

**AGENDA
CITY OF CHARLEVOIX CITY COUNCIL MEETING**

Monday, October 5, 2015 - 7:00 p.m.

210 State Street, City Hall, Second Floor City Council Chambers, Charlevoix, Michigan

- 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 - September 21, 2015 Regular Meeting PG 1-9
 - B. Accounts Payable Check Registers & Payroll Check Registers PG 10-21
 - C. Mayor Proclamation - National Disability Employment Awareness Month PG 22
 - D. Shade Tree Commission Resignation - Jessica Spencer PG 23
- V. Public Hearings**
 - A. Public Hearing - Donation Acceptance Policy PG 24-32
 - B. Public Hearing on Food Trucks in Downtown Charlevoix PG 33-62
- VI. Reports**
- VII. Requests, Petitions and Communications and Actions Thereon**
 - A. 2014-15 Fiscal Year Financial Audit Presentation PG 63
 - B. Consideration of Request to Permit Connection to Marion Center Sewer Line PG 64-68
 - C. Consideration of Job Descriptions PG 69-76
 - 1. Economic Development and Planning Director
 - 2. Administrative Assistant
 - D. Consideration of Section 3 Economic Opportunities Policy Resolution PG 77-83
 - E. Compensation Commission Report PG 84-86
- VIII. Introduction and Initial Actions Relating to Ordinances or to Resolutions That Require Publication or Hearings Prior to Final or Further Action**
 - A. Request to Set a Public Hearing to Amend Title II, Utilities and Services, Chapter 22, City Water Utility, Section 2.52 PG 87-89
 - B. Request to Set Public Hearing for IFEC for Michigan Scientific Corporation PG 90
- IX. Resolutions**
 - A. Consideration of Section 3 Economic Opportunities Policy Resolution PG 78-83
- 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 October 1, 2015 4:00 p.m.

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, September 21, 2015 – 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 Gabe Campbell.

I. Pledge of Allegiance

II. Roll Call of Members Present

Mayor: Gabe Campbell
City Manager: Mark Heydlauff
City Clerk: Joyce Golding
Council Members Present: Shane Cole, Shirley Gibson, Luther Kurtz, Leon Perron, Jeff Porter, Bill Supernaw
Absent: None

III. Inquiry Regarding Possible Conflicts of Interest

None.

IV. Consent Agenda

The following items were approved and filed:

- A. Approval of Minutes – September 8, 2015 Regular Meeting Minutes
- B. Special Accounts Payable Check Register – September 9, 2015
- C. Regular Accounts Payable Check Register – September 22, 2015
- D. ACH Payments – September 4, 2015 – September 23, 2015
- E. Payroll Check Register – September 11, 2015
- F. Payroll Transmittal – September 11, 2015
- G. Tax Disbursement – September 22, 2015

Mayor Campbell stated that the Council meeting is run using *Robert's Rules of Order*. He read an excerpt from the *Rules of Procedure for City Council* with regards to public comment.

V. Public Hearings

A. Public Hearing to Amend Title IX, Police Regulations, Chapter 111, Section 9.2

City Manager Heydlauff stated that the Michigan Legislature recently amended laws that regulate firearms and ammunition. City Attorney Howard recommended that City Council amend the City Code to reflect the ACT 310 of 1990 amendment. A public hearing to gather public input is required prior to adopting the amendment.

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

Further action under Ordinances.

B. Public Hearing to Close Out the CDBG Urgent Need Infrastructure Grant

City Manager Heydlauff reported that the Governor allocated funds in 2014 to help cities repair infrastructure that was damaged in the winter of 2013-14. The City received a CDBG grant in the amount of \$114,229 to repair and replace broken water lines in the City owned public right-of-way. In order to close out the CDBG grant, a public hearing is required.

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

VI. Reports

City Manager Heydlauff attended the Michigan Municipal League convention in Traverse City last week and he shared information regarding online sales purchases and municipal goal setting processes. He confirmed with Council that Tuesday, October 13th is an agreeable date to schedule a goal setting work session.

City Manager Heydlauff will add a preliminary food truck discussion to the October 5th meeting agenda. He advised that the goal for this agenda item is to gather community input and he recommended that no firm action should be taken at the meeting.

City Manager Heydlauff reported that the Wastewater Treatment Plant project is approximately 65% complete and within budget.

The City Manager expressed his congratulations to the Chamber of Commerce for their continued good work in the community, to Chuck Center who organized the Charlevoix Rotary Club's Golf Outing this year to raise money in support of local projects, and he congratulated the Historic District Commission and Charlevoix Historical Society for their diligent work.

Mayor Campbell stated that the Main Street Promotions Committee scheduled October 3rd from 1-3pm to clean up downtown in preparation for Apple Fest. He invited the public to meet in East Park and help with this effort.

VII. Requests, Petitions and Communications and Actions Thereon

A. Donation Acceptance Policy

Interim Planner Panoff reported that the Donation Acceptance Committee convened to establish a policy for individuals and organizations wishing to donate to the City. The results of the Committee meetings are as follows:

- Created a predefined list of acceptable projects or programs for potential donors.
- Continue the "memorial" bench program in conjunction with the Planning Commission to establish locations for the benches.
- Consideration should be given to establishing a "donor wall" and minimum donation amounts.
- Memorial plaques or naming opportunities should be considered for significant donations.
- Veteran/military memorials should be reviewed on a case-by-case basis.
- The City should publically recognize all donors.

At the September 14, 2015 Planning Commission meeting, the Commission unanimously approved the Donation Acceptance Policy as written, with one exception: donors being recognized on a donor wall should not be differentiated with regards to the size of their donation. In essence, all donors should be acknowledged equally.

Councilmember Gibson questioned the cost of a memorial bench. Interim Planner Panoff stated that the cost was \$2,000-\$2,500 and that the location of a memorial table would be determined by the Planning Commission.

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

City Manager Heydlauff suggested a public hearing to offer another opportunity for public comment at the October 5th Council meeting at which a minimum donation amount could be established, if desired.

Motion by Councilmember Kurtz, second by Councilmember Cole, to set a public hearing for October 5, 2015 to take public input regarding the Donation Acceptance Committee's recommendations.

Yeas: Kurtz, Perron, Gibson, Cole, Supernaw, Porter
Nays: None
Absent: None

B. Consideration to Approve Purchase of Ice Melt Salt

DPW Superintendent Elliott stated that the City works with the State of Michigan and the MiDEAL program to competitively bid out the purchase of winter ice melt salt. Staff received a unit cost from the bidding process of \$65.23 per ton (\$3.18 less than 2014) for a total amount of \$16,307.50. Staff estimated that the City will need a total of 250 tons of salt for the upcoming winter and recommended having an additional 150 tons on reserve in the event of severe weather.

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

Motion by Councilmember Perron, second by Councilmember Gibson, to approve the purchase of 250 tons of road salt for a total dollar amount not to exceed \$16,307.50.

Yeas: Kurtz, Perron, Gibson, Cole, Supernaw, Porter
Nays: None
Absent: None

C. Consideration of Charlevoix County Community Foundation Grant for Parks and Recreation Master Plan

City Manager Heydlauff reported that in order to qualify for funding from various Michigan Department of Natural Resources grant programs, the City must have a current Parks and Recreation Master Plan on file. A master plan functions as a long term business plan, acting as the strategic outline for the Recreation Department. At the recommendation of the Recreation Advisory Board, the Recreation Department is seeking funding from the Charlevoix County Community Foundation to hire a consultant to help write a new master plan and gain public input on the priorities for recreation in our community. A consultant can provide a third-party, objective opinion.

Councilmember Gibson stated that she likes the idea of using an impartial third-party consultant to create the Parks & Recreation Master Plan.

City Manager Heydlauff explained the process for receiving grant funding and the need for a master plan. In addition, he commented that the handicap accessible playground equipment at Michigan Beach was purchased through this grant funding process. He specified that the goal in creating a master plan was to have a robust public engagement process to gather priorities from the public.

Councilmember Supernaw questioned the content of the current master plan. City Manager Heydlauff indicated that it was written internally and some topics may carry over to the new plan.

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

Motion by Councilmember Gibson, second by Councilmember Kurtz, to authorize the Recreation Department to submit a grant request to the Charlevoix County Community Foundation for funding to hire a consultant to write the new Parks and Recreation Master Plan.

Yeas: Kurtz, Perron, Gibson, Cole, Supernaw, Porter
Nays: None
Absent: None

D. Consideration of Charlevoix County Community Foundation Grant for McSauba Scholarships

Each year the Recreation Department receives numerous inquiries and applications for scholarship funding for Camp McSauba and Mt. McSauba. Recreation Director Kirinovic recommended submitting a grant request to the Charlevoix County Community Foundation to obtain funds for scholarships.

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

Motion by Councilmember Cole, second by Councilmember Porter, to authorize the Recreation Department to submit a grant request to the Charlevoix County Community Foundation for scholarships for Camp McSauba and Mt. McSauba.

Yeas: Kurtz, Perron, Gibson, Cole, Supernaw, Porter
Nays: None
Absent: None

E. Consideration to Purchase City Hall Multifunction WorkCentres

The two copiers in City Hall have printed over 1,000,000 copies and need to be replaced. On August 27, 2015 four bids were received to replace the existing multifunction printers. The low bid received from Michigan Officeways, a local vendor, was for the purchase of two Xerox WorkCentre 5955 Mono A3 for a total of \$11,578 which includes delivery, setup and training. The bid includes a 60 month maintenance contract for \$.055 per copy with two additional options: Wi-Fi print kit for \$99 and a dedicated envelope tray for \$199. The price of these two units is well within the City's budget.

Councilmember Gibson commended the internal committee led by Executive Assistant Weller who were involved in the decision making process. Executive Assistant Weller clarified pricing details for Councilmember Kurtz.

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

Motion by Councilmember Perron, second by Councilmember Cole, to authorize the purchase of two Xerox WorkCentre 5955 Mono A3 Multifunction devices for a total price of \$11,975. [One unit to include a Wi-Fi print kit and one unit to include the Wi-Fi print kit and a dedicated envelope tray.]

Yeas: Kurtz, Perron, Gibson, Cole, Supernaw, Porter
Nays: None
Absent: None

F. Consideration of an Excessive Force Policy Resolution

City Manager Heydlauff stated that one of the requirements of the Community Development Block Grant (CDBG) is that the City of Charlevoix demonstrates that it has adopted an excessive force policy. Police Chief Doan has reviewed the policy and supports the adoption of the resolution.

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

Action by Resolution.

G. Notice of Intent to Issue Capital Improvement Bonds

City Manager Heydlauff explained the Notice of Intent Resolution to issue up to \$3.6 million in Capital Improvement Bonds for updating water, sewer, storm sewer, asphalt and curbing on 7 blocks of City streets and for upgrading only the water main on one additional block. In addition, conduit would be buried for future underground utility work. This bond would be repaid from existing revenue – primarily the Infrastructure Millage and the County Road Millage. The annual bond payment would be approximately \$235,000 over 15 years. Paired with a larger voter-approved bond levy, these Capital Improvement Bonds would address the City's

overall infrastructure needs for the long-term.

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

Action by Resolution.

VIII. Introduction and Initial Actions Relating to Ordinances or to Resolutions That Require Publication or Hearings Prior to Final or Further Action
None.

IX. Resolutions

A. Consideration of a Resolution Regarding Excessive Force Policy

Motion by Councilmember Gibson, second by Councilmember Perron, to adopt Resolution 2015-09-03 Excessive Force Policy Prohibiting the Use of Excessive Force Against Non-Violent Civil Rights Demonstrators, as follows:

**CITY OF CHARLEVOIX
RESOLUTION NO. 2015-09-03
EXCESSIVE FORCE POLICY PROHIBITING THE USE OF EXCESSIVE FORCE
AGAINST NON-VIOLENT CIVIL RIGHTS DEMONSTRATORS**

WHEREAS, the Congress of the United States has passed the Armstrong/Walker "Excessive Force" Amendment (Section 104 (L)(1) of Title I of the Housing and Community Development Act of 1974 as amended) prohibiting the use of excessive force by a local law enforcement agency against any individual engaged in nonviolent civil rights demonstration within its jurisdiction; and

WHEREAS, the City of Charlevoix has received a Michigan Community Development Block Grant and is required to comply with the Armstrong/Walker "Excessive Force" Amendment; and

WHEREAS, the use of excessive force against demonstrators may cause the City to lose its grant or eligibility for future federal grants.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Charlevoix, Michigan:

1. It is policy of the City that the use of excessive force is prohibited by local law enforcement agencies against individuals engaged in lawful and nonviolent civil rights demonstrations within the City.
2. The City will adopt and enforce a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within jurisdictions
3. The City Council directs the Police Chief to implement this Resolution by amending applicable police department procedures.

RESOLVED this 21st day of September, 2015 A.D.

Resolution was adopted by the following yeas and nays vote:

Yeas: Kurtz, Perron, Gibson, Cole, Supernaw, Porter
Nays: None
Absent: None

B. Notice of Intent to Issue Capital Improvement Bonds

Motion by Councilmember Kurtz, second by Councilmember Gibson, to adopt Resolution 2015-09-02 Notice of Intent Resolution 2016 Capital Improvement Bonds, as follows:

**RESOLUTION NO. 2015-09-02
NOTICE OF INTENT RESOLUTION
2016 CAPITAL IMPROVEMENT BONDS**

**CITY OF CHARLEVOIX
County of Charlevoix, State of Michigan**

WHEREAS, the City of Charlevoix, County of Charlevoix, State of Michigan (the "City") intends to issue general obligation limited tax bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), in an aggregate principal amount of not

to exceed Three Million Six Hundred Thousand Dollars (\$3,600,000) (the "Bonds"), for the purpose of paying the costs of acquiring and constructing road and street reconstruction improvements, including water, sanitary sewer system, storm sewer, utility, curb and gutter and all related improvements (the "Project"); and

WHEREAS, a notice of intent to issue the Bonds must be published before the issuance of the Bonds in order to comply with the requirements of Section 517 of Act 34; and

WHEREAS, the City intends at this time to state its intentions to be reimbursed from proceeds of the Bonds for any expenditures undertaken by the City for the Project prior to issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is authorized and directed to publish a notice of intent to issue bonds in the *Charlevoix Courier*, a newspaper of general circulation in the City.
2. The notice of intent shall be published as a display advertisement not less than one-quarter (1/4) page in size in substantially the form attached to this resolution as Exhibit A.
3. The City Council does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the City's electors and taxpayers residing in the boundaries of the City of the City's intent to issue the Bonds, the maximum amount of the Bonds, the purpose of the Bonds, the source of payment for the Bonds and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.
4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:
 - (a) The City reasonably expects to reimburse itself with proceeds of the Bonds for certain costs of the Project which were paid or will be paid from funds of the City subsequent to sixty (60) days prior to today.
 - (b) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$3,600,000.
 - (c) A reimbursement allocation of the capital expenditures described above with the proceeds of the Bonds will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the Bonds to reimburse the City for a capital expenditure made pursuant to this resolution.
5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Members: Kurtz, Perron, Gibson, Cole, Supernaw, Porter

NAYS: None

RESOLUTION DECLARED ADOPTED.

Joyce Golding, Charlevoix City Clerk

EXHIBIT A

NOTICE TO TAXPAYERS AND ELECTORS OF THE CITY OF CHARLEVOIX
OF INTENT TO ISSUE BONDS
AND THE RIGHT OF REFERENDUM RELATING THERETO

PLEASE TAKE NOTICE that the City of Charlevoix, County of Charlevoix, State of Michigan (the "City"), intends to issue and sell its general obligation limited tax bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in an aggregate principal amount of not to exceed Three Million Six Hundred Thousand Dollars (\$3,600,000), for the purpose of paying the costs of acquiring and constructing road and street reconstruction improvements, including water, sanitary sewer system, storm sewer, utility, curb and gutter and all related improvements.

SOURCE OF PAYMENT OF BONDS

THE PRINCIPAL OF AND INTEREST ON SAID BONDS SHALL BE PAYABLE from the general funds of the City lawfully available for such purposes including property taxes levied within applicable constitutional, statutory and charter tax rate limitations.

BOND DETAILS

SAID BONDS will be payable in annual installments not to exceed twenty (20) in number for each issue and will bear interest at the rate or rates to be determined at a public or private sale but in no event to exceed the maximum rate permitted by law on the balance of the bonds from time to time remaining unpaid.

RIGHT OF REFERENDUM

THE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE CITY IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE CITY VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 517, Act 34, Public Acts of Michigan, 2001, as amended.

Joyce Golding, Charlevoix City Clerk

X. Ordinances

A. Ordinance to Amend Title IX, Police Regulations, Chapter 111, Section 9.2

Motion by Councilmember Cole, seconded by Councilmember Gibson, to approve Ordinance No. 773 of 2015 as follows:

**CITY OF CHARLEVOIX
ORDINANCE NO. 773 of 2015**

**AN ORDINANCE TO AMEND TITLE IX, POLICE REGULATIONS
CHAPTER 111 DISORDERLY CONDUCT SECTION 9.2 – ACTS PROHIBITED OF THE CHARLEVOIX CITY CODE**

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Title IX, Chapter 111, Section 9.2 of the City Code is hereby repealed in its entirety and replaced with the following:

9.2. Acts Prohibited.

No person shall:

- (1) Discharge a pistol or other firearm, or bow and arrow in the City, except when lawfully acting in the defense of persons or property or the enforcement of law or at a duly established range, the operation of which has been approved by the city council.
- (2) Discharge a "pneumatic gun" (as defined by State Law) in any area within the City that is so heavily populated as to make that conduct dangerous to the inhabitants of that area. The discharge of pneumatic guns is allowed at a duly established range, the operation of which has been approved by the city council, on other property where firearms may be discharged as approved by the city council, or on or within private property with the permission of the owner or possessor of that property if conducted with reasonable care to prevent a projectile from crossing the bounds of the property. An individual below the age of 16 who is in possession of a pneumatic gun must be under the supervision of a parent, a guardian, or an individual 18 years of age or older, except on or within private property if the individual below the age of 16 is authorized by a parent or guardian and the property owner or legal possessor to possess the pneumatic gun.
- (3) Point, wave about, or display a pneumatic gun in a threatening manner with the intent to induce fear in another individual.
- (4) Engage in public nudity.
- (5) Engage in any disturbance, fight, or quarrel in a public place.
- (6) Obstruct traffic on any street or sidewalk without the approval of the City manager.
- (7) Refuse to leave a public meeting after having been validly ordered to leave the meeting pursuant to a rule or bylaw of the public body holding the meeting.

SECTION 2. Severability.

No other portion, paragraph or phase of the Code of the City of Charlevoix, Michigan shall be affected by this Ordinance except as to the above sections, and in the event any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or of the Code of the City of Charlevoix, Michigan.

SECTION 3. Effective Date.

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

Ordinance No. 773 was adopted on the 21st day of September, 2015 A.D., by the Charlevoix City Council as follows:

Motion by: Councilmember Cole
 Seconded by: Councilmember Gibson

Yeas: Kurtz, Perron, Gibson, Cole, Supernaw, Porter
 Nays: None
 Absent: None

State of Michigan)
) ss
 City of Charlevoix)

Gabe Campbell, Mayor
 Joyce Golding, City Clerk

XI. Miscellaneous Business

None.

XII. Audience - Non-agenda Input (written requests take precedent)

Chuck Sherping, Emmel Sports Flyers Club president, stated he has a problem at the Airport with obtaining gasoline in the evening because the credit card reader is not working. He indicated that club members are unable to gas their planes after 5 o'clock. Mr. Sherping indicated that the card reader has been broken for a month and wondered if the City could expedite repairs. He indicated that the Airport Manager has been out of town for two weeks and Mr. Sherping was unable to get in touch with her. He said that he came to Council because "nobody at the Airport can handle it [card reader issue]." City Manager Heydlauff responded that he will check into the matter. It was Mr. Sherping's understanding that Avfuel Corporation was responsible for the card reader.

XIII. Adjourn

Motion by Councilmember Kurtz, second by Councilmember Cole to adjourn. Motion passed by unanimous voice vote.
 Meeting adjourned at 7:46 p.m.

