established by the legislative body and shall be retained by same.
9. This permit is issued in compliance with 2011, PA 256.

CHARLEVOIX VENETIAN FESTIVAL, INC.

309 Petoskey Avenue

P.O. Box 120

Charlevoix, Michigan 49720

PH 231-547-3872 / FAX 231-547-2977

www.venetianfestival.com Email: info@venetianfestival.com

June 27, 2013

“UPS OVERNIGHT”

Commander (Marine Events)
Coast Guard Sector Sault Ste. Marie
337 Water Street
Sault Ste. Marie, Michigan 49783

RE: 83rd Annual Charlevoix Venetian Festival

Dear Commander:

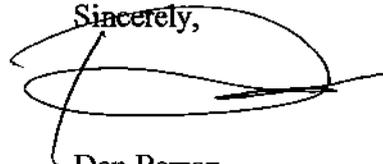
For the 14th consecutive year, the Charlevoix Venetian Festival will be staging two nights of fireworks displays. The displays will once again be conducted by Frank Loffredo Jr., the owner and master pyrotechnician of Colonial Fireworks Company. Barge and tug operations will once again be conducted by the St. James Marine Co. of Beaver Island, Michigan.

Although an Application For Approval of Marine Event is not required, I have nevertheless enclosed the same for informational purposes, together with the following support materials:

- USCG depiction of Lake Charlevoix display site with waypoints
- USCG depiction of Round Lake display site with waypoints
- Itinerary/Colonial Fireworks Co.
- Venetian Festival Boat Parade Route
- Lead pyrotechnician references - Frank Loffredo, Jr.

Please feel free to contact me if you should have any questions or comments.

Sincerely,



Dan Barron
President

DBB/jlm

Enclosures

xc: Frank Loffredo, Jr.

XPO Gary Smith (USCG Life Station, Charlevoix)

Chief Charles Burleigh (USCG Life Station, Charlevoix)

**DEPARTMENT OF HOMELAND SECURITY
APPLICATION FOR MARINE EVENT**

OMB Number: 1625-0008
Expires: 06/30/2014

Date Submitted:

FORM INSTRUCTIONS

1. Please, complete on a computer, a typewriter, or print in black ink to permit reproduction. You may also submit online at: <http://homeport.uscg.mil>.
2. This application must reach the appropriate USCG Sector at least 135 days prior to the event. A list of sectors may be found here: <http://www.uscg.mil/top/units/>.
3. Attach a section of a chart or a scale drawing showing boundaries and/or courses and markers contemplated.
4. Submit a copy of your entry requirements and any special rules pertaining to equipment, rigs, or procedures.

| | | | | |
|--|--|--|--|--|
| 1. Name of Event | 83rd Annual Charlevoix Venetian Festival | | 2. Date of Event | 7/26/2013 * 7/27/2013 |
| 3. Location of Event | Lake Charlevoix (7/26/2013) and Round Lake Harbor (7/27/2013) | | | |
| 5. Name and Address of Sponsoring Organization (Include Zip Code) | Charlevoix Venetian Festival, Inc. PO Box 120 Charlevoix, MI 49720 | | 6. No. of Participants | 7. Sizes of Boats |
| 8. Types of Boats | a. Boat parade - assorted pleasure craft b. Fireworks - barge # 150 c. Tug - Wendy Anne | | a. Boat Parade 20-25 boats b. Fireworks barge & tug | a. assorted pleasure b. see # 8 below |
| 10. Description of Events | a. Fireworks (7/26/2013) shot from barge in Lake Charlevoix, vicinity of Depot Beach b. Boat Parade (7/27/2013) lighted pleasure craft to circle Round Lake Harbor c. Fireworks (7/27/2013) shot from barge in Round Lake Harbor | | 9. No. of Spectator Craft | 150 |

11. Will This Event Interfere or Impede the Natural Flow of Traffic? NO YES

11a. If YES, briefly explain: Clear zone radius of (i) 1200 feet to be maintained for display on 7/26/2013 and of (ii) 250 feet to be maintained on 7/27/2013, each of which exceeds NEPA standards.

12. What Extra or Unusual Hazard (to participants or non-participants) Will Be Introduced into the Regatta Area?
Fireworks (7/26/2013) maximum shell size is 12". Gross explosive weight on barge of approximately 4000 lbs. Net explosive weight of approximately 1700 lbs.
Fireworks (7/27/2013) low level aerial product and 3" maximum shell size. Gross explosive weight on barge of approximately 3000 lbs. Net explosive weight of approximately 1500 lbs.

13. Have any Objections Been Received from Other Interested Parties? NO YES

13a. If YES, briefly explain:

14. Vessels Provided by Sponsoring Organization for Safety Purposes (number and description)

Boat parade committee boat, fireworks barge and tug

15. Does the Sponsoring Organization Deem their Patrol Adequate for Safety Purposes? NO YES

15a. If NO, briefly explain: Marine patrols historically provided by USCG, Charlevoix County Sheriff Department and Michigan DNR further assistance from US Power Squadron is requested

16. Is a Coast Guard or Coast Guard Auxiliary Patrol Requested for Control of Spectator and/or Commercial Traffic? NO YES

16a. If YES, how many vessels do you recommend and why? Defer to USCG expertise

17. Person In Charge Daniel B. Barron, President
Charlevoix Venetian Festival, Inc

18. Where Will 'Person In Charge' be During the Event?

Depot Beach (7/26/2013)
East Park, Charlevoix or on
fireworks barge (7/27/2013)

19. How Can 'Person In Charge' be Contacted During the Event?

radio/cell phone 231-675-4257

20. Person to be Contacted for Further Details (Name, Address, Zip Code)

20a. Area Code and Phone No.: (231) 547-9950

Daniel B. Barron,
PO Box 120, 309 Petoskey Avenue, Charlevoix, MI 49720

20b. Email Address: dbarron@barronengstrom.com

The undersigned has full authority to represent the sponsoring organization.

21. Name: Daniel B. Barron

22. Title: President

23. Address (include Zip Code) PO Box 120
309 Petoskey Avenue
Charlevoix, MI 49720

23a. Area Code and Phone No.: (231) 547-9950

23b. Email Address: dbarron@barronengstrom.com

24. Signature: 

PRIVACY ACT STATEMENT

Privacy Act Notice

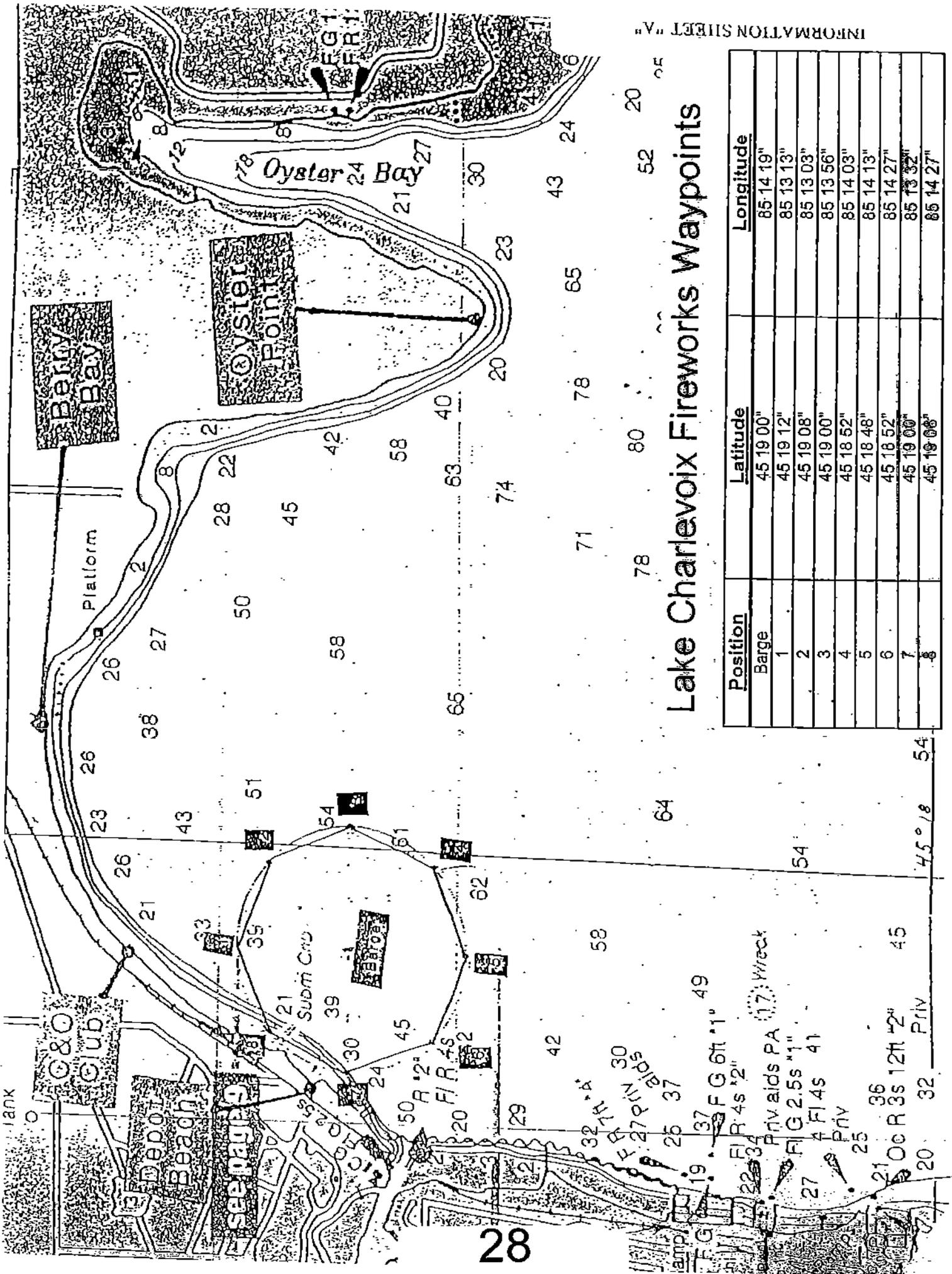
Authority: 33 U.S.C. §1233 authorizes the collection of this information.

Purpose: The Coast Guard will use this information to determine whether an event poses an extra or unusual hazard to the safety of life and whether or not, and under which conditions, to permit the event on the navigable waters of the United States.

Routine Uses: The information will be used by and disclosed to Coast Guard personnel to evaluate the request. Additionally, the Coast Guard may share the information with facility operators, law enforcement or other government agencies as necessary to promote public safety during the requested marine event.

Disclosure: Furnishing this information is voluntary; however, failure to furnish the requested information may delay or prevent the approval of the requested marine event.

