

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, March 5, 2012 — 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 Norman L. Carlson, Jr.

I. Pledge of Allegiance

II. Roll Call of Members Present

Mayor: Norman L. Carlson, Jr.
City Attorney: Bryan Graham
City Manager: Rob Straebel
City Clerk: Carol A. Ochs
Members Present: Council members Lyle Gennett, Dennis Kusina, Jill Picha, Greg Stevens, Bryan Vollmer, Shane Cole
Absent: None

III. Inquiry Regarding Possible Conflicts of Interest
None.

IV. Consent Agenda

The following items were approved and filed:

- A. Approval of Minutes – February 20, 2012 Regular Meeting Minutes
- B. Accounts Payable Check Register – February 22, 2012
- C. Accounts Payable Check Register – March 6, 2012
- D. Tax Disbursement – March 6, 2012
- E. ACH Payments – February 17, 2012 – March 2, 2012
- F. Payroll Check Register – March 2, 2012
- G. Payroll Transmittal – March 2, 2012

V. Public Hearings

A. Public Hearing on a Proposed Ordinance to Amend Title V of the City Code to Adopt Zoning Regulations for Medical Marijuana

City Planner Mike Spencer was available to review the item and answer questions from Council. The Planning Commission held a second public hearing and approves the changes. There is one additional language change to the ordinance: a 500 foot buffer will remain around the public library and B.A.S.E.S. teen center; these buffers are reflected on the ordinance map. The Mayor opened the public hearing at 7:03 p.m.

Jason Staph disagreed that the City has authority to require permits, stating that this will require him to release confidential medical information, which is a violation of the State statute. He requested that the City withdraw the permit process.

The Attorney stated that there is nothing in this zoning ordinance amendment that requires a primary caregiver to provide any medical information or patient records. They must show their caregiver registry card. A caregiver is not a qualifying patient with a medical condition. This information will be exempt from public disclosure under the Freedom of Information Act; the records will need to be kept confidential. The City is regulating land use, not medical marijuana. These zoning permit regulations do not apply for patients.

Mr. Staph stated he opposed providing documentation.

The Mayor closed the public hearing at 7:14 p.m.

Council confirmed the intent to have the B.A.S.E.S. teen center and the library 500 foot buffer zones included in the ordinance language.

Action by ordinance.

B. Public Hearing on a Resolution to Amend the DCL Industrial Development District

The Clerk reviewed that the resolution will add an adjacent parcel to an already existing industrial development district.

The Mayor opened the public hearing at 7:16 p.m. There were no comments from the audience. The Mayor closed the public hearing at 7:16 p.m. Action by resolution.

VI. Reports

The Manager thanked Recreation Director Teresa Hart and her staff for a great Winterfest at Mt. McSaubia.

The Manager commended the Electric and Street Departments for their excellent performance during the weekend snowstorm.

The Manager informed Council that there had been a plow accident at the Airport that did extensive damage to the fuel form. The 100LL fuel for the smaller planes is still operational; the jet fuel dispenser is extensively damaged and will take a few months to fix. Airport Manager Matt Bailey did have a tanker truck that was storing extra jet fuel that will get the Airport through the week. They are looking at short term fix of filtering the jet fuel in the storage tanks into a dispensing truck. Fortunately there is not a lot of jet traffic this time of year. Staff is working with the insurance company to get the farm repaired as quickly as possible.

The Manager talked to Council about pursuing grant funding for an additional dock at the marina for larger boats. The first step would be to submit a preliminary engineering report. Council discussed the timeline for a possible Coast Guard ship in the future and the timeline for recouping the investment in the dock. Council generally agreed to proceed forward with the preliminary engineering report.

VII. Requests, Petitions and Communications and Actions Thereon

A. Discussion Regarding Curb Extensions at the Intersection of Bridge and Clinton Streets

Street Superintendent Pat Elliott was available to address the item and answer questions from Council. Jim Malewitz from Performance Engineers was also available for questions. MDOT has proposed some changes to realign the west side of the Clinton intersection.

Councilmember Lyle Gennett spoke against the curb extensions, expressing concern for emergency vehicle access. He thinks it creates a bottleneck and will make traffic problems worse. Mr. Malewitz tried to address Mr. Gennett's concerns and stated that Fire Chief Paul Ivan had been consulted and approved these plans.

Mr. Malewitz stated the effort is to make this intersection more efficient for pedestrian movement, shortening pedestrian crossing times to leave longer green time for vehicle traffic. Mr. Gennett again stated he is opposed to the plans and thinks it could make the problems worse.

Councilmember Greg Stevens asked about using the intersection, stating that the plans note all local deliveries are encouraged to use Park because they're not going to be able to make the turn on Clinton. Mr. Malewitz stated this is based on the MDOT recommendation to move the parking from the north to south side of Clinton to realign the intersection. Mr. Stevens is concerned about the access to the parking lot for truck service to businesses. There was additional discussion about truck traffic flow. The parking change suggested by MDOT might not be required. It may be possible to move the parking back to the south side.

The Mayor called for public comment.

Kelly Bradley expressed concern for larger trucks needing to cross the centerline or go over the curb to make right turns from East Clinton.