Joyce Golding	City Clerk	Gabe Campbell	Mayor
Special Accounts Payable – 09/09/2015			
DCASSESSING SERVICES	4,371.08	STATE OF MICHIGAN	50.00
MICHIGAN MUNICIPAL LEAGUE	16,466.00	TOTAL	20,887.08
Regular Accounts Payable – 09/22/2015			
ACE HARDWARE	1,860.33	BY THE BAY WINDOW CLEANING SVCS.	357.00
ALL-PHASE ELECTRIC SUPPLY CO.	523.38	CARQUEST OF CHARLEVOIX	574.40
AMERICAN WASTE INC.	5,551.16	CENTRAL DRUG STORE	12.21
ARROW UNIFORM-TAYLOR L.L.C.	1,038.30	CHARLEVOIX GLASS INC.	328.00
AT&T	1,513.59	CHARLEVOIX SCREEN MASTERS INC	534.00
AUTO VALUE	928.83	CHARTER COMMUNICATIONS	1,012.92
AVFUEL CORPORATION	49,169.84	CHRISTENSEN, JESSICA	80.00
B & L SOUND INC	368.39	CINTAS CORPORATION	113.40
BANDIT INDUSTRIES INC	472.16	CINTAS CORPORATION #729	396.02
BERG, REBECCA	114.00	CITY OF CHARLEVOIX - MISC	2,500.00
BRADFORD'S	52.00	CONNORS, PATRICK	28.23
BULBS.COM	179.77	COOK FAMILY FARMS	4.00

CUMMINS BRIDGEWAY LLC	106.00	NORTHERN CREDIT BUREAU	110.05
DHASELEER, CARL	43.00	NORTHERN FIRE & SAFETY INC.	136.00
DIPERT, KIRBY	339.35	NORTHERN MICHIGAN REVIEW INC.	330.87
DITCH WITCH SALES OF MICHIGAN	957.70	NORTHERN PUMP SERVICE INC.	1,690.32
EJ USA INC.	2,376.90	NORTHERN SAFETY CO INC	122.36
ELLSWORTH FARMER'S EXCHANGE	2,314.00	NORTHWEST DESIGN GROUP	8,892.25
ETNA SUPPLY	2,005.99	NORWOOD FARM LLC	24.00
FAMILY FARM & HOME	280.35	OLD DOMINION BRUSH	222.15
FARMER WHITE'S	64.00	OLESON'S FOOD STORES	1,442.23
FASTENAL COMPANY	71.21	OLSON BZDOK & HOWARD	4,170.40
FISHER SCIENTIFIC	592.32	ORBAN, BARBARA	78.00
FORRESTER, KATHERINE	6.28	OZMENT, MATILYN	29.75
FREEDOM MAILING SERVICES INC.	2,326.87	PANOFF, ZACH	41.00
GALLIMORE, SARAH	75.00	POND HILL FARM LLC	106.00
GALLS AN ARAMARK COMPANY	188.46	POWER LINE SUPPLY	1,888.90
GASCO, KELLEY	75.00	PREMIER POWER MAINTENANCE	58,577.40
GERBER HOMEMADE SWEETS	28.00	PRO WEB MARKETING LLC	20.00
GINOP SALES INC	564.85	RANGE TELECOMMUNICATIONS	114.00
GIVE 'EM A BRAKE SAFETY	386.20	RESCO	1,137.88
GRAINGER	177.30	ROAD WEASEL ENTERPRISES LLC	12.00
GREAT LAKES ELEVATOR LLC	319.50	RTI LABORATORIES INC.	249.00
GUNTZVILLER, RHONDA	43.00	RUSTIC BAKER	18.00
HAMILTON, DONNA	42.59	SCHMUCKAL OIL CO	526.12
HARBOR HOUSE PUBLISHERS	2,351.25	SEELEY'S PRINTING SERVICE	209.20
HARRELL'S	637.50	SHINDORF BUILDERS	614.00
HEP'S HOMEBAKED GRANOLA	25.00	SPARTAN DISTRIBUTORS INC	35.05
HI-LINE	519.66	STATE OF MICHIGAN	250.00
HYDRO CORP	1,030.00	SUN BADGE CO.	98.75
J & B MEDICAL SUPPLY INC.	182.35	TRI-TURF	980.47
JACK DOHENY SUPPLIES INC	189.98	TRUCK & TRAILER SPECIALTIES	6,640.49
KODIAK EMERGENCY VEHICLES	181.58	UP NORTH PROPERTY SERVICES LLC	4,459.00
KSS ENTERPRISES	634.39	US BANK	348,197.50
LAKESHORE TIRE & AUTO SERVICE	202.00	USA BLUE BOOK	139.39
LAVANWAY, PHILLIP	49.00	VAN'S BUSINESS MACHINES	7.95
LOTTIE'S BAGELS	109.00	VILLAGE GRAPHICS INC.	32.00
MCCARDEL CULLIGAN-PETOSKEY	50.00	WALTERS SHARPENING SVC. INC.	108.00
MCVEIGH'S TRUCK SPRINGS INC.	727.84	WARNER, JANINE	325.83
MDC CONTRACTING LLC	665.00	WINNELL, CHARLES	2,200.00
MICHIGAN OFFICEWAYS INC	950.29	WORK & PLAY SHOP	26.95
MICHIGAN WATER ENV ASSOC	65.00		
MYER, ELIZABETH A.	5.65	TOTAL	533,934.55

ACH Payments – 09/04/2015 – 09/23/2015

PAYMENT SERVICE NETWORK	228.50	VANTAGEPOINT (457 ICMA PLAN)	13,705.15
MI PUBLIC POWER AGENCY	26,847.39	STATE OF MI (SALES TAX)	27,868.65
DTE ENERGY	99.45	DTE ENERGY	92.46
IRS (PAYROLL TAX DEPOSIT)	38,353.11	MI PUBLIC POWER AGENCY	8,485.23
ALERUS FINANCIAL (HCSP)	420.00	DTE ENERGY	160.27
STATE OF MI (WITHHOLDING TAX)	5,317.07	DTE ENERGY	1,616.00
VANTAGEPOINT (401 ICMA PLAN)	686.22	TOTAL	123,879.50

PAYROLL: NET PAY

Pay Period Ending 09/05/2015 – Paid 09/11/2015

WELLER, LINDA JO	1,620.72	SCHLAPPI, JAMES L	986.13
HEYDLAUFF, MARK L.	2,434.16	UMULIS, MATTHEW T.	1,172.31
GOLDING, JOYCE M.	1,059.15	HANKINS, SCOTT A.	1,561.79
DEROSIA, PATRICIA E.	880.34	ORBAN, BARBARA K.	1,387.18
DOYLE, ANNE E.	1,385.05	TRAEGER, JASON A.	1,189.65
LOY, EVELYN R.	1,017.73	WARNER, JANINE M.	1,185.49
KLOOSTER, ALIDA K.	1,675.15	EVANS JR, HALBERT K.	1,442.49
GOLOVICH, KAREN J.	896.38	GODDARD, RYAN D.	879.71
SPENCER, MICHAEL D.	7,550.74	JOHNSON, KYLE W.	308.75
SPENCLEY, PATRICIA L.	1,535.14	BINGHAM, LARRY E.	820.38
PANOFF, ZACHARY R.	904.36	TELGENHOF, WILL G.	465.95
LEESE, MERRI C.	151.91	GREYERBIEHL, KELLY M.	557.33
MCGINN, KELLY A.	1,642.26	ROLOFF, ROBERT P.	1,643.59
DOAN, GERARD P.	1,556.74	RILEY, DENISE M.	352.87
SHRIFT, PETER R.	1,082.51	LOPER II, GARY D.	412.30

TEUNIS, STEVEN L.	1,681.68	PARKER-DROST, HERO	102.57
WURST, RANDALL W.	1,289.57	HOLECHECK, JENNACA R.	102.57
MAYER, SHELLEY L.	1,506.91	ROCKAFELLOW, SARAH C.	73.88
HILLING, NICHOLAS A.	1,446.85	HEID, THOMAS J	1,252.44
MEIER II, CHARLES A.	1,506.38	STEIN, DONNA E.	214.24
ZACHARIAS, STEVEN B.	1,819.02	BOOTHE, STEVEN A.	266.53
NISWANDER, JOSEPH F.	1,283.76	RYPSTRA III, BART	234.43
EATON, BRAD A.	2,023.62	DAVIS, RONALD L.	243.30
WILSON, TIMOTHY J.	2,154.83	MACLEOD, SAMUEL R.	395.60
LAVOIE, RICHARD L.	1,731.39	DAKROUB, JOSEPH E.	274.88
STEVENS, BRANDON C.	1,602.06	MASSON, DONALD J.	271.42
DRAVES, MARTIN J.	1,633.03	MYER, ELIZABETH A.	1,850.80
BROWN, STEPHANIE C.	1,023.65	VANLOO, JOSEPH G.	766.24
ELLIOTT, PATRICK M.	1,762.40	WYMAN, MATTHEW A.	1,011.83
SCHWARTZFISHER, JOSEPH L.	1,208.87	SCHRADER, LOU ANN	666.12
WELLS JR., DONALD E.	1,499.38	BOSS, RYDER S.	810.67
BRADLEY, KELLY R.	1,443.22	MILLER, WILLIAM S.	1,171.71
HART II, DELBERT W.	797.00	KLOOSTER, PATRICK H.	818.44
JONES, ROBERT F.	1,088.20	KLINGER, LUCAS D.	235.09
DORAN, JUSTIN J.	1,597.44	SPEGELE, GREYSON H.	165.12
MANKER JR, DAVID W.	493.95	KLINGER, BRADLEY W.	221.29
MANKER SR, DAVID W.	717.35	SWEM, DONALD L.	1,808.24
NEUMANN, DANA L.	389.19	WHITLEY, ANDREW T.	1,342.76
BECKER, MICHAEL S.	624.27	MORRISON, KEVIN P.	1,227.59
SHEPARD, ZACHARY N.	293.19	HODGE, MICHAEL J.	1,270.61
BUTLER, SEAN C.	528.47	JOHNSON, STEVEN P.	1,174.44
MCGHEE, ROBERT R.	1,038.32	BISHAW, JAMES H.	667.37
STANTS, JACOB W.	470.44	HERRIMAN, COBY M.	462.84
BLOOMER, GABRIELLE J.	459.44	HINDLE, LYDIA R.	443.13
MCCLANATHAN, BRANDON R.	459.96	MACGILLIVRAY, RAYMOND L.	70.48
KIRINOVIC, THOMAS F.	651.19	HALL, CHASE D.	102.57
STEBE, LAURA A.	206.98	PETERS, MEGAN M.	102.57
FORRESTER, KATHERINE A.	509.43	CURTIS, DENNIS E.	50.22
AMSTUTZ, LINDA J.	147.50	GILL, DAVID R.	1,045.91
SABSOOK, SARA E.	70.48	TODD, RICHARD D.	420.11
BROSIO, VALERIE L.	102.57	TOTAL	98,358.25

PAYROLL: TRANSMITTAL – 09/11/2015

4FRONT CREDIT UNION	218.46	COMMUNICATION WORKERS OF AMER	514.19
AMERICAN FAMILY LIFE	145.20	MI STATE DISBURSEMENT UNIT	401.83
AMERICAN FAMILY LIFE	271.20	POLICE OFFICERS LABOR COUNCIL	245.00
CHAR EM UNITED WAY	32.00	PRIORITY HEALTH	1,663.56
CHARLEVOIX STATE BANK	1,021.16		
CHEMICAL BANK	150.00	TOTAL	4,662.60

Tax Disbursement – 09/22/2015

CHARLEVOIX COUNTY TREASURER	1,529.16	CHARLEVOIX PUBLIC SCHOOLS	16,306.13
CHARLEVOIX COUNTY TREASURER	865,165.08	CITY OF CHARLEVOIX - TAXES DUE	996,649.74
CHARLEVOIX PUBLIC SCHOOLS	985,331.94	CORELOGIC	4,239.18
CHARLEVOIX PUBLIC SCHOOLS	154,935.60	STATE OF MICHIGAN	2,620.31
CHARLEVOIX PUBLIC SCHOOLS	7,335.15	TESTAMENTARY TRUST OF R. LYONS	10.00
CHARLEVOIX PUBLIC SCHOOLS	75,427.01	TOTAL	3,109,549.30

Check Number	Payee	Amount
09/17/2015		
114561	DEVERE CONSTRUCTION COMPANY	430,895.63
114562	PREIN & NEWHOF	38,596.32
Total 09/17/2015:		469,491.95
Grand Totals:		469,491.95

Summary of Check Registers & ACH Payments

FIRSTMERIT BANK - CHECKS ISSUED

09/17/15 Special Accounts Payable Run	\$	469,491.95
09/22/15 Special Accounts Payable Run	\$	31,730.39
09/25/15 Payroll	\$	100,598.58
09/25/15 Payroll Transmittal Checks	\$	4,428.43
10/06/15 Regular Accounts Payable	\$	180,200.74
Checks Sub-Total:	\$	786,450.09

FIRSTMERIT BANK - ACH PAYMENTS

09/21/15 MI Public Power Agency	\$	31,349.75
09/25/15 MERS (Defined Benefit Plan)	\$	26,374.66
09/25/15 MI Public Power Agency	\$	305,745.76
09/25/15 IRS (Payroll Tax Deposit)	\$	38,176.71
09/25/15 Alerus Financial (HCSP)	\$	420.00
09/25/15 State of MI (Withholding Tax)	\$	5,520.92
09/25/15 Vantagepoint (401 ICMA Plan)	\$	686.22
09/25/15 Vantagepoint (457 ICMA Plan)	\$	13,794.69

ACH Sub-Total: \$ 422,068.71

First Merit Bank Total: \$ 1,208,518.80

CHARLEVOIX STATE BANK - CHECKS ISSUED

(PROPERTY TAX DISBURSEMENT TO VARIOUS TAXING AUTHORITIES)

10/06/15 Tax Disbursement	\$	239,016.89
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Charlevoix State Bank Total: \$ 239,016.89

Grand Total: \$ 1,447,535.69

APPROVED:


CITY MANAGER


CITY TREASURER


CITY CLERK

Check Number	Payee	Amount
09/22/2015		
114589	AT&T LONG DISTANCE	56.09
114590	AT&T MOBILITY	72.79
114591	CHARLEVOIX STATE BANK	8,015.72
114592	DELTA DENTAL	3,967.00
114593	FIRSTMERIT BANK N.A.	18,019.71
114594	GREAT LAKES ENERGY	201.35
114595	METLIFE SMALL BUSINESS CENTER	824.64
114596	VERIZON WIRELESS	56.72
114597	VISION SERVICE PLAN	516.37
Total 09/22/2015:		31,730.39
Grand Totals:		31,730.39

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
09/19/2015	PC	09/25/2015	20145	WELLER, LINDA JO	101		1,620.71
09/19/2015	PC	09/25/2015	20146	HEYDLAUFF, MARK L.	102		2,104.48
09/19/2015	PC	09/25/2015	20147	GOLDING, JOYCE M.	106		1,059.15
09/19/2015	PC	09/25/2015	20148	DEROSIA, PATRICIA E.	107		1,012.89
09/19/2015	PC	09/25/2015	20149	DOYLE, ANNE E.	108		1,385.05
09/19/2015	PC	09/25/2015	20150	LOY, EVELYN R.	117		1,037.79
09/19/2015	PC	09/25/2015	20151	KLOOSTER, ALIDA K.	121		1,447.07
09/19/2015	PC	09/25/2015	20152	GOLOVICH, KAREN J.	122		957.00
09/19/2015	PC	09/25/2015	20153	SPENCLEY, PATRICIA L.	136		1,488.06
09/19/2015	PC	09/25/2015	20154	PANOFF, ZACHARY R.	141		1,018.76
09/19/2015	PC	09/25/2015	20155	MILLER, FAITH G.	142		47.30
09/19/2015	PC	09/25/2015	20156	LEESE, MERRI C.	145		200.36
09/19/2015	PC	09/25/2015	20157	MCGINN, KELLY A.	146		1,642.26
09/19/2015	PC	09/25/2015	20158	DOAN, GERARD P.	201		1,556.74
09/19/2015	PC	09/25/2015	20159	SHRIFT, PETER R.	203		1,305.94
09/19/2015	PC	09/25/2015	20160	SCHLAPPI, JAMES L.	204		1,209.85
09/19/2015	PC	09/25/2015	20161	UMULIS, MATTHEW T.	205		1,345.89
09/19/2015	PC	09/25/2015	20162	HANKINS, SCOTT A.	208		1,489.79
09/19/2015	PC	09/25/2015	20163	ORBAN, BARBARA K.	209		1,420.59
09/19/2015	PC	09/25/2015	20164	TRAEGER, JASON A.	210		1,218.53
09/19/2015	PC	09/25/2015	20165	WARNER, JANINE M.	213		851.52
09/19/2015	PC	09/25/2015	20166	EVANS JR, HALBERT K.	214		1,442.49
09/19/2015	PC	09/25/2015	20167	GODDARD, RYAN D.	221		781.28
09/19/2015	PC	09/25/2015	20168	BINGHAM, LARRY E.	224		820.38
09/19/2015	PC	09/25/2015	20169	GREYERBIEHL, KELLY M.	260		353.28
09/19/2015	PC	09/25/2015	20170	ROLOFF, ROBERT P.	304		4,627.13
09/19/2015	PC	09/25/2015	20171	RILEY, DENISE M.	306		388.63
09/19/2015	PC	09/25/2015	20172	LOPER II, GARY D.	308		1,293.15
09/19/2015	PC	09/25/2015	20173	TEUNIS, STEVEN L.	402		1,681.68
09/19/2015	PC	09/25/2015	20174	WURST, RANDALL W.	411		1,554.13
09/19/2015	PC	09/25/2015	20175	MAYER, SHELLEY L.	412		1,510.89
09/19/2015	PC	09/25/2015	20176	HILLING, NICHOLAS A.	413		1,111.43
09/19/2015	PC	09/25/2015	20177	MEIER III, CHARLES A.	421		1,396.61
09/19/2015	PC	09/25/2015	20178	ZACHARIAS, STEVEN B.	422		2,080.82
09/19/2015	PC	09/25/2015	20179	NISWANDER, JOSEPH F.	504		1,476.24
09/19/2015	PC	09/25/2015	20180	EATON, BRAD A.	515		1,749.69
09/19/2015	PC	09/25/2015	20181	WILSON, TIMOTHY J.	516		1,962.70
09/19/2015	PC	09/25/2015	20182	LAVOIE, RICHARD L.	519		1,686.51
09/19/2015	PC	09/25/2015	20183	STEVENS, BRANDON C.	521		1,615.44
09/19/2015	PC	09/25/2015	20184	DRAVES, MARTIN J.	523		1,993.71
09/19/2015	PC	09/25/2015	20185	BROWN, STEPHANIE C.	524		1,049.08
09/19/2015	PC	09/25/2015	20186	ELLIOTT, PATRICK M.	600		1,762.40
09/19/2015	PC	09/25/2015	20187	SCHWARTZFISHER, JOS	603		1,215.54
09/19/2015	PC	09/25/2015	20188	WELLS JR., DONALD E.	609		1,245.34
09/19/2015	PC	09/25/2015	20189	BRADLEY, KELLY R.	614		1,381.84
09/19/2015	PC	09/25/2015	20190	HART II, DELBERT W.	616		723.78
09/19/2015	PC	09/25/2015	20191	JONES, ROBERT F.	618		1,457.55
09/19/2015	PC	09/25/2015	20192	DORAN, JUSTIN J.	621		1,380.44
09/19/2015	PC	09/25/2015	20193	MANKER JR, DAVID W.	638		403.41
09/19/2015	PC	09/25/2015	20194	MANKER SR, DAVID W.	639		645.30
09/19/2015	PC	09/25/2015	20195	NEUMANN, DANA L.	640		376.40
09/19/2015	PC	09/25/2015	20196	BECKER, MICHAEL S.	641		567.25
09/19/2015	PC	09/25/2015	20197	BUTLER, SEAN C.	660		528.47
09/19/2015	PC	09/25/2015	20198	MCGHEE, ROBERT R.	663		847.67
09/19/2015	PC	09/25/2015	20199	STANTS, JACOB W.	664		470.44
09/19/2015	PC	09/25/2015	20200	BLOOMER, GABRIELLE J.	665		357.20
09/19/2015	PC	09/25/2015	20201	MCCLANATHAN, BRAND	666		412.30

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
09/19/2015	PC	09/25/2015	20202	STEWART, SAMUEL D.	668		115.07
09/19/2015	PC	09/25/2015	20203	KIRINOVIC, THOMAS F.	700		573.67
09/19/2015	PC	09/25/2015	20204	FORRESTER, KATHERIN	704		473.99
09/19/2015	PC	09/25/2015	20205	HEID, THOMAS J	802		1,252.44
09/19/2015	PC	09/25/2015	20206	STEIN, DONNA E.	830		64.09
09/19/2015	PC	09/25/2015	20207	BOOTHE, STEVEN A.	832		125.25
09/19/2015	PC	09/25/2015	20208	RYPSTRA III, BART	852		86.49
09/19/2015	PC	09/25/2015	20209	DAVIS, RONALD L.	853		12.04
09/19/2015	PC	09/25/2015	20210	MACLEOD, SAMUEL R.	857		200.20
09/19/2015	PC	09/25/2015	20211	DAKROUB, JOSEPH E.	860		111.00
09/19/2015	PC	09/25/2015	20212	MASSON, DONALD J.	861		299.64
09/19/2015	PC	09/25/2015	20213	MYER, ELIZABETH A.	900		1,622.71
09/19/2015	PC	09/25/2015	20214	VANLOO, JOSEPH G.	902		639.21
09/19/2015	PC	09/25/2015	20215	WYMAN, MATTHEW A.	927		955.66
09/19/2015	PC	09/25/2015	20216	SCHRADER, LOU ANN	929		515.78
09/19/2015	PC	09/25/2015	20217	BOSS, RYDER S.	932		705.59
09/19/2015	PC	09/25/2015	20218	MILLER, WILLIAM S.	933		941.42
09/19/2015	PC	09/25/2015	20219	FUNKEY, KRAIG R.	1034		170.85
09/19/2015	PC	09/25/2015	20220	MEGGISON, JERRY B.	1036		205.27
09/19/2015	PC	09/25/2015	20221	RILEY, CASEY W.	1052		213.57
09/19/2015	PC	09/25/2015	20222	THORMAN, MIKAYLA R.	1055		17.62
09/19/2015	PC	09/25/2015	20223	JONES, LARRY M.	1057		1,091.64
09/19/2015	PC	09/25/2015	20224	WILLSON, BRENDA R.	1059		301.30
09/19/2015	PC	09/25/2015	20225	OCHS, THOMAS F	1068		27.70
09/19/2015	PC	09/25/2015	20226	TRAVERS, MANUEL J.	1071		57.75
09/19/2015	PC	09/25/2015	20227	RILEY, DANIEL A.	1079		1,142.85
09/19/2015	PC	09/25/2015	114563	GERBER, SAMUEL A.	147		64.64
09/19/2015	PC	09/25/2015	114564	CHAVEZ, DEBRA L.	199		440.50
09/19/2015	PC	09/25/2015	114565	KLOOSTER, PATRICK H.	216		682.84
09/19/2015	PC	09/25/2015	114566	KLINGER, BRADLEY W.	244		294.31
09/19/2015	PC	09/25/2015	114567	SWEM, DONALD L.	512		1,808.24
09/19/2015	PC	09/25/2015	114568	WHITLEY, ANDREW T.	522		1,746.43
09/19/2015	PC	09/25/2015	114569	MORRISON, KEVIN P.	601		972.00
09/19/2015	PC	09/25/2015	114570	HODGE, MICHAEL J.	606		1,270.66
09/19/2015	PC	09/25/2015	114571	JOHNSON, STEVEN P.	617		1,520.67
09/19/2015	PC	09/25/2015	114572	BISHAW, JAMES H.	633		667.37
09/19/2015	PC	09/25/2015	114573	HERRIMAN, COBY M.	654		428.67
09/19/2015	PC	09/25/2015	114574	HINDLE, LYDIA R.	667		357.76
09/19/2015	PC	09/25/2015	114575	GILL, DAVID R.	856		1,136.38
09/19/2015	PC	09/25/2015	114576	TODD, RICHARD D.	859		468.59
09/19/2015	PC	09/25/2015	114577	STEVENS, JEFFREY W.	1028		661.84
09/19/2015	PC	09/25/2015	114578	ROLOFF, AUDREY M.	1037		2,983.81
09/19/2015	PC	09/25/2015	114579	MATTER, DAWSON K.	1038		3,272.99
09/19/2015	PC	09/25/2015	114580	SCOTT JR., WINFIELD	1072		127.75
Grand Totals:			101				100,598.58

