

AGENDA
CITY OF CHARLEVOIX CITY COUNCIL MEETING

Monday, January 16, 2017 - 7:00 p.m.
City Hall Council Chambers, 210 State Street Charlevoix, Michigan

1. Pledge of Allegiance

2. Roll Call

3. Presentations

4. Inquiry regarding conflicts of interest

5. Consent Agenda

All items listed under Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion of an item is required, it will be removed from the Consent Agenda and considered separately.

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|---|---------|
| A. City Council Meeting Minutes – January 3, 2017 Regular Meeting | PG 1-5 |
| B. Accounts Payable Check Registers & Payroll Check Registers | PG 6-16 |
| C. Set Public Hearing for Recreation Master Plan for February 20, 2017 at 7pm | PG 17 |

6. Public Hearings & Actions Requiring Public Hearings

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| A. Ordinance #779 of 2017- Amending certain provisions of Chapter 77: Liquor Licenses | PG 18-25 |
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7. All Other Actions & Requests

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| A. Park Protection Measures | PG 26 |
| B. 2017-2018 Council Goals | PG 27-29 |
| C. Mayoral Appointment | PG 30-33 |

8. Reports & Communications

- A. Public Comments
- B. City Manager Comments
- C. Mayor and Council Comments

9. Other Council Business

- A. Closed Session for the discussion of contents of attorney-client privileged communication (MCL 15.268(h))

10. Adjourn

The City of Charlevoix will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon one weeks' notice to the City of Charlevoix. Individuals with disabilities requiring auxiliary aids or services should contact the City of Charlevoix Clerk's Office in writing or calling the following: City Clerk, 210 State Street, Charlevoix, MI 49720 (231) 547-3250.

Posted January 12, 2017 4:00 p.m

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Tuesday, January 3, 2017 – 7:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

The meeting was called to order at 7:00 p.m. by Mayor Luther Kurtz.

1. Pledge of Allegiance

2. Roll Call

Mayor: Luther Kurtz
Members Present: Councilmembers Shane Cole, Shirley Gibson, Aaron Hagen, Janet Kalbfell, Tom Oleksy, Leon Perron
Members Absent: None
City Manager: Mark Heydlauff
City Clerk: Joyce Golding

3. Presentations

None.

4. Inquiry Regarding Conflicts of Interest

Councilmember Hagen disclosed that he holds a Liquor License. Mayor Kurtz recused himself from the Cantina Restaurant Group, LLC Redevelopment Liquor License Application item.

5. Consent Agenda

All items listed under Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion of an item is required, it will be removed from the Consent Agenda and considered separately.

- A. City Council Meeting Minutes – December 5, 2016 Regular Meeting
- B. City Council Meeting Minutes – December 19, 2016 Regular Meeting
- C. Special Accounts Payable Check Register – December 21, 2016
- D. Regular Accounts Payable Check Register – January 4, 2017
- E. ACH Payments – December 19, 2016 to December 30, 2016
- F. Payroll Check Register – December 30, 2016
- G. Payroll Transmittal – December 30, 2016
- H. Tax Disbursement – January 04, 2017
- I. Accepted John Kurtz's resignation from the Downtown Development Authority
- J. Set a Public Hearing for January 16, 2017 at 7 p.m. in Council Chambers of City Hall to consider Ordinance #779 of 2017 to amend certain provisions of Chapter 77 Liquor Licenses

Motion by Councilmember Gibson, second by Councilmember Hagen, to approve the Consent Agenda.

Yeas: Cole, Oleksy, Hagen, Kalbfell, Perron, Gibson
Nays: None
Absent: None

6. Public Hearings & Actions Requiring Public Hearings

None.

7. All Other Actions & Requests

A. Trademark Properties Building Fire Briefing

Chief Doan described in great detail the events of the Christmas Eve fire at the Trademark Properties Building. He provided both a timeline and narrative of how the City Fire Department handled the response which included calling for immediate mutual aid from Charlevoix Township, Boyne City, and East Jordan and then subsequent aid from Petoskey, Resort Bear Creek Township, and Banks Township. He noted that he and EMS Director Roloff were dual commanders on scene and their immediate concern was the gas meter fire at the back of the building. Chief Doan expressed his personal gratitude to everyone involved, both to first responders and to community members who provided food and beverages for those on scene. He stated that the fire started at the rear of the building and remains under investigation. He noted that there is no relation between the November fire and this one.

Councilmember Kalbfell asked multiple questions of Chief Doan to better understand the mechanisms during a fire emergency. The Chief explained how a fire commander is established, personnel scheduling, how the 911 call was handled, how the determination is made as to which trucks go out, and the use of a fire ground channel for communication. The Chief also described the response to the rekindling of the fire on Christmas Day. Councilmember Kalbfell asked Chief Doan if he saw any need for changes or what we could do better to prevent future fires. He suggested that business owners could contact a fire consultant who would perform a fire evaluation and would recommend improvements regarding fire suppression systems, etc.

Councilmember Perron commented that "it made me pause when I heard this description" of the fire at the gas line.

Councilmember Gibson asked several more questions. Chief Doan explained the fire command structure in more detail, fire training, and personnel scheduling, and why specific equipment was on scene. Councilmember Gibson commented that she received multiple questions from the public regarding the fire and "it is all about community safety" to her. She felt that there may be other areas downtown that could be susceptible to fire. Chief Doan indicated that no one performs fire safety inspections downtown. Councilmember Gibson suggested that some changes should be made so the City is better prepared for a fire emergency.

Chief Doan noted that his department was not involved with establishing the temporary gas line when questioned by Councilmember Cole.

Councilmember Oleksy asked whether there is a requirement for public buildings to have a fire prevention system. Chief Doan responded that there was not. Councilmember Gibson stated that she would like this changed.

Councilmember Hagen asked if a firefighter from another jurisdiction could operate our trucks. The Chief replied that trucks are different and personnel need to be trained to operate a specific vehicle.

When questioned by Mayor Kurtz, Chief Doan stated that the responding Fire Chiefs held a debriefing on scene when the fire was cleared and he noted that they concurred with the way the fire was handled.

Mayor Kurtz stated that he and the City Manager had conversations with State Senator Wayne Schmidt with regard to rebuilding opportunities. The Mayor commented that the City Manager was also involved with doing some marketing for the community to lift people's spirits.

Mayor Kurtz opened the item to public comment.

Maureen Owens thanked the Fire Department for working very hard and doing a great job.

JoAnne Beemon commented that it was difficult to believe the scope of the fire and she noted the effect that the fire had on Christmas Eve shoppers. She suggested that basic fire safety information should be distributed to the business owners.

The item was closed to the public.

City Manager Heydlauff suggested that the City could look at different options for fire prevention and he outlined his conversation with Senator Schmidt involving State programs which may apply and potentially establishing a miniature Renaissance Zone in the affected area of town. The City Manager extended his personal thanks to the Senator for reaching out to both he and the Mayor over the Christmas holiday. City Manager Heydlauff explained the marketing outreach which is planned with the Main Street Executive Director, Chamber President and the Convention and Visitors Bureau Director emphasizing that downtown is open for normal business. He noted that additional marketing will take place prior to the bridge closure in mid-March underscoring that 99% of the time the bridge will remain open.

City Manager Heydlauff stated that barring a City Ordinance change, fire suppression requirements for downtown structures are governed by the County Building Code.

Mayor Kurtz thanked Senator Schmidt for calling and visiting Charlevoix after the fire. He felt the near term marketing efforts will bring people to Charlevoix and lift the spirits of the community. Mayor Kurtz thanked the Chief and his department for their efforts as well as thanking the assisting fire departments.

B. Cantina Restaurant Group, LLC Redevelopment Liquor License Application

Mayor Kurtz recused himself and requested that Deputy Mayor Cole facilitate this discussion.

Cantina Restaurant Group, LLC sought support from City Council to obtain a Redevelopment Liquor License to be located at 101 Van Pelt Place. City Manager Heydlauff stated that a Redevelopment Liquor License requires a minimum property investment of \$75,000 and no other liquor licenses were available within the jurisdiction. He noted that a revised and approved site plan was distributed to Council due to requirements by the Plumbing Inspector. During their regularly scheduled meeting on December 20th, the DDA approved the Cantina's Redevelopment Application citing that it would be a welcome addition to the area and was in keeping with the Main Street investment goals.

Councilmember Gibson questioned whether there will be any fire suppression in the building. Evan Chappuies, Cantina Restaurant Group, LLC owner, stated that per the Building Code and Health Department there will be fire suppression equipment in the cooking area while will be none in any other areas of the building.