Bob Timms stated that he thinks these changes will make the intersection worse. The extra money used for the curb extensions could be used on other street projects. The changes will also add cost to snow plowing. Mr. Timms also addressed a hardship for Central Drug Store by making access to the space in front of the store more difficult and stated concerns for bicycle safety. Mr. Timms queried where this idea came from.

The Manager reported that the idea had been brought forward because this intersection is a perennial issue with lots of complaints. The intent was to bring forward different ideas for Council to consider that might resolve the pedestrian conflicts.

The Mayor closed public comment.

The Manager stated that if Council doesn't want the extensions, they don't have to have them. MDOT is not coming up with any creative suggestions regarding signals, green arrows, etc. MDOT has stated that if the City does the extensions, and MDOT does a study and finds the pedestrian crossing traffic is moving more quickly, they would shorten the pedestrian crossing times, giving more green light time for vehicle traffic.

Councilmember Jill Picha also expressed concerns about truck traffic and emergency vehicle access.

Council continued to discuss. They generally agreed to eliminate curb extensions from the Clinton and State intersection and to move forward with the Bridge and Clinton extensions, but to price them separately, as they may be pulled out later due to cost.

B. Second Discussion Regarding a Restructuring Plan for Electric/Water and Street Departments

City Manager Rob Straebel was available to address the item and answer questions from Council. The Manager reviewed the need for Pat Elliott to have the Public Works title while he gains his Water experience in order to qualify for his certification. The DEQ has agreed to the City's approach for Don Swem to remain as Operator in Charge while Mr. Elliott gains his certification. The Manager clarified the DEQ approval process for infrastructure projects: Mr. Swem does not "sign off" on infrastructure projects. Because construction season will soon be under way, the Manager is approaching this switch to take place in September rather than immediately.

Councilmember Jill Picha spoke against the restructuring plan. She has read the job descriptions thoroughly, and doesn't think Mr. Swem will have the time to train Mr. Elliott if he is having these duties taken away from him because he's too busy. She also thinks the job description is too large a load for Mr. Elliott. She is concerned about employee harmony and morale if the departments are changed. She sees no reason to change things from the way they are. She is not comfortable with the change.

The Manager cautioned against prematurely judging what employee morale may be; he thinks it's unfair to assume that this change will cause employee problems.

Ms. Picha stated that she doesn't know why we are doing this; Mr. Swem is still going to be involved in construction projects because of the electric. She is not happy with the change and she doesn't think Mr. Elliott can handle the workload.

The Manager stated he would not be proposing the restructuring plan if he didn't think Mr. Elliott could handle it.

The Mayor reminded Council that their job is to set policy. The City Manager hires and appoints department heads as he sees fit to run the City. The Mayor opened the discussion to other Council members.

Councilmember Shane Cole was concerned about licensing. He is unsure how Pat is going to be able to put in the time to get the licensing. His understanding is that Mr. Elliott needs to be in charge full time in order to get certified. The Manager explained that Mr. Elliott needs six months with the title of Superintendent of Public Works that controls water distribution, and the organization charts needs to show that hierarchy; those two things would qualify him to take the test for the S-4 certification.

Council members Greg Stevens and Bryan Vollmer proposed holding half the increase in pay until the certification is completed. The Manager stated that sounded like a good idea.

Councilmember Dennis Kusina would like Mr. Elliott to get his certification first. The Manager explained he needs the job title and hierarchy in order to get certified. The Manager clarified that a certain amount of time working on a water distribution system qualifies a person to take the test. Mr. Elliott, having multiple responsibilities, can not devote 40 hours a week to water distribution, so the title and hierarchy chart need to be addressed.

Councilmember Lyle Gennett spoke in favor of the restructuring plan.

The Mayor opened the item to public comment.

Employee Don Wells expressed concerns about moving the department, work flow, and inventory. Mr. Wells is concerned that Mr. Elliott doesn't understand the water system and what needs to be done. He also expressed concerns about Mr. Elliott's workload. He thinks even if the Water Department is moved, Mr. Swem would still need an assistant. Currently, the Water employees currently help with meter reading. Mr. Swem should be in charge of all the utilities that need metering. Mr. Wells is not in favor of the restructuring, but if that is what Council decides, he will work with Mr. Elliott.

The Mayor closed the item to public comment.

The Mayor stated that departments can get moved around at any time. Mr. Elliott has expressed confidence that the employees can still work from the Electric Department. Both departments are busy. Maybe the change will improve department relations. The Manager is always making efforts to streamline City operations.

Motion by Councilmember Lyle Gennett, seconded by Councilmember Bryan Vollmer, to amend the City of Charlevoix's Organizational Chart, creating a Superintendent of Public Works and Superintendent of the Electric Department with an effective date of September 4, 2012.

Yeas: Gennett, Stevens, Vollmer
Nays: Kusina, Picha, Cole
Absent: None
TIE VOTE.
Mayor Carlson: Yea
MOTION PASSES.

Motion by Councilmember Bryan Vollmer, seconded by Councilmember Lyle Gennett, to approve the new job descriptions for the Superintendent of Public Works and Superintendent of the Electric Department with an effective date of September 4, 2012.