Pay Period Date	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
09/19/2015	09/25/2015	114581	4FRONT CREDIT UNION	9024	HSA-EMPLOYEE CONTRIB-4FR	218.46
09/19/2015	09/25/2015	114582	AMERICAN FAMILY LIFE	9011	AMERICAN FAMILY LIFE-POST	145.20
09/19/2015	09/25/2015	114582	AMERICAN FAMILY LIFE	9011	AMERICAN FAMILY LIFE-PRETA	271.20
09/19/2015	09/25/2015	114583	CHAR EM UNITED WAY	9009	UNITED WAY Pay Period: 9/19/2	32.00
09/19/2015	09/25/2015	114584	CHARLEVOIX STATE BA	9017	HSA - EMPLOYEE CONTRIB - C	1,021.16
09/19/2015	09/25/2015	114585	CHEMICAL BANK	9018	HSA - EMPLOYEE CONTRIB - C	150.00
09/19/2015	09/25/2015	114586	COMMUNICATION WORK	9004	CWA UNION DUES Pay Period:	525.02
09/19/2015	09/25/2015	114587	MI STATE DISBURSEME	9012	FRIEND OF THE COURT Pay P	401.83
09/19/2015	09/25/2015	114588	PRIORITY HEALTH	392358	PRIORITY HEALTH Pay Period:	1,663.56
Grand Totals:		9				4,428.43

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Check Number	Payee	Amount
10/06/2015		
114598	AIRGAS USA LLC	1,284.74
114599	ALGER-BERGMANN, JODIE	19.99
114600	ALL-PHASE ELECTRIC SUPPLY CO.	231.06
114601	AMERICAN WATER WORKS ASSN	178.00
114602	AVFUEL CORPORATION	32,159.46
114603	BEAR EARTH HERBALS	7.00
114604	BEAVER RESEARCH COMPANY	194.22
114605	BELL EQUIPMENT COMPANY	421.59
114606	BERG, REBECCA	139.00
114607	BLARNEY CASTLE OIL CO	708.02
114608	BLASKOWSKI, CHERYL	57.73
114609	BORTHS, ANGELINE	16.96
114610	BURNETT, JOAN	75.32
114611	CARDINAL CARPET CLEANING	2,000.00
114612	CHARLEVOIX COURIER	59.00
114613	CHEMICAL SYSTEMS INC.	1,872.00
114614	CHEMTRADE CHEMICALS US LLC	1,592.40
114615	CHRISTENSEN, ROGER	168.33
114616	COOK FAMILY FARMS	131.00
114617	DCASSESSING SERVICES	4,371.08
114618	DeROSIA, PATTY	41.00
114619	DHASELEER, CARL	53.00
114620	DOAN, GERARD	41.00
114621	DORNBOS SIGN INC.	366.20
114622	DOYLE, ANNIE	41.00
114623	DUERR, JOHN	44.00
114624	EJ USA INC.	362.75
114625	ELLIOTT, PATRICK M.	41.00
114626	EMERGENCY MEDICAL PRODUCTS I	273.34
114627	ETNA SUPPLY	1,909.21
114628	EVANS, HAL	41.00
114629	EXELBY, DONALD	53.68
114630	FAMILY FARE SUPERMARKETS	42.33
114631	FARMER WHITE'S	36.00
114632	FERGUSON & CHAMBERLAIN	7,280.00
114633	FISHER SCIENTIFIC	238.52
114634	GELDERBLOM, PAUL	50.00
114635	GEMPLER'S	371.95
114636	GERBER HOMEMADE SWEETS	32.00
114637	GINOP SALES INC	989.26
114638	GOLDING, JOYCE	41.00
114639	GRAINGER	209.76
114640	GRP ENGINEERING INC.	3,323.79
114641	GUNTZVILLER, RHONDA	45.00
114642	HACH COMPANY	2,270.71
114643	HANKINS, SCOTT	41.00
114644	HARWOOD GOLD	81.00
114645	HEID, THOMAS J.	41.00

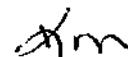
Check Number	Payee	Amount
114646	HEYDLAUFF, MARK L	212.81
114647	HOLIDAY COMPANIES	6,876.39
114648	HYDE SERVICES LLC	238.42
114649	IDEXX DISTRIBUTION INC.	1,041.79
114650	IRWIN, WILLIAM	39.98
114651	JACK DOHENY SUPPLIES INC	1,821.18
114652	JACOBSEN	1,488.95
114653	JOHNNY MAC'S SPORTING GOODS	40.25
114654	KEVIN'S METER TESTING	2,623.64
114655	KIRINOVIC, THOMAS	41.00
114656	KLOOSTER, ALIDA K.	41.00
114657	KMart	262.19
114658	KSS ENTERPRISES	169.44
114659	LAKESHORE TIRE & AUTO SERVICE	601.80
114660	LEESE, M. CHRIS	232.00
114661	LOTTIE'S BAGELS	48.00
114662	MARTIN, RICHARD	33.00
114663	MAYS, SCOTT	16.50
114664	McGINN, KELLY	41.00
114665	MCMILLAN, MICHAEL	60.50
114666	MICHIGAN MUNICIPAL LEAGUE	8,889.53
114667	MONCION, PIERRE	151.50
114668	MYER, ELIZABETH A.	41.00
114669	NESTLE, HAROLD	191.43
114670	NORTH COUNTRY CRITTERS	25.00
114671	NORTHERN FIRE & SAFETY INC.	219.00
114672	NORTHERN SAFETY CO INC	147.93
114673	OMS COMPLIANCE SERVICES INC	41.25
114674	PANOFF, ZACH	41.00
114675	PERFORMANCE ENGINEERS INC	9,695.00
114676	POND HILL FARM LLC	95.00
114677	POWER LINE SUPPLY	1,993.81
114678	PRICE BUILDING & REMODELING	3,387.00
114679	PROVIDENCE FARM LLC	1,135.00
114680	RICK-BIDDICK, MICHELLE	2,262.92
114681	ROCKY TOP FARMS	23.00
114682	ROLOFF, ROBERT	41.00
114683	RTI LABORATORIES INC.	31.00
114684	RUSTIC BAKER	16.00
114685	SECURITY SANITATION INC.	190.00
114686	SHINDORF BUILDERS	285.00
114687	SHORELINE POWER SERVICES INC.	7,745.63
114688	SMOKE ON THE WATER	20.00
114689	SPARTAN DISTRIBUTORS INC	148.65
114690	STATE OF MICHIGAN	57,791.10
114691	SWEM, DONALD L.	41.00
114692	SYSTEMS SPECIALISTS INC	325.00
114693	TEUNIS, STEVEN	41.00
114694	UP NORTH PROPERTY SERVICES LL	4,081.00

Check Number	Payee	Amount
114695	UPPER CASE PRINTING INK.	187.03
114696	VILLAGE GRAPHICS INC.	226.71
114697	VOSS LIGHTING	327.12
114698	WALDIE, ROBERT	17.07
114699	WELLER, LINDA	41.00
114700	WHOLLY GRANOLY LLC	6.00
114701	WICKERSHAM, HERBURT	119.94
114702	WILLIAMS, GLORIA JEAN	17.00
114703	WORK & PLAY SHOP	23.88
114704	WYMAN, MATTHEW A.	41.00
114705	ZEITLER, GARY	121.00
Total 10/06/2015:		180,200.74
Grand Totals:		180,200.74

Check Number	Payee	Amount
09/21/2015		
922115001	MICHIGAN PUBLIC POWER AGENCY	31,349.75
Total 09/21/2015:		31,349.75
Grand Totals:		31,349.75

Check Number	Payee	Amount
09/25/2015		
92515006	MERS	26,374.66
92515007	MICHIGAN PUBLIC POWER AGENCY	305,745.76
Total 09/25/2015:		332,120.42
Grand Totals:		332,120.42

Check Issue Date	Check Number	Payee	Amount
92515001			
09/25/2015	92515001	**EFTPS* Payroll Taxes	9,320.62
09/25/2015	92515001	**EFTPS* Payroll Taxes	9,320.62
09/25/2015	92515001	**EFTPS* Payroll Taxes	2,179.83
09/25/2015	92515001	**EFTPS* Payroll Taxes	2,179.83
09/25/2015	92515001	**EFTPS* Payroll Taxes	15,175.81
Total 92515001:			
	5		38,176.71
92515002			
09/25/2015	92515002	Alerus Financial	420.00
Total 92515002:			
	1		420.00
92515003			
09/25/2015	92515003	STATE OF MICHIGAN	5,520.92
Total 92515003:			
	1		5,520.92
92515004			
09/25/2015	92515004	Vantagepoint - 401 Plan 109153	686.22
Total 92515004:			
	1		686.22
92515005			
09/25/2015	92515005	Vantagepoint - 457 Plan 300959	5,771.58
09/25/2015	92515005	Vantagepoint - 457 Plan 300959	447.33
09/25/2015	92515005	Vantagepoint - 457 Plan 300959	1,816.45
09/25/2015	92515005	Vantagepoint - 457 Plan 300959	5,759.33
Total 92515005:			
	4		13,794.69
Grand Totals:			
	12		58,598.54



Check Number	Payee	Amount
10/06/2015		
2588	CHARLEVOIX COUNTY TREASURER	327.12
2589	CHARLEVOIX COUNTY TREASURER	61,962.81
2590	CHARLEVOIX PUBLIC SCHOOLS	73,162.06
2591	CHARLEVOIX PUBLIC SCHOOLS	12,120.34
2592	CHARLEVOIX PUBLIC SCHOOLS	573.83
2593	CHARLEVOIX PUBLIC SCHOOLS	5,900.54
2594	CHARLEVOIX PUBLIC SCHOOLS	1,275.56
2595	CITY OF CHARLEVOIX - TAXES DUE	78,229.83
2596	DCL INC.	5,464.80
Total 10/06/2015:		239,016.89
Grand Totals:		239,016.89

CHECKS DRAWN ON CHARLEVOIX STATE BANK ACCOUNT

MAYOR PROCLAMATION

City of Charlevoix

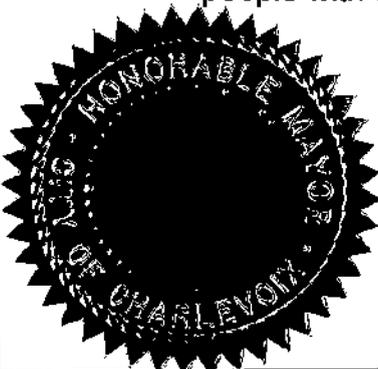
Whereas, workplaces welcoming of the talents of all people, including people with disabilities, are a critical part of our efforts to build an inclusive community and strong economy.

Whereas, in this spirit, the City of Charlevoix is recognizing National Disability Employment Awareness Month this October to raise awareness about disability employment issues and celebrate the many and varied contributions of people with disabilities. Activities during this month will reinforce the value and talent people with disabilities add to our workplaces and communities and affirm Charlevoix's commitment to an inclusive community.

Now Therefore Be It Resolved, that I, Mayor Gabe Campbell do hereby proclaim October 2015 as

National Disability Employment Awareness Month

In so doing, I call upon employers, schools and other community organizations in Charlevoix to observe this month with appropriate programs and activities, and to advance its important message that people with disabilities are equal to the task throughout the year.



Gabe Campbell
Mayor of Charlevoix, Michigan

Linda Weller

From: Jessica.Spencer@ejco.com
Sent: Monday, September 28, 2015 1:49 PM
To: Linda Weller
Subject: RE: Shade Tree Commission

Hi Linda,

I would like to resign my position with the ST Commission. Is this letter sufficient to do so? Let me know if you need anything else.

Thanks,

Jessica Spencer
Streetscape Sales Coordinator
tel 231 536 4440 mobile 231 881 4873 fax 231 536 4458
Jessica.Spencer@ejco.com

Linda Weller

From: Jessica Spencer [jessicaspencer@gmail.com]
Sent: Wednesday, September 30, 2015 2:11 PM
To: Linda Weller
Subject: Shade Tree Commission Resignation for City Council

Linda,

In addition to my note the other day, I would like to submit the following information regarding my resignation from Shade Tree Commission for City Council consideration.

This year we added our son Avery to our family, and in addition to my full time job, I have experienced an increase in consulting and design jobs. Due to the increased time demands of my personal and professional commitments, I am no longer able to meet the requirements of serving on the Shade Tree Commission.

I appreciated the opportunity to serve the City of Charlevoix as part of the Shade Tree Commission.

Best regards,

Jessica Spencer

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Public Hearing - Donation Acceptance Recommendations
DATE: October 5, 2015
PRESENTED BY: Zach Panoff, Interim Planning/Zoning Administrator
ATTACHMENTS: List of Potential Donation Item/Funds

BACKGROUND INFORMATION: The Donation Review Acceptance Committee recently reconvened for several meetings to come up with a policy the City could follow when individuals or organizations would like to donate to the City. On September 21st, the Committee's recommendations were presented to the City Council; and Council set a public hearing to hear public input on the Committee's recommendations. The Committee has also provided a list of acceptable donation items/funds, which is attached.

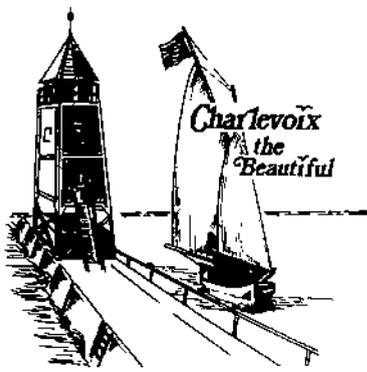
The City Planning Commission reviewed the proposed recommendations at their September 14th meeting. The Planning Commission asked that should Council should consider a wall-type monument that there be no differentiate by size, placement, etc. due to the amount of money donated. All donors over a certain threshold, as determined by Council, should get the same recognition.

RECOMMENDATION: City Council to hear public comments on the Donation Acceptance Review Committee's report and list of potential donation items/funds.

After the public hearing, Council can then consider a motion to accept or reject the Committee's recommendations as listed below:

- Approve the Committee's list and to consider future innovations and consider donations not included in this list.
- Council will establish a review process to periodically update and evaluate the list to reflect community values, goals and vision.
- Appoint a staff person or team of specific staff who should be the point of contact between the donor and the City.
- Staff should work with the Planning Commission and City Council to map the specific location and number of benches that could be donated and installed to benefit the public.
- Tables should also be permitted to be donated and include a small memorial plaque similar to the benches. The Planning Commission and City Council should determine the exact number and location that should be approved.

- The Committee recommends that aside from the memorial benches and tables, other memorials should not be allowed in our parks for similar small scale items such as bike racks, picnic tables, etc.
- City Council should consider inside or outside “Donor Walls” in one central location with different funding amounts. The specific size, design and location of the wall should be determined by the Planning Commission and City Council.
- Naming and more significant plaque opportunities should be allowed to encourage more significant contributions that are tiered appropriately.
- Veteran/military memorial or improvements to existing memorials should be looked at on a case by case basis and approved at the discretion of City Council.
- City Council should consider offering certificates of appreciation during a public event or City Council meeting. Thank you letters from the City Manager or Mayor should also be given for all donations. If someone makes a substantial donation for a building or new tennis courts for example, Council should consider a ground breaking or opening ceremony to thank the donor. The City should publish the list of all donors annually to publically recognize their gift.



CITY OF CHARLEVOIX

210 STATE ST. CHARLEVOIX, MICHIGAN 49720

Charlevoix City Manager's Office -- 231-547-3270 mgr@cityofcharlevoix.org

Donation Acceptance Committee Recommendations

BACKGROUND

The Donation Acceptance Committee was originally formed to come up with a policy that should be followed when an individual or organization would like to donate funding or specific feature, item, building, etc. That policy was adopted in September of 2013 and established the public review process and criteria to evaluate a proposed donation.

The Charlevoix City Council, at its May 18th meeting, reestablished the Donation Acceptance Review Committee with the following directives. The Committee has again graciously donated their time and effort to come up with this recommendation.

1. Work with staff and the general public to determine a predefined list of acceptable projects or programs that we could provide to potential donors. This would be a more proactive approach rather than individuals proposing their own ideas which in some cases may be controversial.
2. Make a recommendation if it is in the public's interest to have "memorials" in parks or other public areas, and/or under what circumstances they should be permitted.
3. Make a recommendation if veteran/military memorials should be considered separately.
4. Determine what forms of public recognition for donations or memorials are appropriate.

REVIEW PROCESS

The Donation Acceptance Committee recommendation will be published on the city website and staff will request an article be done in the Charlevoix Courier. The Planning Commission will review the recommendation and take public comment. The Planning Commission may recommend changes or amendments to City Council. City Council shall review the recommendation and may make changes as well. City Council may adopt by a resolution.

RECOMMENDATION

1. Work with staff and the general public to determine a predefined list of acceptable projects or programs that we could provide to potential donors. This would be a more proactive approach rather than individuals proposing their own ideas which in some cases may be controversial.

The recommended list is attached to this document, however the Committee recommends that the city not limit innovation and consider donations not included in this list. The Committee recommends that the Council establish a review process to periodically update and evaluate the list to reflect community values, goals and vision.

The Committee feels that a staff person or team of specific staff should be the point of contact between the donor and the City. They should be effective communicators and welcoming to all donors who express interest in helping the city.

2. Make a recommendation if it is in the public's interest to have "memorials" in parks or other public areas, and/or under what circumstances they should be permitted.

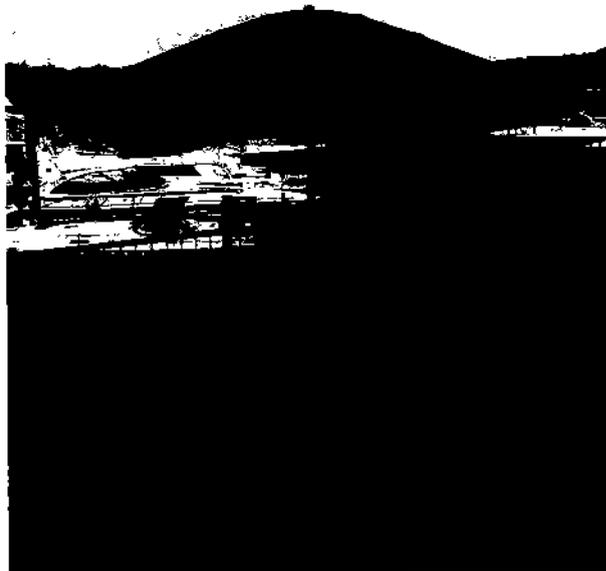
The Committee feels that the memorial bench program has been a benefit to the city by providing much needed, high quality, benches in East Park that will last for many years. Having a small memorial plaque on each bench is not considered offensive or out of place in the parks and the program should be allowed to be expanded into other parks. The Committee feels that, at 45 benches, there are plenty of benches in East Park and there should be no more accepted for that location. The Committee felt that Staff should work with the Planning Commission and City Council to map the specific location and number of benches that could be donated and installed to benefit the public. The locations should be where the benches do not interfere with park events or pedestrian travel. They should be oriented to take advantage of views of the water or other park scenery. The number of benches should not be excessive. The same type of bench should be used throughout the park system to remain consistent and to ensure high quality benches that stand up to varying weather.

EXAMPLE OF MEMORIAL BENCH ON NEXT PAGE



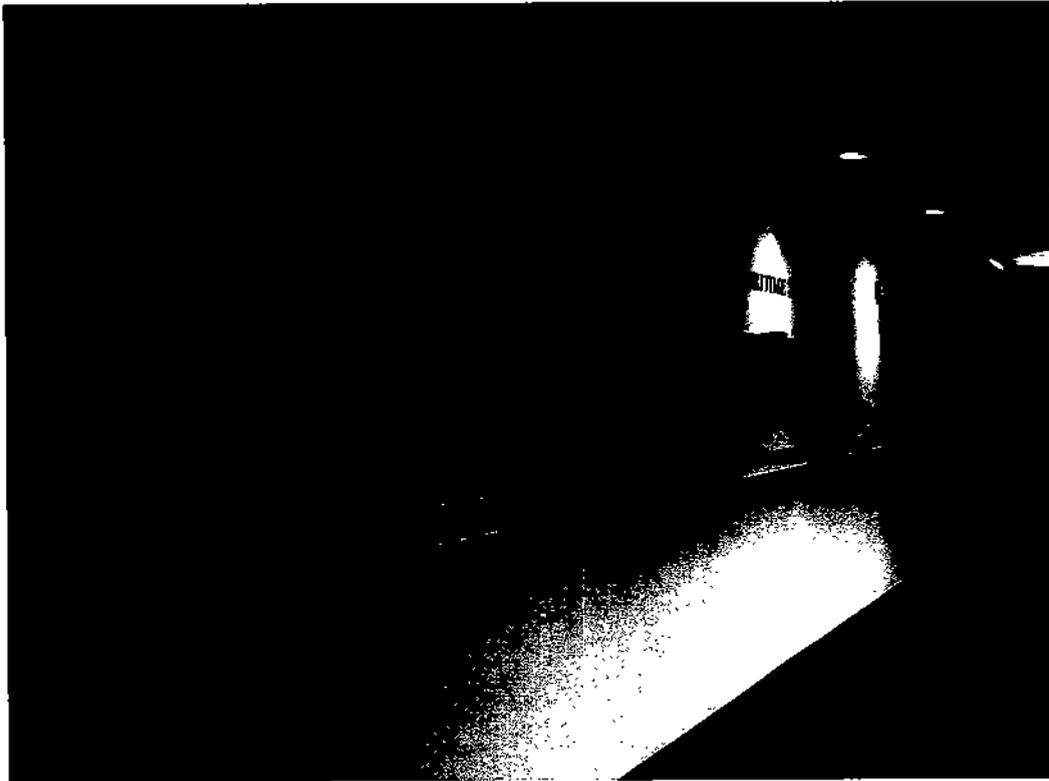
In addition to the benches, the Committee feels that tables should also be permitted to be donated and include a small memorial plaque similar to the benches. The Planning Commission and City Council should determine the exact number and location that should be approved.