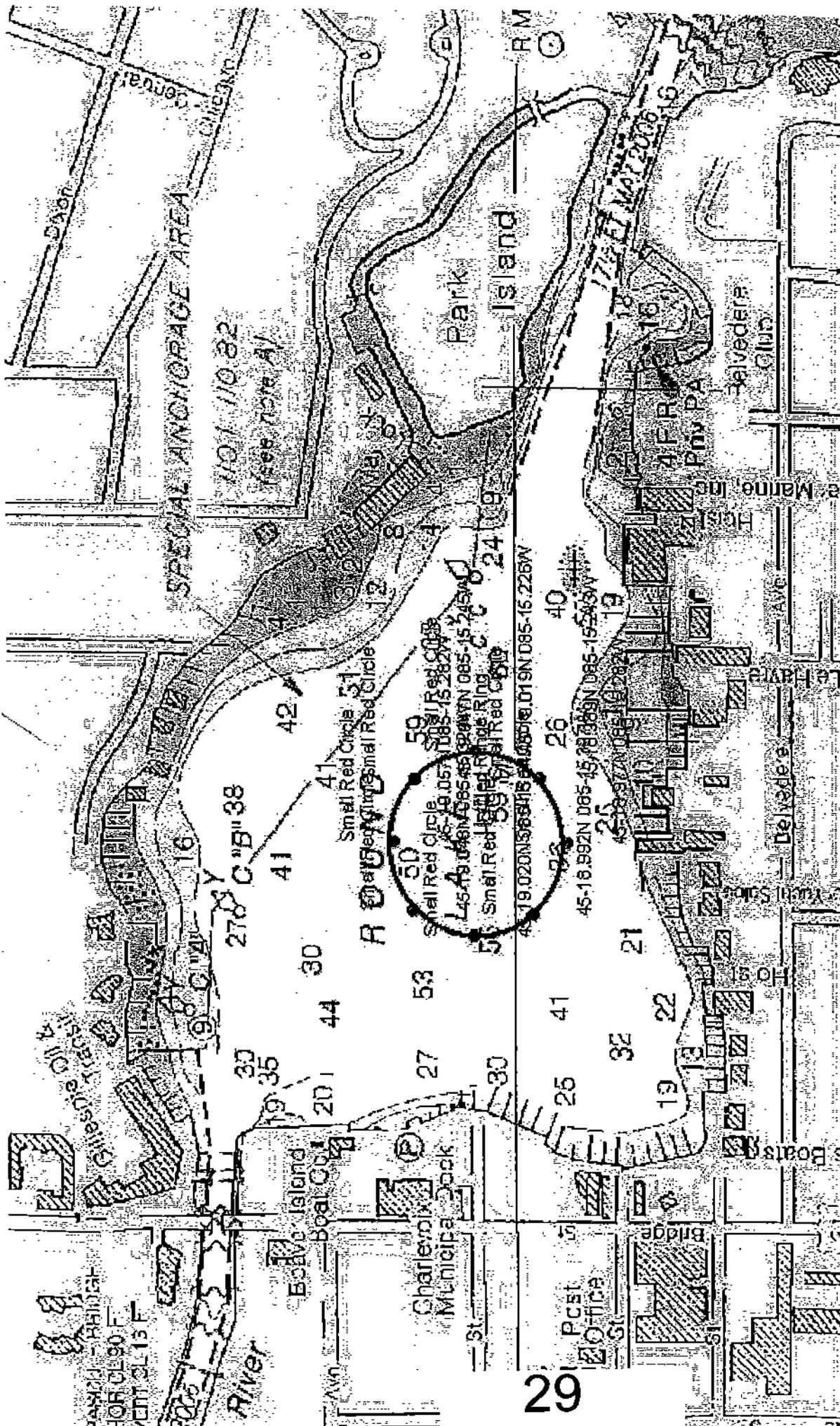
An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The Coast Guard estimates that the average burden for this report is 60 minutes. You may submit any comments concerning the accuracy of this burden estimate or any suggestions for reducing the burden to: Commandant (CG-5521), U.S. Coast Guard, 2100 St., SW, Washington D.C. 20593-0001 or Office of Management and Budget, Paperwork Reduction Project (1825-0008), Washington, DC 20503.



Lake Charlevoix Fireworks Waypoints

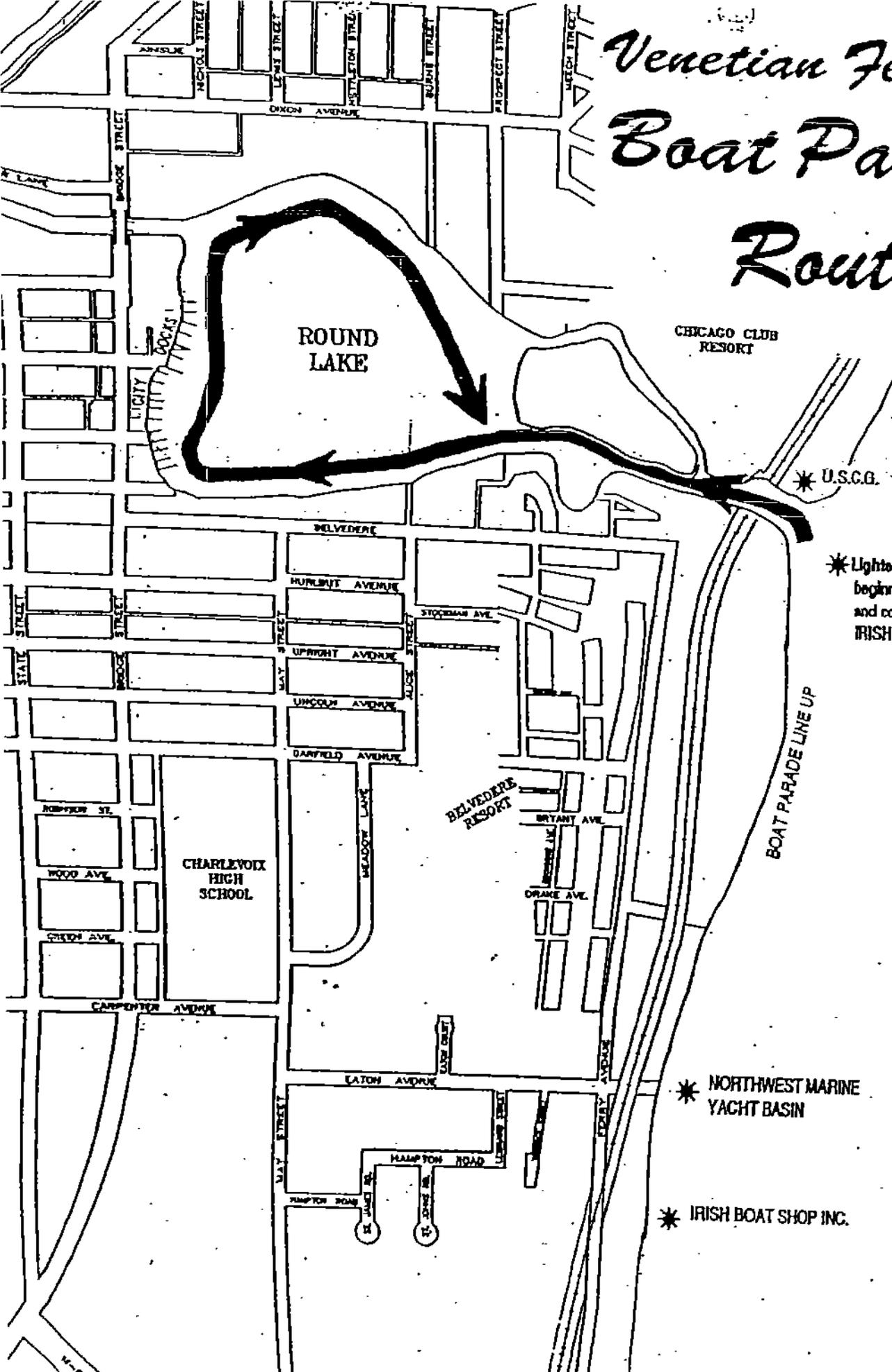
| Position | Latitude | Longitude |
|----------|-----------|-----------|
| Barge | 45 19 00" | 85 14 19" |
| 1 | 45 19 12" | 85 13 13" |
| 2 | 45 19 08" | 85 13 03" |
| 3 | 45 19 00" | 85 13 56" |
| 4 | 45 18 52" | 85 14 03" |
| 5 | 45 18 48" | 85 14 13" |
| 6 | 45 18 52" | 85 14 27" |
| 7 | 45 19 00" | 85 13 32" |
| 8 | 45 19 08" | 85 14 27" |

45° 18' 54"



- North - 45-19.057N 085-15.282W
- South - 45-18.977N 085-15.282W
- East - 45-19.019N 085-15.226W
- West - 45-19.020N 085-15.340W
- NE - 45-19.047N 085-15.245W
- SE - 45-18.989N 085-15.243W
- SW - 45-18.992N 085-15.327W
- NW - 45-19.048N 085-15.324W

Venetian Festival Boat Parade Route



* Lighted Boats Assemble:
beginning South of the Channel
and continue towards
IRISH BOAT SHOP INC.

* NORTHWEST MARINE
YACHT BASIN

* IRISH BOAT SHOP INC.

**COLONIAL FIREWORKS CO.
ITINERARY
JULY 26 AND 27, 2013 DISPLAYS**

**VENETIAN FESTIVAL
CHARLEVOIX, MICHIGAN**

Please Note: Colonial Fireworks Co. must be permitted to follow all guidelines set forth in their entirety by NFPA 1123 and 1124 - 2000 Edition, as revised.

Monday, July 22, 2013

- 12:00 to 5:00 PM Colonial equipment truck arrives at "Port Ironton" Facility. Pre-barge loading meeting with Charlevoix Fire Chief Ivan, USCG Life Station Chief and Colonial technicians. Colonial technicians begin off loading and setting up, equipment only, onto barge.
- 5:00 PM Security arrives (24 hours/day of private security and/or Colonial technicians), from this time through July 27, 2013.

Tuesday, July 23, 2013

- 8:00 AM - 5:00 PM Set up of equipment continues.
- 9:00 AM Operation staging meeting at USCG Life Station - Charlevoix.

Wednesday, July 24, 2013

Loading of fireworks into mortars begins.

Thursday, July 25, 2013

Loading of fireworks into mortars continues.

Friday, July 26, 2013

- 6:00 - 8:00 PM Barge towed to Charlevoix - approximately two (2) hour trip - loading of live material to continue.
- 8:00 PM Barge anchored at firing location - loading of live material continues and connection of electrical system begins.
- 9:00 PM Final hookup of electrical system and final testing completed.
- 10:15 PM Firing begins (time approximate).

10:35 PM Firing ends (time approximate).
11:00 PM Barge is towed back to Ironton - inspection of equipment takes place.

Saturday, July 27, 2013

1:00 AM Barge arrives in Ironton to begin tearing down of aerial show. Begin loading of low aerial program for Round Lake on evening of July 27, 2013.
8:00 AM Continue loading of low level program.
6:00 - 8:00 PM Barge towed to Charlevoix - approximately two (2) hour trip - loading of live material to continue.
8:00 PM Barge anchored at firing location - loading of live material continues and connection of electrical system begins.
9:00 PM Final hookup of electrical system and final testing completed.
10:15 PM Firing begins (time approximate).
11:00 PM Firing ends (time approximate).
11:45 PM Barge is towed back to Ironton - inspection of equipment takes place.

Sunday, July 28, 2013

1:45 AM Barge arrives in Ironton and electrical system is removed from barge.
8:00 AM Unloading of equipment begins.
1:00 PM Colonial truck departs for Clayton, Michigan.