Yeas: Gennett, Stevens, Vollmer
Nays: Kusina, Picha, Cole
Absent: None
TIE VOTE.
Mayor Carlson: Yea
MOTION PASSES.

- C. Resolution to Set Public Hearing on an Industrial Facilities Tax Abatement for DCL
The City Clerk reviewed the item and answered questions from Council. Action by resolution.
- D. Appointments
The Mayor asked staff to advertise for vacant positions.

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

IX. Ordinances

- A. An Ordinance to Amend Title V of the City Code to Adopt Zoning Regulations for Medical Marijuana

**CITY OF CHARLEVOIX
ORDINANCE NO. 756 OF 2012**

AN ORDINANCE TO AMEND TITLE V, PLANNING AND ZONING, CHAPTER 51, ZONING,
ARTICLE X: REGULATION OF MEDICAL MARIJUANA OF THE CODE OF THE CITY OF CHARLEVOIX.

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Addition of Article X: Regulation of Medical Marijuana. Sections 5.266 thru 5.271.

5.266 Purpose and Intent.

Intent and Purpose. As a result of the enactment of the Michigan Medical Marijuana Act (hereinafter referred to as the "MMMA"), Initiated Law 1 of 2008, MCL 333.26423, *et seq*, and its administrative rules, R 333.101, *et seq*, the City of Charlevoix intends to provide reasonable land use regulations associated with the medical use of marijuana in accordance with the MMMA to:

- Protect public, health, safety, and welfare.
- Provide adequate separation of primary caregiver facilities from schools, churches and any areas where children congregate including, but not limited to, day care facilities, public beaches and athletic fields.
- Mitigate negative impacts associated with medical marijuana use in residential areas.
- Require adequate separation between primary caregiver facilities to prevent clustering of grow operations in one area.

5.267 Definitions.¹

Enclosed, locked facility - That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423.

Marijuana or marihuana - That term as defined in Section 7106 of Act No. 368 of the Public Acts of 1978, as amended (Michigan Public Health Code), being MCL 333.7106.

Medical Use - That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423.

Primary caregiver - That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423 who has registered with the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marijuana Act.

Primary caregiver facility - A structure in which the activities of a primary caregiver are conducted.

Qualifying patient - That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423 who has registered with the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marijuana Act, and includes the parents or legal guardians of a qualifying patient under the age of 18 who are serving as the primary caregiver as required by the Michigan Medical Marijuana Act exclusively for that qualifying patient under the age of 18.

¹ (Editors Note: Definitions are listed here for reference but may change if the MMMA is amended by the State Legislature.)

MMMA: Initiated Law 1 of 2008. Section 333.26423 Definitions:

"Enclosed, locked facility" means a closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient.

"Marihuana" means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

"Medical use" means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

"Primary caregiver" means a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.

"Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition.

5.268 Regulations for Qualifying Patients.

The medical use of marijuana by a qualifying patient in that qualifying patient's dwelling or an accessory structure is hereby recognized as an accessory use to the principal residential use of the property and can be established without a zoning permit in any zoning district, but shall be subject to the following regulations:

- (1) The qualifying patient must be issued and at all times must maintain a valid registry identification card, or appropriate documentation, by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of the MMMA.
- (2) All marijuana plants or products must be contained within the dwelling or accessory structure in an enclosed, locked facility that permits access only by the qualifying patient.
- (3) If a room with windows within the dwelling or accessory structure is utilized to grow marijuana for medical use, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.