EXAMPLE OF MEMORIAL TABLE

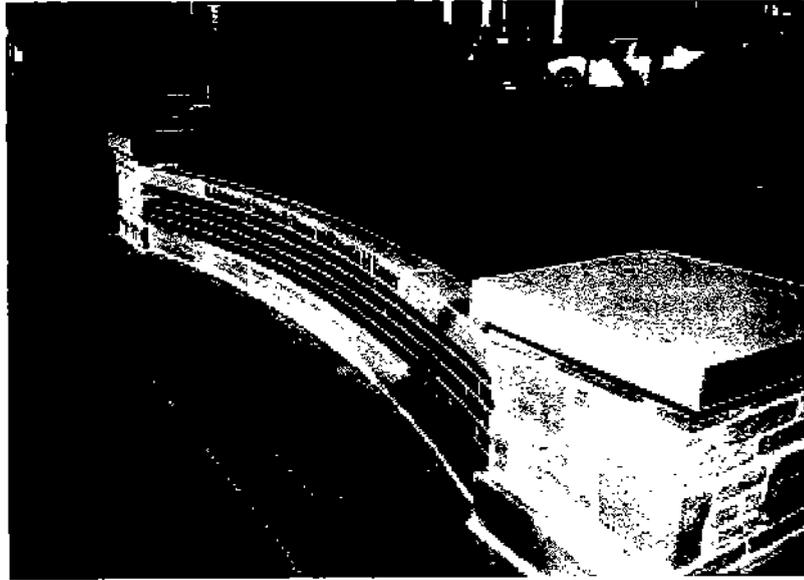


The Committee recommends that aside from the memorial benches and tables, other memorials should not be allowed in our parks for similar small scale items such as bike racks, picnic tables, etc. The proper placement and number of memorial benches and tables only would not clutter memorials throughout our parks and detract from their intent and purpose. City Council should however consider inside or outside "Donor Walls" in one central location with different funding amounts. Plaques could be allowed on the walls if donors wish to be recognized. The specific size, design and location of the wall should be determined by the Planning Commission and City Council. These walls could be either inside or outside. Lowest plaque level should be around 2500.

EXAMPLE OF AN INTERIOR DONOR WALL THAT COULD HAVE NAMES OR MEMORIALS



EXAMPLE OF AN EXTERIOR DONOR WALL THAT COULD HAVE NAMES OR MEMORIALS



Naming and more significant plaque opportunities should be allowed to encourage more significant contributions that are tiered appropriately. (For example, City Council may consider allowing a name or more significant memorial plaque if a donor chooses to replace the tennis courts valued at \$80,000.)

3. Make a recommendation if veteran/military memorials should be considered separately.

The Committee feels that veteran/military memorial or improvements to existing memorials should be looked at on a case by case basis and approved at the discretion of city council according to the Donation Acceptance Policy.

4. Determine what forms of public recognition for donations or memorials are appropriate.

The Committee feels that depending on the amount or significance of the donation City Council should consider offering certificates of appreciation during a public event or City Council meeting. Thank you letters from the City Manager or Mayor should also be given for all donations. If someone makes a substantial donation for a building or new tennis courts, for example, Council should consider a ground breaking or opening ceremony to thank the donor. The City should publish the list of all donors annually to publically recognize their gift.



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List of Potential Donation Items/Funds

August 21, 2015

- Memorial brick program for East Park.
- Memorial Benches (East Park is no longer available)
- Memorial Tables (City Council reserves the right to determine final location)
- Scholarships to Camp McSauba, tennis or the junior golf program.
- Donations to the Lake To Lake Trail. (Memorials may be allowed by Charlevoix Township)
Examples include paving portions of the trail, benches, a drinking fountain, wayfinding signage, maps, etc.
- Bike share Charlevoix program. (Purchase new bikes).
- Shade Tree Commission's Tree Program: Canopy Fund through Community Foundation. Tree Planting within the ROW. Estimated costs are \$400.00 per tree.
- Contribute to the Mt McSauba improvement fund.
- Contribute to Golf Course improvement fund.
- Ferry Beach improvement fund.
- Depot Beach improvement fund.
- General parks improvement fund.
- Irrigation systems installed at Depot and Michigan beach. Estimated costs are around 18k to complete both of them.
- Upgrades to the Michigan Beach access steps along Michigan Avenue.
- Upgrades to play equipment at all of our beaches.
- Purchase of additional, large, fancy trash cans to go along Bridge Street.
- ADA compliant access to Lake Michigan and or other beaches.

**CHARLEVOIX CITY COUNCIL
AGENDA ITEM**

AGENDA ITEM TITLE: Food Truck Public Hearing

DATE: October 5, 2015

PRESENTED BY: Mark Heydlauff, City Manager; Annie Doyle, Community Economic Development Director; Zach Panoff, Interim Planning and Zoning Administrator

ATTACHMENTS: Traverse City Mobile Food Vending Ordinance
St. Joseph Vending Ordinance
Mount Pleasant Mobile Food Service Ordinance
Kalamazoo Mobile Food Vehicle Vendor Ordinance
Map of Industrial Park Area, Downtown and Southside Areas
Showing Commercial/Industrial Lots and 100' Buffer
Letter from Terry Left Dated October 1, 2015

BACKGROUND INFORMATION:

Earlier this summer, Council had some discussion regarding the City's policy (or lack of) regarding food trucks. At the time, Council decided to have further discussion on this issue this fall.

Currently, a food truck (or cart, or trailer, or temporary stand) is required to get a business license from the City Clerk, unless the cart is associated with a sanctioned public event. A food truck must get the permission of the property owner and must be located in zoning districts that permits restaurant activity. . Food trucks can be invited by a business. They are subject to Health Department regulations.

For this meeting, staff wanted to help frame the discussion for you and await your direction on further research. We believe it would be prudent for you to get significant input from the community- including restaurant owners, downtown event organizers, food truck owners, and others. How we handle this decision will have a significant effect on the community.

In the attachments for this item, we have included several ordinances from other communities- ordinances on how they address food trucks. Some communities embrace them and have more permissive rules. Other communities attempt to control the number by limiting the number of

licenses that may be issued or the locations where a food truck may set-up. Other communities approach an outright ban by strongly limiting the locations and the fees charged for food trucks. Ultimately, however, the Charlevoix community needs to discern the right direction for this community.

Here are some questions for you to consider:

- Does it matter if a food truck is here for an event or just comes for a “normal” day?
- What sign regulations should be placed on food trucks? Does the truck itself constitute a sign?
- How is noise handled? (generators, coolers, crowds, etc.)
- What fees might be charged? Different fees when on public property versus private property?
- What if unmetered City utilities are connected?
- Additional charge for parking spaces used (if public)?
- Could hours of operation be limited?
- Overall size of the vehicle/truck- should there be a limit or standard?
- Could there be a maximum number of food truck licenses issued at any one time?
- What would happen if food trucks parked near existing beach concession? (Michigan Beach, Ferry Beach, etc.)
- Would the City consider food trucks replacing the existing concession stands at the beaches and ballfields?
- Is there a question of fairness for food trucks versus year-round restaurants who employ local employees? License fee versus property tax payments?

Some communities use a buffer system to ensure food trucks are located beyond a certain distance from “brick and mortar” establishments. This could be a consideration as well. We have placed a map in your packet that shows the existing commercial district properties for the downtown, south side, and industrial park area; the areas in yellow show the commercial district. The red areas indicate an area 100 feet from an existing restaurant. If you wish, we could draft various maps showing different degrees of a buffer or outline other possible locations.

Going forward, you might solicit more input by way of some sort of survey, convene a community meeting specifically about this topic, refer the matter to the Main Street/DDA Board for their input, or establish some kind of joint study committee. This is a topic that can be divisive for the community; it is imperative to have an open dialogue where all voices can be heard.

RECOMMENDATION: Directions for further staff research and other study.

TC

Chapter 865 Mobile Food Vending

865.01	Intent	865.09	Parking Beyond Limits
865.02	Definitions		Allowed by City Ordinance
865.03	Permit Required		and Order
865.04	Duration; Non-Transferability	865.10	Impoundment
865.05	Application	865.11	Other Permits
865.06	Fees	865.12	Revocation
865.07	Investigation by the Chief	865.13	Complaints; Appeals
	Of Police	865.14	Appearance Tickets
865.08	Requirements	865.15	Civil Infraction

865.01 INTENT.

In the interest of encouraging mobile food vendors who add to the vibrancy and desirability of Traverse City, while providing a framework under which such businesses operate, this ordinance is established. (Ord. 963. Passed 5-6-13)

865.02 DEFINITIONS.

- (a) *Mobile Food Vending* shall mean vending, serving, or offering for sale food and/or beverages from a mobile food vending unit which meets the definition of a Food Service Establishment under Public Act 92 of 2000, which may include the ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in Mobile Food Vending.
- (b) *Mobile Food Vending unit* shall mean any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.
- (c) *Vendor* shall mean any individual engaged in the business of Mobile Food Vending; if more than one individual is operating a single stand, cart or other means of conveyance, then Vendor shall mean all individuals operating such single stand, cart or other means of conveyance.
- (d) *Operate* shall mean all activities associated with the conduct of business, including set up and take down and/or actual hours where the mobile food vending unit is open for business.

(Ord. 963. Passed 5-6-13)

865.03 PERMIT REQUIRED.

No vendor shall engage in Mobile Food Vending without a permit from the City Clerk authorizing such vending. The City Clerk shall prescribe the form of such permits and application for such permit. All permits shall be prominently displayed on the mobile food vending unit. No vending through a Mobile Food Vending Unit of food and/or other human

consumables shall be permitted unless it meets the definition of Mobile Food Vending as defined by this ordinance. (Ord. 963. Passed 5-6-13)

865.04 DURATION; NON-TRANSFERABILITY.

Permits may be issued by the City Clerk for a calendar year from the date of issuance. Any permit issued under this Chapter is non-transferable. (Ord. 963. Passed 5-6-13)

865.05 APPLICATION.

Every vendor desiring to engage in Mobile Food Vending shall make a written application to the City Clerk for a permit under this Chapter. The applicant shall truthfully state, in full, all information requested by the City Clerk and be accompanied by a fee established by resolution of the City Commission. Additionally, the applicant shall provide all documentation, such as insurance, as required by the city. (Ord. 963. Passed 5-6-13)

865.06 FEES.

An application for a permit under this Chapter shall be accompanied by a fee in the amount established by resolution of the City Commission. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the City Clerk. No fee shall be charged to any honorably discharged veteran of the United States Military who is a resident of the State of Michigan and submits official documentation evidencing such to the City Clerk. If operating on non-city property, no fee shall be charged to a business which is on the city's tax rolls whose normal business includes the sale of food and/or beverages. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this Chapter. (Ord. 963. Passed 5-6-13)

865.07 INVESTIGATION BY THE CITY CLERK.

For Mobile Food Vending within residential areas, approval must be given by the City Clerk prior to issuance of a permit by the City Clerk. (Ord. 963. Passed 5-6-13. Ord. 1026. Passed 9-8-15)

865.08 REQUIREMENTS.

Any vendor engaging in Mobile Food Vending shall comply with the following requirements:

1. Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis.
2. If operating on city-owned or controlled property, may only locate on such property as established in a resolution adopted by the City Commission. If parked on public streets, vendors shall conform to all applicable parking regulations.
3. Not operate on public property within one block of a city-authorized street fair, public festival, farmers market or event being conducted without authorization from the event sponsor.
4. Not use any flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.
5. Not use loud music, amplification devices or "crying out" or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the City.
6. Comply with the city's Noise Ordinance, Sign Ordinance and all other City

ordinances.

7. Comply with all applicable federal, state and county regulations.
 8. May have one portable sign that is six square feet, with no dimension greater than 3 feet and no height (with legs) greater than 4 feet, located within five feet of the unit; and under no circumstances shall such sign be placed upon the sidewalk or impede pedestrian and/or vehicle safety.
 9. Within residential areas, a mobile food vendor may only operate between the hours of 9 a.m. and 9 p.m.; and in commercial areas, a mobile food vendor may only operate between the hours of 7 a.m. and 11 p.m. On private property within Commercial Area, a mobile food vendor may only operate between the hours of 6:00 a.m. and 3 a.m. Other restrictions regarding hours of operation may be established by resolution of the City Commission.
 10. No Mobile Food Vending Unit may be left unattended for more than 2 hours; and any Mobile Food Vending Unit not in operation shall be removed between the hours of 11 p.m. and 7 a.m. in commercial areas and 9 p.m. to 9 a.m. in residential areas. This subsection applies to Mobile Food Vending Units operating on city-controlled property only.
 11. Not represent the granting of a permit under this Chapter as an endorsement by the city.
 12. Shall not utilize any electricity or power without the prior written authorization of the power customer; no power cable or similar device shall be extended at or across any city street, alley, or sidewalk except in a safe manner.
- (Ord. 963. Passed 5-6-13, Ord. 988. Passed 1-21-14)

865.09 PARKING BEYOND LIMITS ALLOWED BY CITY ORDINANCE AND ORDER.

Any Mobile Food Vending Unit with a valid Mobile Food Vending License may park in a city-controlled parking space for durations as authorized by the permit; and such Mobile Food Vending Unit shall not be restricted to the hours where parking would otherwise be allowed in the particular parking space. Provided, however, that no Mobile Food Vending Unit shall park in a city-controlled parking space if parking is prohibited altogether. Any Mobile Food Vending Unit parked in a metered parking space with a valid Mobile Food Vending License shall activate the meter at all times while parked by depositing the appropriate sum of money into the parking meter. (Ord. 963. Passed 5-6-13)

865.10 IMPOUNDMENT.

Any equipment associated with food vending that are not in compliance with this Chapter and left on public property may be impounded at the owner's expense. (Ord. 963. Passed 5-6-13)

865.11 OTHER PERMITS.

A permit obtained under this Chapter shall not relieve any vendor of the responsibility for obtaining any other permit, or authorization required by any other ordinance, statute or administrative rule. (Ord. 963. Passed 5-6-13)

865.12 REVOCATION

The City Clerk shall revoke the permit of any vendor engaged in Mobile Food Vending who ceases to meet any requirement of this Chapter or violates any other federal, state or local regulation, makes a false statement on their application, or conducts activity in a manner that is adverse to the protection of the public health, safety and welfare.

Immediately upon such revocation, the City Clerk shall provide written notice to the permit holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the permit shall become null and void. (Ord. 963. Passed 5-6-13)

865.13 COMPLAINTS; APPEALS.

If a written complaint is filed with the City Clerk alleging a Food Vendor has violated the provisions of this Chapter, the City Clerk shall promptly send a copy of the written complaint to the vendor together with a notice that an investigation will be made as to the truth of the complaint. The vendor shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the City Clerk, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified. If a permit is denied or revoked by the City Clerk, or if a written complaint is certified pursuant to this Chapter, the applicant or holder of a permit may appeal to and have a hearing before the City Manager. The City Manager shall make a written determination, after presentation by the applicant and investigation by the City Clerk, as to whether or not the grounds for denial, revocation or complaint are true. If the City Manager determines that such grounds are supported by a preponderance of the evidence, the action of City Clerk or filing of the complaint shall be sustained and the applicant may appeal the City Manager's decision to a court of competent jurisdiction. (Ord. 963. Passed 5-6-13)

865.14 APPEARANCE TICKETS.

The Police Chief and sworn officers of the Police Department, or such other officials as designated by the City Manager are authorized to issue and serve appearance tickets with respect to a violation of this Chapter pursuant to Michigan law. Appearance tickets shall be in such form as determined by the City Attorney and shall be in conformity with all statutory requirements. (Ord. 963. Passed 5-6-13)

865.15 CIVIL INFRACTION.

A vendor who violates this Chapter is responsible for a civil infraction and subject to a fine of \$500 per day Provided, however, that the fine for parking violations shall be those as outlined in Chapter 488 of these codified ordinances. (Ord. 963. Passed 5-6-13. Ord. 970. Passed 6-3-13)

**City of St. Joseph
Berrien County, Michigan**

An ordinance to amend Chapter 21, "Vending Ordinance" of the City of St. Joseph Code of Ordinances

THE CITY OF ST. JOSEPH ORDAINS:

Chapter 21 of the St. Joseph Code of Ordinances is hereby amended in its entirety and shall now read as follows:

**Chapter 21
VENDING ORDINANCE**

- Sec. 21-1. Purpose.
- Sec. 21-2. Definitions.
- Sec. 21-3. Vending locations.
- Sec. 21-4. Special Event Vendor licenses.
- Sec. 21-5. Licenses, fees and application.
- Sec. 21-6. Additional regulations
- Sec. 21-7. Enforcement.
- Sec. 21-8. Revocation.
- Sec. 21.9. Right to appeal
- Sec. 21-10. Canvassers
- Sec. 21-11. Other permits or licenses
- Sec. 21-12. Appearance tickets.
- Sec. 21-13. Civil infraction.
- Sec. 21-14. Severability.

Sec. 21-1. Purpose.

The purpose of this chapter is to license and regulate the movement, location, business practices and hours of operation of Vendors in the City; to reduce vehicular and pedestrian traffic congestion; to promote the safe use of the streets, alleys and sidewalks; to encourage, preserve and enhance the "small town charm" and ambiance of the downtown area; to safeguard against insect and rodent infestation; to assure the highest quality offering of food and other products; to otherwise protect the health, safety and welfare of the people of the City; and to protect the citizens' quiet enjoyment and peace while leaving ample business opportunity and means for Vendors.

Sec. 21-2. Definitions.

1. *Vendor*: Every person who offers goods or services for sale on the streets or from a vehicle or a stand open to the street, whose business is conducted from a vehicle, cart, stand or temporary structure. For purposes of this chapter, Vendor shall be described as the following: Stationary Vendor, Day Vendor, Special Event Vendor, Moving Vendor and Peddler. A person conducting a garage sale as defined in Chapter 24 of the Code in a zoning district in which a garage sale is permitted is not considered a Vendor for purposes of this Chapter. For the purposes of this chapter, a temporary structure includes those structures defined as personal property under MCL 211.8.

- a. *Day Vendor*: Operator of a portable vending cart or motorized vending unit, selling goods from a single approved site. The portable vending cart or motorized vending unit must be removed every evening after vending hours have ended.
- b. *Moving Day Vendor*: Operator of a portable vending cart or motorized vending unit selling goods while moving along an approved vending location.
- c. *Special Event Vendor*: Operator of a stationary stand or portable vending cart licensed for a limited, specific period in association with a special event. The stationary stand or portable vending cart may be left on site for the duration of the event, and may be located on private property. The Special Event Vendor shall be licensed by the special event organization which has been approved by the city commission to organize a special event or by the City of St. Joseph if the special event organization has waived vending rights.
- d. *Peddler*: Every person traveling by foot, wagon, bicycle or other similar conveyance from place to place, house to house, business to business, or street to street, selling or offering for sale any goods or services, whether for current or future delivery.

Excluded from this definition are persons: (1) making delivery of goods previously ordered by any business or personal customer; (2) a person or business whose activity in major part is driving a regular route to the location of existing customers who have arranged for return visits; (3) all Vendors that fall under an approved Special Event designation; (4) persons working on behalf of a religious, political or non-profit charitable organization selling goods or services for that organization for its fund-raising, seeking donations, distributing information or seeking signatures on petitions; (5) canvassers.

- e. *Stationary Vendor*: Operator of a stationary stand, which shall remain on a single approved site for the entire period of the Vendor license, and if preparation and sale of unpackaged food products is offered, must have water, sanitary sewer and electric and/or gas utilities.
2. A business located and operated in a permanent building or permanent structure having a fixed location and a roof supported by columns, walls or other support and used or built for the conduct of business and defined as real property under MCL 211.2, is not considered a Vendor for the purpose of this chapter.
 3. *Canvasser*: *Canvasser* means any person traveling by foot, wagon, motor vehicle or other conveyance, from place to place, house to house, business to business, or street to street, on behalf of a religious, political, educational or non-profit charitable organization selling goods or services for that organization for its fund-raising, seeking donations, distributing information or seeking signatures on petitions. A Canvasser is not considered a Vendor for purposes of this chapter, but is subject to regulation as further set forth in this Chapter.
 4. *Vending Stand and Cart Definitions*:
 - a. *Motorized Vending Unit* shall mean any licensed motorized vehicle with two (2) or more wheels, the primary purpose and design being for vending purposes.

- b. *Portable Vending Cart* shall mean a cart with at least two (2) operating wheels, which is movable by one (1) person, the primary purpose and design being for vending purposes.
- c. *Stationary Stand* means a non-motorized vending trailer or shed, tent or other vending stand not movable by one (1) person.