WEATHER CONTINGENCY PLANS

1. Friday "rain out." In such event, on Saturday evening on Lake Charlevoix the following will be staged: (i) "large" (Lake Charlevoix) display, (ii) boat parade and (iii) (potentially) low aerial harbor show (originally planned for Round Lake).
2. Saturday "rain out." In such event, (i) cancel boat parade and (ii) stage on Sunday evening on Round Lake, low aerial show.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
6/26/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| PRODUCER Britton Gallagher One Cleveland Center, Floor 30 1375 East 9th Street Cleveland OH 44114 | CONTACT NAME: PHONE (A/C No. Ext): 216-658-7100 FAX (A/C No.): 216-658-7101 E-MAIL: ADDRESS: | | | | | | | | | | | | | |
|--|---|-------------------------------|--------|------------------------------------|--|---|--|--------------------------------------|--|-------------|--|-------------|--|-------------|
| | <table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A : Lexington Insurance Co</td> <td></td> </tr> <tr> <td>INSURER B : Granite State Insurance Co.</td> <td></td> </tr> <tr> <td>INSURER C : Axis Surplus Ins Company</td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </tbody> </table> | INSURER(S) AFFORDING COVERAGE | NAIC # | INSURER A : Lexington Insurance Co | | INSURER B : Granite State Insurance Co. | | INSURER C : Axis Surplus Ins Company | | INSURER D : | | INSURER E : | | INSURER F : |
| INSURER(S) AFFORDING COVERAGE | NAIC # | | | | | | | | | | | | | |
| INSURER A : Lexington Insurance Co | | | | | | | | | | | | | | |
| INSURER B : Granite State Insurance Co. | | | | | | | | | | | | | | |
| INSURER C : Axis Surplus Ins Company | | | | | | | | | | | | | | |
| INSURER D : | | | | | | | | | | | | | | |
| INSURER E : | | | | | | | | | | | | | | |
| INSURER F : | | | | | | | | | | | | | | |
| INSURED Colonial Fireworks Company 6480 Torner Road Clayton MI 49235 | | | | | | | | | | | | | | |

COVERAGES CERTIFICATE NUMBER: 1505768831 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES, LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL INSR | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|----------|--|-----------|----------|---------------|-------------------------|-------------------------|--|
| A | GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC | | | 1619924-05 | 2/15/2013 | 2/15/2014 | EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$50,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMPROP AGG \$2,000,000 \$ |
| B | AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS | | | CA6265853912 | 2/15/2013 | 2/15/2014 | COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ |
| C | <input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED. RETENTION \$ | | | EAU705977 | 2/15/2013 | 2/15/2014 | EACH OCCURRENCE \$9,000,000 AGGREGATE \$9,000,000 \$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N (Mandatory In NH) If yes, describe under DESCRIPTION OF OPERATIONS below | | N/A | | | | <input type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$ |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

SHOW NOS: 2013-011 & 2013-012 DISPLAY DATES: JULY 26 & 27, 2013
 RAIN DATES: 7/27/2013 & 7/28/2013 LOCATION: LAKE CHARLEVOIX AND ROUND LAKE
 ADDITIONAL INSURED: CHARLEVOIX VENETIAN FESTIVAL; IRON STONE DOCK LLC; ST. JAMES MARINE CO INCLUDING THEIR PROPERTY - AMERICAN GIRL, WENDY ANN AND BARGE NO. 19; CITY OF CHARLEVOIX; ALL AGENTS, REPRESENTATIVES, VOLUNTEERS AND EMPLOYEES OF EACH THEREOF.

CERTIFICATE HOLDER

 CHARLEVOIX VENETIAN FESTIVAL, INC.
 ATTN: DAN BARRON
 P O BOX 120
 CHARLEVOIX MI 49720

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2010 ACORD CORPORATION. All rights reserved.

AGENCY CUSTOMER ID: _____

LOC #: _____



ADDITIONAL REMARKS SCHEDULE

Page 1 of 1

| | | | |
|--|-----------|--|--|
| AGENCY Britton-Gallagher and Associates, Inc. | | NAMED INSURED Colonial Fireworks Company 6480 Tomer Road Clayton MI 49235 | |
| POLICY NUMBER | | EFFECTIVE DATE: | |
| CARRIER | NAIC CODE | | |

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: 25 _____ FORM TITLE: CERTIFICATE OF LIABILITY INSURANCE

THEIR PROPERTY - AMERICAN GIRL, WENDY ANN AND BARGE NO. 19; CITY OF CHARLEVOIX; ALL AGENTS,
REPRESENTATIVES; AND EMPLOYEES OF EACH.

**COLONIAL FIREWORKS COMPANY
HOLD HARMLESS AGREEMENT**

Indemnity Provisions (Re: 2013 Venetian Festival Fireworks Displays):

Colonial Fireworks Company (hereinafter "Vendor") agrees to indemnify and save harmless the City of Charlevoix (hereafter "Corporation") and its agents, representatives and employees from any and all charges, claims and causes of action by third persons, including but not limited to, agents, representatives and employees of the Vendor and of the Corporation, based upon or arising out of any damages, losses, expenses, charges, cost, injuries or illnesses, including death, sustained or incurred by such person or persons resulting from or in any way, directly or indirectly connected with the performance or non performance of this Agreement, this includes only the Vendor's setup and exhibiting of the fireworks, of these vending services; provided, however, that notwithstanding the foregoing, the Vendor does not agree to indemnify and save harmless the Corporation, its agents, representatives and employees from any charges, claims or actions based upon or arising out of any damages, losses, claims, expenses, charges, costs, injuries or illnesses including death, sustained or incurred as a sole result of the negligence of the Corporation, its agents, representatives or employees. In the event a claim is filed against the Corporation for which the Vendor is to be held liable under the terms of this Agreement, the Corporation will promptly notify the Vendor of such claim and will not settle such claim without the prior written consent of the Vendor, which shall not be unreasonably withheld. The obligation of Vendor for reimbursement/indemnification hereunder shall encompass and include all reasonable attorney fees and costs of litigation which may be incurred by the Corporation.

Signed:

Signed:

For the "Vendor"
Colonial Fireworks Company
Frank Loffredo, Jr., Vice President
Date: _____

For the "Corporation"
City of Charlevoix
Date: _____

**COLONIAL FIREWORKS COMPANY
HOLD HARMLESS AGREEMENT**

Indemnity Provisions (Re: 2013 Venetian Festival Fireworks Displays):

Colonial Fireworks Company (hereinafter "Vendor") agrees to indemnify and save harmless Charlevoix Venetian Festival, Inc. (hereinafter "Indemnitee") and its agents, representatives and employees from any and all charges, claims and causes of action by third persons, including but not limited to, agents, representatives and employees of the Vendor and of the Indemnitee, based upon or arising out of any damages, losses, expenses, charges, cost, injuries or illnesses, including death, sustained or incurred by such person or persons resulting from or in any way, directly or indirectly connected with the performance or non performance of this Agreement, this includes only the Vendor's setup and exhibiting of the fireworks, of these vending services; provided, however, that notwithstanding the foregoing, the Vendor does not agree to indemnify and save harmless the Indemnitee, its agents, representatives and employees from any charges, claims or actions based upon or arising out of any damages, losses, claims, expenses, charges, costs, injuries or illnesses including death, sustained or incurred as a sole result of the negligence of the Indemnitee, its agents, representatives or employees. In the event a claim is filed against the Indemnitee for which the Vendor is to be held liable under the terms of this Agreement, the Indemnitee will promptly notify the Vendor of such claim and will not settle such claim without the prior written consent of the Vendor, which shall not be unreasonably withheld. The obligation of Vendor for reimbursement/indemnification hereunder shall encompass and include all reasonable attorney fees and costs of litigation which may be incurred by the Indemnitee.

Signed: _____

Signed: _____

For the "Vendor"
Colonial Fireworks Company
Frank Loffredo, Vice President
Date: _____

For the "Indemnitee"
Charlevoix Venetian Festival, Inc.
Daniel B. Barron, President
Date: _____

April 1, 2013

LEAD PYROTECHNICIAN

FRANK LOFFREDO, JR.
25 MARLINDALE AVENUE
BOARDMAN, OH 44512

Mr. Loffredo has 34 years experience as a pyrotechnician. He has experience in electronic and manual firing. Mr. Loffredo has worked on numerous barge shows as well as roof top firings.

Some of the shows Mr. Loffredo has been involved with include: Charlevoix Venetian Festival, City of Harbor Springs, Bay Harbor, Sommerset Pointe, City of Saginaw, First Night Providence; Governor's Conference/Providence; Air and Sea Show in Fort Lauderdale and Thunder Over Louisville which is the kick off for the Kentucky Derby Festival. "Thunder" is fired from 6 barges and a 3,000 foot bridge that crosses the Ohio River and is one of the largest fireworks displays produced annually in the United States,

Mr. Loffredo has fired over 1000 outdoor and indoor displays throughout the United States and has an excellent safety record.

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Consideration to Accept Park Benches for East Park

DATE: July 15, 2013

PRESENTED BY: Todd Wyett

ATTACHMENTS: 1. DDA Adopt a Bench Program
2. Proposed Plaque Language

BACKGROUND INFORMATION: John Winn has been in contact with City Staff regarding purchase of 7-8 benches to be placed along the marina promenade in East Park. The benches would be dedicated to Taylor Winn, John's recently passed son. Mr. Winn has submitted "Taylor Winn Memorial Bench Quotes..." for Council to review and possibly approve.

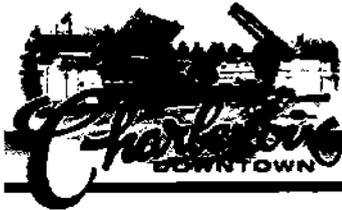
The DDA has developed an Adopt a Bench Program that is attached. The benches will be the Gretchen bench with a back from Landscape Forms of Kalamazoo. This is the same bench that is currently installed in East Park and will include a plaque with memorial quotes submitted by Mr. Winn.

RECOMMENDATION: Discussion with direction to Staff.

TAYLOR WINN MEMORIAL BENCH QUOTES...

1. Sometimes me think, what is love, and then me think, love is what last cookie is for. Me give up the last cookie for you. --Cookie Monster—
2. Sometimes you will never know the value of a moment until it becomes a memory. --Dr. Seuss—
3. It is nice to be important, but it's important to be nice. --Kermit the Frog—
4. If you can't beat 'em, cooperate 'em to death. --Charlie Brown—
5. There is no reward for being right all the time. --Batman—
6. Happiness is a piece of fudge caught on the first bounce. -Charlie Brown—
7. Good judgement comes from experience, and experience - well, that comes from poor judgement. --Winnie the Pooh
8. Today I will live in the moment unless it's unpleasant, in which case I will eat a cookie. -Cookie Monster—

In memory of Taylor Winn



CHARLEVOIX DOWNTOWN DEVELOPMENT AUTHORITY

[Initiatives](#) [Business Resources](#) [Downtown Blueprint 2007](#) [About the DDA](#) [Maps](#)

Search:

Adopt-A-Bench Program

The City of Charlevoix and the Charlevoix Downtown Development Authority (DDA) welcomes and appreciates the donation of furnishings and other appropriate items to enhance our public parks system. The Adopt-A-Bench Program provides civic-minded individuals the opportunity to purchase a bench that not only provides for rest and relaxation of park visitors and pedestrians, but also allows for the recognition of someone special in a unique and lasting manner.

In the case of furnishings donations, every effort must be made to match furnishings currently placed throughout our parks. The criterion for furnishings styles was based on park design, function, aesthetics, and maintenance. While a complete listing of each park's furnishings needs has not been developed, the City of Charlevoix reserves the right to determine each park's individual furnishings needs on a case-by-case basis. Please also note that any requests for a particular furnishing or placement location is subject to approval and recommendation by City of Charlevoix staff with final approval by Charlevoix City Council.



The process of adopting a bench is simple and straightforward. Interested donors are asked to follow the steps listed below:

1. Review the City of Charlevoix Park Furnishings Gift Policy by clicking [HERE](#).
2. Contact the Charlevoix DDA to discuss bench or furnishing style options and park location selections. The Charlevoix DDA may be reached by calling 231 547-3257, emailing kcarey@cityofcharlevoix.org or completing the online contact form by clicking [HERE](#).
3. Once furnishing and location preferences are determined, the donor will be asked to submit formal plaque language and payment. At this time, payment options are limited to personal checks or money orders made payable to "Charlevoix Downtown Development Authority".
4. Upon approval of plaque language and processing of payment, City of Charlevoix staff will order the requested furnishing(s).
5. City of Charlevoix staff will contact donor upon delivery of the furnishing(s) to discuss an installation schedule.

By encouraging participation in its Adopt-A-Bench Program, the City of Charlevoix hopes to keep its park system beautiful and flourishing for all to enjoy!



Sign up below to receive the Charlevoix DDA's periodic newsletter

What's Up Downtown

Name:

Email:

[Sign up](#)

Copyright © 2009 Charlevoix Downtown Development Authority - Site Credits

Contact the Charlevoix Downtown Development Authority
210 State Street
Charlevoix, Michigan 49720

Telephone: (231) 547-3257
Facsimile: (231) 547-3617
[Email Us](#)





City of Charlevoix Park Furnishings Gift Policy

The City of Charlevoix welcomes and appreciates the donation of furnishings and other appropriate items to enhance our public parks system. This program provides civic-minded individuals the opportunity to purchase furnishings that not only provides for rest and relaxation of park visitors and pedestrians, but also allows for the recognition of someone special in a unique and lasting manner.