MICHIGAN LIQUOR CONTROL COMMISSION LOCAL GOVERNMENT LIQUOR LICENSE APPROVAL
(Authorized by MCL 436.1501)

At a REGULAR meeting of the City of Charlevoix City Council called to order by Mayor Luther Kurtz, on January 3, 2017 at 7:00 p.m., the following resolution was offered:

Moved by Councilmember Kalbfell and supported by Councilmember Hagen that the application from Cantina Restaurant Group, LLC for the following license(s): SDM License, Class C License, and Redevelopment License to be located at 101 Van Pelt Place, Charlevoix, MI 49720

be considered for approval by the Michigan Liquor Control Commission.

RESOLVED this 3rd day January, 2017 A.D.

Resolution was adopted by the following yea and nay vote:

Yeas: Cole, Oleksy, Hagen, Kalbfell, Perron, Gibson
Nays: None
Absent: None

Deputy Mayor Cole opened the item to public comment. There was no comment, and the item was closed.

Motion by Councilmember Kalbfell, second by Councilmember Hagen, to approve Resolution 2017-01-01, Michigan Liquor Control Commission Local Government Approval for Cantina Restaurant Group, LLC.

Yeas: Cole, Oleksy, Hagen, Kalbfell, Perron, Gibson
Nays: None
Absent: None

8. Reports & Communications

A. Public Comments

JoAnne Beemon noted that downtown sales were good on New Year's Eve and she received good comments regarding the day's events. She stated that Water and Air Team Charlevoix (WATCH) was holding a public forum on January 26th at 6:30 p.m. in the Library to discuss pipelines and clean energy initiatives.

B. City Manager Comments

City Manager Heydlauff requested Council's permission to approve the use of a beer tent in East Park for the Groundhog Shadow Fest in February. Permission was granted.

He noted that a productive Main Street wayfinding meeting was held today. A community meeting was scheduled for January 18th with A5 at the Library to gather public input regarding branding.

City Manager Heydlauff stated that Council will receive a draft of the 2017-2018 Budget this week.

C. Mayor & Council Comments

Councilmember Gibson discussed the adoption of a resolution by the Traverse City Commission supporting alternative energy sources. She wanted to add a similar initiative to our goals and felt that energy specialist Kate Madigan should talk to Council regarding this opportunity. City Manager Heydlauff will add a goals discussion to Council's Work Session on January 10th.

9. Other Council Business

None.

10. Adjourn

The Mayor stated if there were no objections, the meeting would adjourn. There were no objections. Meeting adjourned at 7:55 p.m.

Joyce M. Golding

City Clerk

Luther Kurtz

Mayor

AT&T LONG DISTANCE
AT&T MOBILITY

Special Accounts Payable – 12/21/2016

27.66
89.80

CHARLEVOIX STATE BANK
DELTA DENTAL

6,588.39
3,572.06

GREAT LAKES ENERGY	168.14	VERIZON WIRELESS	56.72
METLIFE SMALL BUSINESS CENTER	776.53	VISION SERVICE PLAN	518.88
PRIORITY HEALTH	43,659.80	TOTAL	55,457.98

Regular Accounts Payable – 01/04/2017

AIRGAS USA LLC	61.60	KSS ENTERPRISES	158.73
ALL-PHASE ELECTRIC SUPPLY CO.	541.39	MACDONALD GARBER	459.00
ARMSTRONG, THOMAS	20.18	MAYER, SHELLEY L.	41.00
ARROW UNIFORM-TAYLOR L.L.C.	1,159.48	McGINN, KELLY	41.00
AVFUEL CORPORATION	1,520.00	McGREGOR, DAVID	82.50
B & L SOUND INC	501.91	MCVEIGH'S TRUCK SPRINGS INC.	83.10
BOB MATHERS FORD	1,263.90	MDC CONTRACTING LLC	430,260.36
BUNKER, JENNIFER	30.00	MICHIGAN MUSHROOM MARKET LLC	14.00
BUSK, KRISTINE	1.03	MICHIGAN WATER ENV ASSOC	560.00
CCP INDUSTRIES INC	279.88	MOELLERING, HEINZE	7.48
CENTRAL DRUG STORE	113.42	MYER, ELIZABETH A.	258.21
CHARLEVOIX COUNTY TREASURER	312.39	NORTHERN BROADCAST INC.	336.00
CHARLEVOIX SCREEN MASTERS INC	86.00	NORTHERN MICHIGAN REVIEW INC.	121.00
CINTAS CORPORATION	120.18	OMS COMPLIANCE SERVICES INC	379.00
CITY OF CHARLEVOIX - PETTY CASH	429.01	PANOFF, ZACH	41.00
CRYSTAL FLASH ENERGY	1,014.04	PARASTAR INC.	925.35
DCASSESSING SERVICES	4,371.08	PARSONS, SARAH	12.69
DeROSIA, PATTY	41.00	POWER LINE SUPPLY	1,724.00
DITCH WITCH SALES OF MICHIGAN	129,000.00	PREFERRED WASTE 2 LLC	425.00
DOAN, GERARD	41.00	ROBINSON, DAVID	20.18
DORNBOS SIGN INC.	149.30	ROLOFF, ROBERT	41.00
DOTSON, LINDSEY J.	41.00	ROLYAN BUOYS	462.00
ELLIOTT, PATRICK M.	41.00	RYLANDER, DONALD	44.45
EMERGENCY MEDICAL PRODUCTS INC	389.78	SCHWEITZER ENGINEERING	
ETNA SUPPLY	497.29	LABORATORIES INC	15,820.00
EVANS, HAL	41.00	SHARROW MASONRY INC	615.00
FASTENAL COMPANY	532.07	STATE OF MICHIGAN	60.00
FERGUSON & CHAMBERLAIN	283.00	STATE OF MICHIGAN	69,691.00
FOX CHARLEVOIX FORD	165.00	STATE OF MICHIGAN	3,000.00
GALLS AN ARAMARK COMPANY	272.99	SUPERIOR MECHANICAL	780.00
GOLDING, JOYCE	41.00	SWANSON K & D INC	400.00
HACH COMPANY	1,331.15	SWEM, DONALD L.	41.00
HAGGARD'S INC	391.16	SYSTEMS SPECIALISTS INC	950.00
HANKINS, SCOTT	41.00	T & R ELECTRIC	1,958.00
HEID, THOMAS J.	41.00	TEMPERATURE CONROL INC.	1,260.55
HEYDLAUFF, MARK L	41.00	TRAILER DELIVERY SERVICE	500.00
INDEPENDENT DRAFTING SERVICES	175.00	TRUCK & TRAILER SPECIALTIES	23.06
J & N CONSTRUCTION	6,850.00	USA BLUE BOOK	1,227.00
JOBA, BOB	140.59	WEATHERVANE TERRACE INN	2,856.46
JONES & JONES GARAGE DOOR SVCS INC.	115.50	WELLER, LINDA	70.70
KEVIN'S METER TESTING	1,997.80	WOOD, BARRY	51.87
KIRINOVIC, THOMAS	41.00	WORK & PLAY SHOP	82.26
KLEINHENN, BETTY	9.74	WPS TRICARE FOR LIFE	90.12
KLOOSTER, ALIDA K.	41.00	WURST, RANDALL W.	41.00
KRELL, MARY	125.00	WYMAN, MATTHEW A.	41.00
		TOTAL	690,757.93

ACH Payments – 12/19/2016 to 12/30/2016

MI PUBLIC POWER AGENCY	16,060.58	STATE OF MI (WITHHOLDING TAX)	4,231.78
MATSON DRISCOLL DAMICO	186,062.08	VANTAGEPOINT (401 ICMA PLAN)	699.94
MI PUBLIC POWER AGENCY	282,100.78	VANTAGEPOINT (457 ICMA PLAN)	13,195.07
MI PUBLIC POWER AGENCY	4,141.75	VANTAGEPOINT (ROTH IRA)	911.53
IRS (PAYROLL TAX DEPOSIT)	29,969.01	MERS DEFINED BENEFIT PLAN	44,003.39
ALERUS FINANCIAL (HCSP)	420.00	TOTAL	581,795.91

Payroll Net Pay – Pay Period Ending 12/24/2016 (Paid 12/30/2016)

CAMPBELL, GABRIEL M.	437.44	LOY, EVELYN R.	1,049.78
WELLER, LINDA JO	1,463.42	KLOOSTER, ALIDA K.	1,538.39
HEYDLAUFF, MARK L.	2,112.28	GOLOVICH, KAREN J.	966.90
GOLDING, JOYCE M.	1,082.62	SPENCLEY, PATRICIA L.	1,155.89
DEROSIA, PATRICIA E.	885.71	PANOFF, ZACHARY R.	1,169.53
DOTSON, LINDSEY J.	1,392.51	MILLER, FAITH G.	59.64