5. *Vending Location Definitions:*

- a. *Day Vendor Location:* A site suitable for a portable vending cart to remain fixed during vending hours and, removed after vending hours. The location shall be as established by resolution of the city commission. Approval of a Day Vendor site means the Vendor has an exclusive right to the location for the period of the license.
- b. *Street Vending Locations:* Sites specified for Moving Day Vendors as established by resolution of the city commission, which may include parks, right of ways, sidewalks, or vacant City property. Moving Day Vendors shall not remain fixed on one site any longer than reasonable and necessary to complete a transaction. Moving Day Vendors have no exclusive right to any location and shall not block sidewalks or cause traffic congestion.
- c. *Special Event Vendor Location:* Vendor sites in an area approved under a Special Event Vendor license for a specified period of time. The area in which Day Vendors may operate is designated in a special event application. The city commission shall approve the Special Event Vendor license by resolution. The special event organization approves Vendors based upon their own criteria. The city commission may by Resolution approve special event vending locations in those cases where the special event organization has waived vending rights.
- d. *Stationary Location:* A site where a stationary Vendor places a stationary stand for the duration of the vending season. No public property or right of way shall be utilized for stationary vending.

Sec. 21-3. Vending Locations.

1. The city commission shall by resolution establish vending areas where vending may be located and the number and types of Vendors by area, except as follows:
 - a. Vendor licenses are not permitted in the Whirlpool Compass Fountain park area or the public sidewalks abutting it, or on the public sidewalks abutting the Silver Beach Center.
 - b. Moving Day Vendors and Peddlers are not permitted in the DDA district.
2. Vendor licenses may be granted for sales from a stationary stand, portable vending cart or motorized vending unit operating on private property in the D-Downtown District under the following circumstances:
 - a. No more than one (1) Vendor is permitted per lot of record at any one time, providing the Vendor has met the licensing requirements set forth in this Chapter and all applicable standards of the zoning and/or building ordinances for outdoor display of goods have been met, or

- b. The Vendors are authorized under a Special Event Vendor license.
3. Vendor licenses are not required for sales on private property not in the D-Downtown District when such sales are sanctioned by the property owner and conducted from a portable vending cart or motorized vending unit.

Sec. 21-4. Special Event Vendor License.

1. Vending license limitations may be expanded or waived during approved special events authorized by resolution of the city commission.
2. The city commission may authorize the city manager to issue a Vendor license to valid local not-for-profit organizations sponsoring and operating a special event within a specified area of the City. No person, group or organization shall sell any food, merchandise, goods, services, amusements, rides or other items on any public street, alley, sidewalk or other public property within the special event area during the time of the special event without first being approved by the sponsoring not-for-profit organization overseeing the special community event.

Sec. 21-5. License; fees and application.

1. *License required:* It shall be unlawful for any person to engage in business as a Vendor within the City without first having obtained a license from the city clerk as provided in this Chapter. A separate license is required for each Vendor stand, motorized vending unit or portable vending cart unless exempt under Sec. 21-3.3.
2. *License term:* The term for a Vendor License shall be:
 - a. Day Vendors - Seasonal
 - b. Moving Day Vendors – Daily
 - c. Special Event Vendors – Daily or per the special event approval
 - d. Stationary Vendors – Seasonal
 - e. Peddlers – Daily

Seasonal shall mean April 1 through October 31 of the year issued.

3. *Application Deadline:* The application deadline for vending Licenses shall be:
 - a. Seasonal Vending Licenses – January 31st of each year. Applications shall be presented to the city commission for approval at the second regularly scheduled meeting in February.
 - b. Daily or Special Event Licenses – No less than ten (10) days before the city commission meeting during which approval will be requested.
4. *Fees:* All fees for the various categories of Vendor licenses shall be established by resolution of the city commission. Upon certification of the County Clerk, an eligible veteran will be exempt from all vending fees (MCL 35.61 - .62).

5. *Application:* An applicant shall file with the city clerk a written application, upon a form provided for that purpose. The following information is required in the application:
 - a. Name, address, date of birth, driver's license number, and telephone number of the applicant;
 - b. The criminal history of the applicant;
 - c. A color photograph of the stand or cart;
 - d. The nature, character and quality of the goods or services offered for sale or delivery;
 - e. Nature of business and method of distributing products;
 - f. Nature of license requested and proposed location;
 - g. Dates and times of operation being requested;
 - h. Names and addresses of employees or agent who will be assisting the applicant in the proposed business;
 - i. License number of any vehicle which is to be used;
 - j. Proof that the applicant possesses all licenses or permits required by this municipality, Berrien County or State of Michigan for the operation of the proposed business and that such license or permits are consistent with the terms of the vending being proposed by the applicant (must be provided before license will be granted);
 - k. Proof that the applicant possesses a valid retail Vendor sales tax permit from the Michigan Department of Treasury, if a sales tax permit is required for the type of proposed operation (must be provided before license will be granted);
 - l. Proof of insurance as required in this Chapter (must be provided before license will be granted);
 - m. Any other information which is required by the city clerk to clarify items on the application.
6. *Basis for reviewing and granting licenses:* To assure that the purposes of this Chapter are met, licenses will be reviewed and granted based upon:
 - a. The completeness of the application;
 - b. The quality and legitimacy of the product offered for sale;
 - c. The construction and design of the stand, cart or mobile vending unit to be used;
 - d. The Vendor's previous vending performance, including citizen complaints, ordinance violations, etc.

7. *Minimum Requirements:*

a. The following are minimum requirements that must be met:

- 1) The applicant must be over the age of 18;
- 2) The applicant must be current in all payments due to the City, including but not limited to taxes, fees, fines or penalties;
- 3) The applicant must completely and truthfully answer all questions and provide all requested information on the application;
- 4) The applicant must provide proof of a license or permit required by this chapter or by County or State law for the operation of the proposed business;
- 5) The applicant, applicant's employees or agents, individually or cumulatively, may not have been convicted of a violation of this chapter, within the three years immediately preceding the application. A plea of guilty or no contest in any court of law shall constitute a conviction for purposes of this provision. A conviction on appeal shall have no effect.
- 6) The applicant must pay the required application fee;
- 7) The applicant and the proposed business must be in compliance with all applicable laws, rules, ordinances, and regulations of the federal, state, and city government, including all regulatory agencies;
- 8) The applicant's business or method of doing business must not substantially interfere with traffic flow on public streets or sidewalks; and
- 9) Approved sites, as designated by the city commission, must be available.

b. If the city clerk finds any of the requirements listed above have not been met, the city clerk shall deny the application and send to the applicant by registered mail, return receipt requested, a written statement setting forth the reason or reasons for the denial and notifying the applicant of his or her right to appeal.

8. *Investigation:* When an application and fee have been filed and approved as meeting all minimum requirements, the city clerk shall transmit the application to the public safety director. The public safety director shall make an appropriate investigation of the applicant, which may include but is not limited to, a review of the applicant's background, an inspection of the stand or cart, and an inspection of the proposed vending location, to insure compliance with this chapter. No license will be issued against the recommendation of the public safety director.

9. *City commission approval:* With the approval of the public safety director, the application shall be placed on the agenda for review and consideration by the city commission at its next regularly scheduled meeting.

10. *Issuance of license:* Upon receipt of the license fee and proof of all other required certificates, licenses and insurance, the city clerk shall issue the license to the applicant within ten (10) business days of city commission approval.

Sec. 21-6. Additional regulations. All Vendors shall abide by the following additional requirements and restrictions:

1. *Sales limited to products on application:* Sales shall be limited to the products specified on the application.
2. *Licenses; non-assignable and non-transferable:* Licenses issued under the authority of this chapter shall be non-assignable and non-transferable.
3. *Display of license required:* All licenses shall be displayed in a prominent place on the stationary stand, portable cart or motorized vending unit. The failure of a licensee to conspicuously display such license when engaged in licensed business shall be sufficient cause for the suspension or revocation of the license. All Moving Day Vendors and Peddlers shall display a name tag supplied by the City of St. Joseph and clearly stating Vendor approval dates.
4. *Prices posted:* All prices charged for each item offered for sale shall be posted on the stand or push cart, no item shall be sold for more than the posted price.

Business hours, restrictions: Day Vendors, Moving Day Vendors and Stationary Vendors may conduct business between 9:00 a.m. and 10:00 p.m. or as otherwise regulated on a location basis as determined by resolution of the city commission. Peddlers may engage in business between 9:00 a.m. and sundown. These restrictions shall not apply to Special Event Vendors operating under a Special Event Permit approved by the city commission.

5. *Traffic regulations:* All Vendors must comply with all traffic, parking, and sidewalk regulations and policies.
6. *Obstructing public places:* Moving Day Vendors shall not occupy a stationary location on a public street, sidewalk, parkway, park, parking lot, or any other public property which is to be used by pedestrians or persons operating motor vehicles, or operate in such a manner as to cause obstruction or blocking of pedestrian or vehicular access. Such Vendor shall be presumed to have occupied a stationary location if he/she has conducted business in any such place for a period in excess of ten (10) minutes.
7. *Prohibited locations for sale:* Sales shall not be made to persons standing in the roadway, to occupants of vehicles at red lights, or to occupants of vehicles in moving traffic lanes.
8. *Off-limit locations:* Business shall not be conducted within fifty (50) feet of any school, church, synagogue or place of worship during services or within one-hour of services; courthouse; police station; or other public location unless specifically authorized pursuant to the terms of the license. In addition, the City manager shall have power to designate such streets, sidewalks, parts of streets, or sidewalks, districts or areas where it shall be unlawful for any licensee to operate or conduct her/his business, such designation to be made based

upon congested traffic conditions, character of the neighborhood, or if the conduct of such business constitutes a public nuisance.

9. *Proof of insurance:* All Vendors must obtain and maintain a policy of liability insurance by a company licensed to do business in the State of Michigan and approved by the City. Insurance coverage must be in the minimum amount of One Million Dollars (\$1,000,000.00) for personal injury and property damage arising out of the licensed operation, including operation by employees, agents or independent contractors. Proof of insurance must be provided to the City before a license can be granted and thereafter upon reasonable request. The insurance policy for Vendors operating on public property shall directly protect the City of St. Joseph, its officers, employees and agents as additional named insureds, and shall provide that the insurance be primary. The policy shall provide thirty (30) days prior written notice of revocation, cancellation, or amendment to the City.
10. *Hold harmless:* All Vendors shall agree to hold harmless and protect the City of St. Joseph, its officers, employees and agents from any liability, claims, costs, expense or attorney fees arising out of the licensed operation that is not covered by the Vendor's required insurance.
11. *Litter clean up required:* All Vendors shall keep the sidewalks, street and other public places adjoining and adjacent to their locations of business clean and free from any refuse generated from the operation of their business. Vendors shall dispose of their own refuse and shall not use City trash receptacles.
12. *Loud noise/speaking devices/lights:*
 - a. Vendors shall not, or cause any person on the Vendor's behalf to, shout, cry, blow a horn, ring a bell, or use any sound device, including loud speakers or sound amplifiers, upon any streets, alleys, parks or other public places of the City, or upon any private premises, for the purpose of attracting attention to any goods, wares or merchandise which the Vendor proposes to sell.
 - b. Vendors shall not, or cause any person on the Vendor's behalf to, use or employ any flashing lights on any vehicle or any other device for the purpose of attracting attention to any goods, wares or merchandise which the Vendor proposes to sell.
13. *"No Soliciting" sign:* Vendors shall not enter onto property that has a posted "no trespassing," "no visitors," "no soliciting," "no peddling," "do not disturb," or similar notification making apparent the desires of the owner or occupant of the premises, and shall immediately leave the property after being requested to leave by the occupant.
14. *Threatening or harassing behavior:* Vendors shall not threaten or harass any citizen in the course of their activities or in any way engage in conduct that threatens the health and safety of another or causes a nuisance.
15. *Sales limited to products on application:* Vendors shall be limited to the sale of products specified on the application. Amendments to originally approved applications may be made to the city clerk. However, an application fee of an amount established from time to time by resolution of the city commission must accompany each request for a new item.

Sec. 21-7. Enforcement.

1. It shall be the duty of any police officer to require any person seen soliciting, merchandising, or vending and who is not known by such officer to be duly licensed, to show proof of a license issued by the city clerk, and to enforce the provisions of this chapter against any person found to be violating them.
2. Any police officer may enter any licensed premises at any time during business hours for the purpose of ascertaining the manner in which such business is conducted and to investigate complaints. At all such times, the officer shall be permitted access to the books of such business to ascertain compliance with the provisions of this chapter.
3. It shall be the duty of any police officer to examine all places of business and persons in their territories subject to the provisions of this chapter to verify compliance with this chapter and to enforce the provisions of this chapter.

Sec. 21-8. Revocation.

1. The city clerk is authorized to revoke any license issued under this chapter for violation of the provisions of this chapter, including, but not limited to the following:
 - a. The Vendor has violated any provision of this Chapter, any provision of the St. Joseph Code of Ordinances, or state or federal laws, rules or regulations.
 - b. The Vendor has made a false material statement in the application or has otherwise become disqualified for issuance of the permit.
 - c. The Vendor has had a written complaint filed against it for violation of this Article and probable cause exists for substantiation of the complaint.
 - d. The Vendor has acted in a manner contrary to the public health, safety or welfare of the citizens of St. Joseph.
2. The city clerk shall provide the Vendor with written notice of the revocation by personal service or by first class mail at the address listed on the license application. The city clerk shall also inform the Vendor of its right to appeal. An appeal shall not stay the action of the city clerk.

Sec. 21-9. Right to Appeal. A Vendor may appeal the city clerk's or public safety director's license denial, or a license revocation, by filing a written request with the city clerk's office within fourteen (14) days of the date appearing on the notice of revocation. The hearing shall be held by the City manager or the City manager's designated representative within seven (7) days of the appeal being filed.

Sec. 21-10. Canvassers.

1. *Canvasser registration required:* All canvassers shall register with the city clerk's office prior to canvassing in the City. Such registration shall require: the name, address, telephone number, photo identification review, vehicle license number and date of birth of the peddler. The canvasser shall describe the goods or services being sold and the general terms of the transactions. The canvasser shall provide the name, address, telephone number, and

information about the company or venture the canvasser represents. The canvasser shall further provide the name, address, telephone number, business hours of a contact person at the organization the canvasser represents. Copies of brochures or promotional materials shall be left with the city clerk. The city clerk's office may examine samples, catalogs or other materials. The city clerk or director of public safety or his/her designee may verify the canvasser's affiliation or authority to represent the non-profit charitable organization.

2. *Prohibited canvassing:* Canvassing is prohibited on any privately owned premises that is posted with a sign or other notice stating "no trespassing," "no visitors," "no soliciting," "no peddling," "do not disturb," or similar notification making apparent the desires of the owner or occupant of the premises and shall immediately leave the property after being requested to leave by the occupant or person in charge of such premises.
3. *Business hours, restrictions:* Canvassing may be conducted between 9:00 a.m. and sundown.

Sec. 21-11. Other permits or licenses.

A license obtained under this Article shall not relieve a person of the responsibility for obtaining any other license or authorization required by any other ordinance, statute or administrative rule.

Sec. 21-12. Appearance tickets.

The director of public safety and the appointed officers of the public safety department, or such officials as are designated by the City manager, are hereby authorized to issue and serve appearance tickets with respect to a violation of this chapter pursuant to Section 1 of Act 147 of Public Acts of 1968, as amended; MCL 764.9c(2). Appearance tickets shall be in such form as determined by the City attorney and shall be in conformity with all statutory requirements.

Sec. 21-13. Civil Infraction.

A person who violates this Chapter is responsible for a civil infraction and subject to a fine of not less than \$100 or more than \$500, per occurrence.

Sec. 21-14. Severability.

Should any section, subsection, sentence, clause, phrase or portion of this chapter be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions of this chapter.

ORDINANCE NO. 982

AN ORDINANCE TO AMEND SECTIONS 110.11, 110.27 AND 110.99 OF THE MOUNT PLEASANT CITY CODE TO REGULATE VENDORS AND TO PROVIDE CERTAIN PENALTIES FOR VIOLATIONS AND TO ADD SECTION 110.28 TO REGULATE MOBILE FOOD SERVICE PROVIDERS.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF MOUNT PLEASANT:

Section 1. Amendment. Section 110.11 of Chapter 110, "General Licensing," of the Mount Pleasant City Code is amended to read as follows:

§ 110.11. **REQUIRED LICENSE.** No person shall engage in the businesses or activities listed in this section without first obtaining a license which shall require payment of a license fee in amounts set from time to time by City Commission resolutions.

- (A) Auctioneers;
- (B) Circus, menagerie, carnival, exhibition, side show;
- (C) Junk Dealers;
- (D) Mobile food service providers;
- (E) Pawnbrokers;
- (F) Taxicab businesses, vehicles, and drivers; and
- (G) Vendors.

Section 2. Amendment. Section 110.27 of Chapter 110, "General Licensing," of the Mount Pleasant City Code, is amended to read as follows:

§ 110.27. **VENDORS.**

(A) **DEFINITIONS.** For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

PEDDLER. Any person who travels from place to place for the purpose of distributing leaflets, pamphlets, fliers, or other literature, displaying, selling, making sales, offering for sale, or leasing with the option to buy, takes orders for, or attempts to take orders for the retail sale of any goods, property, or services whatsoever for current or future delivery. Peddler includes any person who travels by foot, vehicle, wagon, cart or any other means displaying, selling, offering for sale, taking orders for sale, or leasing with the option to buy, at retail, any food, goods, property, or service. Peddler also includes any person who operates a pushcart, or other structure powered by bicycle or human power, with at least two operational wheels, which can be easily moved and which is used by a vendor to conduct sales.

PERSON. Any natural person, corporation or partnership, including both principals and agents thereof, or two or more persons having a joint or common interest.

TRANSIENT MERCHANT. Any person, firm, association or corporation, while not traveling from place to place, engaging temporarily in a retail sale of food, goods, wares or merchandise in any place in the city and who for the purpose of conducting business temporarily occupies any private lot, building, room or structure of any kind. This ordinance shall not be construed to permit sales on City-owned property unless authorized under a separate written agreement.

VENDORS. Any "peddler" or "transient merchant" as provided in this section. Vendor shall not include a person selling at an art fair, farmers' market, festival or similar special event at the invitation of the event's sponsor, if all of the following conditions are met:

- (1) The sponsor has obtained a vendor's license;
- (2) The person provides the sponsor with the person's sales tax license number.

(B) **LICENSE REQUIRED.** No vendor shall engage in such business within the City without first obtaining a license as provided under this Chapter. Such licenses shall be subject to the application fees as may be set from time to time by the City Commission and paid in accordance with City Code § 110.08. Transient Merchant license fee waived if currently licensed and using truck/trailer as Mobile Food Service Provider.

(C) **REGULATIONS.** In addition to the license requirements in this Chapter, and except as otherwise provided, the following regulations apply to vendors:

- (1) Vendors who conduct their business by going door-to-door shall not solicit at any premises posted with a NO SOLICITATION sign or other similar marking.
- (2) No vendor shall have any exclusive right to any location in the public street, sidewalk, or right-of-way, or be permitted a permanent, stationary location, or be permitted to operate in any congested area where his or her operations impede or inconvenience the public. For the purpose of this section, the judgment of a police officer or Code Enforcement Officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public has been impeded or inconvenienced.
- (3) Unless otherwise first authorized in writing by the City, no vendor shall obstruct any street, alley, sidewalk or driveway, except as may be necessary and reasonable to consummate a sale or engage in any business regulated by this chapter. Except with prior written permission of appropriate school officials, no vendor shall conduct any sale within 150 feet of the entrance of any school building between the hours of 8:00 a.m. and 5:00 p.m. on the days when school is in session.
- (4) Applicants for a vendors license who are selling, or offering to sell food, goods, wares, and merchandise owned by themselves, who furnish to the City Clerk, with all other license application materials, proof of an honorable discharge from the armed services and a copy of a license issued pursuant to 1921 PA 359, as amended, MCL 35.441 through 35.443, shall not be required to pay the annual license fee.
- (5) Individuals or groups wishing to do their business under this section in any City park must first secure written permission from the Parks Director before applying for a license, and shall comply with all applicable park rental fees, rules, and regulations.
- (6) Vendors shall present a valid license for inspection or examination when requested by any City Public Safety Officer or City official.
- (7) No vendor shall sell or offer for sale any unsound, unripe or unwholesome food or drink or any defective, faulty or deteriorated article of food.

(D) **EXCEPTIONS.** The provisions of this chapter shall not apply to any of the following:

- (1) Representatives of duly established businesses, located elsewhere, calling upon merchants or other established businesses for the purposes of selling them merchandise or services and who normally make repeated calls on such businesses at regular intervals, such as wholesale suppliers, office supply firms and similar businesses.

- (2) Solicitations including sale or distribution of goods, wares, merchandise, leaflets, pamphlets or other materials for religious, charitable or political purposes.

Section 3. Amendment. Section 110.28 of Chapter 110, "General Licensing," of the Mount Pleasant City Code, is added to read as follows:

§ 110.28. MOBILE FOOD SERVICE PROVIDERS.

(A) *PURPOSE*. The purpose of this section is to license and regulate the movement, location, business practices and hours of operation of mobile food providers in the City; to reduce vehicular and pedestrian traffic congestion; to promote the safe use of the streets and sidewalks; and, to protect the health, safety, and welfare of the people of the City.

(B) *MOBILE FOOD SERVICE PROVIDER DEFINED*. For the purpose of this section, unless the context clearly indicates or requires a different meaning, "mobile food service provider" means a motorized vehicle which, upon issuance of a license by the City Clerk and conformance with the regulations under this chapter, may temporarily park upon a public street or in a public parking lot, and engage in the preparation, service, sale or distribution of ready-to-eat food for individual portion service to the general public directly from the vehicle. For the purposes of this section, mobile food vehicle includes a trailer pulled by a motorized vehicle engaged in the preparation, service, sale, or distribution of ready-to-eat food for individual portion service to the general public directly from the trailer, and shall include cookers, grills, smokers or other similar apparatuses. Mobile Food Service Provider shall be considered a Transient Merchant and will be subject to all Transient Merchant regulations when operating on private property with the permission of the property owner. Mobile food service provider shall not include a person selling at an art fair, farmers' market, festival or similar special event at the invitation of the event's sponsor, if all of the following conditions are met:

- (1) The sponsor has obtained a vendor's license;
- (2) The person provides the sponsor with the person's sales tax license number.