In the case of furnishings donations, every effort must be made to match furnishings currently placed throughout our parks. The criterion for furnishings styles was based on park design, function, aesthetics, and maintenance. While a comprehensive list of each park's furnishings needs has not been developed, the City of Charlevoix reserves the right to determine each park's individual furnishings needs on a case-by-case basis. Please also note that any requests for a particular furnishing or placement location is subject to approval and recommendation by City of Charlevoix staff with final approval by Charlevoix City Council.

By following the guidelines provided in this document, the City of Charlevoix hopes to keep its park system beautiful and flourishing for all to enjoy!

General Guidelines

All donations (money or items) become the sole property of the City of Charlevoix. The City of Charlevoix will make all reasonable efforts to properly maintain furnishings. The City of Charlevoix is not obligated to keep items in use for any specified length of time. Upon the City of Charlevoix determining the need to replace a memorial bench, the bench's donor will be granted the right of first refusal should he or she wish to purchase a replacement.

Most of our city parks can accept additional furnishings. A representative of the City of Charlevoix will meet with donors to discuss in which park they wish to locate a furnishing or furnishings, as well as a preferred location within the park. The selected furnishing must be compatible with other elements within the park and the style of furnishing will likely determine eligible placement locations.

Benches (East Park)

For bench placement requests in East Park, the City of Charlevoix has selected the Gretchen bench offered by Landscape Forms of Kalamazoo, Michigan. Two styles of benches are available for purchase – a backless bench and a backed bench. The cost breakdown of each bench is detailed below:

Backless Bench

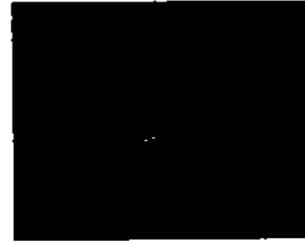
\$1,441.50

Includes bench, plaque and engraving and shipping costs.

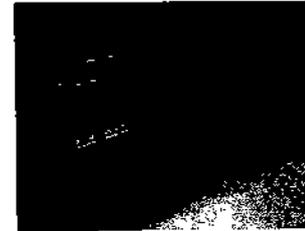
Backed Bench

\$1,946.00

Includes bench, plaque and engraving and shipping costs.



BACKLESS BENCH



BACKED BENCH

Note that these costs are estimates and are subject to change at any time. Please contact the Charlevoix Downtown Development Authority to confirm current costs.

The City representative will assist donors in choosing a bench that is compatible with the preferred site. Both styles of benches may not be available for all locations.

The donation of a bench will be recognized by the placement of a plaque on the back of the bench indicating the contribution along with a dedication desired from the following selections...



TWO LINE PLAQUE

- In honor of...
- In appreciation of...
- In (loving) memory of...



THREE LINE PLAQUE

The plaques measure 2" x 10" and the inscription is limited to three lines of characters, including the introductory verbiage listed above. All wording submitted for a plaque is subject to approval by the City of Charlevoix. Wording advertising a product or business is prohibited. The preparation and installation of plaques will be coordinated by the City of Charlevoix upon receiving acceptable language from the donor. The plaque will be recess-mounted in the bench so it is visible from the front of the bench.

Delivery time for benches is approximately 5-7 weeks following the placement of the order. The City of Charlevoix requests a minimum of two weeks to arrange bench installation.

Tables with Umbrellas (Harbor Master Building Observation Roof)

For placement requests on the observation roof of the Harbor Master Building in East Park, the City of Charlevoix has selected the Carousel table with Equinox umbrella offered by Landscape Forms of Kalamazoo, Michigan. Two styles of tables with canvas umbrellas are available for purchase – a four-seat tavern-height table and a five-seat handicapped-accessible table. The cost breakdown of each table is detailed below:

Four-Seat Tavern-Height Table (Ivy Green)

\$4,905.00 total

This includes table, canvas umbrella, plaque and engraving and shipping costs. Please note that the table pictured at right does not reflect the actual color of the table and umbrella.



FOUR-SEAT TAVERN HEIGHT

Five-Seat Handicapped Accessible Table (Ivy Green)

\$3,782.00 total

This includes table, canvas umbrella, plaque and engraving and shipping costs. Please note that the image pictured at right does not reflect the actual canvas umbrella.



FIVE-SEAT HANDICAPPED-ACCESSIBLE

Note that these costs are estimates and are subject to change at any time. Please contact the Charlevoix Downtown Development Authority to confirm current costs.

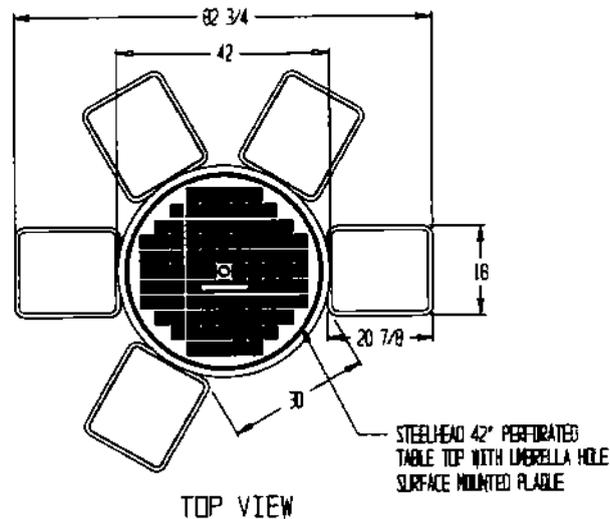
The City representative will assist donors in choosing a table style that is compatible with the preferred site. Both styles of tables may not be available for all locations.

The donation of a table and umbrella will be recognized by the placement of a 2" high x 10" wide x 1/16" thick etched stainless steel plaque (see photo at right) on the table noting the contribution. This plaque may contain a dedication desired from the following selections:

- In honor of...
- In appreciation of...
- In (loving) memory of...



All wording submitted for a plaque is subject to approval by the City of Charlevoix. Wording advertising a product or business is prohibited. The preparation and installation of plaques will be coordinated by the City of Charlevoix upon receiving acceptable language from the donor. The plaque will be flush-mounted on the surface of the table near the umbrella hole (see diagram of five-seat handicapped-accessible table on the following page).



Delivery time for benches is 6-8 weeks following the placement of the order. The City of Charlevoix requests a minimum of two weeks to arrange bench installation.

Other Furnishings

In some cases, furnishings other than benches may be placed in City parks. These furnishings may include but are not limited to picnic tables, umbrella tables, chairs, litter and recycling receptacles, bicycle racks, way finding map kiosks and recreational features. These items are available for donation as well and can be discussed with interested donors on a case-by-case basis.

Payment Information

The entire cost for table and umbrella, including shipping, must be received at the time of the donation and prior to the furnishings order being placed. Acceptable methods of payment include cash and certified and personal checks. Note that payment with a personal check will require time for the payment to clear prior to the furnishings being ordered.

Monetary Donations Less Than Actual Cost

Monetary donations less than that required for benches or other furnishings will be maintained in an aggregate fund that the City of Charlevoix will use for park improvements. Determination of projects eligible for these monies will be made periodically by Charlevoix City Council.

[Home](#) | [Links](#)



CHARLEVOIX DOWNTOWN DEVELOPMENT AUTHORITY

[Initiatives](#)

[Business Resources](#)

[Downtown Blueprint 2007](#)

[About the DDA](#)

[Maps](#)

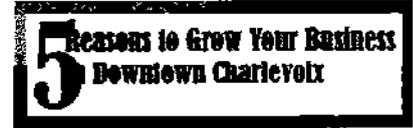
Search:

Contact Information

Charlevoix Downtown Development Authority
210 State Street
Charlevoix, MI 49720

231.547.3270 Telephone
231.547.3617 Facsimile

mar@cityofcharlevoix.org



Fields marked with * are required

*First and Last Name:

*Email:

Mailing Address:

City:

State:

-- Select --

Zip:

*Phone:

*Preferred Method of Reply:

Phone: Email:

I would like to know more information regarding:

Growing a business in Downtown Charlevoix:

Downtown Charlevoix revitalization effort:

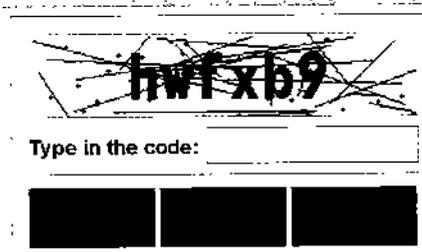
Event/program corporate sponsorship opportunities:

Business financing assistance:

Hosting a group meeting or retreat in Downtown Charlevoix:

Adopt-A-Bench program:

Additional Comments:



CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Consideration to Approve a Boat Storage Concession Agreement with the Lake Charlevoix Mariners

DATE: July 15, 2013

PRESENTED BY: Tom Barnes- Lake Charlevoix Mariners

ATTACHMENTS: Boat Storage Concession Agreement

BACKGROUND INFORMATION: 2013 will be the third year of a successful partnership with the Lake Charlevoix Mariners. The City approved installation of wooden storage units for small sailboats, kayaks and stand-up paddleboards in 2011. The program is used as a fundraiser for the Mariners and allows residents to conveniently store small watercraft at Depot Beach. To date, the City Manager's Office has received no complaints about the storage units that have minimal impacts to the public beach. Per the agreement, the City has received \$720.

The Mariners would like to continue the program and are proposing a three-year agreement. They are not asking to expand the program at this time.

RECOMMENDATION: The program benefits the community sailing school, residents and the City. With minimal impacts, City Staff endorses the boat storage program and feels it fits well with Charlevoix's strong sailing history. Staff recommends City Council make a motion "to approve the City of Charlevoix Depot Beach Boat Storage Concession Agreement."

CITY OF CHARLEVOIX DEPOT BEACH BOAT STORAGE CONCESSION AGREEMENT

BACKGROUND

The City of Charlevoix (the City), 210 State Street, Charlevoix, MI 49720 and Lake Charlevoix Mariners (the Company), PO Box 122, Charlevoix, MI 49720, mutually agree to terms listed below for operating a boat storage concession on the North End of the City-owned Depot Beach Park. This Agreement describes the rights and obligations of the parties.

THE PARTIES AGREE AS FOLLOWS:

1. **Use of Depot Beach.** The Company desires to operate a boat storage concession on the property presently used to operate the Sailing School program. The storage will consist of a series of racks placed on or adjacent to the beach area between the Sail School Docks and the old railroad spur. Depending on water level, the racks may be moved inland. Depot Beach is a public beach. The racks must be set back from the shore a minimum of 10 feet to allow pedestrian access along the waterfront. In addition, the City shall have the right to approve the location of all racks and may require relocation of any or all racks. The program will not be expanded beyond the current 36 racks without the express written permission of the City.
2. **Seasonal Use.** The storage season will run from May 1st to October 31st, after which boaters leaving their boats may lose their priority for future rack use.
3. **Fees.** The Company will charge \$60 per rack-no proration. Rates after the first year may be adjusted to reflect reasonable adjustments to maintain the racks in good condition. Under no circumstances are the rates for the racks to exceed other regional boat storage rates (presently Harbor Springs charges \$100 per rack per season). The City and the Company shall split the boat storage net revenues 50%/50% after any rack maintenance expenses. The Company shall submit a check for City's portion of the revenues on an annual basis no later than November 15.
4. **Term.** The Agreement shall become effective upon execution of signatures of both parties and shall expire three (3) years after date of signatures unless terminated earlier as provided below. If mutually agreed in writing by both parties, Agreement can be extended for an additional one (1) year.
5. **Termination.** The City or the Company may terminate this Agreement at any time without cause. If this Agreement is extended as provided above and the Company terminates this Agreement during the extended term, then the Company shall be obligated to pay the City all fees to which the City would have been entitled if the termination by the Company had not been made.