5.269 Regulations for Primary Caregivers.

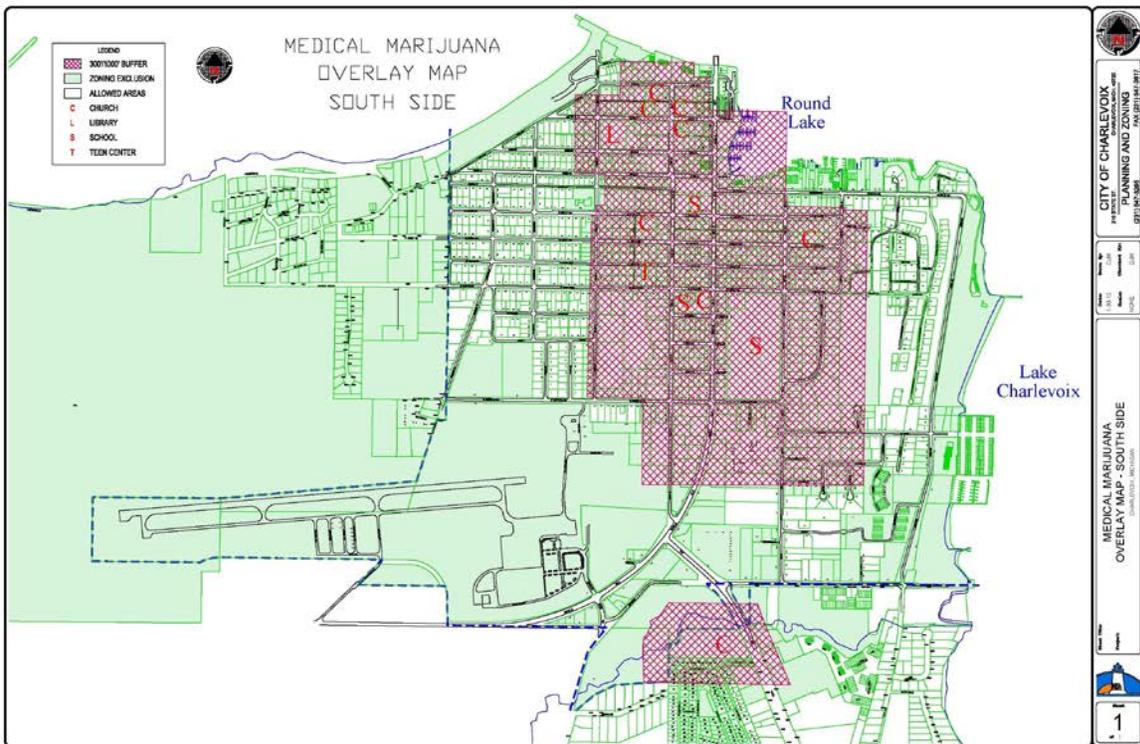
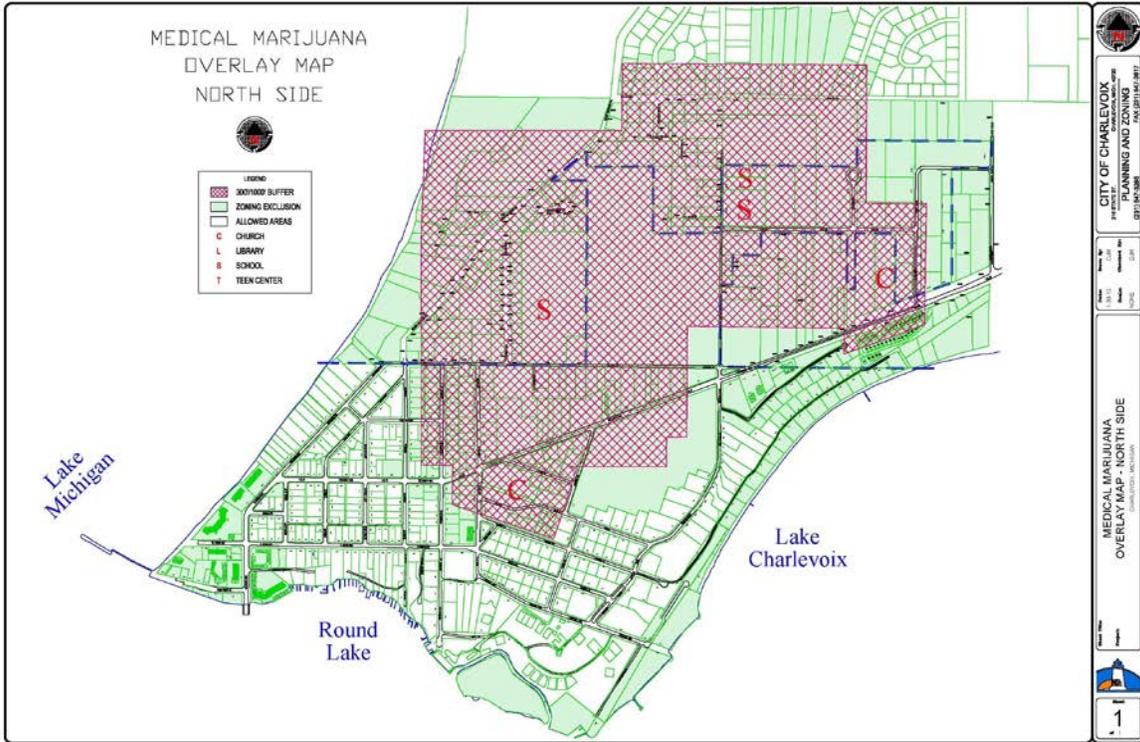
The medical use of marijuana by a primary caregiver is hereby authorized as a use by right within a dwelling or an accessory structure in the R-1 and R-2 Zoning Districts only, provided that all of the following regulations are met:

- (1) The primary caregiver must be issued and at all times must maintain a valid registry identification card, or appropriate documentation, by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of the MMMA.
- (2) The primary caregiver must obtain a zoning permit under Section 5.272 of the City Zoning Ordinance.
- (3) Except when being transported as provided in subsection (9) below, all marijuana plants or products must be contained within the dwelling or accessory structure in an enclosed, locked facility where the marijuana plants and products are labeled for each qualifying patient and that permits access only by the primary caregiver.
- (4) If a room with windows within the dwelling or accessory structure is utilized to grow marijuana for medical use, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.
- (5) Except as provided herein, no more than one (1) primary caregiver shall be permitted to provide primary caregiver services to qualifying patients within a single dwelling or accessory structure.
- (6) Except for any qualifying patients who reside with the primary caregiver at the dwelling, no more than five (5) qualifying patients may be present at the same time at a dwelling or accessory structure in which a primary caregiver of medical marijuana is providing primary caregiver services to qualifying patients for any purpose directly related to primary caregiver services. This subsection, however, shall not be construed to prohibit the presence of qualifying patients at a dwelling or accessory structure in which a primary caregiver of medical marijuana is providing primary caregiver services for purposes unrelated to primary caregiver services.
- (7) Qualifying patient visits to a dwelling or accessory structure in which a primary caregiver is providing primary caregiver services to qualifying patients shall be restricted to between the hours of 7 a.m. and 10 p.m., except when the qualifying patient resides with the primary caregiver at the dwelling and except when the qualifying patient visits are for purposes unrelated to primary caregiver services.
- (8) No qualifying patients under the age of eighteen (18) shall be permitted at any time at a dwelling or accessory structure in which a primary caregiver is providing primary caregiver services to qualifying patients, except in the presence of his/her parent or guardian, except when the qualifying patient resides with the primary caregiver at the dwelling, and except when the qualifying patient visits are for purposes unrelated to primary caregiver services.
- (9) No marijuana for medical use shall be dispensed by the primary caregiver to qualifying patients at the dwelling or accessory structure in which a primary caregiver is providing primary caregiver services to qualifying patients, except to a qualifying patient who resides with the primary caregiver at the dwelling. Except as provided herein, the primary caregiver shall deliver all marijuana for the medical use of such qualifying patient, and such delivery shall take place on private property away from public view. Any such delivery vehicle shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo. In addition, all marijuana for medical use delivered to a qualifying patient shall be packaged so the public cannot see or smell the marijuana.
- (10) No marijuana for medical use shall be consumed, smoked, or ingested by a qualifying patient by any method at a dwelling or accessory structure in which a primary caregiver is providing primary caregiver services to qualifying patients, except by a qualifying patient who resides with the primary caregiver at the dwelling.
- (11) A dwelling or an accessory structure in which a primary caregiver is providing primary caregiver services to qualifying patients shall display indoors and in a manner legible and visible to his/her qualifying patients:
 - (a) A notice that qualifying patients under the age of eighteen (18) are not allowed at the dwelling or accessory structure in which a primary caregiver is providing primary caregiver services to qualifying patients, except in the presence of his/her parent or guardian, except when the qualifying patient resides with the primary caregiver at the dwelling, or except when the qualifying patient visits are for purposes unrelated to primary caregiver services, and
 - (b) A notice that no dispensing or consumption of marijuana for medical use shall occur at the dwelling or accessory structure in which a primary caregiver is providing primary caregiver services to qualifying patients, except to or by a qualifying patient who resides with the primary caregiver at the dwelling.
- (12) A dwelling or an accessory structure in which a primary caregiver is providing primary caregiver services to qualifying patients shall not have any signage, symbols, pictures, or similar features visible from the outdoors that would indicate the nature of the primary caregiver services being conducted in the dwelling.
- (13) No primary caregiver facility shall be located in violation of any of the following spacing requirements:
 - (a) 1,000 feet of any public or private school;
 - (b) 300 feet of any church or place of worship and its accessory structures;
 - (c) 500 feet of the Charlevoix Public Library;
 - (d) 500 feet of the B.A.S.E.S Teen Center;The above spacing requirements shall be from lot line to lot line. The Medical Marijuana Reference Map in Section 5.270 illustrates the parcels where a primary caregiver facility may be established. To the extent there is a conflict between the Medical Marijuana Reference Map and the application of the spacing requirements provided herein, the application of the spacing requirements shall control.
- (14) The portion of the dwelling or accessory structure in which a primary caregiver is providing primary caregiver services to qualifying patients, including any room or area utilized to grow marijuana for medical use, shall contain electrical service

and wiring, certified by an electrician licensed in the State of Michigan, meeting the applicable requirements of the electrical code in effect in Charlevoix County.

- (15) All primary caregivers must notify the zoning administrator on a yearly basis if the primary caregiver facility is still in operation. Notification shall be in writing and shall be submitted no less than one month before and not after the month and day of the issuance of the original permit. (Example: If the original permit is issued on February 10, 2012, notification to the Zoning Administrator must be between January 10, 2013 and February 10, 2013.)
- (16) Any primary caregiver with a valid zoning permit who chooses to cease operations at any point in time shall notify the zoning administrator in writing within seven (7) days. The zoning administrator shall have the right to inspect the facility for compliance.

5.270 Medical Marijuana Reference Map



5.271 Relationship to Federal Law.

Nothing within this section is intended to grant, nor shall it be construed as granting, immunity from federal law.

SECTION 2. Repeal of Section 5.276 Planning Commission

Section 5.276 of the Charlevoix City Code is hereby repealed in its entirety.

SECTION 3. Repeal of Section 5.277 Planning Commission Duties

Section 5.277 of the Charlevoix City Code is hereby repealed in its entirety.

SECTION 4. Renumbering of Article X thru Article XIV

Articles X thru XIV are hereby renumbered as Articles XI thru XV. All text remains the same.

SECTION 5. Renumbering of sections 5.271 thru 5.275.

Sections 5.271 thru 5.275 are hereby renumbered as Sections 5.272 thru 5.276. All text remains the same.

SECTION 6. Severability

No other portion, paragraph or phrase 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 7. Effective Date.

This Ordinance shall become effective thirty (30) days after its enactment by the City Council.