(C) *LICENSE REQUIREMENTS*. No mobile food service provider may engage in the service, sale, or distribution of food in the City without first obtaining a license from the City Clerk. The City Clerk shall charge an application fee for mobile food service provider licenses. Such licenses shall be subject to the application fees as may be set from time to time by the City Commission and paid in accordance with City Code § 110.08. Mobile Food Service Provider license fee waived if currently licensed and using truck/trailer as a Transient Merchant. The City Clerk may annually issue up to 12 mobile food service provider licenses per year.

(D) *REGULATIONS*.

(1) Mobile food service providers may conduct business in the C-2 Central Business District as defined in § 154.066 as well as on-street parking places on South Main Street from East High Street on the north to East Bellows Street on the south. Mobile food service providers may not conduct business in any other area of the City.

(2) Mobile food service providers may conduct business only between the hours of 8:00 p.m. and 3:00 a.m. Mobile food service providers shall not conduct business at any other time.

(3) Mobile food service providers may conduct business in on-street parking places and public parking lots during the permitted hours of operation. While conducting business, mobile food service providers shall operate in such a manner so as not to interfere with pedestrian or

vehicular traffic. If directed by City staff or public safety personnel for snow plows or in response to emergency situations, mobile food service providers shall promptly relocate.

(4) Mobile food service providers shall serve customers only on the curb, lawn, or sidewalk side of the mobile food service vehicle while parked in on-street parking spaces. Mobile food service providers shall not provide food service in any right-of-way. Mobile food service providers may serve customers only when parked.

(5) If operating on sidewalks or while parked on City streets or in public parking lots, mobile food service providers shall not supply or provide tables and chairs, booths, stools, benches, tents, or other similar dining area for customers.

(6) Mobile food service providers shall provide adequate dining utensils as reasonably necessary for its customers. Mobile food service providers shall place a trash receptacle outside the mobile food service vehicle which shall be emptied and disposed of off-site by the mobile food service provider each day. The mobile food service provider shall keep the area in which it operates clean, sightly, and free of trash. Mobile food service providers shall be completely self-contained, and are prohibited from utilizing any City electrical outlets, water from city hydrants, and disposing of liquid wastes, including but not limited to grease, into storm or sanitary sewers.

(7) Mobile food service providers shall not be parked on the street, or in public parking lots in which they intend to provide service overnight or left unattended and unsecured at any time food is in the vehicle.

(8) Mobile food service providers shall comply at all times with all City nuisance regulations as provided in Chapter 96 of the Mount Pleasant City Code.

(9) Mobile food service providers shall not be located within 150 feet of a permanent business with a food license during the business's hours of operation.

(10) A license is valid only for each individual vehicle or trailer operated by a mobile food service provider and shall not be transferred among vehicles or trailers.

(11) Mobile food service providers shall present a valid license for inspection or examination when requested by any City Public Safety Officer or City official.

(12) Applicants for a mobile food service providers license who are selling, or offering to sell food, owned by themselves, who furnish to the City Clerk, with all other license application materials, proof of an honorable discharge from the armed services and a copy of a license issued pursuant to 1921 PA 359, as amended, MCL 35.441 through 35.443, shall not be required to pay the annual license fee.

(13) Mobile food service providers shall comply with all applicable laws, rules, regulations and licensing or permit requirements including, but not limited to those issued by the Isabella County Health Department or the Michigan Department of Agriculture and Rural Development or its successor agency, the Michigan Secretary of State, the Michigan Liquor Control Code, and any other agency with licensing or regulatory jurisdiction over the mobile food service provider.

(14) Mobile food service providers shall not offer or advertise the offering of beer, wine, or other alcoholic beverages.

(E) LICENSE REVOCATION OR SUSPENSION. Any mobile food service provider that violates any provision of this section may, in addition to any other penalties, have its license suspended or revoked as provided in City Code § 110.04.

(F) **SUNSET PROVISION.** The provisions of § 110.28 shall expire one year from the date the amended ordinance goes into effect.

Section 4. **Amendment.** Section 110.99 of Chapter 110, "General Licensing," of the Mount Pleasant City Code is amended to read as follows:

§ 110.99. **PENALTY.** Any person violating any of the provisions of this chapter shall be guilty of a municipal civil infraction in accordance with City Code § 36.01 *et seq.* Except as otherwise provided, the fine for violation of any provision of this chapter shall be \$50 for the first offense; \$100 for the second offense; and \$250 for third and subsequent violations within a 12-month period. Each day in violation shall constitute a separate offense. Any person violating the provisions of this chapter licensing mobile food service providers, peddlers, or transient merchants shall be fined in accordance with the following:

(1) Mobile food service providers licensed under City code § 110.28 violating any provision of this chapter shall be fined 150% of the license fee as set from time to time by resolution of the City Commission for the first offense; 200% of the license fee as set from time to time by resolution of the City Commission for the second offense; and 250% of the license fee as set from time to time by resolution of the City Commission for third and subsequent violations within a 12-month period. Each day in violation shall constitute a separate offense.

(2) Peddlers licensed under City code § 110.27 violating any provision of this chapter shall be fined 150% of the license fee as set from time to time by resolution of the City Commission for the first offense; 200% of the license fee as set from time to time by resolution of the City Commission for the second offense; and 250% of the license fee as set from time to time by resolution of the City Commission for third and subsequent violations within a 12-month period. Each day in violation shall constitute a separate offense.

(3) Transient merchants licensed under City code § 110.27 violating any provision of this chapter shall be fined 150% of the license fee as set from time to time by resolution of the City Commission for the first offense; 200% of the license fee as set from time to time by resolution of the City Commission for the second offense, and 250% of the license fee as set from time to time by resolution of the City Commission for third and subsequent violations within a 12-month period. Each day in violation shall constitute a separate offense.

Section 5. **Publication and Effective Date.** The City Clerk shall cause to be published a notice of adoption of this ordinance within 10 days of the date of its adoption. This ordinance shall take effect 30 days after its adoption.

Kathleen Ling, Mayor

Jeremy Howard, City Clerk

Introduced: September 23, 2013
Adopted: October 14, 2013
Published: October 22, 2013
Effective: November 13, 2013

CITY OF KALAMAZOO, MICHIGAN

ORDINANCE NO. 1901

**AN ORDINANCE TO PERMIT AND REGULATE MOBILE FOOD
VEHICLE VENDORS**

THE CITY OF KALAMAZOO ORDAINS:

Section 1. Sections 25-63 to 25-68 of the Kalamazoo City Code are created to read as follows:

"ARTICLE IV

Mobile Food Vehicle Vendors

Section 25-63. Short Title

This ordinance may be referred to as the city of Kalamazoo Mobile Food Vehicle Ordinance.

Section 25-64. Definitions

MOBILE FOOD VEHICLE – A motorized vehicle which may upon issuance of a license by the City Clerk and conformance with the regulations established by this ordinance may temporarily park upon a public street and engage in the service, sale or distribution of ready to eat food for individual portion service to the general public directly from the vehicle.

MOBILE FOOD VEHICLE VENDOR – The registered owner of a mobile food vehicle or the owner's agent or employee; and referred to in this ordinance as "vendor".

Section 25-65. Scope

The provisions of this ordinance apply to mobile food vehicles engaged in the business of cooking, preparing and distributing food or beverage with or without charge upon or in public and private restricted spaces. This ordinance does not apply to vehicles which dispense food and that move from place to place and are stationary in the same location for no more than 15 minutes at a time, such as ice cream trucks, or food vending pushcarts and stands located on sidewalks.

Section 25-66. License Required

A. It shall be unlawful for any person, including any religious, charitable or nonprofit organization, to operate within the City a mobile food vehicle without having obtained from the City Clerk a license for that purpose.

B. A person desiring to operate a mobile food vehicle shall make written application for such license to the City Clerk. The application for a license shall be on forms provided by the City Clerk and shall include the following:

(1) Name, signature, phone number, email contact and business address of the applicant.

(2) A description of the preparation methods and food product offered for sale including the intended menu.

(3) Information on the mobile food vehicle to include year, make and model of the vehicle and dimensions, which shall not exceed 36 feet in length or 9 feet in width.

(4) Information setting forth the proposed hours of operation, area of operations, plans for power access, water supply and wastewater disposal.

(5) Copies of all necessary license or permits issued by the Kalamazoo County Health Department.

(6) Insurance coverage:

(a) Proof of General Comprehensive Liability policy with limits of no less than \$2 million Combined Single Limit coverage issued by an insurer licensed to do business in this state and which names the City as an additional injured.

(b) Proof of Public Liability and Property Damage motor vehicle policy with limits of no less than \$1 million issued by an insurer licensed to do business in this State.

C. All vendors receiving a license under this ordinance shall pay the annual fee as set from time to time by the City Commission.

D. The City Clerk shall issue no more than 10 active mobile food vehicle licenses for any calendar year. Each mobile food vehicle license shall expire on December 31 of each year.

E. A license issued under this ordinance shall not be transferable from person to person.

F. A license is valid for one vehicle only and shall not be transferred between vehicles.

Section 25-67. Regulations

A. No operator of a mobile food vehicle shall park, stand or move a vehicle and conduct business within areas of the city where the license holder has not been authorized to operate. ~~The City Commission shall by resolution identify those streets and public areas where parking by mobile food vehicles is permitted.~~

B. The customer service area for mobile food vehicles shall be on the side of the truck that faces a curb lawn or sidewalk when parked. No food service shall be provided on the driving lane side of the truck. No food shall be prepared, sold, or displayed outside of mobile food vehicles.

C. No mobile food vehicle vendor shall provide or allow any dining area within 10 feet of the mobile food vehicle, including but not limited to tables and chairs, booths, stools, benches or stand up counters.

D. Customers shall be provided with single service articles such as plastic utensils and paper plates and a waste container for their disposal. All mobile food vehicle vendors shall offer a waste container for public use which the vendor shall empty at its own expense. All trash and garbage originating from the operation of mobile food vehicles shall be collected and disposed of off-site by the operators each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water on the streets is allowed.

~~E.~~ No mobile food vehicle shall make or cause to be made any unreasonable or excessive noise. The operation of all mobile food vehicles shall meet the city noise ordinance, including generators. No loud music, other high-decibel sounds, horns, or amplified announcements are allowed.

~~E.~~ Signage is only allowed when placed on mobile food vehicles. No separate free-standing signs are permitted.

~~G.~~ No flashing or blinking lights, or strobe lights are allowed on mobile food vehicles or related signage when the vehicle is parked and engaged in serving customers. All exterior lights with over 60 watts shall contain opaque, hood shields to direct the illumination downward.

H. Mobile food vehicles when parked on public streets shall be parked in conformance with all applicable parking restrictions, and shall not hinder the lawful parking or operation of other vehicles.

I. A mobile food vehicle shall not be parked on the street overnight or left unattended and unsecured at any time food is in the vehicle. Any mobile food vehicle found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.

J. A vendor shall not operate a mobile food vehicle within 500 feet of any fair, festival, special event or civic event that is licensed or sanctioned by the City unless the vendor has obtained permission from the event sponsor.

K. The issuance of a mobile food vehicle license does not grant or entitle the vendor to the exclusive use of any service route or parking space to the license holder.

L. A vendor shall not operate on private property without first obtaining written consent to operate from the affected private property owner. A private property owner shall not permit parking by a mobile food vehicle until a special use permit has been obtained to allow for such use.

M. No mobile food vehicle shall use external signage, bollards, seating or other equipment not contained within the vehicle. When extended, awnings for mobile food vehicles shall have a minimum clearance of 7 feet between the ground level and the lowest point of the awning or support structure.

N. Any power required for the mobile food vehicle located on a public way shall be self-contained and a mobile food vehicle shall not use utilities drawn from the public right-of-way. Mobile food vehicles on private property may use electrical power from the property being occupied or an adjacent property, but only when the property owner provides written consent to do so. All power sources must be self-contained. No power cable or equipment shall be extended at or across any City street, alley or sidewalk.

O. Mobile food vehicles shall not be parked within 150 feet of an existing, brick and mortar restaurant during the hours when such restaurant is open to the public for business.

Section 25-68. Enforcement

A. Any license holder operating a mobile food vehicle in violation of any provision of this ordinance or any rules and regulations promulgated by the City shall be subject to a civil fine of \$250 per day. Each day of violation shall constitute a separate and distinct offense.

B. Once a license has been issued it may be revoked, suspended or not renewed by the City Clerk for failure to comply with the provisions of this ordinance and any rules or regulations promulgated by the City.

Section 2. Repealer.

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction,

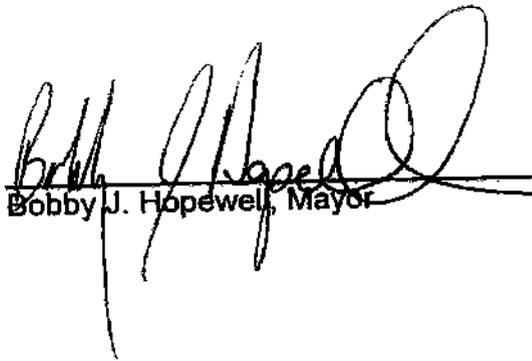
said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date.

Pursuant to Section 13(a) of the City Charter, this ordinance shall take effect from and after 10 days from the date of its passage.

CERTIFICATE

The foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Kalamazoo at a regular meeting held on August 20, 2012. Public notice was given and the meeting was conducted in full compliance with the Open Meetings Act, (PA 267, 1976). Minutes of the meeting will be available as required by the Act, and the ordinance was duly recorded, posted and authenticated by the Mayor and City Clerk as required by the Charter of said City.


Bobby J. Hopewell, Mayor


Scott A. Borling, City Clerk

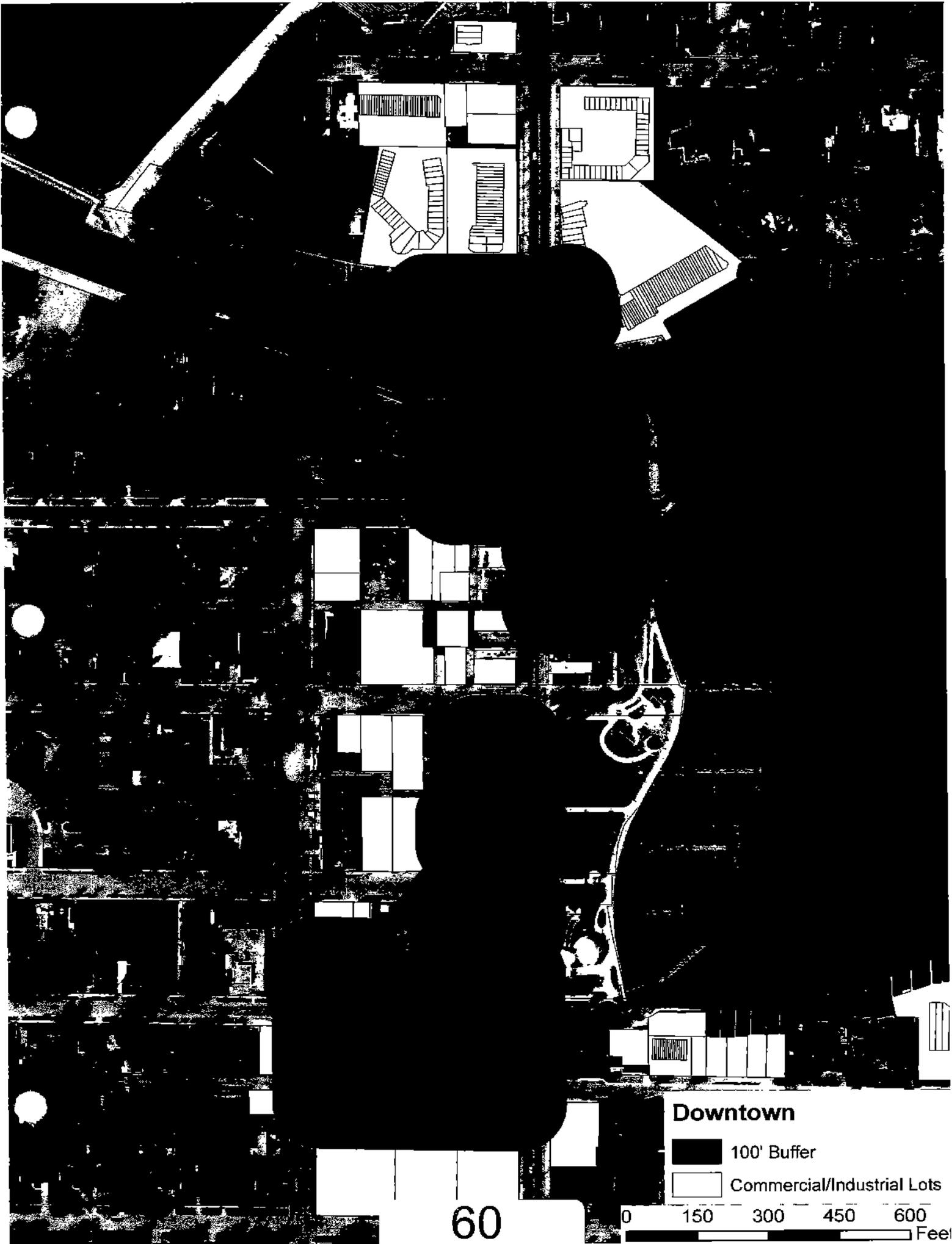


Industrial Park Area

100' Buffer

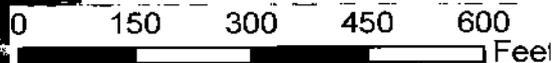
Commercial/Industrial Lots





Downtown

- 100' Buffer
- Commercial/Industrial Lots



60



South Side

100' Buffer

Commercial/Industrial Lots

0 250 500 750 1,000

Terry Left
210 Park Ave
Charlevoix, Mi 49720
231-547-6925
Oct. 1, 2015

RECEIVED
SEP 30 2015
CITY OF CHARLEVOIX

To Whom It May Concern:

This is concerning the food trucks being allowed to operate in Charlevoix. I would like to voice my opinion on this subject via a letter since I will be out of town at a food show during the council meeting.

For the first Art show this summer, there were 3 trucks parked on the grass in the park. The restaurants voiced their opinions on lost business, so for Hobby Craft, menus were put in their packets saying that the restaurants downtown would deliver the lunches. The restaurants had no problem keeping up, showing that we have enough food options.

There are more food service businesses in Charlevoix than ever before in my 34 years of being in business. I think we have a total of 17 in the valley now. We pay taxes, either by our rent or through our landlords. The food trucks do not pay property taxes to aid the city projects. We employ a lot of people who turn around and spend money in Charlevoix. I have 70 employees in the summer and 40 in the winter. If you even multiply half that by the 17 restaurants, that is a lot of people depending on a year around job to support themselves and their families. Food trucks employ 2-3 people. The out of town food trucks make their money and take that money back to their own towns.

I don't disapprove of the food trucks being downtown during Venetian, just on a permanent basis where it would affect the 17 restaurants and their many employees. We have a lot of very good restaurants in town now, why should we risk destabilizing even just one of them, much less all of them.

Most Sincerely,

Terry Left

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: 2014-15 Fiscal Year Financial Audit Presentation

DATE: October 5, 2015

PRESENTED BY: Annette M. Eustice, CPA, CGFM – Rehmann Robson

ATTACHMENTS: Draft Audited Financial Statements for March 31, 2015 with the Auditors' Communication Letter

BACKGROUND INFORMATION: The City's auditor, Rehmann Robson, has completed their audit of the City's financial statements as of and for the year ended March 31, 2015. Their audit encompassed the financial statements of the City's governmental activities, business-type activities, DDA, each major fund and the aggregate remaining fund information. Annette M. Eustice from Rehmann will present the findings of the audit and present a general overview of the financial health of the City.

With the financial audit now completed, Staff will file the audited financial statements, the F-65 report and the City's and DDA's Michigan Finance Qualifying Statements with the State in order to comply with State requirements. Additionally, Staff will comply with SEC disclosure requirements in regards to the audited financial statements.

RECOMMENDATION: For City Council to accept and approve the audit.

**CHARLEVOIX CITY COUNCIL
AGENDA ITEM**

AGENDA ITEM TITLE: Marion Center Sewer Line Connection

DATE: October 5, 2015

PRESENTED BY: Mark Heydlauff, City Manager

ATTACHMENTS: Letter and enclosures from Edward Engstrom (dated September 10, 2015)
Email from City Attorney Scott Howard (dated September 14, 2015)

BACKGROUND INFORMATION:

Mr. Edward Engstrom is representing a property owner at 05639 Marion Center Road. The property in question is a single-family home (owned by Mr. & Mrs. Keith Bales) that has existed for many years on the site. Recently, the septic system of the home began to fail and the owners request that they be permitted to connect to the City-owned sewer main in the front yard of the home. This sewer line was installed to serve the Charlevoix High School when it was built several years ago; there was litigation involved with this sewer line.

City Attorney Scott Howard has reviewed the issues involving the legal history and a Consent Judgment issued in the case. City Council will need to approve this connection in order for the City to permit the home to be connected to the line; consent from other parties to the litigation will also be necessary. Mr. & Mrs. Bales will be responsible for all tap fees in accord with our ordinance and fee schedule; additionally, they would begin paying the standard sewage rates for a property in Marion Township.

City staff have no objections to adding this customer to our system, if Council is willing to permit the City Manager to sign the proposed Consent Order. Marion Township Supervisor John Martin told me the Marion Township Board of Trustees approved the request and they do not object.

RECOMMENDATION: Authorize the City Manager to give the consent of the City of Charlevoix to connect the residence at 06539 Marion Center Road to the existing sewer main on Marion Center Road in Marion Township

RECEIVED

SEP 14 2015

BARRON & ENGSTROM, P.L.C.
ATTORNEYS AND COUNSELORS AT LAW
P.O. BOX 309
309 PETOSKEY AVENUE
CHARLEVOIX, MICHIGAN 49720

CITY OF CHARLEVOIX

DANIEL B. BARRON
dbarron@barronengstrom.com

TELEPHONE: (231) 547-9950
TELEFAX: (231) 547-2977
beplc@barronengstrom.com

EDWARD F. ENGSTROM
efengstrom@barronengstrom.com

September 10, 2015

Frederick M. Baker, Jr., Esq.
of Counsel
Willingham & Cote' PC
333 Albert Ave., Ste. 500
East Lansing, MI 48823-4394

Karen L. Ferguson, Esq.
Karen L. Ferguson PLC
102 W. Front St., Ste. 403
P.O. Box 6218
Traverse City, MI 49696-6218

William J. Ewald, Esq.
Braun Kendrick Finkbeiner PLC
4301 Fashion Square Blvd.
Saginaw, MI 48603-1250

Gordon W. VanWieren, Esq.
Thrun Law Firm PC
2900 West Rd., Ste. 400
P.O. Box 2575
East Lansing, MI 48826-2575

Scott W. Howard, Esq.
Olson Bzdok & Howard PC
420 E. Front St.
Traverse City, MI 49686-2614

Mr. Kenneth Staley
401 Antrim St.
Charlevoix, MI 49720

Mr. Paul Richards
10301 Old 31 N.
Charlevoix, MI 49720

Mr. Joseph F. Seidel
4136 Marion Center Rd.
Charlevoix, MI 49720

Mr. Kenneth R. Tunison
309 Mason St.
Charlevoix, MI 49720-1226

Mr. Chuck Center
Charlevoix Twp. Supervisor
12491 Waller Rd.
Charlevoix, MI 49720

Mr. John Martin
Marion Township Supervisor
1546 Potter Road
Charlevoix, MI 49720

Dr. Robert G. Mossman
3495 Hunteertown Rd.
Versailles, KY 40383-9198

Mr. Mike Ritter
Superintendent
Charlevoix Public Schools
104 E. St. Mary's Dr.
Charlevoix, MI 49720

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

To Whom It May Concern:

I have been retained by Mr. and Mrs. Keith Bales, who resides at 06539 Marion Center Rd., Charlevoix, MI 49720. They desire to tap into the discharge sewage line that runs to the Charlevoix High School. I have in my possession a Consent Judgment concerning Charlevoix County Circuit Court Case No. 00-57419-CZ in which you were either a party, an interested party and/or an attorney representing a party.

September 10, 2015

Page 2

The Consent Judgment entered on or about June 26, 2002, within Provision 3 addresses an injunction restricting the usage of sewer to the discharge of waste from the school owned facilities. It also indicates the injunction would not be subject to modification until after 2010.

Furthermore, it indicates that before a party applies to the Court to modify the injunction, it must first request from the other parties a stipulation as an exception to the injunction. It also requires the parties to negotiate in good faith to achieve an agreement.

I, of course, am aware that Mr. and Mrs. Bales were part of the above-addressed case. I need you to contact me to confirm whether or not you believe the Bales, through my services, need to obtain a consent order allowing them to tap into the line addressed within this correspondence.

I have reviewed the Sewer System Addition Agreement that arose on or about May 7, 2002, between the City of Charlevoix, Township of Marion, Township of Charlevoix and the Charlevoix Public Schools. It indicates the City of Charlevoix shall handle all administrative matters regarding the sewage usage. It also specifically addresses collection fees which includes property located in "Area C" where Mr. and Mrs. Bales' home exists.

It may be as simple as getting your written consent to allow Mr. and Mrs. Bales to tap into the line at issue. Under those circumstances, I have enclosed a document seeking your consent. You will note I have sent a copy of this correspondence, and the attached consent form, to your prior attorney, if you had one. Please feel free to speak with your attorney regarding any and all issues before you decide whether or not you will sign the enclosed consent form.

If necessary, I will draft a Consent Order for your signatures so I can present it to Judge Hayes.

If you have any questions or concerns, please do not hesitate to give me a call. If you are represented by an attorney, please have your attorney contact me.

Very truly yours,

BARRON & ENGSTROM, P.L.C.

Edward F. Engstrom

EFE/db

Enclosure

**CONSENT TO ALLOW MR. AND MRS. KEITH BALES
TO TAP INTO THE SEWER DISPOSAL LINE THAT RUNS
TO THE CHARLEVOIX HIGH SCHOOL ALONG MARION CENTER ROAD**

I, as the authorized agent and/or representative and/or employee of the City of Charlevoix, have signed this document giving Mr. and Mrs. Keith Bales, who reside at 06539 Marion Center Rd., Charlevoix, MI 49720, consent to tap into the sewer line that runs along Marion Center Road, servicing the Charlevoix High School.

This document is being signed for the sole purposes of giving Mr. and Mrs. Keith Bales the City of Charlevoix's consent to tap into the line addressed above, with the understanding that they will be required to follow the requirements of and pay for the appropriate fees and costs to the City of Charlevoix.

I also acknowledge that if it is necessary for Mr. and Mrs. Bales' attorney, Edward F. Engstrom, to present a Consent Order permitting Mr. and Mrs. Bales to tap into the sewer line regarding Staley v Board of Education, et al, Charlevoix County Circuit Court Case No. 00-57419-CZ, I will sign such a document on behalf of the City of Charlevoix, if its contents are acceptable.

CITY OF CHARLEVOIX

Dated: _____, 2015

By: Mark Heydlauff
Charlevoix City Manager
210 State St., Top Floor
Charlevoix, MI 49720

Linda Weller

From: Scott Howard [Scott@envlaw.com]
Sent: Monday, September 14, 2015 12:04 PM
To: Mark Heydlauff; Pat Elliott
Cc: Linda Weller; Nancy Chmielewski
Subject: Sewer connection request

I have reviewed the letter from Ed Engstrom requesting permission for his client to tie into the City Sewer along Marion Center Road. Since this was the subject of previous litigation, the home owner must seek approval of the parties to the litigation before the connection can be granted. I do not have any objection to the connection, and I understand from Pat that this is an existing home with a failing sewer system. I believe the motivation for the lawsuit was (in part) to prevent new subdivisions being built in reliance on the sewer system. Therefore, this request seems not to be the situation that the plaintiffs in the lawsuit were concerned about.

I do note that, when reviewing the file, I found affidavits signed by certain members of Council (at that time and currently). I mentioned to Pat that we may want to seek Council approval before agreeing to a hook up since this relates to a consent judgment that was presumably entered into by Council at the time.

Scott W. Howard
Olson, Bzdok & Howard, P.C.
www.envlaw.com
scott@envlaw.com

Traverse City Office
420 E. Front St.
Traverse City, MI 49686
(231) 946-0044

Frankfort Office
55 Sunset Drive
P.O. Box 1782
Frankfort, MI 49635
(231) 352-4412

IMPORTANT NOTICE: The information contained in this e-mail transmission is intended only for the use of the addressee. Its contents may be privileged, confidential, and exempt from disclosure under applicable law. If you have received this e-mail in error, please delete it or contact the sender at Olson, Bzdok & Howard, P.C.

**CHARLEVOIX CITY COUNCIL
AGENDA ITEM**

AGENDA ITEM TITLE: Consideration to Approve the Economic Development and Planning Director and Administrative Assistant Job Descriptions

DATE: October 5, 2015

PRESENTED BY: Mark Heydlauff, City Manager

ATTACHMENTS: Economic Development and Planning Director Job Description
Administrative Assistant Job Description
Charlevoix Main Street Executive Director/Grants Specialist Job Description (DRAFT)

BACKGROUND INFORMATION:

With the departure of the previous City Planner & Zoning Administrator, we are proposing a new job description entitled "Economic Development and Planning Director". This position would encompass a larger range of responsibilities, which will include Economic Development and Planning. Earlier this summer, a committee was formed to evaluate the duties of the current Community Economic Development Director (CEDD). We have included a draft job description for your review for the revised position of Charlevoix Main Street Executive Director/Grant Specialist. The committee will be reviewing this soon. I believe it is important for us to look at economic development as a team effort- the person in the Economic Development/Planning position will focus especially on the industrial park and coordinating planning across City departments while the Main Street Executive Director will focus on the downtown while coordinating grants across City departments. I want Charlevoix to be known for sustaining our existing businesses, encouraging expansions, and recruiting new prospects. I believe this team approach will be helpful to achieve this goal.

With the departure of the previous incumbent in the Police Department's "Department Administrative Assistant" position, we are proposing a revised job description. The most significant proposed change is that the new incumbent would work for the Police Chief 65% of their time and assist the City Clerk with her duties approximately 35% of the time.

RECOMMENDATION: Motion to approve the Economic Development and Planning Director and Administrative Assistant Job Descriptions.

CITY OF CHARLEVOIX

Title: Economic Development and Planning Director **FLSA:** Exempt
Department: Planning and Zoning **STATUS:** Full-time, non-union

Reports To: City Manager

Date: October 5, 2015

Position Summary

Under the general supervision of the City Manager, the Economic Development and Planning Director will oversee all aspects of the City's effort to recruit and retain businesses in the Charlevoix area. The position will also supervise high-level planning functions by working with the Planning Commission on updating and following the City's Master Plan, working with the Recreation Department on implementation of the Parks and Recreation Master Plan, and working closely with the Main Street Executive Director on initiatives in the downtown. The position will supervise the Zoning/Code Compliance Specialist and assist with zoning matters as needed.

Essential Job Functions

- In conjunction with other staff, develop recruitment packages for new business prospects.
- Identify opportunities to market the Charlevoix area to potential businesses and site selectors.
- Work closely with colleagues at the Michigan Economic Development Corporation, the Northern Lakes Economic Alliance, and other state and regional partners.
- Using existing studies and research on the Charlevoix area, help develop a strategy for recruiting and retaining businesses in the Charlevoix area.
- Call-on and work closely with existing Charlevoix businesses to encourage retention and offer assistance where possible.
- Seek various certifications for area business parks and related activities.
- Lead effort toward Redevelopment Ready Community Certification.
- Prepare and administer departmental budget and oversee all other financial aspects of the department including purchasing, overtime requests, timesheets, expense reports, and other items.
- Work with Planning Commission on updating and reviewing Charlevoix Master Plan and overall land use planning.
- Work closely with Main Street Program, Recreation Department, and other departments to integrate planning across City departments.
- Assist with site plan review, re-use review, and other significant planning and zoning projects.
- Act as liaison between City, developers, real estate contacts, architects, citizens, other governmental agencies, and municipal professionals regarding planning, zoning, economic development and related matters.
- Provide professional advice, technical assistance, support, written and oral communication regarding land use to a variety of elected and appointed officials.
- Review subdivision plans and coordinate findings with other City departments.
- Evaluate a development or business proposal in light of the Master Plan and other land use policies.

- Provide technical assistance to the City Council, the Historic District Commission, the Historic District Study Committee, and the general public on historic preservation, historic districts, and associated state and federal statutes.
- Ongoing education regarding changes in land use planning, economic development, and related field.
- Communicate to the City Manager, City Council, and other boards and committees changes in land use planning, state and federal law, economic development policy, and other relevant topics.
- Attendance at various meetings and events in the evening, morning, and weekends including but not limited to: department head meetings; City Council; Planning Commission; Zoning Board of Appeals; Main Street/DDA; Recreation Advisory Committee; Historic District Commission/Study Committee; Chamber of Commerce; and, others as assigned.
- Make such reports as the City Manager may require.
- All other duties as assigned.

Minimum Qualifications (Knowledge, Skills, and Abilities)

Education

The ideal candidate shall have a Bachelor's Degree in urban planning, economic development, land use design, architecture, political science, business, or a related field. A Master of Urban Planning (MUP) or Master of Public Administration (MPA) is strongly preferred. AICP, MEDA, and other similar economic development and planning certifications are strongly preferred.

Experience

The ideal candidate shall have at least five years of experience in a planning, zoning, and/or economic development capacity that includes the following experience:

- Knowledge of state and local land-use planning and economic development ordinances, regulations, and policies
- Knowledge of the site plan review and inspection process
- Experience in a supervisory capacity preferred
- Skill in public relations, marketing, and presenting
- Ability to establish good working relationships with a variety of local and non-local stakeholders, regulators, residents, appointed boards, and elected officials
- Skill in using office equipment, software, computer hardware, and related tasks
- Ability to critically assess situations and solve problems and work effectively under stress, within deadlines, and changes in work priorities
- Knowledge of municipal operations as they relate to development, land-use, and growth

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.

City Council approved: Pending

- At the direction of the Police Chief, initiate the hiring process for seasonal employees. Also perform clerical and administrative aspects of application and selection for seasonal and other employees.
- Act as a departmental liaison with external (County, State, and Federal) agencies and internal (City Treasurer's and Human Resources', etc.) offices. For example, process ticket report and monies monthly through Treasurer's Office and run criminal background checks for HR as needed. Represent the City of Charlevoix to its public (visitors and residents).
- Maintain departmental files, including sensitive legal records, to ensure easy and quick access. Perform records management for Police Department.
- Maintain office supplies and departmental gear (non-ammunition), as authorized.
- Compile and/or coordinate Freedom of Information Act (FOIA) requests with responsible departments and maintain copies of responses.
- Provide assistance to the City Clerk's office with election related responsibilities, permanent records management and other duties/projects as assigned.
- Provide backup assistance to the City Manager Office if the Executive Assistant is not available for meeting packet preparation for City commissions and councils (e.g. Planning Commission, City Council, Zoning Board of Appeals, Historical Commission, etc.). May perform other City Manager office tasks as necessary.

Minimum Qualifications (Knowledge, Skills, and Abilities)

- High school diploma or equivalent required. College degree and/or completion of relevant administrative, secretarial or law enforcement training program(s) preferred.
- Minimum of three years progressively responsible clerical, secretarial, and administrative experience or mix of education and experience required. Familiarity with law enforcement preferred.
- PC proficiency and fast, accurate keyboard skills. Experience using MS Office Suite (WORD, EXCEL, OUTLOOK, PUBLISHER).
- Honesty and the ability to pass a Federal background check, including fingerprinting and drug screening.
- Professional demeanor and strong oral and written communication skills. Ability to deflect hostility and to deal with difficult people.
- Able to maintain strict confidentiality.
- Mature judgment and the ability to think and act quickly.
- Ability to use discretion and objectivity when dealing with sensitive/confidential material.
- Able to multitask and to prioritize work.

Certification:

- Must be able to be certified by LEIN and MCOLES
- Able to obtain certification as notary desired.

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.

City Council approved: Pending

**CITY OF CHARLEVOIX
CHARLEVOIX MAIN STREET/DDA**

Title: Charlevoix Main Street Executive Director/Grant Specialist **FLSA:** Exempt
STATUS: Full-time, non-union

Department: Main Street/DDA

Reports To: Main Street/DDA Board and City Manager

Date:

Position Summary

Under the general supervision of the Main Street/DDA Board and the City Manager, the Executive Director of Charlevoix Main Street will oversee, direct and support all aspects of the Downtown Development Authority and the Charlevoix Main Street Program. The position will also coordinate, plan, research, write, and assist with various grant programs and applications within various City departments and also identify potential donors and cultivate relationships to explore philanthropy toward City projects and programs. The Executive Director will supervise various staff and volunteers as needed. Working closely with the Economic Development and Planning Director, the Executive Director promotes public participation, excellence in design, redevelopment-ready administrative processes, historic preservation and rehabilitation and the effective development and utilization of city, county, state, and federal regulations.

Essential Job Functions

- Manages and supervises operations of the DDA and the Charlevoix Main Street Program.
- Create an organizational/operational structure based on the four-point Main Street approach of economic revitalization and serve as the visible contact person for the Main Street Program.
- Oversee operations of the Charlevoix Farmer's Market.
- Work closely with colleagues at the Michigan Main Street Center, Michigan State Housing Development Authority, Michigan Economic Development Corporation, the Northern Lakes Economic Alliance, other state and regional partners; Serves as a liaison between the City of Charlevoix and the Chamber of Commerce, the Convention and Visitors Bureau, and, other public, private or nonprofit groups and associations
- Utilize the Michigan Main Street services to lead strategy for recruiting, retaining and marketing businesses in the Charlevoix area.
- Prepare and administer departmental budget and oversee all other financial aspects of the department including purchasing, overtime requests, timesheets, expense reports, and other items.
- Creates and maintains productive Main Street Committees (Design, Organization, Promotions and Economic Restructuring) through volunteer recruitment and leadership development, committee chair recruitment and development, education and training opportunities, and attends all meetings; provides leadership and support as needed.
- Provides professional advice to DDA/Main Street Board, Charlevoix City Council, Planning Commission, Historic District Commission, Recreation Department and any other relevant City departments regarding the activities and financial conditions as directed
- Oversees the writing, editing, and production of publications and other promotional and informational materials; directs/implements preparation of materials for media.

- Provides technical assistance to business owners, property owners, and developers in the areas of business development, finance, relations with public agencies and other types of assistance needed for downtown development and project development.
- Resolves complex and sensitive customer service issues.
- Direct efforts at business retention, expansion, and recruitment, including providing information, expertise, and appropriate referrals to business owners, marketing Charlevoix Main Street Program to outside businesses, working with developers and building owners to enhance the quality of retail and commercial businesses and the quality of their retail/commercial space.
- Attend all city department head meetings
- Facilitate collaboration with the Planning Department and other departments as needed on site plan review, planning projects, zoning and permitting. Create defined administrative processes and communication for business/property owners.
- Responsible for maintenance and updates to Main Street website and social media sites.
- Perform other duties as may be assigned from time to time by the Board of Directors and/or the City Manager
- Become familiar and closely communicate with all persons and groups directly or indirectly involved in the downtown commercial district.
- Identify potential grant opportunities; research, write, and manage grant applications for all City departments
- Work proactively with grant makers to channel new funding to Charlevoix
- Assess and lead crowd funding efforts where appropriate
- Perform grant audits, follow-up reviews, and presentations as required; coordinate documentation for grant close-outs
- Assist departments as necessary complying with grant administration requirements.
- Identify potential donors and cultivate relationships to explore philanthropy toward City projects and programs
- Coordinate interdepartmental projects as assigned

Minimum Qualifications (Knowledge, Skills, and Abilities)

Education

The ideal candidate shall have a Bachelor's Degree in urban planning, economic development, land use design, architecture, political science, business, or a related field. A Master of Public Administration (MPA) is strongly preferred. MEDA and other similar economic development, Main Street, and other relevant certifications are strongly preferred.

Experience

The ideal candidate shall have at least five years of experience in a high-level municipal operations:

- Experience in a supervisory capacity preferred
- Skill in public relations, marketing, and presenting
- Ability to establish good working relationships with a variety of local and non-local stakeholders, regulators, residents, appointed boards, and elected officials
- Skill in using office equipment, software, computer hardware, and related tasks
- Ability to critically assess situations and solve problems and work effectively under stress, within deadlines, and changes in work priorities
- Knowledge of municipal operations as they relate to development, land-use, and growth

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.

City Council approved: Pending

**CHARLEVOIX CITY COUNCIL
AGENDA ITEM**

AGENDA ITEM TITLE: Consideration of Section 3 Economic Opportunities Policy Resolution

DATE: October 5, 2015

PRESENTED BY: Mark L. Heydlauff, City Manager

ATTACHMENTS: Resolution

BACKGROUND INFORMATION: In the summer of 2014, Governor Rick Snyder allocated funds to help cities repair infrastructure that was damaged in the winter of 2013-14. The City of Charlevoix received a CDBG grant from the US Department of Housing and Urban Development in the amount of \$114,229 to repair and replace broken and frozen water lines in the City owned public right-of-way.

The CDBG requires the City to adopt its Economic Opportunities Policy for Section 3 Covered Contracts policy. The City Attorney and City Clerk have reviewed the policy and have no concerns with the Section 3 policy. The Attorney stated "that the Section 3 policy should either be added to the existing purchasing policy or adopted separately and then cross referenced in the existing policy. In either case, we should include language that states that, for any Section 3 contract, the Section 3 policy governs and shall apply in the case of a conflict with any other provision in the purchasing policy. "

RECOMMENDATION: Staff is requesting Council make a motion to adopt proposed Resolution 2015-10-01.

**CITY OF CHARLEVOIX
RESOLUTION NO. 2015-10-xx
ECONOMIC OPPORTUNITIES POLICY FOR SECTION 3 COVERED CONTRACTS**

- WHEREAS,** the City of Charlevoix is desirous to obtain funding from the US Department of Housing and Urban Development (HUD) and its Community Development Block Grants (CDBG) program, and
- WHEREAS,** HUD requires the adoption of its Economic Opportunities Policy for Section 3 Covered Contracts policy in order to qualify for said funding; and
- WHEREAS,** Section 3 policy governs and shall apply in the case of a conflict with any other provision in the purchasing policy.
- NOW, THEREFORE, BE IT RESOLVED** that the City of Charlevoix City Council hereby adopts the following Economic Opportunities Policy for Section 3 Covered Contracts policy and make it part of the City's Purchasing Guidelines.
-

**CITY OF CHARLEVOIX
Economic Opportunities Policy for Section 3 Covered Contracts**

Background:

Section 3 of the Housing and Urban Development Act of 1968, as amended, ("Section 3") requires that economic opportunities generated by certain U.S. Department of Housing and Urban Development financial assistance for housing and community development programs be directed to low and very low income persons, particularly those who are recipients of government assistance for housing, and business concerns which provide economic opportunities to low and very low income persons.

Pursuant to Section 3 of the Housing and Urban Development Act of 1968, as amended and 24 CFR Part 135, The City of Charlevoix adopts this Economic Opportunities Policy for Section 3 Covered Contracts. The policy will provide direction for implementing Section 3, when required.

Policy Statement:

The City of Charlevoix shall provide opportunities to low and very low income persons residing in the State of Michigan (as defined in § 135.5 of 24 CFR Part 135) and to businesses meeting the definition of "Section 3 Business Concern" (as defined by 24 CFR Part 135). Accordingly, the City of Charlevoix shall implement policies and procedures to ensure that Section 3, when required, is followed and develop programs and procedures necessary to implement this policy covering all procurement contracts where labor and/or professional services are provided. This policy shall not apply to contractors who only furnish materials or supplies through Section 3 covered assistance. It will apply to contractors who install materials or equipment. (See the definition of "Section 3 Covered Contracts" below.) There is nothing in policy that should be construed to require the employment or contracting of a Section 3 resident or contractor who does not meet the qualifications of the position to be filled or who cannot fulfill the contract requirements.

Definitions:

The City of Charlevoix incorporates into this policy the definitions contained in § 135.5 of 24 CFR Part 135.

Defined Terms of Policy:

- **Section 3** – Section 3 is a provision of the Housing and Urban Development Act of 1968, which recognizes that HUD funds are typically one of the largest sources of federal funding expended in communities through the form of grants, loans, entitlement allocations and other forms of financial assistance. Section 3 is intended to ensure that when employment or contracting opportunities are generated because a covered project or activity necessitates the employment of additional persons or the awarding of contracts for work, preference must be given to low and very low income persons or business concerns residing in the community where the project is located.
- **Section 3 Recipient** – means any entity which receives Section 3 covered assistance, directly from HUD or from another recipient and includes, but is not limited to, any State, unit of local government, PHA, IHA, Indian tribe, or other public body, public or private nonprofit organization, private agency or institution, mortgagor, developer, limited dividend sponsor, builder, property manager, community housing development organization, resident management corporation, resident council, or cooperative association. Recipient also includes any successor, assignee or transferees of any such entity, but does not include any ultimate beneficiary under the HUD program to which Section 3 applies and does not include contractors.
- **Section 3 Resident** – A section 3 resident is 1) a public housing resident; or 2) a low or very low income person residing in the metropolitan area or Non-metropolitan County in which the Section 3 covered assistance is expended.
- **Section 3 Business Concern(s)** – Section 3 Business Concerns are businesses that can provide evidence that they meet one of the following:
 - a) 51% or more owned by Section 3 residents; or
 - b) at least 30% of its full time employees include persons that are currently Section 3 residents, or within three years of the date of first employment with the business concern were Section 3 residents; or
 - c) provides evidence, as required, of a commitment to subcontract in excess of 25% of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications in the above two paragraphs.
- **Section 3 Covered Assistance** –
 - (a) Public and Indian housing development, operating or capital funds; or other housing assistance and community development assistance expended for housing rehabilitation, housing construction or other public construction projects, such as: CDBG, HOME, 202/811, Lead-Based Paint Abatement, etc.
 - (b) The following definition for Section 3 Covered Assistance comes from 24 CFR 135.5:
 - (1) Public and Indian housing development assistance provided pursuant to section 5 of the 1937 Act;
 - (2) Public and Indian housing operating assistance provided pursuant to section 9 of the 1937 Act;
 - (3) Public and Indian housing modernization assistance provided pursuant to section 14 of the 1937 Act;
 - (4) Assistance provided under any HUD housing or community development program that is expended for work arising in connection with:
 - (i) Housing rehabilitation (including reduction and abatement of lead-based paint hazards, but excluding routine maintenance, repair and replacement);
 - (ii) Housing construction; or
 - (iii) (Other public construction project (which includes other buildings or improvements, regardless of ownership).

- **Section 3 Covered Contract** – means a contract or subcontract (including a professional service contract) awarded by a recipient or contractor for work generated by the expenditure of Section 3 Covered Assistance, or for work arising in connection with a Section 3 Covered Project. "Section 3 Covered Contracts" do not include contracts awarded under HUD procurement program, which are governed by the Federal Acquisition Regulation System (see 48 CFR, Chapter 1). "Section 3 Covered Contracts" also do not include contracts for the purchase of supplies and materials. However, whenever a contract for materials includes the installation of the materials, the contract constitutes a Section 3 Covered Contract. For example, a contract for the purchase and installation of a furnace would be a Section 3 Covered Contract because the contract is for work (i.e., the installation of the furnace) and thus is covered by Section 3.
- **Section 3 Covered Project** – A Section 3 covered project involves the construction or rehabilitation of housing (including reduction of lead-based paint hazards), or other public construction such as street repair, sewage line repair or installation, updates to building facades, etc.
- **Section 3 Covered Community Planning and Development Funding** – Community Development Block Grants (CDBG), Home Investment Partnership Assistance (HOME), Emergency Shelter Grants (ESG), Neighborhood Stabilization Programs (NSP), and certain grants awarded under HUD Notices of Funding Availability (NOFAs). The requirements for Section 3 only apply to the portion(s) of covered funding that were used for project/activities involving housing construction, rehabilitation, demolition, or other public construction.

Responsibilities:

1. The City of Charlevoix that receives community development or housing assistance covered by Section 3 has the responsibility to comply with Section 3 in its own operations. This responsibility includes:
 - a. Notifying Section 3 residents and businesses about jobs and contracts generated by Section 3 covered assistance so that residents may seek jobs and businesses may submit bids/proposals for available contracts;
 - b. Notifying potential contractors of the objectives of Section 3 and ways in which each contractor can assist the sub-recipient to meet its goal;
 - c. Facilitating the training and employment of Section 3 residents and the award of contracts to Section 3 business concerns; and
 - d. Documenting the action that the sub-recipient takes to comply with the Section 3 requirements, the results of the actions, and impediments, if any.
2. The City of Charlevoix has a responsibility to "ensure compliance" of their contractors and subcontractors. This means that a sub-recipient must:
 - a. Notify contractors of their responsibilities under Section 3 including, but not limited to, incorporating the Section 3 Clause in contract documents.
 - b. Refrain from entering into contracts with contractors that are in violation of the regulations in 24 CFR Part 135.
 - c. Respond to complaints made to the recipient by Section 3 residents or business concerns that the sub-recipient, a contractor or subcontractor, is not in compliance with 24 CFR Part 135.
 - d. Cooperate with HUD in obtaining the compliance of contractors and subcontractors when allegations are made that the sub-recipient's contractors and subcontractors are not in compliance with the regulation of 24 CFR Part 135.

Goals:

All contractors undertaking Section 3 covered projects and activities are expected to meet the Section 3 requirements.

To demonstrate compliance with the "greatest extent feasible" requirement of Section 3, contractors must meet the goals set forth below for providing training, employment and contracting opportunities to Section 3 residents and Section 3 business concerns. To meet the goals, contractors must select Section 3 residents based on the following priorities pursuant to § 135.34, 24 CFR Part 135:

First Priority - Residents of the development where the work is to be performed.

Second Priority - Other residents of the neighborhood where the work is to be performed.

Third Priority - Other residents of the neighborhood who are participants in HUD- Youthbuild or others federal, state, and local job programs being carried out in the city or county area.

Fourth Priority - Other persons from the project metropolitan area who meet the definition of Section 3 resident contained in § 135.5 of 24 CFR Part 135.

Employment:

All contractors will seek low or very low income persons residing in the property metropolitan area for 30% of all new hires. When applicable, the contractor must show evidence of seeking project residents for 15% of the new hires.

Eligibility for employment or contracting nothing in this policy shall be construed to require the employment or contracting of a Section 3 resident or contractor who does not meet the qualifications of the position to be filled or who cannot perform the contract.

Preference for Section 3 Business Concerns:

Preference shall be awarded to Section 3 Business Concerns according to the following system:

- A. Where the Section 3 Covered Contract is to be awarded based upon the lowest price, the contract shall be awarded to the qualified Section 3 Business Concern with the lowest responsive quotation, if it is reasonable and no more than 10 percent higher than the quotation of the lowest responsive quotation from any qualified source. If no responsive quotation by a qualified Section 3 Business Concern is within 10 percent of the lowest responsive quotation from any qualified source, the award shall be made to the source with the lowest quotation.
- B. Where the Section 3 Covered Contract is to be awarded based on factors other than price, a request for quotations shall be issued by developing the particulars of the solicitation, including a rating system for the assignment of points to evaluate the merits of each quotation. The solicitation shall identify all factors to be considered, including price or cost. The rating system shall provide for a range of 15 to 25 percent of the total number of available rating points to be set aside for the provision of preference for Section 3 Business Concerns. The purchase order shall be awarded to the responsible firm whose quotation is the most advantageous, considering price and all other factors specified in the rating system.

Competitive Bids: Procurement by Sealed Bids (Invitations for Bids)

Preference in the award of Section 3 Covered Contracts that are awarded under a sealed bid process may be provided as follows:

Bids shall be solicited from all businesses (Section 3 Business Concerns, and non-Section 3 Business Concerns). An award shall be made to the qualified Section 3 Business Concern with the highest priority ranking and with the

lowest responsive bid if that bid—

1. Bids shall be solicited from all businesses (i.e. Section 3 Business Concerns and non- Section 3 Business Concerns). An award shall be made to the qualified Section 3 Business Concern with the highest priority ranking (as defined in 24 CFR Part 135) and with the lowest responsive bid if that bid:

A.) is within the maximum total contract price established in The City of Charlevoix's budget for the specific project for which bids are being taken; and

B.) is not more than "X" higher than the total bid price of the lowest responsive bid from any responsible bidder. "X" is determined as follows:

X = lesser
of:

When the lowest responsive bid is less than \$100,000 10% of that bid or \$9,000

When the lowest responsive bid is:

At least \$100,000, but less than \$200,000	9% of that bid or \$16,000
At least \$200,000, but less than \$300,000	8% of that bid or \$21,000
At least \$300,000, but less than \$400,000	7% of that bid or \$24,000
At least \$400,000, but less than \$500,000	6% of that bid or \$25,000
At least \$500,000, but less than \$1 million	5% of that bid or \$40,000
At least \$1 million, but less than \$2 million. . . .	4% of that bid or \$60,000
At least \$2 million, but less than \$4 million. . . .	3% of that bid or \$80,000
At least \$4 million, but less than \$7 million. . . .	2% of that bid or \$105,000
\$7 million or more	1.5% of the lowest responsive bid, with no dollar limit.

2. If no responsive bid by a Section 3 Business Concern meets the requirements of paragraph 1 of this section, the contract shall be awarded to a responsible bidder with the lowest responsive bid.

3. In both paragraph 1 and 2 above, a bidder, to be considered as responsible, must demonstrate compliance with the "greatest extent feasible" requirement of Section 3.

Compliance

HUD holds MSHDA accountable for compliance with Section 3 requirements. In its written agreement with its housing partners, MSHDA will site Section 3 obligations. When a housing partner is unable to meet Section 3 goals, MSHDA will place the burden of proving compliance with Section 3 on the recipient.

The minimum numerical goal for employment is 30 percent of the aggregate number of new hires shall be Section 3 residents annually—i.e., 1 out of 3 new employees needed to complete a Section 3 covered project/activity shall be a Section 3 resident.

The minimum goals for contracting are:

- Ten percent of the total dollar amount of all Section 3 covered contracts for building trades work for maintenance, repair, modernization or development of public or Indian housing or building trades work arising in connection with housing rehabilitation, housing construction and other public construction, shall be awarded to Section 3 businesses; and
- Three percent of the total dollar amount of all non-construction Section 3 covered contracts, shall be awarded to Section 3 businesses.

Safe harbor and compliance determinations: In the absent of evidence to the contrary (i.e., evidence that efforts to the

"greatest extent feasible" were not expended), if the City of Charlevoix or contractor meets the minimum numerical goals shown above, the recipient or contractor is considered to have complied with Section 3 preference requirements.

The City of Charlevoix will be expected to demonstrate why it was not feasible to meet the goals. At a minimum, if recipients of Section 3 Assistance are unable to meet their Section 3 training, hiring, and contracting goals, they should sponsor or participate in upward mobility programs, hire eligible residents in trainee positions with regard to training and employment, or form Section 3 joint ventures with various local employment agencies.

Data Collection and Reporting:

The City of Charlevoix will collect and submit required Section 3 data and complete Section 3 reporting requirements.

RESOLVED, this ___ day of October, A.D. 2015

Resolution was adopted by the following yea and nay vote:

Yeas:

Nays:

Absent:

**CHARLEVOIX CITY COUNCIL
AGENDA ITEM**

AGENDA ITEM TITLE: Compensation Commission Report

DATE: October 5, 2015

PRESENTED BY: Mark Heydlauff, City Manager

ATTACHMENTS: Minutes of the Charlevoix Compensation Commission (September 14, 2015)

BACKGROUND INFORMATION:

Pursuant to the Charlevoix City Charter (section 2.11) and the Charlevoix City Code (Chapter 3), the Compensation Commission met recently. They decided not to change pay rates for the Mayor and City Council. This decision will take effect unless you act to reject it. Since the rates are unchanged, an act to reject would have no effect.

RECOMMENDATION: Council discussion.

CITY OF CHARLEVOIX
COMPENSATION COMMISSION MEETING MINUTES
Monday, September 14, 2015 — 11:00 a.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

I. Call to Order – Roll Call

The meeting was called to order at 11:00 a.m. by Chairman John Campbell.

Members Present: Ken Staley, Dale Meredith, John Campbell, John Kurtz and Conrad Klooster

Clerk: Joyce Golding

Absent: None

II. Inquiry Regarding Possible Conflicts of Interest

None.

III. Public Comment

None.

IV. General Business

A. Remove City Clerk from Commission's Charge

Chair Campbell stated that the City Clerk's compensation is no longer under the control of the Commission due to the passage of the ballot proposal in August 2014 making the City Clerk an appointed position.

Motion by Member Kurtz, second by Member Meredith to remove the City Clerk from the Commission's charge. Motion passed by unanimous voice vote.

B. Mayoral Compensation Review

Chair Campbell reviewed the current compensation for the Mayor and Council. Clerk Golding read from the Compensation Commission meeting minutes of February 16, 2011 and cited the following:

- Mayor base salary \$2,640 per year
- Council base salary \$1,320 per year
- Council and Mayor's travel reimbursement per the City's Travel Expense Reimbursement policy
- Out-of-Town meetings \$75 per day (25 or more miles away)
- In-Town meetings \$50 per day
- Mayor and Council incremental compensation for additional years of service \$150 per year
- [Mayoral car allowance for travel mileage reimbursement within Charlevoix County at \$150 per quarter]

Discussion ensued regarding any potential increases, the length of meetings and travel reimbursement. Member Meredith questioned whether the Mayor or Council had requested an increase and the consensus was that no one had voiced a concern. Member Kurtz suggested that compensation should remain the same.

Motion by Member Meredith, second by Member Kurtz to leave compensation as is [per the Compensation Committee minutes of February 16, 2011] and review again in the future if needed. Motion passed by unanimous voice vote.

C. Councilmembers Compensation Review

This agenda item was discussed and decided upon concurrently with the Mayor's compensation above.

V. Miscellaneous Business

Chair Campbell and the members questioned the Clerk with regards to her current working arrangement. Clerk Golding responded that it is a challenge to have a part-time hours with full time responsibilities. Members recalled having similar discussions with former Clerks regarding the same issue.

Chair Campbell directed the Clerk to assemble previous minutes regarding the issue. It was the consensus of the Commission to provide a recommendation to the City Manager based upon previous Commission discussions as the most appropriate course of action. Chair Campbell will present the information to the City Manager at a later date for his consideration. Member Klooster stated that this issue has "stalled" and needs someone to move it forward.

At Chair Campbell's questioning, Clerk Golding stated that she does have a Deputy Clerk whose job description indicates 25% of the Deputy's hours are assigned to the Clerk's Office. Clerk Golding indicated that currently, she is not receiving those hours because her Deputy's time is stretched very thin. Member Meredith recalled a similar conversation with the previous Clerk. He also stressed for the record, that the topic of part-time/full-time was initiated by the Commission and not the current Clerk.

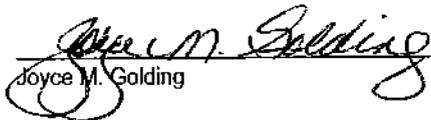
VI. Motion to Appoint the Chair to Approve the Minutes

Motion by Member Kurtz, second by Member Meredith, to appoint the Chair to approve the minutes, according to *Roberts Rules of Order, Newly Revised, 10th Edition*, [© 2000, Henry M. Robert, III], p. 456 l. 19-21; p. 457 l. 21-32, p. 458 l. 7-9.
Motion passed by unanimous voice vote.

Chair Campbell asked whether anyone else would like to be the next Chairperson. It was generally agreed that Chair Campbell should continue in his position and was thanked by the members for his service.

VII. Adjourn

Motion by Member Kurtz, second by Member Klooster to adjourn. Motion passed by unanimous voice vote.
Meeting adjourned at 11:20 a.m.



Joyce M. Golding City Clerk



John Campbell Chairman

**CHARLEVOIX CITY COUNCIL
AGENDA ITEM**

AGENDA ITEM TITLE: Request to Set a Public Hearing to Amend Title II, Utilities and Services, Chapter 22, City Water Utility, Section 2.52

DATE: October 5, 2015

PRESENTED BY: Patrick Elliott, DPW Superintendent

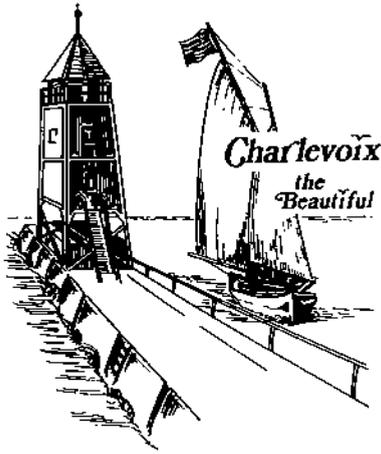
ATTACHMENTS: Proposed Ordinance Amendments as provided by City Attorney Howard

BACKGROUND INFORMATION:

Due to some uncertainty with the wording within Chapter 22, City Water Utility, of the City of Charlevoix City Code, Staff is recommending that we make the amendments to the ordinance as per the attachment from City Attorney Scott Howard. By making these amendments there will be clear definition as to who is responsible for maintaining what portions of a water service line. The changes that we are proposing are consistent with past practices with regards to who pays for maintaining what portions of a water service.

RECOMMENDATION:

Set a public hearing for Monday, October 19, 2015 to consider amending Title II, Utilities and Services, Chapter 22, City Water Utility, Section 2.52



CITY OF CHARLEVOIX

210 STATE ST. CHARLEVOIX, MICH. 49720

CITY OF CHARLEVOIX Ordinance No. 774 of 2015

AN ORDINANCE TO AMEND TITLE II,
UTILITIES AND SERVICES
CHAPTER 22, CITY WATER UTILITY
SECTION 2.52 – SERVICE CONNECTIONS

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Amend Section 2.52 Service Connections of Title II, Chapter 22 of the Charlevoix City Code as follows:

2.52. Service Connections.

Applications for water connections shall be made to the Department on forms prescribed and furnished by the Department. Water connections, water connection upgrades and water meters shall be installed in accordance with rules and regulations of the Department and upon prior payment of the required connection fee and installation fee. All meters and ~~water connections~~ shall be the property of the City. The City shall be responsible for maintenance, repair and replacements of water meters from normal wear and tear; the property owner shall be responsible for maintenance, repair and replacement for damage to the water meter not from normal wear and tear, including neglect, freezing pipes or other physical damage to the meter. Connection fees and connection upgrade fees shall not be less than the cost of materials, installations, and overhead attributable to such installations. Connection fees, connection upgrade fees and meter installation fees shall be paid to the City at the time the application is filed, and shall be in such amounts as the Council shall, from time to time, determine by resolution. The required connection fee and meter installation fee shall be charged to each property served. The City shall own all water lines to the first point of isolation, which is the first curb stop valve. The City shall own and be responsible for maintaining the water connection from the point it leaves the main line to the the first point of isolation, which is the first curb stop valve. The property owner shall own and be responsible for maintaining the water connection from the first point of isolation to the structure the service line is feeding, even if all or some of the water connection is within the road right-of-way. The property owner shall notify the City of any work to be done in the road right-of-way prior to commencing work in the road right-of-way. The property owner shall be responsible to restore the road right-of-way to its previously existing condition upon completion of any work in the road right-of-way.

SECTION 2. Severability.

No other portion, paragraph or phase of the Code of the City of Charlevoix, Michigan shall be affected by this Ordinance except as to the above sections, and in the event any portion, section or subsection of this

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Set Public Hearing for IFEC for Michigan Scientific Corporation

DATE: October 5, 2015

PRESENTED BY: Mark L. Heydlauff, City Manager

ATTACHMENTS: None

BACKGROUND INFORMATION: Michigan Scientific Corporation is currently working on a building expansion and is seeking an Industrial Facilities Exemption Certificate (IFEC). An IFEC will cut in half the tax bill on the new building for a period of years set by Council; the period cannot exceed 12 years.

Currently the company employs 60 people in Charlevoix. They are currently seeking two more employees and anticipate hiring up to five more employees following completion of this project.

Pursuant to Public Act 198 of 1974, Council must hold a public hearing prior to considering the IFEC request. I would propose you set the public hearing for October 19, 2015 at 7pm at City Hall. At that time, Sara Christensen from the Northern Lakes Economic Alliance and a company representative will discuss project details with you. The project has already received zoning approval.

RECOMMENDATION: Council to approve a motion to set a public hearing for October 19, 2015 at 7pm in the Council Chambers of City Hall on a request from Michigan Scientific Corporation for an Industrial Facilities Exemption Certificate.