6. **Damages to Depot Beach or City-Owned Property.** The Company shall be fully responsible to pay for any damages to Depot Beach or City-owned property as a result of performing the activities contemplated by this Agreement.
7. **Indemnification.** The Company shall indemnify and hold harmless the City, its officers, board members, assigns, agents, servants, employees, and insurance companies from any and all damages, legal fees or expenses, losses, claims and actions which may arise out of performing the activities contemplated by this Agreement.

In acknowledgment of this Agreement, authorized representatives of the parties have executed this document as shown below.

CITY OF CHARLEVOIX

Date: _____

By: _____
Norman Carlson

Its: Mayor

By: _____
Stephanie Brown

Its: Deputy Clerk

LAKE CHARLEVOIX MARINERS

Date: _____

By: _____
Tom Barnes

Its: President



CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Consideration of a Feasibility Study to Explore the Creation of a Public Safety Director and Possible Transition to a Public Safety Department

DATE: July 15, 2013

PRESENTED BY: Dr. Lynn Harvey, Rob Straebel, Paul Ivan

ATTACHMENTS: Proposal from Dr. Lynn Harvey Ph.D.

BACKGROUND INFORMATION: The City currently has two departments that encompass what is commonly called "Public Safety," the Police Department, and the Fire/EMS Department. With the pending retirement of the current Fire Chief (within the next year or so) it is an opportune time to consider reorganizing the City's "Public Safety" departments under one director, and possibly eventually into one department.

According to City Attorney Jim Young, it would take a change of the City Charter to make the transition from a separate Fire Chief and Police Chief to a Public Safety Director. Since City Council is also exploring the option of changing the position of City Clerk from an elected position to an appointed position, there is an opportunity to present the voters with both of these proposals.

RECOMMENDATION: It is difficult to know what direction the talks with the surrounding townships will take regarding a regional Fire & EMS or EMS authority. Nevertheless, we believe studying the feasibility of creating a new position with the City, Public Safety Director, has many merits and could be a future cost saving measure. The first step would be to create the Public Safety Director position.

Running concurrently with this, the City will continue to participate in the regional Fire/EMS or EMS Authority discussions. The City can review what progress has been made regarding a regional Fire/EMS or EMS authority and determine if the City wishes to pursue cross-training Fire/EMS personnel and police officers to transition to Public Safety Officers. This process could take several years. Employing Dr. Harvey's services would allow City Council to make that decision with as much information possible regarding all available options.

It is the recommendation of Staff that City Council make a motion *"to contract with Dr. Lynn Harvey to explore the feasibility of transitioning to a Public Safety Director/Public Safety Department as described in his proposal dated June 9, 2013."*

*Lynn R. Harvey, Ph.D.
Consultant – Michigan Local Government
2704 Dellridge Dr.
Holt, MI 48842*

Proposal to Examine Organization, Production and Provision of Emergency Services

June 9, 2013

City of Charlevoix
c/o Mr. Rob Straebel, City Manager
210 State St.
Charlevoix, MI 49720

At the invitation of the city I met May 30th with Rob Straebel, City Manager, Chief Paul Ivan and Chief Gerard Doan to discuss the organization and provision of police, fire and emergency services in the city and surrounding area. The city has expressed interest in moving to a public safety approach to emergency services. Such an approach could be in the form of hiring a “Public Safety Director” to manage the emergency services with the long run goal of creating a full fledge Public Safety Department including the cross-training of emergency personnel. Examples of both approaches exist among Michigan municipalities ranging from larger populated cities to cities with population under 10,000. One outcome of the May 30th meeting was for the Consultant to develop a proposal to present to the Charlevoix city council at their July 15th meeting.

Subsequent to the May 30th meeting, city officials met with neighboring township officials to discuss potential collaboration in the delivery of emergency services. Therefore any study to examine the organization and delivery of emergency services in the city must also look at an alternative approach of collaborating with neighboring municipalities. Thus the proposal includes both an approach to limiting a study to city emergency services and an alternative approach involving collaborating with neighboring municipalities. The collaboration approach will not be detailed until a meeting with township and city representatives prior to meeting with the city council July 15th.

Proposal

Purpose:

To examine the benefits and costs of moving to the concept of a Public Safety Department or Director to manage the production and provision of police, fire and emergency medical services.

Methodology:

Since examples exist of cities large and small that have either organized emergency service delivery either: (a) hiring a Public Safety Director to manage and supervise the production and provision of emergency services; or (b) establishing a Public Safety Department with a long range goal of cross-training emergency personnel, it would appear that identifying similar size cities that have utilized either approach and to develop a narrative of their experiences. Significant insights can be gained from their successes and failures, timeline for

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Discussion Regarding Conceptual Design of the Antrim and State Street Intersection

DATE: July 15, 2013

PRESENTED BY: Jim Malewitz, Performance Engineers
Rob Straebel

ATTACHMENTS:

1. Initial Conceptual Design of Intersection
2. Letter from Jim Malewitz
3. March 13, 2012 MDOT Letter

BACKGROUND INFORMATION: In March of 2012, MDOT approved the City's proposal to reclassify parts of West Carpenter Avenue, State Street and Clinton Street as a Rural Major Collector. Because State Street is used as a detour through town during the busy summer months, MDOT agreed with the City's stance that it should be upgraded to a different classification. This allows the City to utilize Surface Transportation Program (STP) grant funding in the estimated amount of \$708,000 for resurfacing a large stretch of State Street. See attached map. We anticipate that the State Street project will occur in either 2015 or 2016.

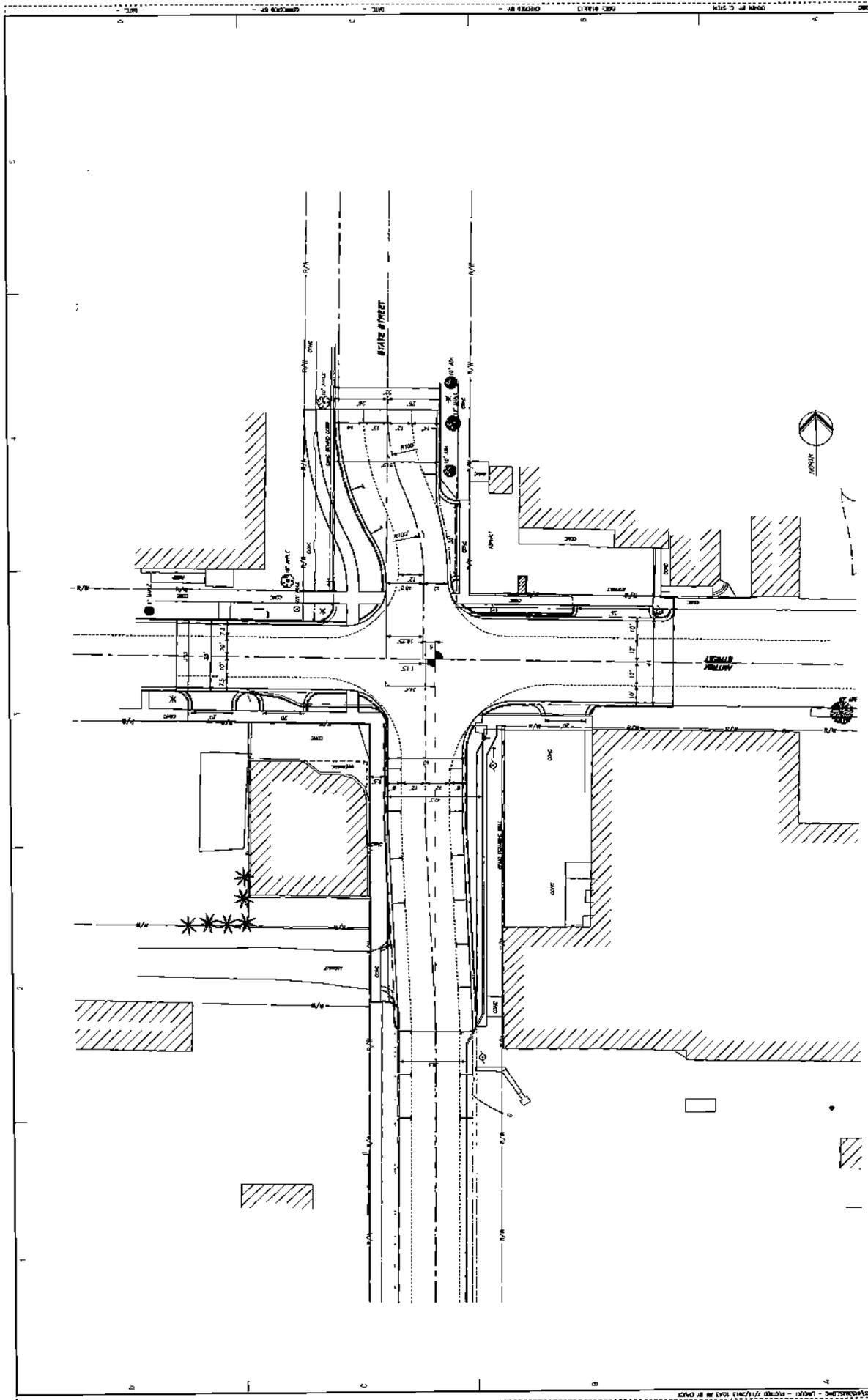
In years past MDOT allowed carryover of STP funds for all qualifying agencies. Earlier this year there was an administrative policy implemented by MDOT calling for no carryover of funds. This was a complete surprise to the municipalities and the County and we have had to hustle to fully encumber the funds this year. Consequently, the City has been awarded \$94,275 towards a project classified within the Rural Major Collector street network. We felt the Antrim Street and State Street intersection would be an appropriate project to utilize these funds. We anticipate the project commencing in Spring of 2014.

We have since lobbied MDOT to allow carryover of funds in the future and they appear to be receptive to possibly allowing banking of STP funds for 2-3 years. (There are important economies of scale by doing larger projects and less impact on communities by banking STP funds.) The County receives approximately \$400,000 in STP funding per year for road projects.

There are various issues with the Antrim and State Street intersection. Most notable is the offset of State Street by 24'. Initial designs by engineers call for a major realignment of the State Street portion of the intersection. This would create more defined driving lanes, shorter

and safer pedestrian crosswalks, and more green space to landscape and beautify. See Jim Malewitz's summary of the project. If Council approves of initial conceptual design, City Staff would seek input from affected property owners at the intersection.

RECOMMENDATION: Discussion with input from City Council on initial conceptual design of the Antrim and State Street intersection.



| | | | |
|-----|----------|-----------|--------------|
| NO. | DATE | BY | DESCRIPTION |
| 1 | 11/14/13 | J. CHANCE | CONCEPT PLAN |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 8 | | | |
| 9 | | | |
| 10 | | | |

ANTRIM - STATE INTERSECTION IMPROVEMENTS
 CONSTRUCTION PLAN
 NO SCALE
 13-4453

THE CITY OF
Charlton
 ENGINEERING
 CONSULTANTS, INC.
 1000 W. 10th St., Ste. 200
 Antrim, MI 49810



Performance Engineers Inc.

Civil / Structural Engineering

July 11, 2013

Rob Straebel
Charlevoix City Manager
210 State Street
Charlevoix, MI 49720

RE: State/Antrim Intersection Conceptual Design

Dear Rob:

Performance Engineers has been working on the conceptual design for the reconstruction of the State/Antrim Street intersection because of it's deteriorating condition. We have received topographical information from Ferguson & Chamberlain Associates Inc. and soil boring information from Gosling Czubak Engineering Sciences, Inc. The soil borings indicate that there are some silty sands and topsoil in several of the borings logged in upper layers. Removal of these compressible layers will help strengthen the new pavement section.