MCGINN, KELLY A.	1,563.31	KIRINOVIC, THOMAS F.	473.63
DOAN, GERARD P.	1,558.56	BITELY, KATHERINE A.	500.07
SCHLAPPI, JAMES L.	1,118.92	BOSS, SHERRY M.	120.05
UMJULIS, MATTHEW T.	1,615.31	HAGEN, MADISON L.	46.17
HANKINS, SCOTT A.	1,456.20	CRANDELL, ZACKARY R.	50.79
ORBAN, BARBARA K.	1,343.10	BERTINELLI, DAVID P.	975.63
TRAEGER, JASON A.	1,563.80	BOSS, BEAU J.	849.54
FLICKEMA, ANDREW M.	1,666.55	HEID, THOMAS J.	1,272.06
MATELSKI, KIMBERLY A.	1,143.04	MYER, ELIZABETH A.	1,653.03
ROLOFF, ROBERT P.	1,446.06	VANLOO, JOSEPH G.	590.55
RILEY, DENISE M.	418.25	WYMAN, MATTHEW A.	1,148.78
WURST, RANDALL W.	1,199.00	SCHRADER, LOU ANN	441.59
MAYER, SHELLEY L.	1,780.77	BOSS, RYDER S.	512.52
HILLING, NICHOLAS A.	1,186.11	MILLER, WILLIAM S.	960.02
MEIER III, CHARLES A.	1,064.69	STEVENS, JEFFREY W.	44.32
ZACHARIAS, STEVEN B.	1,412.05	BEAN, PETER J.	487.35
EATON, BRAD A.	1,882.45	TIMMS, ROBERT N.	46.17
WILSON, TIMOTHY J.	2,033.24	SWEM, DONALD L.	1,833.31
LAVOIE, RICHARD L.	1,629.43	WHITLEY, ANDREW T.	2,035.37
STEVENS, BRANDON C.	2,556.73	MORRISON, KEVIN P.	1,435.08
DRAVES, MARTIN J.	2,086.37	HODGE, MICHAEL J.	1,358.18
BROWN, STEPHANIE C.	1,041.42	JOHNSON, STEVEN P.	1,678.13
ANDERSON, ELIZABETH A.	1,107.24	BOSS JR, DALE E.	1,211.41
ELLIOTT, PATRICK M.	1,961.50	STEBE JR, JOHN M.	96.90
SCHWARTZFISHER, JOSEPH L.	1,485.93	STEBE, CATHERINE M.	88.10
BRADLEY, KELLY R.	1,620.76	HOLM, ARTHUR R.	898.72
HART II, DELBERT W.	1,165.27	MATTER, DAWSON K.	48.45
JONES, ROBERT F.	1,704.46		
DORAN, JUSTIN J.	1,521.84	TOTAL	77,502.39

Payroll Transmittal - 12/30/2016

4FRONT CREDIT UNION	307.69	CHEMICAL BANK	150.00
AMERICAN FAMILY LIFE	228.78	COMMUNICATION WORKERS OF AMER	519.37
AMERICAN FAMILY LIFE	461.64	MI STATE DISBURSEMENT UNIT	323.45
CHAR EM UNITED WAY	56.00	PRIORITY HEALTH	2,014.96
CHARLEVOIX STATE BANK	1,304.62	TOTAL	5,366.51

Tax Disbursement - 01/04/2017

CHARLEVOIX COUNTY TREASURER	465.20	CORELOGIC	546.49
CHARLEVOIX COUNTY TREASURER	320,587.94	DURBIN, LEILANI	31.07
CHARLEVOIX COUNTY TREASURER	397.87	FIFTH THIRD BANK	1,142.82
CHARLEVOIX DISTRICT LIBRARY	87,101.23	HEARTLAND FOOD PRODUCTS	53.77
CHARLEVOIX PUBLIC SCHOOLS	18,188.21	HOLM, BILLIE JEAN	31.96
CHARLEVOIX PUBLIC SCHOOLS	2,896.00	HOYT, DAVID & LISA	734.32
CHARLEVOIX PUBLIC SCHOOLS	302.24	LERETA LLC	737.77
CHARLEVOIX PUBLIC SCHOOLS	23.10	NOVOTNY, WILLIAM	10.00
CHARLEVOIX PUBLIC SCHOOLS	431.62	RECREATIONAL AUTHORITY	17,551.94
CITY OF CHARLEVOIX - TAXES DUE	79,112.85	STATE OF MICHIGAN	1,370.11
CITY OF CHARLEVOIX/DDA	93,280.67	TOTAL	624,997.18

Pay Period Date	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
01/07/2017	01/13/2017	119102	4FRONT CREDIT UNION	9024	HSA-EMPLOYEE CONTRIB-4FR	307.69
01/07/2017	01/13/2017	119103	AMERICAN FAMILY LIFE	9011	AMERICAN FAMILY LIFE-POST	228.78
01/07/2017	01/13/2017	119103	AMERICAN FAMILY LIFE	9011	AMERICAN FAMILY LIFE-PRETA	461.64
01/07/2017	01/13/2017	119104	CHAR EM UNITED WAY	9009	UNITED WAY Pay Period: 1/7/20	59.00
01/07/2017	01/13/2017	119105	CHARLEVOIX STATE BA	9017	HSA - EMPLOYEE CONTRIB - C	1,304.62
01/07/2017	01/13/2017	119106	CHEMICAL BANK	9018	HSA - EMPLOYEE CONTRIB - C	150.00
01/07/2017	01/13/2017	119107	COMMUNICATION WORK	9004	CWA UNION DUES Pay Period:	519.37
01/07/2017	01/13/2017	119108	MI STATE DISBURSEME	9012	FRIEND OF THE COURT Pay P	323.45
01/07/2017	01/13/2017	119109	POLICE OFFICERS LABO	9003	POL UNION DUES Pay Period: 1	201.00
01/07/2017	01/13/2017	119110	PRIORITY HEALTH	392358	PRIORITY HEALTH Pay Period:	2,014.96
Grand Totals:		10				5,570.51

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**Summary of Check Registers & ACH Payments
FIRSTMERIT BANK - CHECKS ISSUED**

01/13/17 Payroll Transmittal Checks	\$	5,570.51
01/13/17 Payroll (net pay)	\$	93,083.34
01/17/17 Regular Accounts Payable	\$	121,782.70
Checks Sub-Total:	\$	220,436.55

FIRSTMERIT BANK - ACH/WIRE PAYMENTS

01/03/17 MI Public Power Agency	\$	13,457.30
01/04/17 Payment Service Network	\$	268.50
01/09/17 MI Public Power Agency	\$	4,039.85
01/09/17 State of MI (Sales Tax)	\$	18,582.48
01/10/17 DTE Energy	\$	7,634.61
01/13/17 IRS (Payroll Tax Deposit)	\$	35,778.52
01/13/17 Alerus Financial (HCSP)	\$	420.00
01/13/17 State of MI (Withholding Tax)	\$	5,074.01
01/13/17 Vantagepoint (401 ICMA Plan)	\$	699.94
01/13/17 Vantagepoint (457 ICMA Plan)	\$	13,450.81
01/13/17 Vantagepoint (Roth IRA)	\$	911.53
ACH Sub-Total:	\$	100,317.55

FirstMerit Bank Total: \$ 320,754.10

CHARLEVOIX STATE BANK - CHECKS ISSUED

(PROPERTY TAX DISBURSEMENT TO VARIOUS TAXING AUTHORITIES)

01/17/17 Tax Disbursement	\$	404,336.24
Charlevoix State Bank Total:	\$	404,336.24

Grand Total: \$ 725,090.34

APPROVED: *[Signature]* CITY MANAGER *[Signature]* CITY TREASURER *[Signature]* CITY CLERK