Ordinance No. 756-2012 was enacted on the 5th day of March, A.D. 2012, by the Charlevoix City Council as follows:

Motion by: Councilmember Shane Cole
Seconded by: Councilmember Dennis Kusina

Yeas: Gennett, Kusina, Picha, Stevens, Vollmer, Cole
Nays: None
Absent: None

STATE OF MICHIGAN }
 } ss
CITY OF CHARLEVOIX }

X. Resolutions

A. Resolution Amending the Industrial Development District for DCL

Motion by Councilmember Jill Picha, seconded by Councilmember Greg Stevens, to adopt resolution 2012-03-01 as follows:

**CITY OF CHARLEVOIX
RESOLUTION 2012-03-01**

RESOLUTION TO AMEND INDUSTRIAL DEVELOPMENT DISTRICT FOR DCL, INC.

WHEREAS, pursuant to PA 198 of 1974, as amended, the Charlevoix City Council has the authority to establish "Industrial Development Districts" within the City of Charlevoix; and

WHEREAS, the Charlevoix City Council had previously established, by Resolution 78-12-2, a resolution establishing a district for parcel number 15-052-124-014-00 at 08660 Ance Rd, the current location of DCL, Inc.'s facility; and

WHEREAS, DCL, Inc. has petitioned the Charlevoix City Council to amend this Industrial Development District to include an adjacent parcel in the City of Charlevoix, 15-052-124-010-20, hereinafter described, which has been purchased by DCL for possible future development; and

WHEREAS, construction, acquisition, alteration, or installation of a proposed facility has not commenced at the time of filing the request to amend this district; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district and to the public by newspaper advertisement in the *Charlevoix Courier* and public posting of the hearing on the amendment of the proposed district; and

WHEREAS, on March 5, 2012, a public hearing was held at which all owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Charlevoix were afforded an opportunity to be heard thereon; and

WHEREAS, the Charlevoix City Council deems it to be in the public interest of the City of Charlevoix to establish the amended Industrial Development District as proposed.

NOW, THEREFORE, BE IT RESOLVED that the following described parcels of land situated in the City of Charlevoix, Charlevoix County, and State of Michigan to wit:

15-052-124-014-00

COM ON N&S1/4 LI SEC 24 T34N R8W 673.2FT S OF N1/4 COR TH W PARA WI N SEC LI 500 FT FOR POB TH S PARA WI SD 1/4 LI TO N 1/8 LI TH W AL SD 1/8 LI 208.57FT TO PT 625.85FT E OF W1/8 LI TH N PARA WI SD1/8 LI TO INTER WI LI WHICH IS PARA WI N SECLI & WHICH PASSES THRU POB TH E TO POB PT NE1/4 OF NW1/4 SEC 24-34-8 3A M/L IFT: CERT NO: 2000-191 12-31-00 THRU 12-30-12

AND

15-052-124-010-20

COM AT N1/4 COR SEC 24 T34N R8W TH S0DEG49'53"W AL N&S1/4 LI 920.24FT TH N89DEG17'28"W 217.42FT TH CONT N89DEG17'28"W 85.58FT TH S0DEG49'54"W 7.54FT TH N89DEG17'28"W 97FT FOR POB TH CONT N89DEG17'28"W 100FT TH S0DEG49'53"E 179.13FT M/L TH S89DEG17'28"E 100FT TH N0DEG49'53"W 179.13FT M/L TO POB BEING PT OF NE1/4 OF NW1/4 SEC 24-34-8 98SP1297 FROM 124-010-00

are established as an Industrial Development District pursuant to the provisions of PA 198 of 1974, as amended, to be known as DCL, Inc. Industrial Development District No. 2012-01 and replaces the Industrial Development District created by Resolution 78-12-2 .

RESOLVED, this 5th day of March, A.D. 2012.

Resolution was adopted by the following yea and nay vote:
Yeas: Gennett, Kusina, Picha, Stevens, Vollmer, Cole
Nays: None

Absent: None

- B. Resolution to Set Public Hearing on an Industrial Facilities Tax Abatement for DCL
 Motion by Councilmember Dennis Kusina, seconded by Councilmember Jill Picha to approve Resolution No. 2012-03-02 as follows:

CITY OF CHARLEVOIX
RESOLUTION NO. 2012-03-02
 RESOLUTION TO SET HEARING ON APPLICATION
 FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR DCL, INC.

WHEREAS, pursuant to Act 198 of the Public Acts of 1974, as amended ("Act 198"), the City of Charlevoix (the "City") has established an Industrial Development District, pursuant to Resolution 78-12-2, in connection with property located at 08660 Ance Road, Charlevoix, Michigan; and

WHEREAS, the City has amended said Industrial Development District, pursuant to Resolution 2012-03-01, to add an additional parcel to the property; and

WHEREAS, DCL, INC. has submitted an application for an Industrial Facilities Tax (IFT) Exemption Certificate for an economic development project consisting of land and building improvements involving construction of an addition to the building located at 08660 Ance Road, Charlevoix, Michigan and personal property and infrastructure improvements at said location; and

WHEREAS, it is necessary to hold a public hearing on the Company's application for an IFT Exemption Certificate;

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

1. That a public hearing on the Company's application for an industrial facilities tax exemption certificate shall be held at 210 State Street, Council Chambers of City Hall, Charlevoix, Michigan on Monday, March 19, 2012, beginning at 7:00 p.m.
2. That the City Clerk shall provide written notice of the hearing to the City Assessor and the legislative body of each taxing unit that levies ad valorem property taxes (real and personal) in the local governmental unit in which the facility is located.
3. That the City Clerk shall publish a notice of hearing in the Charlevoix Courier, a newspaper of general circulation in the City.