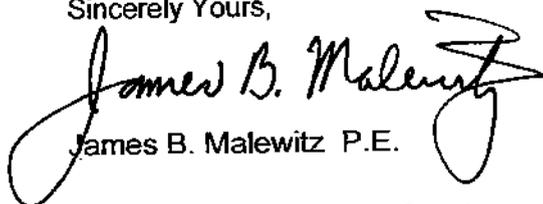
As you know, State Street through the existing intersection is currently misaligned. The offset is approximately 24 feet. Antrim Street on the other hand runs true through the intersection. As part of the reconstruction design process we believe that the intersection should be realigned in order to increase safety. Also the driveways accessing adjacent businesses should be altered in order to allow for safer traffic movements through this intersection.

The conceptual design that we are presenting to you at this time has taken into consideration the truck movements that do occur with the Oleson's shopping plaza and other large vehicle turning movements, including fire trucks. We have also considered the importance of State Street as a US-31 bypass by designing for 12' wide driving lanes and 8' wide parking areas (a total of 40' width from face of curb to face of curb). This design concept for the continuation south on State Street would be this same 40' width. Currently, parking does not exist on the east side of State street going south of the Oleson's store to Hurlbut.

I look forward to presenting this conceptual drawing to City council at their next meeting. In the mean time I will have discussions with Gerald Dohm and Paul Ivan about this design. Our office will produce a color representation drawing of this design concept that can be used for the meeting so that people will also understand the advantages of adding more green/landscaping opportunities to this very important intersection in Charlevoix.

Give me a call if you have any questions or are in need of any additional information.

Sincerely Yours,


James B. Malewitz P.E.

406 Petoskey Ave. • Charlevoix, MI 49720 • (231) 547-2121 • Fax: (231) 547-0084

www.performanceeng.com



STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

RICK SNYDER
GOVERNOR

KIRK T. STEUDLE
DIRECTOR

March 13, 2012

Mr. Rob Straebel
City Manager
City of Charlevoix
210 State Street
Charlevoix, MI 49720

Dear Mr. Straebel:

We are pleased to announce that the Michigan Department of Transportation, in cooperation with the City of Charlevoix and the Charlevoix County Road Commission received approval from FHWA for your national functional classification revision requests.

The NFC for the following rural routes within the City of Charlevoix, Charlevoix County, MI, is effective March 8, 2012 and is displayed in the attached map. The revisions will first appear in the Michigan Geographic Framework (MGF) Ver. 13, MDOT's official NFC record.

| ROAD NAME* | From | To | Length |
|---------------------|---------------------|----------------|------------|
| West Carpenter Road | US-31 | State Street | 0.09 miles |
| State Street | West Carpenter Road | Clinton Street | 0.63 miles |
| Clinton Street | State Street | US-31 | 0.10 miles |

| Existing NFC | Proposed NFC | Future (unbuilt) Road? |
|-----------------|---------------------------|--|
| All Rural Local | All Rural Major Collector | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (it is an existing road) |

March 8, 2012 is the date the routes above are considered federal-aid highways as defined in Title 23 of the United States Code, section 101: "(5) FEDERAL-AID HIGHWAY." The term 'Federal-aid highway' means a highway eligible for assistance under this chapter other than a highway classified as a local road or rural minor collector.

Please contact me at tothm@michigan.gov or at 517-335-2932, if you have any questions or require further confirmation about this matter.

Sincerely,

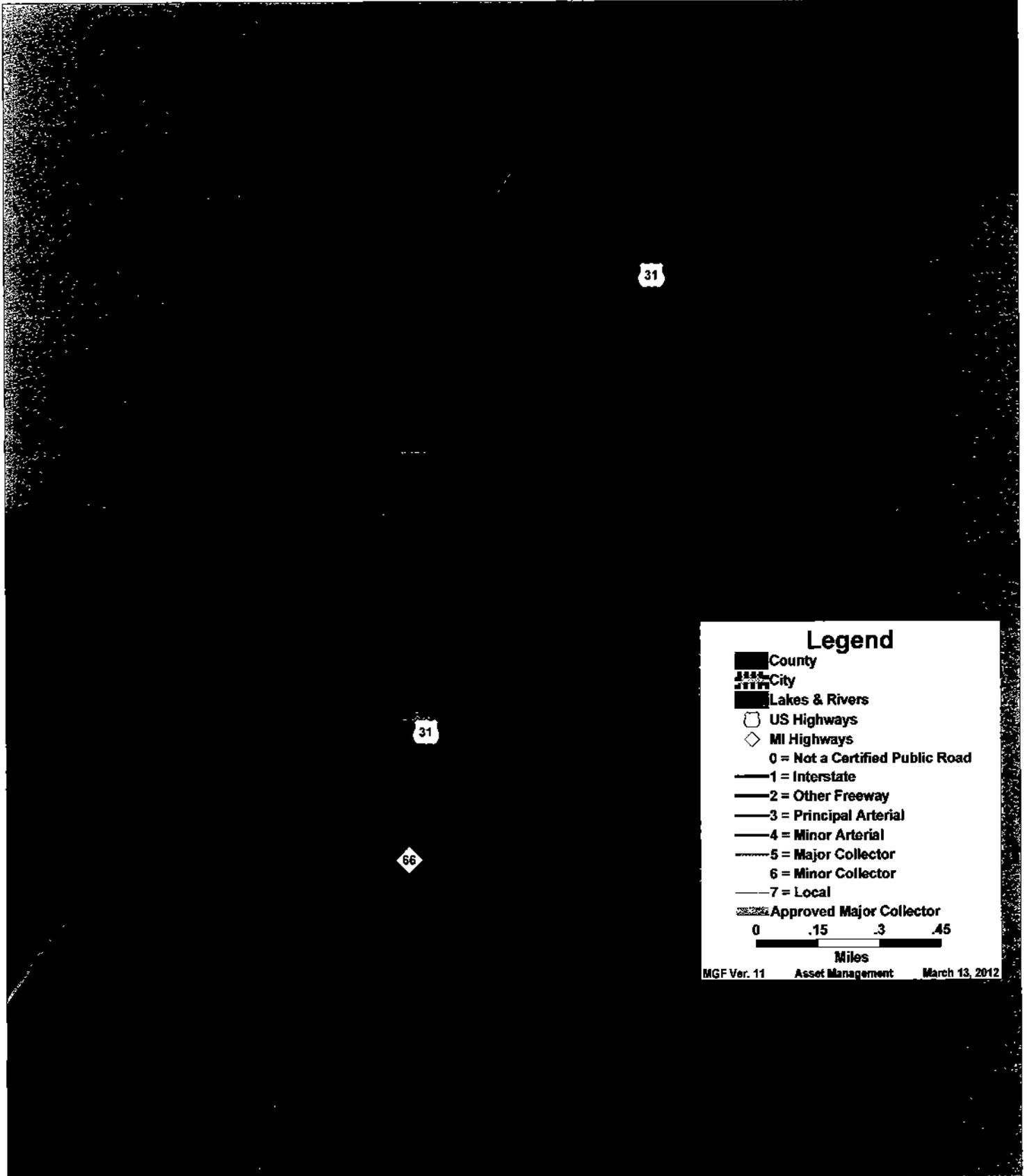
Michael Toth, Transportation Planner
Michigan Department of Transportation
425 West Ottawa
Lansing, MI 48909
(517) 335-2932

Enclosures
Cc: Pat Harmon, Charlevoix CRC

FHWA Approved City of Charlevoix NFC Revisions Effective March 8, 2012



Within Charlevoix County, MI



Legend

- County
- City
- Lakes & Rivers
- US Highways
- MI Highways
 - 0 = Not a Certified Public Road
 - 1 = Interstate
 - 2 = Other Freeway
 - 3 = Principal Arterial
 - 4 = Minor Arterial
 - 5 = Major Collector
 - 6 = Minor Collector
 - 7 = Local
- Approved Major Collector

0 .15 .3 .45
Miles

MGF Ver. 11 Asset Management March 13, 2012

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: SB 284 – Electric Low-Income Energy Assistance Fund

DATE: July 15, 2013

PRESENTED BY: Rick Brandi 

ATTACHMENTS: Enrolled SB 284

BACKGROUND INFORMATION:

The Michigan State Senate recently passed SB 284 which gives electric utilities the choice of a) participating in a low-income energy assistance fund or b) opting out. Participating initially would require each retail electric customer to pay a “not to exceed” \$1 per month into a fund administered by the State of Michigan to help customers who are low income and unable to pay their utility bills. The “not to exceed” amount would be controlled by the State depending on how much money they distribute with a limit of \$50 million allowed in the fund. The City would be required to collect the money from our customers and send it to the State each month. The State will attempt to use the City’s contribution in our geographic area, if possible.

Our issues with this include the cost to put this additional information on our post card bill. If we have to expand the bill, we would probably have to go to a full page, stuffed bill which would cost more in paper, printing and postage, without any way to recoup this cost. This approach could also provide customers with a disincentive to pay their bills, expecting the State to pay them for them. The penalty to us for “opting out” is that we could not turn off electricity to residential customers from November 1 to April 15th of each year for non-payment. An alternative we are exploring would be to shut off water instead, since their water charges would also be past due.

The last line in the bill “The low-income energy assistance funding factor shall not be charged on more than 1 residential meter per residential site” creates issues with how to do this in our billing system. We would be required to code each customer with this type of situation (who might have their garage or boat slip metered) so that they only receive the charge once. This would have to be done manually by going through all of our accounts to code them so that they could be billed at separate rates. This would also be an ongoing cost to administer.

Implementation time for this is very short and the MMEA had to ask for an extension so that City Council’s could vote on this issue. July 1st is the deadline each year for filing a request to

opt out. It was very interesting to find in the bill “Nothing in this Act gives the Public Service Commission the power to regulate a municipally owned electric utility”.

RECOMMENDATION:

City Staff would recommend we opt out of this legislation, saving our electric residential customers a dollar each month, which includes many senior citizens, who are rarely on our shut off list. We view this as another “revenue sharing” type issue. The State keeps the cash and they decide how it gets distributed, with the cost going to each of our electric customers. It is not good business practice to create a disincentive for people to pay their utility bills.

**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2013**

**Introduced by Senators Nofs, Bieda, Caswell, Hopgood, Proos, Young, Anderson, Brandenburg, Jones,
Schuitmaker, Walker, Marleau and Pappageorge**

ENROLLED SENATE BILL No. 284

AN ACT to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.11) by adding section 9t.

The People of the State of Michigan enact:

Sec. 9t. (1) The low-income energy assistance fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department of licensing and regulatory affairs shall be the administrator of the fund for auditing purposes.

(5) Subject to the limitations imposed in this section, the department of human services shall expend money from the fund, upon appropriation, as provided in the Michigan energy assistance act, 2012 PA 615, MCL 400.1231 to 400.1236. The department of human services, in consultation with the public service commission, shall ensure that all money collected for the fund from a geographic area is returned, to the extent possible, to that geographic area.

(6) Subject to the limitations imposed in this subsection, the public service commission may, after an opportunity to comment, annually approve a low-income energy assistance funding factor no later than July 31 of each year for the subsequent fiscal year. The low-income energy assistance funding factor shall be the same across all customer classes and shall not exceed \$1.00. The amount used by the public service commission to calculate a low-income energy assistance funding factor during each fiscal year shall not exceed \$50,000,000.00 minus both the amount appropriated from the general fund in that fiscal year for home energy assistance and the amount remaining in the fund from the prior fiscal year. An electric utility, municipally owned electric utility, or cooperative electric utility that collects money under this subsection shall remit that money to the state treasurer for deposit in the fund on a monthly basis no later than 30 days

(39)

after the last day in each calendar month. The electric utility, municipally owned electric utility, or cooperative electric utility shall list the low-income energy assistance funding factor as a separate line item on each customer's bill.