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
01/07/2017	PC	01/13/2017	22704	GIBSON, SHIRLEY J.	43		512.54
01/07/2017	PC	01/13/2017	22705	PERRON, LEON R.	45		350.85
01/07/2017	PC	01/13/2017	22706	KURTZ, LUTHER J.	54		525.79
01/07/2017	PC	01/13/2017	22707	HAGEN, AARON W.	56		304.75
01/07/2017	PC	01/13/2017	22708	OLEKSY, THOMAS M.	57		130.63
01/07/2017	PC	01/13/2017	22709	KALBFELL, JANET P.	58		183.11
01/07/2017	PC	01/13/2017	22710	WELLER, LINDA JO	101		1,469.19
01/07/2017	PC	01/13/2017	22711	HEYDLAUFF, MARK L.	102		2,392.96
01/07/2017	PC	01/13/2017	22712	GOLDING, JOYCE M.	106		1,080.00
01/07/2017	PC	01/13/2017	22713	DEROSIA, PATRICIA E.	107		1,027.12
01/07/2017	PC	01/13/2017	22714	DOTSON, LINDSEY J.	109		1,393.28
01/07/2017	PC	01/13/2017	22715	LOY, EVELYN R.	117		1,050.16
01/07/2017	PC	01/13/2017	22716	KLOOSTER, ALIDA K.	121		1,736.98
01/07/2017	PC	01/13/2017	22717	GOLOVICH, KAREN J.	122		970.67
01/07/2017	PC	01/13/2017	22718	SPENCLEY, PATRICIA L.	136		1,118.21
01/07/2017	PC	01/13/2017	22719	PANOFF, ZACHARY R.	141		1,169.91
01/07/2017	PC	01/13/2017	22720	MILLER, FAITH G.	142		36.70
01/07/2017	PC	01/13/2017	22721	LEESE, MERRI C.	145		96.97
01/07/2017	PC	01/13/2017	22722	MCGINN, KELLY A.	146		1,564.07
01/07/2017	PC	01/13/2017	22723	DOAN, GERARD P.	201		1,559.32
01/07/2017	PC	01/13/2017	22724	SCHLAPPI, JAMES L.	204		1,233.04
01/07/2017	PC	01/13/2017	22725	UMULIS, MATTHEW T.	205		1,605.15
01/07/2017	PC	01/13/2017	22726	HANKINS, SCOTT A.	208		1,498.74
01/07/2017	PC	01/13/2017	22727	ORBAN, BARBARA K.	209		1,600.33
01/07/2017	PC	01/13/2017	22728	TRAEGER, JASON A.	210		1,677.90
01/07/2017	PC	01/13/2017	22729	FLICKEMA, ANDREW M.	211		1,914.23
01/07/2017	PC	01/13/2017	22730	MATELSKI, KIMBERLY A.	212		1,143.81
01/07/2017	PC	01/13/2017	22731	ROLOFF, ROBERT P.	304		1,674.90
01/07/2017	PC	01/13/2017	22732	RILEY, DENISE M.	306		418.64
01/07/2017	PC	01/13/2017	22733	WURST, RANDALL W.	411		1,085.82
01/07/2017	PC	01/13/2017	22734	MAYER, SHELLEY L.	412		1,653.85
01/07/2017	PC	01/13/2017	22735	HILLING, NICHOLAS A.	413		1,479.52
01/07/2017	PC	01/13/2017	22736	MEIER III, CHARLES A.	421		1,244.78
01/07/2017	PC	01/13/2017	22737	ZACHARIAS, STEVEN B.	422		1,292.96
01/07/2017	PC	01/13/2017	22738	EATON, BRAD A.	515		1,962.08
01/07/2017	PC	01/13/2017	22739	WILSON, TIMOTHY J.	516		2,249.99
01/07/2017	PC	01/13/2017	22740	LAVOIE, RICHARD L.	519		1,630.19
01/07/2017	PC	01/13/2017	22741	STEVENS, BRANDON C.	521		1,813.80
01/07/2017	PC	01/13/2017	22742	DRAVES, MARTIN J.	523		1,529.75
01/07/2017	PC	01/13/2017	22743	BROWN, STEPHANIE C.	524		1,042.18
01/07/2017	PC	01/13/2017	22744	ANDERSON, ELIZABETH	526		1,108.01
01/07/2017	PC	01/13/2017	22745	ELLIOTT, PATRICK M.	600		1,962.27
01/07/2017	PC	01/13/2017	22746	SCHWARTZFISHER, JOS	603		1,507.89
01/07/2017	PC	01/13/2017	22747	BRADLEY, KELLY R.	614		1,409.91
01/07/2017	PC	01/13/2017	22748	HART II, DELBERT W.	616		1,284.71
01/07/2017	PC	01/13/2017	22749	JONES, ROBERT F.	618		1,460.56
01/07/2017	PC	01/13/2017	22750	DORAN, JUSTIN J.	621		1,974.82
01/07/2017	PC	01/13/2017	22751	KIRINOVIC, THOMAS F.	700		228.49
01/07/2017	PC	01/13/2017	22752	BITELY, KATHERINE A.	704		345.46
01/07/2017	PC	01/13/2017	22753	BOSS, SHERRY M.	730		561.85
01/07/2017	PC	01/13/2017	22754	CRANDELL, ZACKARY R.	753		316.03
01/07/2017	PC	01/13/2017	22755	BERTINELLI, DAVID P.	764		923.57
01/07/2017	PC	01/13/2017	22756	BOSS, BEAU J.	788		849.92
01/07/2017	PC	01/13/2017	22757	HEID, THOMAS J	802		1,273.44
01/07/2017	PC	01/13/2017	22758	MYER, ELIZABETH A.	900		4,992.50
01/07/2017	PC	01/13/2017	22759	VANLOO, JOSEPH G.	902		568.31
01/07/2017	PC	01/13/2017	22760	WYMAN, MATTHEW A.	927		1,423.43

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
01/07/2017	PC	01/13/2017	22761	BOSS, RYDER S.	932		661.66
01/07/2017	PC	01/13/2017	22762	MILLER, WILLIAM S.	933		1,190.05
01/07/2017	PC	01/13/2017	22763	STEVENS, JEFFREY W.	1028		165.12
01/07/2017	PC	01/13/2017	22764	WILLSON, BRENDA R.	1059		114.17
01/07/2017	PC	01/13/2017	22765	BEAN, PETER J.	1060		585.40
01/07/2017	PC	01/13/2017	119078	COLE, SHANE	50		547.17
01/07/2017	PC	01/13/2017	119079	WELLER, LINDA JO	101	2016 Sick Leave Payout	572.35
01/07/2017	PC	01/13/2017	119080	LOY, EVELYN R.	117	2016 Sick Leave Payout	665.35
01/07/2017	PC	01/13/2017	119081	KLOOSTER, ALIDA K.	121	2016 Sick Leave Payout	619.08
01/07/2017	PC	01/13/2017	119082	SCHLAPPI, JAMES L.	204	2016 Sick Leave Payout	597.04
01/07/2017	PC	01/13/2017	119083	UMULIS, MATTHEW T.	205	2016 Sick Leave Payout	616.12
01/07/2017	PC	01/13/2017	119084	HANKINS, SCOTT A.	208	2016 Sick Leave Payout	412.44
01/07/2017	PC	01/13/2017	119085	ORBAN, BARBARA K.	209	2016 Sick Leave Payout	873.03
01/07/2017	PC	01/13/2017	119086	TRAEGER, JASON A.	210	2016 Sick Leave Payout	611.47
01/07/2017	PC	01/13/2017	119087	ROLOFF, ROBERT P.	304	2016 Sick Leave Payout	623.07
01/07/2017	PC	01/13/2017	119088	WURST, RANDALL W.	411	2016 Sick Leave Payout	903.18
01/07/2017	PC	01/13/2017	119089	MAYER, SHELLEY L.	412	2016 Sick Leave Payout	978.92
01/07/2017	PC	01/13/2017	119090	SWEM, DONALD L.	512	2016 Sick Leave Payout	394.46
01/07/2017	PC	01/13/2017	119091	SWEM, DONALD L.	512		1,834.08
01/07/2017	PC	01/13/2017	119092	WHITLEY, ANDREW T.	522		2,047.64
01/07/2017	PC	01/13/2017	119093	MORRISON, KEVIN P.	601		1,513.17
01/07/2017	PC	01/13/2017	119094	HODGE, MICHAEL J.	606		1,309.30
01/07/2017	PC	01/13/2017	119095	JOHNSON, STEVEN P.	617		1,420.01
01/07/2017	PC	01/13/2017	119096	BOSS JR, DALE E.	701		1,212.17
01/07/2017	PC	01/13/2017	119097	STEBE JR, JOHN M.	729		394.09
01/07/2017	PC	01/13/2017	119098	STEBE, CATHERINE M.	765		361.29
01/07/2017	PC	01/13/2017	119099	HOLM, ARTHUR R.	791		899.49
01/07/2017	PC	01/13/2017	119100	WYMAN, MATTHEW A.	927	2016 Sick Leave Payout	249.08
01/07/2017	PC	01/13/2017	119101	MATTER, DAWSON K.	1038		96.90
Grand Totals:			86				93,083.34

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Report Criteria:

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

Check Number	Payee	Amount
01/17/2017		
119111	ACE HARDWARE	2,224.08
119112	AIS CONSTRUCTION EQUIPMENT	179.00
119113	ALL-PHASE ELECTRIC SUPPLY CO.	597.00
119114	AMERICAN WASTE INC.	2,138.36
119115	APX INC.	52.41
119116	ASPLUNDH TREE EXPERT CO	3,367.50
119117	AUTO VALUE	1,016.57
119118	AVFUEL CORPORATION	15,992.24
119119	BOB MATHERS FORD	14.00
119120	BUDGET RENT-A-CAR	30.00
119121	CARQUEST OF CHARLEVOIX	842.96
119122	CCI SOUTH LLC	72.75
119123	CHARLEVOIX GLASS INC.	353.90
119124	CHARLEVOIX TOWNSHIP	15.00
119125	CHARTER COMMUNICATIONS	994.63
119126	CITY OF CHARLEVOIX - MISC	1,227.66
119127	CITY OF CHARLEVOIX - UTILITIES	28,731.92
119128	CLOCK, JUDY	20.00
119129	EMERGENCY MEDICAL PRODUCTS I	234.63
119130	ETNA SUPPLY	1,680.00
119131	FAMILY FARM & HOME	1,409.45
119132	FISHER SCIENTIFIC	1,387.20
119133	FOX CHARLEVOIX	89.50
119134	FREEDOM MAILING SERVICES INC.	2,200.28
119135	GRP ENGINEERING INC.	775.00
119136	HACH COMPANY	3,875.27
119137	HART, TOM	44.39
119138	HEALTH DEPT OF NW MICHIGAN	234.00
119139	HEDGES, MICHAEL	478.32
119140	J & B MEDICAL SUPPLY INC.	79.90
119141	J & J GARAGE DOOR SERVICE INC.	80.00
119142	KASSBOHRER ALL TERRAIN VEHICLE	1,200.92
119143	LAKESHORE TIRE & AUTO SERVICE	291.90
119144	LIFTS LLC	300.00
119145	LOTTIE'S BAGELS	53.00
119146	MCCARDEL CULLIGAN-PETOSKEY	50.00
119147	MICHIGAN ASSN OF FIRE CHIEFS	85.00
119148	MICHIGAN MUNICIPAL LEAGUE	990.22
119149	MICHIGAN OFFICEWAYS INC	1,279.55
119150	MILLER, WILLIAM S.	41.00
119151	MUNICIPAL UNDERWRITERS OF MIC	685.00
119152	NEOFUNDS BY NEOPOST	5,010.00
119153	NORTH COUNTRY POWER GENERATI	1,825.00
119154	OLSON BZDOK & HOWARD	1,256.56
119155	PAT O'BRIEN ASSOCIATES	81.47
119156	PERFORMANCE ENGINEERS INC	5,703.00
119157	PREIN & NEWHOF	23,638.31
119158	PRO WEB MARKETING LLC	10.00

Check Number	Payee	Amount
119159	PURITY CYLINDER GASES INC	160.40
119160	SCHMUCKAL OIL CO	702.00
119161	SPICER GROUP INC	679.65
119162	STATE OF MICHIGAN	180.00
119163	SUPERIOR MECHANICAL	760.00
119164	SYSTEMS SPECIALISTS INC	75.00
119165	T & R ELECTRIC	4,574.00
119166	TERMINAL SUPPLY CO	189.74
119167	TOP QUALITY GLOVE	289.50
119168	TRUCK & TRAILER SPECIALTIES	440.24
119169	USA BLUE BOOK	212.27
119170	VILLAGE GRAPHICS INC.	62.55
119171	WEST MICHIGAN REALTORS TITLE	58.10
119172	WORK & PLAY SHOP	152.45
119173	WYMAN, MATTHEW A.	307.95
Total 01/17/2017:		121,782.70
Grand Totals:		121,782.70

<u>Check Number</u>	<u>Payee</u>	<u>Amount</u>
01/03/2017		
10317001	MICHIGAN PUBLIC POWER AGENCY	13,457.30
Total 01/03/2017:		<u>13,457.30</u>
Grand Totals:		<u><u>13,457.30</u></u>

<u>Check Number</u>	<u>Payee</u>	<u>Amount</u>
01/04/2017		
10417001	PAYMENT SERVICE NETWORK INC.	268.50
	Total 01/04/2017:	268.50
	Grand Totals:	268.50

<u>Check Number</u>	<u>Payee</u>	<u>Amount</u>
01/09/2017		
10917001	MICHIGAN PUBLIC POWER AGENCY	4,039.85
10917002	STATE OF MICHIGAN	18,582.48
Total 01/09/2017:		<u>22,622.33</u>
Grand Totals:		<u><u>22,622.33</u></u>

<u>Check Number</u>	<u>Payee</u>	<u>Amount</u>
01/10/2017		
11017001	DTE ENERGY	7,634.61
Total 01/10/2017:		7,634.61
Grand Totals:		<u>7,634.61</u>

Check Issue Date	Check Number	Payee	Amount
11317001			
01/13/2017	11317001	**EFTPS* Payroll Taxes	8,777.31
01/13/2017	11317001	**EFTPS* Payroll Taxes	8,777.31
01/13/2017	11317001	**EFTPS* Payroll Taxes	2,052.79
01/13/2017	11317001	**EFTPS* Payroll Taxes	2,052.79
01/13/2017	11317001	**EFTPS* Payroll Taxes	14,118.32
Total 11317001:			
	5		35,778.52
11317002			
01/13/2017	11317002	Alerus Financial	420.00
Total 11317002:			
	1		420.00
11317003			
01/13/2017	11317003	STATE OF MICHIGAN	5,074.01
Total 11317003:			
	1		5,074.01
11317004			
01/13/2017	11317004	Vantagepoint - 401 Plan 109153	699.94
Total 11317004:			
	1		699.94
11317005			
01/13/2017	11317005	Vantagepoint - 457 Plan 300959	4,959.95
01/13/2017	11317005	Vantagepoint - 457 Plan 300959	624.20
01/13/2017	11317005	Vantagepoint - 457 Plan 300959	1,788.62
01/13/2017	11317005	Vantagepoint - 457 Plan 300959	6,078.04
Total 11317005:			
	4		13,450.81
11317006			
01/13/2017	11317006	Vantagepoint - Roth IRA 706117	911.53
Total 11317006:			
	1		911.53
Grand Totals:			
	13		56,334.81

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Check Number	Payee	Amount
01/17/2017		
2831	CHARLEVOIX COUNTY TREASURER	73.11
2832	CHARLEVOIX COUNTY TREASURER	208,470.32
2833	CHARLEVOIX DISTRICT LIBRARY	64,158.15
2834	CHARLEVOIX PUBLIC SCHOOLS	40,991.34
2835	CHARLEVOIX PUBLIC SCHOOLS	4,256.37
2836	CHARLEVOIX PUBLIC SCHOOLS	447.45
2837	CHARLEVOIX PUBLIC SCHOOLS	645.30
2838	CITY OF CHARLEVOIX - TAXES DUE	71,669.58
2839	HEARTLAND FOOD PRODUCTS	13.36
2840	RECREATIONAL AUTHORITY	12,593.49
2841	SNOEYINK, RANDALL	827.02
2842	STATE OF MICHIGAN	190.75
Total 01/17/2017:		404,336.24
Grand Totals:		404,336.24

CHECKS DRAWN ON CHARLEVOIX STATE BANK ACCOUNT

**CHARLEVOIX CITY COUNCIL
CONSENT AGENDA ITEM**

AGENDA ITEM TITLE: Set Public Hearing for Recreation Master Plan Draft

DATE: January 16, 2017

PRESENTED BY: Consent Agenda

ATTACHMENTS:

BACKGROUND INFORMATION:

The City of Charlevoix Recreation Advisory Board has developed a draft Five-Year Recreation Master Plan. The plan is based on the *Guidelines for Community Park, Recreation, Open Space, and Greenway Plans* as published by the Michigan Department of Natural Resources. It evaluates existing recreation opportunities, reviews public opinion regarding recreation, sets goals and objectives, and proposes a five-year action plan. A public hearing is part of the master plan approval process.

Copies of the draft plan are available for review at City Hall and online at <http://charlevoix.recdesk.com> until February 20, 2017. Comments and questions can be directed to Recreation Director Tom Kirinovic at City Hall, tomk@cityofcharlevoix.org or (231) 547-3253 until February 20, 2017.

RECOMMENDATION:

Set a public hearing to receive input on the Recreation Master Plan draft for February 20, 2017 at 7:00 pm at Charlevoix City Hall, 210 State Street, Charlevoix, MI, 49720.

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Ordinance #779 of 2017- Amending certain provisions of Chapter 77:
Liquor Licenses

DATE: January 16, 2017

PRESENTED BY: Mark L. Heydlauff, City Manager

ATTACHMENTS: Ordinance 779: Chapter 77 Liquor Licenses

BACKGROUND INFORMATION:

This fall, new ownership of the Townhouse Bar sought to transfer the ownership of the liquor license. This required Council action in addition to approval from the Michigan Liquor Control Commission. We learned we are one of the only communities in northern Michigan still requiring local approval for this type of transfer. Council asked the City Attorney draft an amendment to our ordinance to do away with this provision.

If Council approves this ordinance, new licenses and certain types of transfers will still come to Council, as required by State law, but ownership transfers will no longer need Council approval so long as they have met MLCC requirements.

A public hearing is a required element in the ordinance approval process.

RECOMMENDATION:

Motion to adopt Ordinance #779 of 2017- An ordinance to amend certain provisions of Chapter 77:
Liquor Licenses

**City of Charlevoix
Ordinance No. 779 of 2017**

**AN ORDINANCE TO AMEND TITLE VII,
BUSINESS AND TRADES,
CHAPTER 77, LIQUOR LICENSES**

The Charlevoix City Council desires to no longer give local approve for the transfer of liquor licenses and instructed the City Attorney draft the following amendment to do away with the provision.

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Repeal of Chapter 77 of Title VII, Business and Trades of the Charlevoix City Code

SECTION 2. Amendment to Title VII, Business and Trades of the Charlevoix City Code

Chapter 77, Liquor Licenses is hereby amended to read in its entirety as follows:

**CHAPTER 77
LIQUOR LICENSES**

7.301. Definitions

For purposes of this chapter, the following words shall be defined to include:

- A. "License" means a liquor license issued by the Michigan Liquor Control Commission.
- B. "Person" means an individual, corporation, partnership, limited liability company, limited liability partnership or any other business entity.
- C. Public Nudity means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
 - 1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
 - 2. Material as defined in section 2 of Act No 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
 - 3. Sexually explicit visual material as defined in section 3 of Act No. 33 of the Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.
- D. Public Place means any real property or an appurtenance to the real property which is owned by this state, any municipality of this state, a public agency, or by a college or university in this state and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element; a public place shall also mean a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

7.302. Legislative Intent

The city council acknowledges the difference which the law recognizes between applications for new licenses and the transfer, renewal or revocation of existing licenses. This Ordinance is designed to provide a framework in which the city council can decide whether to approve or deny an application for a new license or an application to transfer an existing license. This framework, when followed, will show a reviewing court that the city council's discretion was not exercised arbitrarily or capriciously. The city council recognizes that the issuance or denial of a license can be controversial and that litigation over the city council's decision can easily result.

The regulation of licenses and their impact on the land use goals of the city are legislative decisions. The voters and legislative process are the methods which should be used to alter legislative decisions as long as the legislative decisions are not made in an arbitrary and capricious manner. It is hoped that a reviewing court will respect the function of the city council as well as the electoral process in evaluating the actions of the city council.

Sections of this ordinance dealing with Public Nudity are intended to address the city's recognition that Public Nudity in areas in which alcohol is being consumed can create significant negative secondary effects. Such sections are intended to regulate and minimize those negative secondary effects and to effectuate the city's definition of Public Nudity, and are not intended to specifically regulate or inhibit any activity protected by the First Amendment.

The city acknowledges that existing licensees have property rights in those licenses. Thus, for the transfer of existing licenses the city has adopted with modification certain requirements recommended by the Michigan Townships Association. For the renewal or revocation of existing licenses, the city has adopted a system in this ordinance to meet procedural due process requirements.

7.303. Application for License—New and Transfers Requiring Local Approval

A. Application.

Applications shall be required for a new license or for transfers of existing licenses requiring local approval under the Michigan Liquor Control Code. Applications shall be made to the city council in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a partnership or corporation, verified by oath or affidavit, and shall contain the following statements and information:

1. The name, age and address of the applicant in the case of an individual; or, in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and, if a majority interest in the stock of such corporation is owned by one person or his/her nominee, the name and address of such person.
2. The citizenship of the applicant, his/her place of birth, and, if a naturalized citizen, the time and place of his naturalization.
3. The character of the business of the applicant including a description of what services will be provided to patrons and how intoxicating liquor will be offered in conjunction with those services. In the case of a corporation, a copy of the Articles of Incorporation shall also be provided.
4. The length of time the applicant has been in business of that character, or, in the case of a corporation, the date when its articles of incorporation were approved by the State.
5. The location and description of the premises or place of business which is to be operated under such license.
6. A statement whether the applicant has made an application for a similar or other license on premises other than described in this application, and the disposition of that application.

7. A statement that the applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Ordinance or the laws of the State or Michigan.
8. A statement that the applicant will not violate any of the laws of the State of Michigan or of the United States or any ordinances of the city in the conduct of its business.
9. A statement as to whether the applicant will offer entertainment at the licensed premises, and a description of the kind(s) of entertainment to be offered. The statement will address whether any entertainment will include Public Nudity.
10. The application shall be accompanied by building and site plans showing the entire structure and premises and, in particular, the specific areas where the license is to be utilized. The plans shall demonstrate adequate off-street parking, lighting, refuse disposal facilities and, where appropriate, adequate plans for screening and noise control.
11. A copy of all financial information and documents provided to the Michigan Liquor Control Commission investigator regarding financial responsibility.

B. Approval Standard for New License or License Transfer Requiring Local Approval

In determining whether a new license should be issued or an existing license should be transferred, the city council shall consider the following factors:

1. Whether the applicant, or if a partnership or corporation any member of the partnership or corporation, has been denied a license in the past seven (7) years and the reasons for the denial.
2. Whether the application is complete and contains all of the information required by this ordinance.
3. Whether the application shows compliance with applicable city ordinances regarding off-street parking, lighting, refuse disposal facilities and landscaping/screening and, additionally, noise control.
4. The impact of the proposed license and associated business on the occupants and owners of adjoining properties.
5. Whether the proposed license and associated business will adversely affect traffic safety.
6. Accessibility to the sight from abutting roads.
7. The distance from public or private schools for minors.
8. Whether the business will cause noise which would so that public or private land will be adversely affected.

C. Requirements for License—New and Transfers Requiring Local Approval

Regardless of the city council's evaluation of the approval standards, no license shall be issued to:

1. A person whose license, under this Ordinance, has been revoked for cause.
2. A person who, at the time of the application or renewal of any license issued hereunder, would not be eligible for such license upon a first application.

3. A person who does not own the premises for which a license is sought or does not have a lease therefor for the full period for which the license is issued, or to a person, corporation or co-partnership that does not have sufficient financial assets to carry on or maintain the business.
 4. A person on whose premises there exists a violation of the applicable building, electrical, mechanical, plumbing or fire codes, applicable zoning regulations, applicable public health regulations, or any other applicable city ordinance.
 5. A person whose application proposes a use which would be in violation of any city zoning or police power ordinance, or state or federal law.
 6. A person in situations where there are delinquent unpaid real estate taxes and/or personal property taxes relating to the real estate or business which has been used, is used or will be used in conjunction with the license.
 7. A person where it is determined by a majority of the city council that the premises for which the license has been requested do not or will not within six (6) months after commencement of operations, have adequate off-street parking, lighting, refuse disposal facilities, screening, noise, or nuisance control or where a nuisance does or will exist.
 8. A person whose licensing activity will expand or intensify a non-conforming use under the city zoning ordinance.
- D. Term of License--Approval of a license shall continue for as long as the Michigan Liquor Control Commission license continues subject to periodic review by the city council regarding continued compliance with the regulations of this Ordinance and any conditions of approval. Approval of a license shall be on the condition that any necessary remodeling or new construction for the use of the license shall be commenced within six (6) months of the action of the city council or the Michigan Liquor Control Commission approving such license, whichever last occurs. Any delay in the completion of such remodeling or construction may subject the license to revocation.
- E. Reservation of Authority--No applicant for a license has the right to the issuance of such a license to him, her or it, and the city council reserves the right to exercise reasonable discretion to determine who, if anyone, shall be entitled to the issuance of such license. If an application is incomplete, the license may be denied without a consideration of the merits of the application.
- F. License Hearing--The city council may act on an application for a new license or the transfer of an existing license at any regular or special meeting. The city council may hold a public hearing on any application when it is determined to be in the public interest. Following action on an application, the city council shall submit to the applicant a written statement of its findings and determination.

7.304. Objections to Renewal and Request for Revocation

A. Procedure

Before filing an objection to the renewal or a request for the revocation of a license with the Michigan Liquor Control Commission, the city council shall serve a notice of hearing on the license holder. This notice of hearing shall be served by first class mail, not less than ten (10) days prior to the hearing. The notice of hearing shall contain the following:

1. Notice of proposed action.
2. Reasons for the proposed action.
3. Date, time and place of the hearing.
4. A statement that the licensee may present evidence and testimony and question adverse witnesses.

Following the hearing, the city council shall submit to the license holder and the Commission, a written statement of its findings and determination. An objection to an application for renewal must be forwarded to the Michigan Liquor Control Commission at least 30 days prior to the expiration of the license.

B. Criteria for Non-renewal or Revocation

The city council shall recommend non-renewal or revocation of a license upon a determination by it that based upon a preponderance of the evidence presented at the hearing either of the following exists:

1. Violation of any of the requirements on licenses set forth in Section IV, Paragraph C, 1 through 8 above, or,
2. Maintenance of a nuisance upon the premises.

7.305. City of Charlevoix Redevelopment Liquor License Program

A. Definitions

As used in this section, the following definitions shall apply:

“Downtown Development Authority” (DDA) means the Authority created by and described in Title I, Article IV (Section 1.271, et seq.) of the City Code.

“Redevelopment Project Area” means land and buildings located within the boundaries of the DDA, which are described in Section 1.276 of the City Code.

“Real property interest” means a legally recognized right in land and buildings on that land and may be established by a deed, lease, land contract, contingent sale, contingent lease, or similar documentation.

B. Application for Redevelopment Liquor License

Applications for City approval of a Redevelopment Liquor License, as authorized by MCL 436.1521a(1)(b), as amended, may be submitted to the City Clerk for real property located within the Redevelopment Project Area. The application fee shall be paid at the time of the filing of the application. The application shall contain or be accompanied by the following:

1. If the applicant is not the owner, the applicant shall include written approval by the owner for the submission of the application.
2. The address of the real property at which the license will be used.
3. Documentation whether the applicant has a real property interest in the real property with which the license will be used.
4. Documentation showing that at least \$75,000 has been expended for the rehabilitation or restoration of the building that will house the licensed premises, or which makes a commitment for a capital investment of at least \$75,000 which will be expended prior to the issuance of the license.
5. Documentation of attempts to purchase a readily available escrowed or quota on-premise license within the City of Charlevoix, and why such license was not reasonably available.

6. Documentation regarding the type of business with which the license will be used.
 7. The seating capacity of business with which the license will be used.
 8. Additional information or documentation that will show whether the application complies with the standards contained in Section 7.303.A. and Section 7.305.D. of the City Code.
- C. Actions of City Clerk, DDA and City Council.
- The City Clerk shall determine whether the application is complete. If the application is complete and the application fee has been paid, the application shall be forward to the executive director of the Downtown Development Authority (DDA) for a written recommendation by the DDA board regarding whether the application meets the standards of the City Code for the issuance of the Redevelopment Liquor License and the reasons for DDA's recommendation. The DDA shall have 30 days from the submission of the application to its executive director to make its recommendation to the City Council or this requirement of a recommendation from the DDA shall be waived. Upon the expiration of 30 days from submission of the application to the executive director of the DDA or upon receipt by the City Clerk of the DDA's recommendation, whichever occurs first, the application and the DDA's recommendation, if any, shall be submitted to the City Council for consideration and written notice of the time and date on which the application will be considered by the City Council. An application that is incomplete shall neither be forwarded to the DDA nor to the City Council.
- D. Standards For Non-preferential Approval
- When an application is submitted for City approval of a Redevelopment Liquor License and the State Liquor Control Commission does not request or require that the City approve one application "above all others" or otherwise prioritize an application, the application may be approved, approved with conditions or denied by the City Council. Any conditions shall relate to compliance with the requirements or standards contained in the City Code and which are applicable to the application. In determining whether a license should be approved, the City Council shall consider the following requirements or factors (jointly, called the Standards):
1. If the applicant is not the owner, the owner of the real property with which the license will be used must approve in writing the submission of the application.
 2. The applicant must have a real property interest in the real property with which the license will be used.
 3. The business with which the license will be used shall be engaged in dining, entertainment or recreation.
 4. The business with which the license will be used shall have a seating capacity of at least twenty-five (25) people.
 5. At least \$75,000 shall have been expended for the rehabilitation or restoration of the building that will house the licensed premises, or which makes a commitment for a capital investment of at least \$75,000 or if a commitment has been made to expend at least \$75,000 prior to the issuance of the license, the applicant must agree that the fulfillment of this commitment shall be a condition of approval.
 6. The applicant shall have attempted to purchase a readily available escrowed or quota on-premise license within the City of Charlevoix and shall establish that a license was not reasonably available.
 7. The extent to which the business with which the license will be used will contribute a new or unique choice to the mix of businesses in the DDA district.
 8. The extent to which the business with which the license will be used will promote economic growth in a manner consistent with adopted goals, plans or policies applicable to the DDA district, including but not limited to the DDA's Development Plan and all other master plans applicable to the DDA district.
 9. Those factors related to a request for issuance of a new liquor license contained in Section 7.303.B. of the City Code.

E. Standards for Preferential Approval

When an application is submitted for a Redevelopment Liquor License and the State Liquor Control Commission requests or requires the City to approve one application "above all others" or otherwise prioritize an application, the following procedure shall apply:

1. The application must be approved or approved with conditions pursuant to Section 7.305.D. of the City Code.
2. The application shall be ranked or prioritized by the City Council in comparison to other pending and approved applications in a manner consistent with the request or requirements of the State Liquor Control Commission.
3. In evaluating the ranking or prioritization of an application, the Council shall consider the extent to which the application and supporting information or documentation exceeds the Standards contained in Section 703.5.D. and the detail and quality of the application and supporting information or documentation. The more detailed and precise the application and the supporting information or documentation and the greater the extent that the Standards contained in Section 705.3.D. are exceeded, then the higher the priority that such an application shall be given.

F. Setting of Application Fee.

The City Council shall adopt by resolution for an application fee for a Redevelopment Liquor License and may modify such fee from time to time.

G. Zoning Compliance.

The issuance of a Redevelopment Liquor License does not alter the requirement that the proposed land use must comply with all applicable zoning regulations.

SECTION 3. Severability.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining

SECTION 4. Effective Date.

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

Ordinance No. ____-2017 was enacted on the ____ day of ____ 2017, by the Charlevoix City Council as follows:

Motion by:

Seconded by:

Yeas:

Nays:

Absent:

**STATE OF MICHIGAN
CITY OF CHARLEVOIX
CERTIFICATION**

I, the undersigned, the Clerk of the City of Charlevoix, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No, ___ of 2017 adopted by the City Council of the City of Charlevoix, County of Charlevoix, State of Michigan, at a regular meeting held on _____, 2017 and published in the Charlevoix Courier on _____ 2017, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of the Michigan Public Acts of 1976.

Dated _____

Joyce Golding, City Clerk

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Park Protection Measures
DATE: January 16, 2017
PRESENTED BY: Scott Howard, City Attorney
Mark L. Heydlauff, City Manager
ATTACHMENTS: None

BACKGROUND INFORMATION:

When the Conservation Easement Proposal was not approved in the referendum last fall, there was some thought of attempting a more limited Charter amendment that would make it harder for the City to sell or change certain areas like Mt. McSauba and Lake Michigan Beach Park.

As Council requested in December, the City Attorney and I met to discuss these options. He will be present to answer your question and discuss how an amendment like this might be structured.

He will also be prepared to discuss how the Shade Tree Ordinance might be amended to expand the Shade Tree Commission to cover the care of our parks.

RECOMMENDATION:

Council discussion and direction to the City Attorney

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: 2017-2018 City Council Goals
DATE: January 16, 2017
PRESENTED BY: Mark L. Heydlauff, City Manager
ATTACHMENTS: 2017-2018 City Council Goals Draft

BACKGROUND INFORMATION:

Based on our discussion on January 10 of goals for the coming year and beyond, I have drafted the attached document. For each of the five goals, I would suggest we have a work session with some guests who could present relevant topics for your consideration.

RECOMMENDATION:

Council discussion and/or motion to adopt the 2017-2018 City Council Goals.

City of Charlevoix

2017-2018 City Council Goals

Ensure Charlevoix is environmentally sustainable while also economically viable

Charlevoix should be a leader in using renewable energy to meet the demands of our electric customers and to protect our natural resources. Our built infrastructure should incorporate design standards that protect our waterways, preserve our trees, and encourage healthy living. Recycling, energy optimization, and water conservation will be encouraged.

Action steps:

- Schedule a work session to learn about these topics (Michigan Environmental Council, Tip of the Mitt Watershed Council, and others)
- Set an attainable and economically viable goal of powering all City-owned facilities with renewable energy
- Develop a program for electric customers to cooperate and invest in solar and wind generation projects
- Consider ordinance changes in support of the Lake Charlevoix Watershed Plan and improve storm water effluent
- Improve the availability of recycling receptacles throughout the community- especially downtown
- Plan for non-motorized trails, bike parking, and pedestrian-friendly design in infrastructure projects where appropriate

Include the senior citizen community in all public events and activities

We have a growing senior citizen population and it is important for all members of the community to enjoy the quality of life we offer. Public facilities, especially parks, should have activities available for all ages and ability levels.

Action steps:

- Work with the Charlevoix County Transit Authority to provide shuttles during special events to provide remote parking and ease of transit
- Consider a survey to see what additional activities are desired- especially for senior citizens
- Develop a policy requiring all festivals and special events who use public spaces to provide a statement of inclusion for senior citizens
- Consider adding activities in East Park and Bridge Park like shuffle board and concrete checker and chess boards

Develop and maintain long-term infrastructure plans

As a progressive, year-round community, Charlevoix's infrastructure must be reliable in all weather conditions and should deliver the services required by our population.

Action steps:

- Develop and continually maintain a long-range plan of street and utility upgrades that can be used for planning and capital budget development
- Develop a plan for implementing city-wide Wi-Fi and other technological benefits for our permanent residents, visitors, and seasonal residents
- Obtain more information about and explore professional consultation for adding heated sidewalks in the downtown
- Improve the snow and ice clearing from sidewalks throughout the community by working with property owners

Provide strong stewardship of public resources and promote good governance

We will seek collaboration with other entities around the area and look for ways to efficiently provide the quality services the community expects. Charlevoix government should be organized around gathering public input and effectively giving staff and Council good recommendations for public policy.

Action steps:

- Assess our committees, boards, and commissions to determine continued need and whether restructuring is appropriate
- Consider amending the Shade Tree Ordinance to expand the mission of the Shade Tree Commission to protect the long-term condition of our parks
- Draft a charter amendment to increase the protections for all of our parks, while ensuring local enjoyment of these resources in perpetuity
- Provide appropriate fire protection for the community that recognizes pro-active fire prevention measures and collaboration with neighboring municipalities
- Improve the City's website and include more information for those seeking to live, visit, and build a business in Charlevoix; include ways for residents to keep in contact with the City through electronic methods

Enhance and showcase the outstanding quality of life in Charlevoix

Charlevoix is well known as one of the premiere resort communities on the Great Lakes, but of equal importance is that it is home to our residents. We cannot lose sight of our community being "home." One of our strongest attributes is the many activities and amenities offered; we should support these and build upon them.

Action steps:

- Recognize the role of our cultural corridor institutions (Charlevoix Public Library, Circle of Arts, and Historical Society) and build on their programming
- Encourage more outdoor dining and placemaking settings that showcase the unique geography, architecture, and programming of Charlevoix
- Collaborate with Charlevoix Township on the development of a dog park and a dog beach to help residents enjoy public spaces with their four-legged friends
- Enhance existing recreation options by opening the pier for jumping at Ferry Beach and considering tubing at Mt. McSauba

**CHARLEVOIX CITY COUNCIL
AGENDA ITEM**

AGENDA ITEM TITLE: Mayoral Appointment
DATE: January 16, 2017
PRESENTED BY: Joyce M. Golding, City Clerk
ATTACHMENTS: Volunteer Boards and Committees Applications

BACKGROUND INFORMATION:

The resignation of John Kurtz from the Downtown Development Authority Board created a vacancy. The Mayor is obligated to appoint an applicant to fill this position with the term expiring in April 2017.

RECOMMENDATION:

Motion to appoint Citizen Name to the Downtown Development Authority, term expiring April 2017.



**CITY OF CHARLEVOIX
VOLUNTEER BOARDS AND COMMITTEES APPLICATION**

Thank you for your interest in serving on a volunteer board, commission or committee. The purpose of this form is to provide the Mayor and City Council members with some information about residents considered for appointment. Your application will be kept active for six months and you will be contacted if you are chosen to serve.

- | | | |
|---|--|--|
| <input type="checkbox"/> AIRPORT ADVISORY COMMITTEE | <input type="checkbox"/> HISTORIC DISTRICT COMMISSION | <input type="checkbox"/> SHADE TREE COMMISSION |
| <input type="checkbox"/> BOARD OF REVIEW | <input type="checkbox"/> HOUSING COMMISSION | <input type="checkbox"/> ZONING BOARD OF APPEALS |
| <input type="checkbox"/> COMPENSATION COMMISSION | <input type="checkbox"/> PLANNING COMMISSION | <input type="checkbox"/> OTHER _____ |
| <input checked="" type="checkbox"/> DDA/MAIN STREET BOARD | <input type="checkbox"/> RECREATION ADVISORY COMMITTEE | <input type="checkbox"/> NO PREFERENCE |

PLEASE PRINT

NAME: Julie Mann
 ADDRESS: 309 W Upright St
 HOME PHONE: 231-373-2554 CELL PHONE: same
 EMAIL: candjmann@yahoo.com
 ARE YOU A REGISTERED VOTER IN THE CITY? yes HOW LONG HAVE YOU LIVED IN THE CITY? 5 yrs
 HAVE YOU EVER BEEN CONVICTED FOR ANYTHING OTHER THAN A MINOR TRAFFIC VIOLATION? no

EDUCATIONAL BACKGROUND: Highschool Diploma, Executive Secretary Degree @ Rasmussen Biz College, some classed @ U of MN

PROFESSIONAL QUALIFICATIONS AND/OR WORK EXPERIENCE: owner/executive chef @ Smoke on the Water; Ameriprise Financial phone rep for qualified plans & REITS - had my Series 7 & 66 Events Coordinator @ major church in Grand Rapids

COMMUNITY ACTIVITIES AND/OR OTHER EXPERIENCE: ran MI beach concession stand - 1 season insight of owning a business off "main street"

HAVE YOU SERVED ON A BOARD/COMMITTEE OR HELD A CIVIC POSITION IN THE PAST? IF YES, PLEASE EXPLAIN:
Yes created Best Practices Committee @ Transamerica's new branch to set up policies & procedures

DO YOU FORESEE ANY POTENTIAL CONFLICTS OF INTEREST WHILE EXECUTING THE DUTIES OF THIS POSITION? IF YES, PLEASE EXPLAIN:
No - as a business owner in CHX I believe I have a good insight, but my intent is to help Chx grow and prosper as a whole.

REASON(S) YOU WISH TO SERVE: To assist in helping Chx become a more vibrant community for the locals, tourists and business community. To help expand Chx to more than 4 blocks!

HAVE YOU REVIEWED THE CURRENT MEETING SCHEDULE OF THE BOARD/COMMITTEE AND CAN COMMIT TO REGULAR MEETING ATTENDANCE? _____

SIGNATURE: Julie A Mann DATE: 12-30-16

RETURN APPLICATION TO THE CITY CLERK'S OFFICE:
 210 STATE STREET CHARLEVOIX, MI 49720 - FAX (231) 547-3617 - EMAIL clerk@cityofcharlevoix.org

City of Charlevoix

Application for Volunteer Boards and Advisory Committees

Date: 11/10/16

- Planning Commission
- Board of Review
- Zoning Board of Appeals
- Housing Commission
- Historic District Commission
- Downtown Development Authority
- Shade Tree Commission
- Compensation Commission
- Main Street Program
- Historic District Study
- No Preference

Name: MAUREEN B. OWENS

Address: 205 PARK AVE, UNIT 4, CHARLEVOIX, MI 49720

Phone: X Cell Phone: 231-622-3238 Email: MAUREEN-OWENS@HOTMAIL.COM

Business Phone: 231-547-4602 May we call you there? YES

Describe the reasons you are interested in this position: I AM A PROponent OF CHARLEVOIX AND ITS POSITIVE ECONOMIC GROWTH. I AM OPEN Minded AND BELIEVE IN DEVELOPING IDEAS THAT ARE TRADITIONAL AND WITHIN EDGE. I AM COMMITTED TO THE SUCCESS OF THE MAIN STREET PROGRAM

Describe any background, experience and interests that you have which may assist you in performing the responsibilities of this appointment:

- Occupation: BRANCH PROFESSIONAL - BICKERSTON BROWN WEALTH ADVISORS
- Education: BBA IN BUSINESS ADMINISTRATION
- Experience: MAIN STREET PROMOTIONS ORGANIZATION AND ECONOMIC RESTRUCTURING COMMITTEE MEMBER

Have you served on any previous boards or in any governmental positions in the past: If yes, please explain: NOT IN THE CITY GOVERNMENT - PRES. CHARLEVOIX SPORTS BOOSTERS, PRES CHARLEVOIX PERFORMING ARTS BOOSTERS

Are you available for night meetings? YES Daytime meetings? YES

Do you foresee any potential conflicts of interest that you might have in executing the duties of this appointed position? If yes, please explain: NO

If a conflict of interest arose for you, how would you deal with it as an appointed member of this board? THROUGH OPEN TRANSPARENT COMMUNICATION - I WOULD RESUCE MYSELF IF NECESSARY OR RESIGN SHOULD THE SITUATION BECOME EXTREME THE GREATER NEEDS OF THE PROGRAM/DDA WOULD ALWAYS BE MY FIRST CONCERN

Please return this application to the City of Charlevoix Offices. It can be returned in person, by mail to 210 State Street, Charlevoix, MI 49720, by fax to 231.547.3617 or by email to mgr@cityofcharlevoix.org



CITY OF CHARLEVOIX
210 STATE ST. CHARLEVOIX, MICH. 49720

MEMO

To: The Charlevoix City Council

From: Luther Kurtz, Mayor

Date: January 12, 2017

RE: Proposed Mayoral Appointment

Pursuant to the Volunteer Board and Committee Policy, I plan to appoint, with Council's approval, Maureen Owens to the Downtown Development Authority Board of Directors for a partial term that expires in April 2017.