RESOLVED, this 5th day of March, A.D. 2012.

Resolution was adopted by the following yea and nay vote:

Yeas: Gennett, Kusina, Picha, Stevens, Vollmer, Cole

Nays: None

Absent: None

XI. Miscellaneous Business

Councilmember Shane Cole complimented Staff on the plowing job over the weekend. The Mayor also commended Staff for the job on the streets.

Councilmember Greg Stevens asked for an update on the repairs at the Beaver Island Boat Company building. The work is scheduled to begin with the new budget April 1.

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

None.

XIII. Adjourn

The Mayor stated if there were no objections, the meeting would adjourn.

There were no objections.

Meeting adjourned at 9:04 p.m.

Carol A. Ochs	City Clerk	Norman L. Carlson, Jr.	Mayor
Accounts Payable – 02/22/2012			
AT&T MOBILITY	144.96	STANDARD INSURANCE CO	1,319.88
CITY OF CHARLEVOIX - MISC	272.61	VERIZON WIRELESS	56.72
DELTA DENTAL	4,572.46	VISION SERVICE PLAN	525.46
GREAT LAKES ENERGY	188.30		
PRIORITY HEALTH	37,153.42	TOTAL	44,233.81
Accounts Payable – 03/06/2012			
AIRGAS USA LLC	750.89	DORNBOS SIGN & SAFETY INC.	217.08
AT&T LONG DISTANCE	170.88	DTE ENERGY	8,977.66
AVFUEL CORPORATION	1,415.00	DVORACEK, DANA J.	41.00
B & L SOUND INC	125.94	EJ USA INC.	344.70
BAILEY, MATTHEW L.	41.00	ELLIOTT, PATRICK M.	281.25
BEAVER ISLAND BOAT CO	12,348.20	ENMET CORP	211.33
BOOTH NEWSPAPERS INC.	695.36	EVANS, HAL	41.00
BRADFORD'S	30.00	FASTENAL COMPANY	14.32
BRANDI, RICHARD	63.76	FIRESERVICE MANAGEMENT	129.02
CALDWELL, JAMES P.	41.00	FISHER SCIENTIFIC	853.30
CAREY, KEITH	41.00	GALLS AN ARAMARK COMPANY	8.99
CHANNING BETE COMPANY INC.	164.43	GOLF CHARLEVOIX	500.00
CHARLEVOIX TOWNSHIP	10.50	GRP ENGINEERING INC.	1,361.40
CITY OF PETOSKEY	74.73	HANKINS, SCOTT	41.00
CRAIN, CASEY	30.00	HARDY DIAGNOSTICS	158.52
DOAN, GERARD	41.00	HART, TERESA	41.00

HEID, THOMAS J.	41.00	RTI LABORATORIES INC.	83.00
INDEPENDENT DRAFTING SERVICES	1,984.00	S&W HEALTHCARE CORPORATION	251.49
INTERSTATE ALL BATTERY CTRS	197.71	SEELEY'S PRINTING SERVICE	151.77
IVAN, PAUL	41.00	SPENCER, MICHAEL	41.00
KIWANIS CLUB OF CHARLEVOIX	39.00	STEIN, DONNA	6.48
KORTHASE FLINN	51.00	STEVENS, BRANDON	10.87
KSS ENTERPRISES	29.80	STRAEBEL, ROBERT J.	41.00
LAVOIE, RICHARD	10.87	SUPERIOR MECHANICAL	476.39
MICHIGAN SECTION AWWA	285.00	SWEM, DONALD L.	41.00
MSU EXTENSION	50.00	TOUGH, KEN	20.14
NASH, JENNIFER	41.00	USA BLUE BOOK	394.32
NORTHERN FIRE & SAFETY INC.	278.00	USGA	110.00
NORTHERN MICHIGAN JANITORIAL	33.00	VILLAGE GRAPHICS INC.	183.60
OTEC	325.60	VOSS LIGHTING	360.12
PERFORMANCE ENGINEERS INC	11,528.25	WATCH INC.	100.00
POWER LINE SUPPLY	1,712.29	WELLER, LINDA	41.00
PRESTON FEATHER	596.25	WHITLEY'S FLOOR COVERING	825.30
PURITY CYLINDER GASES INC	102.95	YOUNG GRAHAM	11,324.28
RADISSON HOTEL LANSING	1,396.47	TOTAL	62,470.21

Accounts Payable – 03/06/2012

Tax Disbursements

CHARLEVOIX COUNTY TREASURER	221,198.47	CHARLEVOIX PUBLIC SCHOOLS	640.88
CHARLEVOIX COUNTY TREASURER	99.41	CHARLEVOIX-EMMET ISD	307.86
CHARLEVOIX COUNTY TREASURER	711.18	CITY OF CHARLEVOIX - TAXES DUE	61,564.30
CHARLEVOIX COUNTY TREASURER	304.72	GOLD COAST PROPERTIES	36.92
CHARLEVOIX DISTRICT LIBRARY	86,514.00	RECREATIONAL AUTHORITY	15,565.23
CHARLEVOIX PUBLIC SCHOOLS	4,507.52	STATE OF MICHIGAN	2,656.55
CHARLEVOIX PUBLIC SCHOOLS	1,708.36	TOTAL 3/6/2012	395,815.40

ACH Payments – 02/17/2012 – 03/02/2012

AVFUEL CORPORATION	11.44	MI PUBLIC POWER AGENCY	238,476.18
MI PUBLIC POWER AGENCY	30,140.69	MI PUBLIC POWER AGENCY	35,302.45
AVFUEL CORPORATION	20.40	IRS – EFTPS PAYROLL TAXES	24,761.81
MERS OF MICHIGAN	27,739.11	TOTAL	356,452.08

PAYROLL: NET PAY

Pay Period Ending 02/25/2012 – Paid 03/02/2012

WELLER, LINDA JO	1,267.09	HART, TERESA M.	809.73
STRAEBEL, ROBERT J.	2,347.54	WASHBURNE, MICHAEL J.	75.48
BRANDI, RICHARD M.	1,741.58	GILLESPIE, MURPHY L.	137.80
LOY, EVELYN R.	983.98	MURPHY IV, MICHAEL J.	240.26
KLOOSTER, ALIDA K.	1,370.86	BEHAN, HALEY C.	264.27
BROWN, STEPHANIE C.	1,076.44	HOPKINS, ZACHARY D.	414.10
OCHS, CAROL A.	892.67	BROWN, MELINA M.	74.30
CAREY, KEITH V.	1,156.19	WITTHOEFT, MARVIN J.	367.96
SPENCER, MICHAEL D.	1,505.93	STEVENS, WILLIAM J.	178.20
SPENCLEY, PATRICIA L.	1,069.98	BAILEY, MATTHEW L.	1,952.04
CUNNINGHAM, BEVERLY S.	267.47	DVORACEK, DANA J.	1,181.32
SCHLAPPI, JAMES L.	942.24	SCHERPING, CHARLES L.	393.87
UMULIS, MATTHEW T.	1,185.58	STEIN, DONNA E.	246.40
ORBAN, BARBARA K.	1,395.33	TOUGH, KENDALL J.	317.27
TRAEGER, JASON A.	1,401.08	DOAN, GERARD P.	1,142.92
WARNER, JANINE M.	1,223.25	SHRIFT, PETER R.	1,069.49
IVAN, PAUL M.	1,682.35	HANKINS, SCOTT A.	1,390.62
SCHWARTZFISHER, JOSEPH	1,132.15	COPPOCK, TIMOTHY M.	1,097.37
ROLOFF, ROBERT P.	1,471.81	BLANCHARD, SCOTT W.	1,895.05
BRODIN, WILLIAM C.	1,018.45	SWEM, DONALD L.	1,684.09
RILEY, DENISE M.	349.86	MORRISON, KEVIN P.	1,167.71
CALDWELL, JAMES P.	1,320.12	HODGE, MICHAEL J.	1,330.16
WURST, RANDALL W.	1,305.93	JOHNSON, STEVEN P.	1,287.91
MAYER, SHELLEY L.	1,337.34	ZIPP, DONALD R.	1,591.48
HILLING, NICHOLAS A.	1,241.48	BOSS JR, DALE E.	1,115.78
MEIER III, CHARLES A.	1,932.58	BOSS, JAMES W.	919.35
NISWANDER, JOSEPH F.	1,450.99	STEBE JR, JOHN M.	614.90
FRYE, EDWARD J.	1,001.87	BOSS, SHERRY M.	335.62
WELLS JR., DONALD E.	1,469.86	WITTHOEFT, CHARLES F.	162.00
JONES, TERRI L.	1,202.58	BEHAN, DEAN T.	365.07
BRADLEY, KELLY R.	1,230.97	STEVENS, JEFFREY W.	206.53
EATON, BRAD A.	1,607.98	SOBLESKI, AUTUMN R.	109.68
WILSON, TIMOTHY J.	2,200.77	BEHAN, KELBY A.	72.56
LAVOIE, RICHARD L.	1,186.44	HOLM, ARTHUR R.	420.06
STEVENS, BRANDON C.	1,146.89	HEID, THOMAS J	1,323.63
ELLIOTT, PATRICK M.	1,452.09	SARASIN, CHRISTIAN M.	274.27
WILSON, RICHARD J.	1,251.60		
JONES, ROBERT F.	1,281.75	TOTAL	75,332.32

PAYROLL: TRANSMITTAL

03/02/2012

AMERICAN FAMILY LIFE	402.61	MERS	390.00
CHAR EM UNITED WAY	88.00	MI STATE DISBURSEMENT	692.28
CHARLEVOIX STATE BANK	743.47	NORTHWESTERN BANK	252.00
COMMUNICATION WORKERS	490.47	POLICE OFFICERS LABOR	316.75
ICMA RETIREMENT TRUST 401	699.79	PRIORITY HEALTH	745.71
ICMA RETIREMENT TRUST 457	7,159.43	TOTAL	11,980.51