(7) An electric utility, municipally owned electric utility, or cooperative electric utility may elect to not collect a low-income energy assistance funding factor under this section by annually filing a notice with the public service commission by July 1. Notwithstanding any other provision of this act, an electric utility, municipally owned electric utility, or cooperative electric utility that elects to not collect a low-income energy assistance funding factor under this section shall not shut off service to any residential customer from November 1 to April 15 for nonpayment of a delinquent account.

(8) An electric utility, municipally owned electric utility, or cooperative electric utility that does not opt out under subsection (7), or an association representing a municipally owned electric utility or cooperative electric utility that does not opt out under subsection (7), shall annually provide to the public service commission by July 1 the number of retail billing meters it serves in this state that are subject to the low-income energy assistance funding factor.

(9) Nothing in this act gives the public service commission the power to regulate a municipally owned electric utility.

(10) As used in this section:

(a) "Fund" means the low-income energy assistance fund created in subsection (1).

(b) "Low-income energy assistance funding factor" means a nonbypassable surcharge on each retail billing meter payable monthly by every customer receiving a retail distribution service from an electric utility, municipally owned electric utility, or cooperative electric utility that does not opt out under subsection (7), regardless of the identity of the customer's electric generation supplier. The low-income energy assistance funding factor shall not be charged on more than 1 residential meter per residential site.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Ray E. Randall

Clerk of the House of Representatives

Approved

.....
Governor

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Discussion Regarding a Pilot Program for Hanging Petunia Baskets Along U.S. 31

DATE: July 15, 2013

PRESENTED BY: Dr. Aaron Wilkin, Keep Charlevoix Beautiful

ATTACHMENTS:

1. Engineered Drawing of Hanging Baskets
2. Email from MDOT
3. Letter from J. B Hoyt

BACKGROUND INFORMATION: Representatives from Keep Charlevoix Beautiful (KCB) have approached the City proposing a pilot program for hanging petunia baskets along sections of U.S. 31 for the remainder of the summer and into early fall.

In the past the Sherriff's Department has used inmates to weed the petunia beds. The program has worked extremely well and has allowed inmates to work outside benefiting the community. Recently, there has been a shortage of inmates that qualify for outdoor work. Sheriff Schneider states that he cannot sustain the inmate weeding program. Consequently, KCB officials are concerned with future weeding of the beds and think hanging baskets may be a better approach in the future.

Currently, the beds are being weeded by community volunteers and overall look great. The pilot program would be used to garner public input in determining if the community would support a transition to hanging baskets in 2014. We have worked with MDOT officials and have their approval for the pilot program.

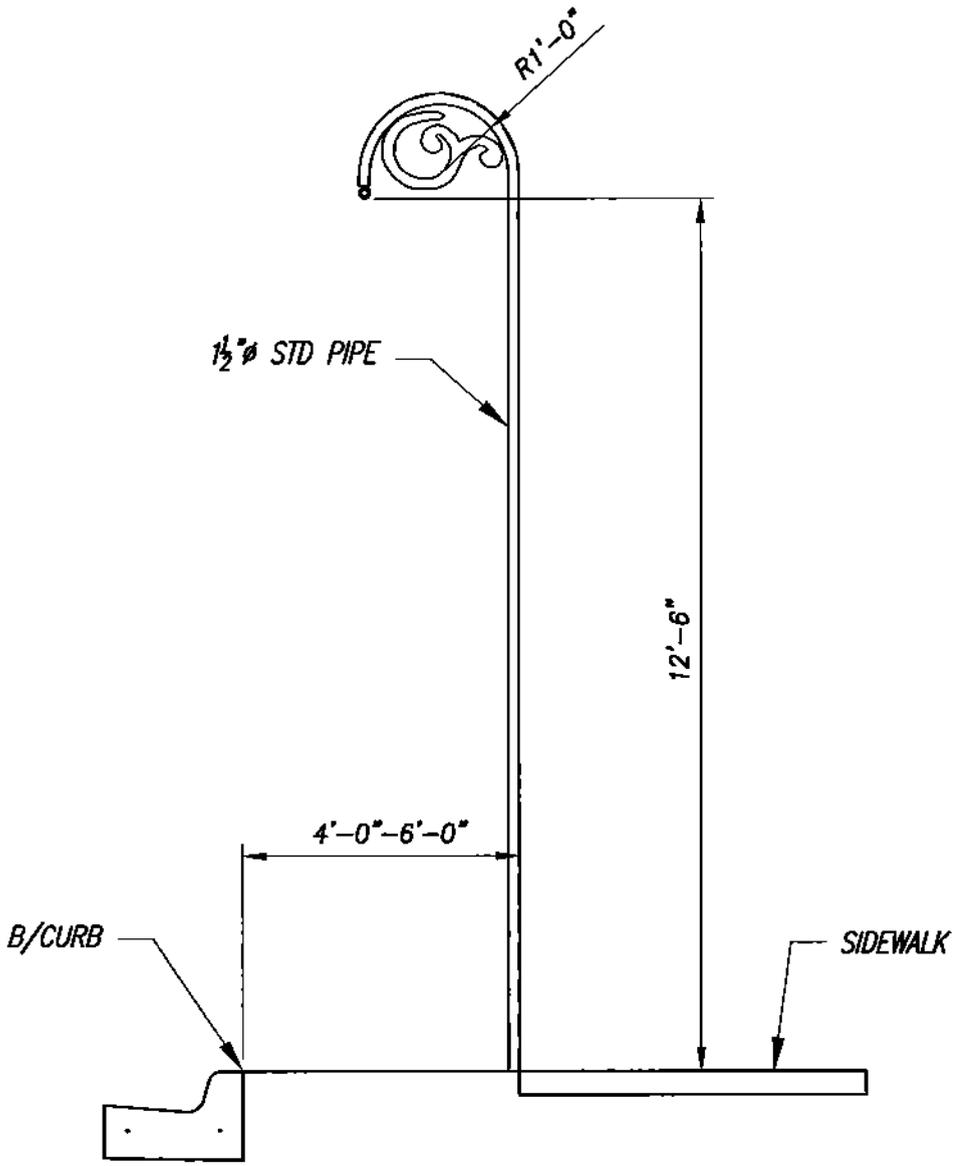
If the community and City Council ultimately like the hanging baskets approach instead of the petunias adjacent to the curb, KCB would install 300 baskets from Mercer Road to roughly M-66 in 2014. KCB would be in charge of watering and fertilizing the hanging baskets.

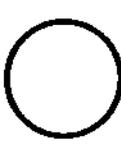
The City Street Crew spends many hours each year prepping the beds adjacent to the curb. We estimate that the City spends about \$16,000 each year in personnel and equipment costs.

RECOMMENDATION: Discussion. From the City Manager's perspective, petunias planted adjacent to the curb are one of the many great attributes about Charlevoix. Visitors and residents alike speak positively about the program. It is part of our history and contributes to a

unique and beautiful community. Most likely there will be much opposition to transitioning to hanging baskets. Why change a highly successful program?

Nevertheless, sometimes change is a good thing. If Council is comfortable with a pilot program of hanging baskets, a motion could be made *"to approve a pilot program proposal by Keep Charlevoix Beautiful to install hanging baskets along U.S. 31 for remainder of summer and into early fall. KCB will be responsible to remove all hanging basket hardware by October 15, 2013."*



 **BASKET STANDARD ELEVATION**
 3/8"=1'



| | | | |
|-----|---------------|---------|--|
| SK1 | PROJECT: | PETUNIA | Performance Engineers, Inc.  Civil / Structural Engineering 406 Petoskey Avenue Charlevoix, Michigan 49720 Phone: (231) 547-2121 Fax: (231) 547-0084 www.performanceeng.com |
| | DATE: 6/13/13 | | |
| | DRAWN: RMB | | |
| | DESIGNED: | | |

Rob Straebel

From: Lajko, Mary (MDOT) [LajkoM@michigan.gov]
Sent: Tuesday, July 02, 2013 3:48 PM
To: Rob Straebel
Cc: McCaw, David (MDOT); Rasch, Rise (MDOT)
Subject: Petunia Basket Hangers

Rob,

Thank you for the calling back today. MDOT is open to allowing a pilot area this summer to try out the hanging basket concept.

I would suggest picking an area north or south of the downtown area on both sides of the road and choosing an area where you have a wider amount of green space between the back of curb and the sidewalk. You sent guidelines on June 20 and they are as follows: At least 6' off back of curb; Utilize sleeves and a 40 gauge, 1 1/2" pipe; Poles to be removed in Fall and reinstalled in late Spring; Poles to be set 24" in ground with concrete. Let's follow these guidelines and see how it works.

I will be on vacation from July 4th returning the 17th. In my absence Dave McCaw is available to help you with whatever you may need to move this project along. We can handle the project as an advance notice under your annual permit, Linda has the permit system down so this will be easy!

Thank you and we look forward to working with you on this project!

Mary C. Lajko
MDOT - Traverse City TSC
2084 US-31 S Ste B
Traverse City, MI 49685

Office 231-941-1986
Cell 231-668-1447
Fax 231-941-1512

J.B. Hoyt

4790 Notre Dame Ave • Stevensville, MI 49127 • jbh1952@comcast.net

RECEIVED

JUL 10 2013

CITY OF CHARLEVOIX

July 8, 2013

Mayor Norman Carlson Jr.
Gabe Campbell
Shane Cole
Lyle Gennett

Shirley Gibson
Jeff Porter
Greg Stevens
City Manager Rob Straebel

City of Charlevoix
210 State Street
Charlevoix, MI 49720

Re: Keeping Charlevoix Special

Charlevoix has held a special place in my heart since my parents first brought me for visits in the early 1960's. The allure of Charlevoix has brought me back for visits and vacations regularly ever since. Indeed, today my wife and I are property owners in the city.

Recent events do, however, give me cause for concern. Two long-established restaurants (Whitney's and Giuseppe's) are gone, a true Charlevoix institution (Murdick's) has closed and the petunias are endangered.

While no city should fund private enterprise, Charlevoix can and should actively seek out and encourage new businesses to replace these lost icons.

Operation Petunia is quite another matter. The miles of curbside petunias are a hallmark of Charlevoix. They add significantly to the unique character and personality of the city. Friends from many other parts of the country have asked me for photos of such a sight. When I "talk up" Charlevoix among downstaters, one of their first reactions is remembering the petunias.

The City should be proud of the efforts of Keep Charlevoix Beautiful and should resume financial support to assure that Operation Petunia is able to continue unabated. Were the petunias to simply be placed in a few pots, those pots would look like similar arrangements in many other cities. The City rightfully touted the growth in the General Fund balance in its recent newsletter. Reinvesting a small amount of those monies in Operation Petunia should more than pay for itself in continued growth in tourism.

Thank you for all that you do to help keep Charlevoix a special place!

Sincerely,



CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Discussion Regarding Changing Clerk Position from Elected to Appointed

DATE: July 15, 2013

PRESENTED BY: Jim Young

Rob Straebel

ATTACHMENTS: Potential Charter Provisions

BACKGROUND INFORMATION: City Council has voiced an interest in changing the City Clerk position from an elected position to an appointed position. The change would require a vote by residents as the City would need to revise provisions in the City Charter. Attached are two examples of potential changes to Charter provisions that have been developed by our City Attorney.

At this point Staff does not believe that we have sufficient time to put this on the November ballot. There may also be other changes to the City Charter that Council may want to consider in the following months. One issue that City Council may want to pursue is the development of a Public Safety Director position. Currently, the Charter includes language for a Police Chief and Fire Chief. Our attorney believes that if the City wishes to create a new position of Public Safety Director that a change to the Charter is in order. We also have ideas for Council to consider regarding how the City publishes notices. This would require changes in the City Charter also. We could have several questions on the ballot for Charter changes in 2014.

RECOMMENDATION: Discussion with direction to Staff on how to proceed.

IMPROVED 1984 APPROACH – no early appointment – this means that Council should appoint a Clerk ASAP after the term of the current elected clerk expires

Section 3.8 CITY CLERK - APPOINTMENT - DUTIES

Commencing (insert date which will be the last day of the current term of the elected City Clerk), the City Clerk shall be appointed by a majority vote of the entire Council for an indefinite term. The City Clerk shall be Clerk of the Council and shall, with the Mayor, sign all ordinances. The City Clerk shall keep a permanent journal of all Council proceedings and ordinances. In addition, the City Clerk shall perform all other duties prescribed by law, this Charter, and the Council. The City Clerk may, with the approval of the City Council, appoint a Deputy Clerk. The City Clerk may be removed by a majority vote of the entire Council.

EARLY APPOINTMENT APPROACH – this allows Council to appoint a new Clerk who does not officially assume office until the term of the current elected clerk expires. This means that the City will not be without a clerk.

Section 3.8 CITY CLERK - APPOINTMENT - DUTIES

The City Clerk shall be appointed by a majority vote of the entire Council for an indefinite term. The City Clerk shall be Clerk of the Council and shall, with the Mayor, sign all ordinances. The City Clerk shall keep a permanent journal of all Council proceedings and ordinances. In addition, the City Clerk shall perform all other duties prescribed by law, this Charter, and the Council. The City Clerk may, with the approval of the City Council, appoint a Deputy Clerk. The City Clerk may be removed by a majority vote of the entire Council. Prior to (insert date which will be the last day of the current term of the elected City Clerk), the Council may appoint a new City Clerk with the appointment to become effective and the appointed City Clerk to assume the duties of that office on (insert same date).

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Approval of Job Description

DATE: July 15, 2013

PRESENTED BY: Rob Straebel, City Manager

ATTACHMENTS: Approval of a Job Description

BACKGROUND INFORMATION:

Job descriptions for all employees are approved by City Council. A review is done either on a periodic basis or at the time the position becomes vacant. This review helps ensure the descriptions accurately reflect the job duties, skills, knowledge, abilities, and requirements.

Per Council's request at the June 17, 2013 meeting, two changes were made to the job description:

- 1) Prioritized the liaison and collaboration essential job function.
- 2) The oversight and scheduling of events changes to within the City, not just at the pavilion.

Recruiting is underway for this position. Applications are being accepted through 5:00 pm on July 16, 2013. The Downtown Development Authority has selected three participants for the interview panel – Fred Dimartino, Kirby Dipert, and Boogie Carlson. Rob Straebel and Jennifer Nash will also participate. Staff recommends one City Councilperson be added to the panel.

RECOMMENDATION #1: To adopt the Community Economic Development Director job description as written.

RECOMMENDATION #2: To appoint one City Councilperson to the Community Economic Development Director Interview Panel.

CITY OF CHARLEVOIX

Title: Community Economic Development Director **FLSA:** Exempt
STATUS: Full-time, non-union

Department: City Manager

Reports To: City Manager
Downtown Development Authority Board

Supervises: Occasional contract employee supervision may be required

Date: June 17, 2013

Position Purpose

This position is responsible for facilitating, promoting and ensuring community and economic development in order to secure opportunities for economic and business development and increase local employment.

Scope

Under the general direction of the City Manager and DDA Board, this position plans, organizes, and implements an economic development program to promote the growth and development of the City's economic base, assists in the retention and expansion of existing businesses, secures funding for economic development activities and programs, and vigorously seeks out new businesses for the City and community. The position has considerable interface with all departments of the City, Downtown Development Authority Board, City Council, and the development and business community.

Essential Job Functions

1. Serves as liaison and collaborates with the Charlevoix Area Chamber of Commerce, Charlevoix Convention & Visitors Bureau and other appropriate public and private entities.
2. Plans, directs, and organizes the City's economic development activities.
3. Work with the DDA Board to establish goals, priorities, and an annual operating budget that support the DDA's mission.
4. Proposes strategies to achieve goals and objectives for economic development to the City Manager; monitors local, state and federal legislation relating to economic development.
5. Research private and public sector economic development funding opportunities; consult with industry and government representatives concerning eligibility requirements for funding, and prepare proposals for funding to support community economic development.
6. Assist local organizations, business and individuals with establishing economic and community development plans, businesses and projects.
7. Promote the community in order to expand economic development opportunities.
8. Carry out administrative actions to support the DDA, including but not limited to purchasing and accounting duties and the preparation of agendas, reports, minutes, budget recommendations, notices, and correspondence. Maintain DDA Office files and records. Schedule and provide oversight for events/performances within the City.

Knowledge, Skills, and Abilities

- Bachelor's degree in public administration, public relations, government affairs, business, or related field.
- Five years progressively responsible experience in economic/business development and/or marketing function (within a resort community environment preferred)
- Demonstrated success in marketing initiatives and economic/community development.
- Knowledge of strategic planning, project management, public relations, citizen participation focus groups, and progressive/creative management techniques.
- Knowledge of land use planning, zoning, and development.
- Customer service/citizen satisfaction orientation.
- Strong grant writing knowledge and skills.
- Strong written and oral communication skills, including interpersonal/public relations; facilitation, collaboration, and negotiation skills. Must be able to work effectively with business owners, contractors and vendors, local and state officials and the general public.
- Ability to network within the community and to maintain strong, credible contacts.
- Professional demeanor and the ability to project a positive public image of the City of Charlevoix.
- Computer proficiency including MS Office (Word, Excel, PowerPoint, and Outlook).
- Ability to meet deadlines.

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

DDA Approval: June 10, 2013
City Council Approval:

**CHARLEVOIX CITY COUNCIL
AGENDA ITEM**

AGENDA ITEM TITLE: MERS Officer Delegate Appointment

DATE: July 15, 2013

PRESENTED BY: Robert Straebel, City Manager

ATTACHMENTS: Certification Form

BACKGROUND INFORMATION:

City employees are represented at the Michigan Employees Retirement System (MERS) annual meeting by an elected, non supervisory employee and an officer delegate (department head). The City Council needs to appoint an officer delegate to represent the City at the annual meeting in Detroit on September 17-20, 2013.

City employees who participate in MERS have elected Alida Klooster as their employee delegate and Kelly Bradley as alternate.

RECOMMENDATION:

Recommend City Council approve the Certificate Form as shown (attached) to appoint Pat Elliott as the officer delegate and Richard Brandi as the alternate delegate.

**CHARLEVOIX CITY COUNCIL
AGENDA ITEM**

AGENDA ITEM TITLE: MML Worker’s Compensation Fund – Election of Board of Trustees

DATE: July 15, 2013

PRESENTED BY: Robert Straebel, City Manager

ATTACHMENTS: Letter from MML Worker’s Compensation Fund Board of Trustees Ballot

BACKGROUND INFORMATION:

The City of Charlevoix is a member of the Michigan Municipal League’s (MML’s) Workers’ Compensation Fund. The City’s governing body is asked to vote for the Fund’s Board of Trustees each year. Attached is information on the prospective Board members. The City also has the option to write in a candidate.

RECOMMENDATION:

Request that City Council make a motion to authorize the City of Charlevoix’s vote be cast for the five Trustees on the official ballot.



michigan municipal league

Workers' Compensation Fund

1675 Green Road
Ann Arbor, MI 48105

TEL 734.662.3246 800.653.2483
FAX 734.662.8083
WEB www.mml.org

| | | | |
|----|---|---------|----------------------------|
| to | Members of the MML Workers' Compensation Fund | from | Michael J. Forster |
| | | date | June 24, 2013 |
| | | subject | 2013 Fund Trustee Election |

Dear Fund Member:

Enclosed is your ballot for this year's Board of Trustees election. Seven (7) incumbent Trustees have agreed to seek re-election. You also may write in one or more candidates if you wish.

A brief biographical sketch of each candidate 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 12. You may also submit your ballot online by going to www.mml.org. Click on *Insurance*, then *Workers' Compensation Fund*; the official ballot is located in the left navigation bar under *Online Forms*.

Thank you for your membership in the Worker's Compensation Fund, and for participating in the election of your governing board.

Sincerely,

Michael J. Forster

Fund Administrator

THE CANDIDATES
Two-year terms beginning October 1, 2013



Frank Brock, Jr., Mayor, City of Lathrup Village

Frank has more than 21 years experience as a municipal official, serving as the mayor of Lathrup Village for the last 17. He is a member of the Michigan Municipal League Legislative Governance Committee. Frank is a past chairman and current board member of the Southfield Area Chamber of Commerce and current board member of both the Lathrup Village DDA and Lathrup Village Community Foundation.



Maureen Donker, Mayor, City of Midland

Maureen has more than five years of experience as a municipal official, and has served as mayor of Midland since 2009. She has been the Executive Director of The Reece Endeavor of Midland, a community program providing homes for individuals with special needs, since 1998. Maureen is also active in the Midland community, serving on various local and regional civic organizations.



Larry Nielsen, Manager, Village of Paw Paw

Larry has nineteen years experience as a municipal official. Larry has been village manager in Paw Paw since August 2007 and was Bangor's city manager for the previous 9 years. He is currently chairman of the local chapter of the Michigan Local Government Management Association, has received Michigan Rural Water Association's Manager of the Year award and has been involved with community theatre for more than twenty-five years.

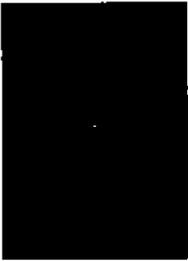


Daniel Reszka, President, Village of Elk Rapids

Dan has more than 12 years experience as a municipal official, serving as village president of Elk Rapids for the last 6 years. He is a current member of the Michigan Municipal League Governance Committee and past member of the Legislative and Urban Affairs Committee. Dan is a past chairman of Land Use and Planning Fund Grand Traverse Regional Community Foundation, past chairman and current board member of both Antrim County Habitat for Humanity and Lions Club.

THE CANDIDATES
Two-year terms beginning October 1, 2013

Amy Roddy, Manager, City of Durand



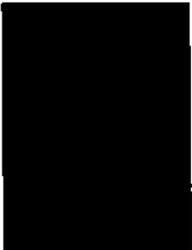
Amy has more than 25 years experience as a municipal official, serving as city manager of Durand for the last 4 years. She was part of the organizing team for the Elected Officials Academy in 1996, served as an EOA Board member from 1997 – 1999 and was on both the Legislative Affairs Committee and Governance Committee for 2009 – 2010. Amy is a member of MLGMA, MAMC, MEDA and MI Downtown Association. She serves on the board of directors for the Durand Area Chamber of Commerce, Durand Union Station, Inc. and the Durand Downtown Development Authority.

Bill Vajda, Manager, City of Marquette



Bill has a long and varied background in public service and private industry, having served in a number of high level defense, technology and intelligence roles within the U.S. Government and NATO. He has served as the City in Manager in Marquette since 2010, and is a member of a number of national, state and local industry and civic organizations.

Tom Winarski, Mayor, City of Gladwin



Tom has more than 37 years experience as a municipal official, serving as mayor of Gladwin for the last 11 years. He has previously served as councilman and planning commission chairman. Tom was an MML Region 6 officer and serves on various local and regional civic organizations.

Michigan Municipal League
Workers' Compensation Fund

OFFICIAL BALLOT - 2013

Vote for seven Trustees by marking the line
to the left of the name for two year terms
beginning October 1, 2013.

_____ Frank Brock, Jr. Incumbent
Mayor, City of Lathrup Village

_____ Maureen Donker, Incumbent
Mayor, City of Midland

_____ Larry Nielsen, Incumbent
Manager, Village of Paw Paw

_____ Daniel Reszka, Incumbent
President, Village of Elk Rapids

_____ Amy Roddy, Incumbent
Manager, City of Durand

_____ Bill Vajda, Incumbent
Manager, City of Marquette

_____ Tom Winarski, Incumbent
Mayor, City of Gladwin

_____ 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: