

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, October 4, 2010 — 7:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

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 Greg Stevens, Bryan Vollmer, Lyle Gennett, Dennis Kusina, Jill Picha
Absent: Councilmember Shane Cole

III. Inquiry Regarding Possible Conflicts of Interest

None.

IV. Consent Agenda

The following items were approved and filed:

- A. Approval of Minutes – September 20, 2010 Special Meeting Minutes
- B. Approval of Minutes – September 20, 2010 Regular Meeting Minutes
- C. Accounts Payable Check Register – September 24, 2010
- D. Accounts Payable Check Register – October 5, 2010
- E. Tax Disbursement – October 5, 2010
- F. Payroll Check Register– October 1, 2010
- G. Payroll Transmittal – October 1, 2010

- H. Certificate of Appreciation – Marie Niswander, Housing Commission
The Mayor thanked Ms. Niswander for her service to the City of Charlevoix.

V. Public Hearings

A. Proposed Changes to Chapter 26 of the City Code

Airport Manager Matt Bailey was available to introduce the item and answer questions from Council. Mr. Bailey stated that they have already received a lot of feedback on the ordinance. The Mayor reviewed for the audience that part of our FAA grant funding requires the creating and updating of an Airport Master Plan, of which this ordinance is a component, as are the Airport Minimum Standards Council will be considering later in the meeting.

The Mayor opened the public hearing at 7:02 p.m.

Don Seelye, who lives next to the airport, asked Council to reconsider Section 2.194 (b) limiting the use of hangars to airplanes only. It should be okay to store a boat or car in there too. Mr. Bailey stated that particular wording is standard from the FAA, but that he thought it would generally be okay to store other things in the hangar, as long as the primary purpose of the hangar is aeronautical. Council discussed an amendment to allow additional storage with written consent from the Airport and City managers. Mr. Bailey agreed this would be acceptable.

Don Seelye also commented regarding 2.196 Residences – Airport Access and through-the-fence access, suggesting that language could be changed in the future. Surrounding the Airport with TTF airplane/property owners would create a buffer zone around it. The Mayor stated that in the airport meetings, the FAA was not open to that at this time. Mr. Seelye's current TTF agreement will remain in effect.

The Mayor closed the public hearing at 7:07 p.m. Action by ordinance.

VI. Reports

A. Manager Reports

The Manager reviewed that the City is currently going through a City-wide Master Plan revision. Within the Master Plan, there are some proposed zoning changes, which are not implemented with the passage of the Master Plan, but set the stage for future zoning changes. Some property owners have expressed concern that a change in zoning will affect the best use of their property. The Manager asked Council to be aware that they should not discuss these things outside a public meeting. Their decisions should be based on comments at public meetings, and not based on private conversations with property owners or developers. He told them they could forward the comments on to City Planner Mike Spencer or to the Manager.

Applications are being accepted for Mt. McSauba. Recreation Director Teresa Hart is working with the Manager to evaluate staffing needs. One position has been cut so far.

Staff is starting the budget process for the 2011-2012 fiscal year. City Treasurer Rick Brandi and the Manager are forecasting about a 5% decrease in property valuations for the coming year. It will be another difficult year to balance the City Budget.

The Manager informed Council that former Councilmember Bob Timms is in the hospital, but is doing well.

The Manager told Council he will be attending the ICMA conference this year, and will be out of town during the next Council meeting. City Treasurer Rick Brandi will attend the meeting in his absence.

VII. Requests, Petitions and Communications and Actions Thereon

A. Proposed Minimum Standards for Charlevoix Municipal Airport

Airport Manager Matt Bailey reviewed the item for Council and was available to answer questions.

Angel Welke from Island Airways stated that they have retained an attorney, who is an expert in aviation, airport, and fixed base operation matters. Ms. Welke presented Council with a written opinion from their attorney. Rather than read it aloud, Ms. Welke asked that the letter be entered into the record. The letter will be filed with the Council packet.

The Manager stated that Council is considering acting on the standards tonight, and asked if Ms. Welke might consider summarizing the document. She asked Council members to read it, and stated that would suffice.

Don Seelye commented on the reference to Flying Clubs. He doesn't think they should be required to provide a certified flight instructor. Mr. Bailey agreed that item (2) under Flying Club could be deleted.

Action by resolution.

B. Consideration of a Resolution in Support of Placement of United States Coast Guard Ship in Charlevoix

The Mayor stated that DDA Director Keith Carey had been approached by state representatives for a resolution in support of placing a U.S. Coast Guard Ship in Charlevoix.

Action by resolution.

C. Consideration of a Medical Marihuana Moratorium

City Planner Mike Spencer was available to address the item and answer questions from Council. The moratorium would give Council and staff time to look at how other communities have regulated medical marihuana in their communities and find a suitable way to incorporate this type of business into the zoning ordinance.

Action by resolution.

D. Approval of Employee Handbook Sections

Human Resource Assistant Jennifer Nash was available to review the item and answer questions from Council.

Motion by Councilmember Lyle Gennett, seconded by Councilmember Bryan Vollmer, to approve the changes to the Employee Handbook Sections 1, 3, and 5 as presented.

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

E. Approval of Relatives/Nepotism Policy

Human Resource Assistant Jennifer Nash was available to review the item and answer questions from Council.

Motion by Councilmember Jill Picha, seconded by Councilmember Bryan Vollmer, to approve the Relatives/Nepotism Policy as presented on pp. 61-62 of the packet.

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

F. Discussion Regarding Renewal of Docking Lease Agreement with Keweenaw Excursions

General business item F. was postponed until late in the meeting, in hopes it would allow Mr. Funkey to be present for the discussion of the item.

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. Proposed Minimum Standards for Charlevoix Municipal Airport

Motion by Councilmember Dennis Kusina, seconded by Councilmember Jill Picha, to adopt Resolution 2010-10-02, amended as follows:

**CITY OF CHARLEVOIX
RESOLUTION 2010-10-01
RESOLUTION ESTABLISHING AIRPORT MINIMUM STANDARDS**

WHEREAS, the Federal Aviation Administration encourages the adoption of Minimum Standards that apply to aeronautical commercial activities at an airport;

WHEREAS, the City's airport consultant, R W. Armstrong, has prepared Minimum Standards which the consultant believes are appropriate for the Charlevoix Municipal Airport;

WHEREAS, the proposed Minimum Standards have been reviewed by the City's Policy Advisory Committee for the airport; and

WHEREAS, the proposed Minimum Standards are in the best interests of the City and its airport;

BE IT RESOLVED that the Minimum Standards, which are attached, are hereby adopted and shall be effective immediately and, further, that all existing aeronautical commercial activities at the Charlevoix Municipal Airport shall be brought into compliance with these Minimum Standards as soon as permitted by law.

RESOLVED, this 4th day of October, A.D. 2010.

Resolution was adopted by the following yea and nay vote:

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

**Minimum Standards
Charlevoix Municipal Airport (KCVX)
Charlevoix, Michigan**

Per-Seat FAR Part 135 and Scheduled FAR Part 121 Operators

Businesses in this category shall, at a minimum:

- (1) Subject to the provisions at the end of this standard, rent counter space and airline operating space if available in the City-owned passenger terminal building at Charlevoix Municipal Airport, and pay expenses associated with shared public spaces in the passenger terminal building. The City acknowledges that, at the time these Minimum Standards are adopted, an existing operator within this category may have real estate interests outside of City-owned facilities. In circumstances where pre-existing non-leasehold real estate interests exist, the City will work with such existing operators to either purchase their real estate interests or otherwise make the operator financially whole before requiring rental of spaces within the City-owned passenger terminal building; provided, however, when such an operator merely has a leasehold interest in premises which serve the purpose of counter space and airline operating space which otherwise would be required to be located in the City-owned passenger terminal building, then the operator shall comply with this standard upon the termination of the operator's existing lease. The terms of such a real estate transition plan will be addressed in the contract between the City and the operator for this aeronautical commercial activity or by an amendment to that contract subject to reaching mutually agreeable economic terms.
- (2) Provide, at a minimum, the following services to the general public:
 - a. Uniformed personnel on duty to meet the seasonal demands of the traveling public. Uniform to be approved by Airport Manager.
 - b. Aircraft that are well maintained and kept in good service, clearly displaying air taxi or airline markings to FAA standards.
 - c. Ground support equipment, either owned by the operator or provided through a service/equipment provider, to include ground power unit(s), aircraft tug(s), and compressed air dispenser(s), necessary to properly operate the aircraft per applicable FAA certificate(s).
 - d. Reliable communication system, whereby the flying public can access pricing and aviation flight services offered.
- (3) Maintain FAA approval for all operator certificates, airworthiness certificates and flight crews offered to the public.
- (4) Make regular and timely payments to the City as defined by the lease(s) and any operating agreement(s), in addition to applicable rates and charges imposed by the City, and updated and revised from time to time.
- (5) Carry comprehensive general liability insurance as defined in applicable lease(s) and/or operating agreement(s), and per the Schedule of Insurances approved and updated by the City Council from time to time.
- (6) Provide a fidelity bond or other acceptable security instrument to the City, consistent with applicable lease(s) and/or operating agreement(s).

Specialized Aviation Services

Aircraft Charter - Businesses in this category shall, at a minimum:

- (1) Provide, by renting, leasing, or constructing, indoor space with public lounge and restrooms. All buildings or structures to be constructed or modified must be approved by the City as to location, design, and type of construction, and comply with Chapter 26 of the Charlevoix City Ordinance regarding Charlevoix Municipal Airport Rules and Regulations.
- (2) Provide, full time, at least one FAA-certified and instrument rated pilot with appropriate ratings for the type of services being offered, and be open and/or available during advertised business hours, as may seasonally change, to meet the needs of the aviation public.
- (3) Provide, and at all times maintain, at least one FAA-certified and airworthy aircraft, or other aircraft approved by the City. Aircraft may be owned or leased but must be under absolute control of the specialized aviation service provider and listed on the FAA Part 135 Air Taxi certificate. The intent of this section is not to exceed FAA requirements, but to ensure that aircraft charter operators comply with all applicable FAA certification standards applicable to aircraft charter. Specialized aviation services provider must maintain current FAA air taxi certificate and meet all FAA requirements.
- (4) Make regular and timely payments to the City as defined by the lease(s) and any operating agreement(s), in addition to applicable rates and charges imposed by the City, and updated and revised from time to time.
- (5) Pay to the City, in addition to any land, building, and percentage rentals, a landing fee in accordance with the schedule of rates and charges in effect, or by direct negotiation between City and specialized aviation services provider.
- (6) Carry comprehensive general liability insurance as defined in applicable lease(s) and/or operating agreement(s), and as stipulated in the Schedule of Insurances approved by City Council, and updated and revised from time to time.
- (7) Provide a fidelity bond or other acceptable security instrument to the City, consistent with applicable lease(s) and/or operating agreement(s).

Aircraft Painting and Interior - Businesses in this category shall, at a minimum:

- (1) Provide, by renting, leasing, or constructing, a building with floor area of not less than 2,000 square feet with public restrooms. All buildings or structures to be constructed or modified must be approved by the City as to location, design, and type of construction, and comply with Chapter 26 of the Charlevoix City Ordinance regarding Charlevoix Municipal Airport Rules and Regulations.
- (2) Provide facilities, tools, and equipment for painting and aircraft interior fitting, and do all that is necessary to satisfy FAA requirements for an approved certificate.

- (3) Employ at least one FAA-certified technician to conduct complete aircraft painting and interior fitting and installation that meets all FAA requirements to make repairs and alterations to certificated aircraft, and be open during advertised business hours, as may seasonally change, to meet the needs of the aviation public.
- (4) Make regular and timely payments to the City as defined by the lease(s) and any operating agreement(s), in addition to applicable rates and charges imposed by the City, and updated and revised from time to time.
- (5) Carry comprehensive general liability insurance and environmental insurance, as defined in applicable lease(s) and/or operating agreement(s), and as stipulated in the Schedule of Insurances approved by City Council, and updated and revised from time to time.
- (6) Provide a fidelity bond or other acceptable security instrument to the City, consistent with applicable lease(s) and/or operating agreement(s).

Aircraft Rental and Leasing - Businesses in this category shall, at a minimum:

- (1) Provide, at all times, a minimum of one aircraft properly licensed and FAA-certified, for rental and flight instruction, and employ personnel sufficient to be responsive during published business hours, as may seasonally change, to meet the needs of the aviation public.
- (2) Make regular and timely payments to the City as defined by the lease(s) and any operating agreement(s), in addition to applicable rates and charges imposed by the City, and updated and revised from time to time.
- (3) Carry comprehensive general liability insurance as defined in applicable lease(s) and/or operating agreement(s), and as stipulated in the Schedule of Insurances approved by City Council, and updated and revised from time to time.

Aircraft Sales - Businesses in this category shall, at a minimum:

- (1) Provide, by renting, leasing, or constructing, adequate office space for operations. All buildings or structures to be constructed or modified must be approved by the City as to location, design, and type of construction, and comply with Chapter 26 of the Charlevoix City Ordinance regarding Charlevoix Municipal Airport Rules and Regulations.
- (2) Provide at least one FAA-certified pilot with appropriate ratings for any aircraft being demonstrated, and be open during advertised business hours, as may seasonally change, to meet the needs of the aviation public.
- (3) Make regular and timely payments to the City as defined by the lease(s) and any operating agreement(s), in addition to applicable rates and charges imposed by the City, and updated and revised from time to time.
- (4) Carry comprehensive general liability insurance as defined in applicable lease(s) and/or operating agreement(s), and as stipulated in the Schedule of Insurances approved by City Council, and updated and revised from time to time.

Authorized Repair Station for Avionics - Businesses in this category shall, at a minimum:

- (1) Provide, by renting, leasing, or constructing, a building with floor area of not less than 2,000 square feet with public restrooms. All buildings or structures to be constructed or modified must be approved by the City as to location, design, and type of construction, and comply with Chapter 26 of the Charlevoix City Ordinance regarding Charlevoix Municipal Airport Rules and Regulations.
- (2) Provide facilities, tools, and equipment for avionics repairs and do all that is necessary to satisfy FAA requirements for an approved shop certificate.
- (3) Employ at least one FAA-certified technician to conduct complete avionics repair and installation, and maintain a FAA-approved repair station certificate, and be open during advertised business hours, as may seasonally change, to meet the needs of the aviation public.
- (4) Make regular and timely payments to the City as defined by the lease(s) and any operating agreement(s), in addition to applicable rates and charges imposed by the City, and updated and revised from time to time.
- (5) Carry comprehensive general liability insurance as defined in applicable lease(s) and/or operating agreement(s), and as stipulated in the Schedule of Insurances approved by City Council, and updated and revised from time to time.
- (6) Provide a fidelity bond or other acceptable security instrument to the City, consistent with applicable lease(s) and/or operating agreement(s).

Car Rental - Businesses in this category shall, at a minimum:

- (1) Rent counter space and/or operating space in the City-owned passenger terminal building at Charlevoix Municipal Airport, and pay applicable expenses associated with shared public spaces in the passenger terminal building.
- (2) Provide, at a minimum, the following services to the general public:
 - a. Uniformed personnel on duty to meet the seasonal demands of the traveling public.
 - b. Late model rental vehicles that are well maintained, regularly inspected, serviced and kept in overall good condition.
 - c. Service personnel, that either work for the operator or a service provider under contract to the operator, to clean, refuel and move vehicles as required.
 - d. Reliable reservation system, or other mechanism, whereby the general public can access pricing, check rental car availability, and obtain a confirmation.

- (3) Make regular and timely payments to the City as defined by the lease(s) and any operating agreement(s), in addition to applicable rates and charges imposed by the City, and updated and revised from time to time.
- (4) Carry comprehensive general liability insurance as defined in applicable lease(s) and/or operating agreement(s), and per the Schedule of Insurances approved and updated by the City Council from time to time.
- (5) Provide a fidelity bond or other acceptable security instrument to the City, consistent with applicable lease(s) and/or operating agreement(s).

Flight Instruction - Businesses in this category shall, at a minimum:

- (1) Provide a minimum of one FAA-certified instructor pilot.
- (2) Maintain FAA and state approvals for schools, services and flight operations offered to the public.
- (3) Provide, at all times, a minimum of one aircraft properly licensed and FAA-certified, available for flight instruction.
- (4) Employ at least one FAA-certified flight instructor accessible to the aviation public through advertised business hours and/or means of seeking instruction.
- (5) Make regular and timely payments to the City as defined by the lease(s) and any operating agreement(s), in addition to applicable rates and charges imposed by the City, and updated and revised from time to time.
- (6) Carry comprehensive general liability insurance as defined in applicable lease(s) and/or operating agreement(s), and as stipulated in the Schedule of Insurances approved by City Council, and updated and revised from time to time.

Flying Club - Businesses in this category shall, at a minimum:

- (1) Organize and operate as a not-for-profit venture, in concurrence with the Michigan Aeronautics Commission Rules and Regulations pertaining to flying clubs. Flying Clubs shall not collect fees in excess of their expenses; engage in charter or air taxi activities; or provide the ability to rent aircraft to persons that are not members of the Flying Club. Officers shall register with the Airport Manager, furnish membership lists upon request, and be responsible for the club's activities.
- (2) Ensure that all persons belonging to the flying club and acting as either flight or ground school instructors are licensed by the FAA as same, and maintain current registrations with the Michigan Department of Aeronautics.
- (3) Make regular and timely payments to the City as defined by the lease(s) and any operating agreement(s), in addition to applicable rates and charges imposed by the City, and updated and revised from time to time.
- (4) Carry comprehensive general liability insurance as defined in applicable lease(s) and/or operating agreement(s), and as stipulated in the Schedule of Insurances approved by City Council, and updated and revised from time to time.

Parachuting and Jump Schools - Businesses in this category shall, at a minimum:

- (1) Provide, at all times, a minimum of one aircraft properly licensed and FAA-certified, for parachuting activities, and employ personnel sufficient to be responsive during published business hours, as may seasonally change, to meet the needs of the aviation public.
- (2) Provide a minimum of one FAA-certified pilot during advertised hours of business.
- (3) Maintain FAA and state approvals for schools, services and flight operations offered to the public.
- (4) Make regular and timely payments to the City as defined by the lease(s) and any operating agreement(s), in addition to applicable rates and charges imposed by the City.
- (5) Carry comprehensive general liability insurance as defined in applicable lease(s) and/or operating agreement(s), and as stipulated in the Schedule of Insurances approved by City Council, and updated and revised from time to time.
- (6) Make regular and timely payments to the City as defined by the lease(s) and any operating agreement(s), in addition to applicable rates and charges imposed by the City, and updated and revised from time to time.

Repair Station for Aircraft, Engines, Propellers and Accessories - Businesses in this category shall, at a minimum:

- (1) Provide, by renting, leasing, or constructing, a hangar with floor space of not less than 2,000 square feet, including public restrooms and office space. All buildings or structures to be constructed or modified must be approved by the City as to location, design, and type of construction, and comply with Chapter 26 of the Charlevoix City Ordinance regarding Charlevoix Municipal Airport Rules and Regulations.
- (2) Provide facilities, tools, and equipment for aircraft, engine, and propeller repairs, and do all that is necessary to satisfy FAA requirements for an approved shop certificate.
- (3) Employ, full time, at least one FAA-certified mechanic for all types of work to be performed, and be open during advertised business hours, as may seasonally change, to meet the needs of the aviation public.
- (4) Provide minor repairs on a standby basis during daylight hours that the repair station is closed.
- (5) Make regular and timely payments to the City as defined by the lease(s) and any operating agreement(s), in addition to applicable rates and charges imposed by the City, and updated and revised from time to time.
- (6) Carry comprehensive general liability insurance as defined in applicable lease(s) and/or operating agreement(s), and as stipulated in the Schedule of Insurances approved by City Council, and updated and revised from time to time.
- (7) Provide a fidelity bond or other acceptable security instrument to the City, consistent with applicable lease(s) and/or

operating agreement(s).

Self-Fueling - Businesses in this category shall, at a minimum:

- (1) Store all aviation fuels in the City's fuel storage tanks.
- (2) Utilize fuel dispensing vehicles of no less than 250 gallons to refill aircraft. All such vehicles and their fuel dispensing systems shall comply with and be maintained according to aviation industry safety regulations and protocols.
- (3) The Airport Manager or another designee of the City Manager shall periodically inspect all motor vehicles, and all associated fuel delivery systems to ensure compliance with these Minimum Standards.
- (4) Delivery of a fidelity bond or other acceptable security instrument to the City, consistent with applicable lease(s) and/or operating agreement(s).
- (5) Make regular and timely payments to the City as defined by the Self-Fueling Dispensing License, in addition to applicable rates and charges imposed by the City, and updated and revised from time to time.
- (6) Carry comprehensive general liability insurance and environmental impairment liability insurance to protect against spills or releases associated with motor vehicles used by the self-fueling operator, as defined by the Self-Fueling Dispensing License and quantified in the City's Schedule of Insurances approved by City Council, which may be updated and revised from time to time. The City shall be named as an additional insured on all insurance policies, and policies shall be issued by an insurance company with at least an "A" rating by the AM BEST Insurance rating system.

Through-the-Fence (TTF) Operations - Businesses in this category shall, at a minimum:

- (1) Own and hold fee simple title to property contiguous with Charlevoix Municipal Airport, of not less than 20,000 square feet. All buildings or structures must be for commercial aeronautical use. All construction or modification must be approved by the City as to location, design, and type of construction, and comply with Chapter 26 of the Charlevoix City Ordinance regarding Charlevoix Municipal Airport Rules and Regulations.
- (2) Provide approved connectivity to aeronautical infrastructure, at the TTF operator's expense, in a manner consistent with industry standards and the City of Charlevoix's standards for construction. Airfield security shall be maintained at all times by the TTF operator.
- (3) Make regular and timely payments to the City as defined by the lease(s) and any operating agreement(s), in addition to applicable rates and charges imposed by the City, and updated and revised from time to time.
- (4) Carry comprehensive general liability insurance as defined in applicable lease(s) and/or operating agreement(s), and as stipulated in the Schedule of Insurances approved by City Council, and updated and revised from time to time.
- (5) Provide a fidelity bond or other acceptable security instrument to the City, consistent with applicable lease(s) and/or operating agreement(s).

- B. Consideration of a Resolution in Support of Placement of United States Coast Guard Ship in Charlevoix
Motion by Councilmember Lyle Gennett, seconded by Councilmember Greg Stevens, to approve Resolution 2010-10-02 as follows:

**CITY OF CHARLEVOIX
RESOLUTION NO. 2010-10-2**

RESOLUTION IN SUPPORT OF PLACEMENT OF UNITED STATES COAST GUARD SHIP IN CHARLEVOIX

- WHEREAS, Charlevoix has enjoyed a relationship with the United States Coast Guard since 1889, when the Coast Guard established Station Charlevoix; and
- WHEREAS, Charlevoix has also served as the homeport for three Coast Guard cutters dating back to USCGC Sundew in 1958 and ending with USCGC Acacia in 2006, and
- WHEREAS, At the time the USCGC Acacia was retired, the City of Charlevoix received the Acacia's anchor and a plaque, which are proudly displayed in downtown Charlevoix adjacent to the Pine River Channel and seen by all boats entering the harbor; and
- WHEREAS, The City and its residents recognize and embrace the contributions of the United States Coast Guard, its personnel and their families; and
- WHEREAS, In many cases, former guardsmen previously stationed in Charlevoix have either remained in our community following their discharge from service or have returned to Charlevoix upon the completion of their service commitment; and
- WHEREAS, In 1996, the City completed and paid for a major renovation of the area adjacent to the USCGC Acacia's dock. In this \$1.5 million renovation, the mooring area was expanded to accommodate a 225' vessel. Over 3,100 square feet of storage and meeting room facilities were built to accommodate the United States Coast Guard's needs. The adjacent park improvements were made to not only accommodate the new vessel, but to provide a focal point in the downtown area with the Coast Guard vessel being its main attraction; and
- WHEREAS, Charlevoix offers a wide variety of interests for Coast Guard personnel and their families in its cultural centers, shopping, and recreational opportunities; and
- WHEREAS, The City desires to continue our long standing partnership with the United States Coast Guard; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlevoix, hereby requests your support in the placement of a United States Coast Guard icebreaking vessel in Charlevoix the Beautiful.

RESOLVED, this 4th day of October, 2010.

Resolution adopted by the following yea and nay votes:

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

C. Consideration of a Medical Marihuana Moratorium

Motion by Councilmember Jill Picha, seconded by Councilmember Dennis Kusina, to approve Resolution 2010-10-03 as follows:

**CITY OF CHARLEVOIX
RESOLUTION 2010-10-3
CHARLEVOIX CITY COUNCIL RESOLUTION FOR MORATORIUM
ON CERTAIN MEDICAL MARIHUANA OPERATIONS AND FACILITIES**

WHEREAS, the Michigan Medical Marihuana Act (MMMA) was approved by the voters as Proposal 08-1 at the November 4, 2008 general election and became effective December 4, 2008; and

WHEREAS, the Michigan Zoning Enabling Act (MZEA) provides in Section 207 that land uses may not be excluded unless the use is unlawful; and

WHEREAS, the MZEA provides in Section 501 that site plans for special land uses must comply with state and federal statutes and public notice requirements for special land uses may violate MMMA; and

WHEREAS, the City of Charlevoix's Planning Commission and the City's planning staff need time to evaluate different approaches that are being considered throughout the State regarding the regulation of medical marihuana; and

WHEREAS, the regulating of medical marihuana is an exceedingly complex subject by its very nature and made even worse due the poorly written MMMA; and

WHEREAS, new information continues to arrive from across the State as communities seek to understand the varying interpretations of the MMMA and how it may be implemented; and

WHEREAS, the City Council believes that, in the interim, it would be in the City's best interest to place a moratorium on certain land uses in the City involving the cultivation, manufacture, distribution, dispensing, or possession of marihuana in order to give the Planning Commission, City staff and the City Council time to give reasonable consideration to a thoughtfully-drafted zoning ordinance amendment on this subject.

NOW THEREFORE, BE IT RESOLVED that the City of Charlevoix through its City Council hereby adopts a six-month moratorium on the establishment or operation anywhere within the City of (1) any medical marihuana dispensary, compassion center, or other similar operation for the use and/or consumption of medical marihuana, and/or (2) any commercial medical marihuana growing facility, other than that allowed under Michigan law for single caregivers; and

BE IT FURTHER RESOLVED that, unless extended by resolution of the City Council, said moratorium shall expire on the date of the City Council's first regular meeting in April, 2011 or April 30, 2011, whichever is earlier.

RESOLVED, this 4th day of October, A.D. 2010.

Resolution was adopted by the following yea and nay vote:

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

State of Michigan)
City of Charlevoix)

X. **Ordinances**

A. Proposed Changes to Chapter 26 of the City Code

Council made an amendment to section 2.194 (b), allowing for storage of other personal property in hangars if approved in writing by the Airport or City Managers, which is incorporated and approved in Ordinance 746 as follows:

**CITY OF CHARLEVOIX
Ordinance No. 746 of 2010**

AN ORDINANCE TO REPEAL CHAPTER 26 OF THE CHARLEVOIX CITY CODE AND TO REPLACE IT WITH A NEW CHAPTER 26, CHARLEVOIX MUNICIPAL AIRPORT ORDINANCE.

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Repeal and Replacement of Chapter 26.

Chapter 26 of the Charlevoix City Code is hereby repealed and replaced in its entirety as follows:

**CHAPTER 26
CHARLEVOIX MUNICIPAL AIRPORT**

ARTICLE I. IN GENERAL

2.181. Definitions.

Aeronautical commercial activity means any operation of an aircraft for compensation or hire, or any services performed incidental to the operation of any aircraft for which a fee is charged or compensation received while basing aircraft, advertising, or performing such services at the Charlevoix Municipal Airport. This includes, but is not limited to, the servicing, fueling, maintaining and repairing of third party aircraft, the rental or charter of aircraft under an F.A.R. Part 135 certificate (scheduled or unscheduled), the operation of flight schools, the operation of aircraft for the application of chemicals or other substances, aerial photography or surveys.

Airport means Charlevoix Municipal Airport.

Airport Manager means the individual tasked with oversight and management of all activities at Charlevoix Municipal Airport, and includes designees of the Airport Manager. The Airport Manager shall be appointed by the City Manager.

Based Aircraft means an aircraft stationed at the Airport on a long-term or permanent basis, through an arrangement for the storage of the aircraft in either a hangar or an outdoor tie-down area.

City means the City of Charlevoix.

City Manager means the City Manager of the City or a designee of the City Manager.

Contract means any contract, lease, covenants, or other written agreement.

Fuel means any liquid which is used to power an airplane. "Fuel" includes, but is not limited to 100LL and JetA.

Minimum Standards means the minimum requirements for the conducting of an aeronautical commercial activity at the Airport as adopted by the City Council by resolution and as amended from time to time.

Person means any individual, firm, partnership, corporation, company or association; and including any trustee or receiver.

Schedule of Insurances means the list of types of insurance, limits of coverage, and other insurance-related requirements for the conducting of an aeronautical commercial activity or any other type of activity as adopted by the City Council by resolution and as amended from time to time.

Self-fueling operator means an aircraft owner and/or an operator of aircraft who has exclusive control of one or more aircraft and elects to self-fuel those aircraft within the parameters of this Chapter and the Airport's Minimum Standards.

Schedule of Rates and Charges means the fees or charges for the conducting of an aeronautical commercial activity or any other type of activity at the Airport as adopted by the City Council by resolution and as amended from time to time.

Third party aircraft shall mean aircraft that are not owned or leased by a self-fueling operator.

Transient aircraft means an aircraft that is not a based aircraft.

Through the Fence: As currently defined by the FAA, an agreement whereby a landowner whose property abuts the airport is given permission to taxi aircraft between the privately owned land and the publicly owned airport.

2.182. Existing Contracts.

It is not intended for this Chapter to interfere with existing contracts. However, where this Chapter or compliance with federal grant assurance imposes a greater duty on a person than does an existing contract and where this Chapter does not directly and irreconcilably conflict with that contract, then the greater duty imposed by this Chapter shall apply. All future contracts shall be made consistent with this Chapter.

2.183. Contracts Non-Exclusive.

All contracts shall be granted on a non-exclusive basis, conforming to all federal statutes, orders, guidelines, and regulations.

2.184. Agreement with U.S. Government.

During time of war or national emergency, the City shall have the right to enter into an agreement with the U.S. Government for military use of part or all of the Airport and/or its facilities. Any contracts to persons other than the U.S. Government shall be subject to and subordinate to any such agreement with the U.S. Government.

2.185. Nondiscrimination.

No person shall, in the use of the Airport or any of the facilities located thereon, discriminate or permit discrimination against any other person or group of persons on the grounds of race, color, creed, national origin, sex, or age or in any other manner prohibited by federal statutes or federal regulations. Nondiscrimination shall include, but not be limited to, the pricing of services offered by Airport tenants and businesses. In the event of such noncompliance with the above provision, the City may take such action as the federal government may direct to enforce such compliance.

2.186. Federal and State Regulations.

All rules and regulations enacted by the Michigan Aeronautics Commission and/or the Federal Aviation Administration relative to pilots, aircraft, air traffic and airports now in effect or any amendments adopted in the future are hereby adopted by reference and made a part of these regulations as fully as if the same and each of all of them were completely set forth herein. In addition, all contracts, leases and licenses shall be subordinate to the City's commitment to comply with federal grant assurances and other obligations to the federal government.

2.187. Airport Manager's Authority.

The Airport Manager shall have authority to do the following: enforce of all laws, ordinances, standards, resolutions, rules, and regulations governing pilots, aircraft, air traffic, and the general public using the Airport; suspend flying operations when, in the Airport Manager's judgment, the condition of the Airport or weather is such as to make flying operations unsafe; issue notices to airmen (NOTAMS) as are appropriate for conditions at the Airport; and take such lawful action as may be necessary for the proper handling, conduct, and management of the public in attendance at the Airport. The Airport Manager may delegate responsibilities which are assigned to the Airport Manager under this Chapter to such persons as have been designated by the City Manager to assist the Airport Manager. The City Manager may delegate to the Airport Manager any duty or authority of the City Manager contained in this Chapter.

2.188. Revocation of Contract or Privileges.

A violation of this Chapter shall permit the City to revoke any permit, license, or contract which the City has with the violator. The City may reinstate or enter into a new permit, license, or contract with the violator once it is satisfied that remedial and/or corrective actions have taken place, and appropriate assurances are in place that the violation(s) of this Chapter will not be repeated. For purposes of this termination section only, a violator shall include an employer whose employee or agent has violated this Chapter in the course of the employee's employment.

2.189. Hearings.

Where violation of this Chapter may cause revocation of contracts or privileges exercised by a person at the Airport, such person shall receive written notification of such alleged violation giving the time and place and such other details as shall adequately apprise such person of the alleged violation and the proposed action of the Airport Manager. In the event the person receiving such notification desires to contest the alleged violation or the proposed action, the person may submit a written request for a meeting with the City Manager within ten (10) days of such notification to the City Manager. A meeting between the person and the City Manager or a designee of the City Manager shall be scheduled within thirty (30) days of the receipt of such request by the City Clerk. The decision of the City Manager shall be final.

2.190. Fees/permits.

The City Council may set fees for usage of the Airport and Airport property. These fees shall be listed on a *Schedule of Rates and Charges*.

2.191. Insurance.

Each person seeking a contract for use of the Airport or Airport property shall, prior to the execution of such contract, furnish the City with copies of certificates of insurance providing insurance coverage against loss occasioned by bodily injury or property damage pursuant to the Airport's *Schedule of Insurances*. Such persons shall also provide indemnification to the City against any loss occasioned by bodily injury or property damage caused as a result of the person's use of the Airport.

2.192. Inspections.

City personnel, including but not limited to the City Manager, Airport Manager, City fire personnel, and/or City police officers, shall have the authority and the duty to make such inspections of a person's use of the Airport, as well as buildings and facilities at the Airport used by any person, to determine compliance with the provisions of this Chapter.

ARTICLE II. VEHICLES

2.193. Operation.

- (a) No person shall operate a motor vehicle within the boundaries of the Airport property except in such locations as shall be designated by the Airport Manager. The Airport Manager may authorize the operation of a motor vehicle within the Airport as long as there will be no interference with aircraft movement or the creation of a hazardous condition.
- (b) The use of snowmobile, recreational or off-road vehicles is not allowed within the Airport boundaries without the approval of the Airport Manager.
- (c) No person shall park a motor vehicle on Airport property except in areas designated by the Airport Manager for parking.
- (d) No person shall park a vehicle in any space marked for parking in such a manner as to occupy part of another marked space, nor shall any person park, stand, or wait in any vehicle in any reserved or restricted areas so marked.
- (e) All employees of organizations and agencies having tenancy in the Airport's buildings or upon the Airport's property shall park vehicles in areas as designated by the Airport Manager.
- (f) No person shall park any motor vehicle in excess of the time limit prescribed for the particular parking area, nor shall any person park any motor vehicle in an area requiring payment for parking thereon without paying the required parking fee.

ARTICLE III. BUILDINGS AND PROPERTY

2.194. Buildings and Property.

Building size and building amenities for an aeronautical commercial activity which is allowed on Airport property are stipulated in the *Minimum Standards*. The City shall own all buildings or structures constructed or placed on Airport property. A person may construct a building or structure on airport property as provided in this Chapter; provided, however, the City shall own the building or structure upon the completion of its construction. In addition, the following shall apply to all buildings or structures on Airport property:

- (a) The use of all buildings and property on the Airport shall be subject to a lease between the user of the building or building amenities and the City. The lease shall stipulate the allowable uses, require compliance with the Airport's *Minimum Standards* and contain such other terms and conditions as the parties shall agree. The lease shall be approved by the City Manager and approved as to form by the City Attorney.
- (b) Except as provided herein, the use of private hangars on the Airport shall be limited to storage of aircraft and/or aircraft parts, or other aeronautical purposes as approved by the City Manager. Storage of other personal property may be approved by the written consent of the Airport Manager and City Manager. In its sole discretion, the City may require the lessee to provide additional taxiways and/or ramp space in front of or adjacent to a private hangar.
- (c) Authorization to construct a building on the Airport may be issued after:
 - (1) Detailed building plans and a written plan outlining the intended use of any associated structure or building have been approved by the Airport Manager and all such plans shall comply with the *Minimum Standards* and generally accepted design and construction practices.
 - (2) Execution of a written lease agreement between the proposed lessee and the City.
 - (3) Compliance with the City's *Schedule of Insurances*.

- (4) Payment of appropriate fees pursuant to the *Schedule of Rates and Charges*.
 - (5) Issuance of building permits when so required by the County.
- (d) The construction of any building or structure shall:
- (1) Comply with all applicable ordinances of the City if such ordinances are intended to apply to the Airport property.
 - (2) Be located according to the Airport's development plan and approved by the City Manager.
 - (3) Comply with rules for the construction of buildings or structures at the Airport which have been prepared by the City Manager.
 - (4) Be inspected and approved by the county building inspector and Airport Manager with respect to applicable building codes and to ensure that the building complies with the Airport's rules and plans for the building which were approved by the City.
- (e) Alterations or additions to existing structures, whether internal or external, will be considered the same as new construction and, in addition, shall be owned by the City.
- (f) All improvements to the property, such as utilities, approaches, paving, drain tiling and fill dirt will be provided at the lessee's expense.

ARTICLE IV. COMMERCIAL USES

2.195. Commercial uses

No person shall engage in an aeronautical commercial activity, the sale or rental of any commodities, supplies, services or any other type of commercial activity on the Airport unless the person has a contract with the City that authorizes the activity and contains the terms under which the activity may take place, and has received any associated permits or licenses. The City Council shall establish applicable fees through the Airport's *Schedule of Rates and Charges* and such fees may be imposed on an annual basis. Requests for such a contract shall be made to the Airport Manager. In addition, the following contract requirements shall apply:

- (a) Any contract between the City and a person engaging in an aeronautical commercial activity at the Airport, which involves the operation of a scheduled or unscheduled commercial airline and ticket-purchasing passengers who enplane at the Airport, shall require the person to accurately complete and timely file with the Federal Aviation Administration form 1800-31 and other forms or reports as required by this Ordinance for each calendar year within which the person's aeronautical commercial activity operates at the Airport. In addition to the filing of form 1800-31, the contractual commitment that other forms or reports must be filed in a timely manner with the Federal Aviation Administration (FAA) shall apply to:
 - (1) any other document of the FAA regarding the enplanement of passengers, take-offs and landings or any other aspect of the person's aeronautical commercial activity which is conducted in whole or in part at the Airport and which is required by the FAA to be filed,
 - (2) any other document of the FAA regarding the enplanement of passengers, take-offs and landings or any other aspect of the person's aeronautical commercial activity which is conducted in whole or in part at the Airport and which is not required by the FAA to be filed, but which the City requests in writing be filed with the FAA. Such request shall be deemed served on the person (a) by personal service on the person or on an employee of the person, (b) on the date on which the request is deposited in first class mail with the US Postal Service or (c) the date of signing on a return receipt if sent by certified mail with the US Postal Service, and
 - (3) other forms or reports that are required to be filed with the Transportation Security Administration, the Department of Homeland Security, the FAA, and any other local, state or federal agency having jurisdiction over the person or the proposed activity to which the contract will apply.
- (b) A copy of any form or document filed with the FAA pursuant to this section shall be provided to the City Manager within seven (7) days after it has been filed with the FAA.

ARTICLE V. ON-AIRPORT RESIDENCES

2.196. Residences - Airport Access.

- (a) Residential dwellings are prohibited on Airport property, and through-the-fence (TTF) access agreements shall not be granted to adjacent property owners of residential dwellings.
- (b) An existing TTF access agreement shall be allowed to remain until title to the property which benefits from the access agreement is conveyed to a new owner.

ARTICLE VI. AIRCRAFT OPERATIONS

2.197. Aircraft.

- (a) All based aircraft shall be registered with the Airport Manager.
- (b) Transient aircraft using the terminal parking area may park only in designated areas. The terminal parking area directly in front of the terminal building is closed to overnight parking except by prior arrangement with the Airport Manager.
- (c) Aircraft parked overnight must be chocked and/or tied down in the designated tie-down areas. Overnight parking and monthly tie-down fees shall be paid to the Airport Manager or his designated representative.

ARTICLE VII. FIRE REGULATIONS

2.198. Fire Regulations.

- (a) All persons shall comply with "No Smoking," "Fire Lane," and other regulatory signs.

- (b) No airplane shall be fueled or drained of fuel while the engine is running or while in a hangar or other enclosed space.
- (c) The cleaning of engines or other parts of an airplane within an enclosure shall be with nonflammable liquids. If volatile, flammable liquids are employed, cleaning operations shall be carried on in the open air.
- (d) Floors shall be kept free and clean from oil at all times. The use of volatile or flammable substances for the cleaning of floors is prohibited.
- (e) Owners and tenants shall be responsible for prompt removal of oily waste, rags, and other rubbish, such as empty oil, paint and varnish cans, bottles, etc., which shall not be allowed to accumulate.
- (f) No rubbish, paper, or debris of any kind shall be permitted to be stored in or about the hangars or other structures.
- (g) The storage of gasoline, kerosene, or other flammable liquids including those used in connection with the process of doping shall be in compliance with the regulations of the National Fire Prevention Association and all future amendments of those regulations for containers for flammable liquids and the storage of such containers.
- (h) Any person responsible for the spillage or dripping of fuels or flammable liquids which may be unsightly or detrimental to the pavement or to the environment shall insure the immediate removal of the material. The responsibility for removal shall be assumed by the operator of the equipment causing the spillage or by the tenant or concessionaire responsible for the spillage. Any spillage or dripping of fuels, flammable liquids, acids, or the like shall be reported to the Airport Manager's office immediately.
- (i) No fuels, oils, dopes, paints, solvents, or acids shall be disposed of or dumped in drains, on the ramp areas, catch basins or ditches, or elsewhere on the Airport.

ARTICLE VIII. PERSONAL CONDUCT OF THE PUBLIC

2.199. Conduct of the Public.

- (a) No person shall impede the operation of aircraft, or any authorized operation or activity at the Airport.
- (b) No person shall cause objects to be placed on any runway or taxiway that could cause aircraft engine damage or take any other action that is a danger to aircraft or aircraft engines.
- (c) A person shall observe and obey all posted signs, fences and barricades prohibiting entry upon restricted areas or governing their activities and demeanor while at the Airport.
- (d) No person shall enter within the Airport boundaries without good cause. Good cause shall include, but is not limited to: being a passenger of a plane located on the Airport; a pilot of a plane located on the Airport; a visitor of an aircraft owner, tenant, business, or operator of an aircraft; a visitor or invitee of Airport and/or City administration; an owner, operator, or employee of a business at the Airport; the customer or business invitee of a business at the Airport; a person having a contractual relationship with the City involving Airport property and the person's presence is in the performance of that contract; or a person otherwise authorized by laws or regulations of the City, state or federal government.
- (e) No person shall hunt or discharge a firearm on Airport property without written permission from the Airport Manager.
- (f) No person shall dispose of garbage, papers, refuse or other forms of trash on the premises of the Airport except in receptacles provided for such purposes, nor use a restroom other than in a clean and sanitary manner.
- (g) No person shall operate or release any model aircraft, rocket, kite, balloon or other similar contrivance at or upon the Airport without the prior approval of the Airport Manager. Approval shall be granted only if the proposed activity will not create a risk of harm to persons or property at the airport or will disrupt airport operations. Upon approval of the Airport Manager, a Notice to Airmen shall be issued prior to commencement of the approved activity.
- (h) No person shall enter the terminal building or field area of the Airport with a pet or other animal unless the animal is caged or on a leash and under an authorized person's control.
- (i) No person may smoke on any Airport apron or ramp, in any hangar or in any aircraft on any Airport property, on any observation deck, or in any other place on Airport property where smoking is prohibited by means of posted signs indicating such prohibition.
- (j) No person shall travel upon the premises of the Airport other than on roads or walkways except when authorized by the Airport Manager for a purpose related to the operation, maintenance or use of the airport.
- (k) No person shall solicit money or anything of value on the Airport for any non-aeronautical commercial activity, unless otherwise approved by the Airport Manager, City Manager or City Council.
- (l) Except as provided in this provision, air camping and camping within the Airport is prohibited. The Airport Manager may authorize air camping at certain times within specific areas and under rules established by the Airport Manager. A fee for air camping may be charged pursuant to the Airport's *Schedule of Rates and Charges*. The Airport Manager is authorized to revoke permission for a person to air camp for a violation of this Chapter, the failure to pay a required fee or for a violation of Air Camping rules. Sections 2.188 and 2.189 of this Chapter shall not apply to the revocation of permission for air camping.
- (m) No person shall parachute at or upon the Airport without prior notice to the Airport Manager or shall parachute at a time which creates an unreasonable risk of harm to persons or property. A Notice to Airmen shall be issued prior to the commencement of the parachuting.

ARTICLE IX. PENALTY

2.200. Penalty.

A violation of section 2.199(d) shall be a misdemeanor and a person convicted of violating that section shall be subject to a fine of not more than one hundred dollars (\$100.00) or imprisonment for not more than ninety (90) days or both. Any person violating any other provision of this Chapter shall be responsible for a civil infraction.

2.201—2.299. Reserved.

ARTICLE X. SELF-FUELING OPERATIONS

2.300. Self-Fueling.

The City of Charlevoix requires that all aviation fuels at Charlevoix Municipal Airport be stored within a common fuel farm for environmental, safety and quality control reasons. Self-fueling operators shall store all aviation fuels in the City's fuel storage system, and pay applicable fees under the *Schedule of Rates and Charges*.

2.301. Self-Fueling Dispensing License.

- (a) No person shall dispense fuel at the Airport without first obtaining a self-fueling license from the City Manager.
- (b) Dispensing of aviation fuel under a fuel dispensing license shall be consistent with the Minimum Standards for Charlevoix Municipal Airport.
- (c) No person shall dispense fuel at the Airport unless and until financial assurances have been provided as contained in the Airport's Minimum Standards.

2.302. License Requirements.

The City Manager shall issue the fuel dispensing license after financial assurances have been provided as contained in the Airport's Minimum Standards.

2.303. Non-City Fuel Sales and Fueling Third Party Aircraft Prohibited.

The City of Charlevoix is the exclusive and proprietary provider of retail aviation fuels at the Airport. The sale of retail fuel by any person, including but not limited to a self-fueling operator, is prohibited. The fueling of third party aircraft by any person, including but not limited to a self-fueling operator, is prohibited.

2.304. Fees.

The fee for the self-fueling license shall be contained in the *Schedule of Rates and Charges*. The fee shall be of an amount sufficient to reimburse the City for all administrative costs associated with the issuance of the license. Administrative costs include, but are not limited to, legal fees and consultant fees relating to the review of documents and the issuance of the license. Licensee shall also pay Fuel Flowage fees and Fuel System Use fees contained in the *Schedule of Rates and Charges* and must be current on the payment of all fees to maintain a self-fueling license.

2.305. License.

The license shall be in a form determined by the City Manager. The license shall continue until such time as the applicant is no longer a self-fueling operator or the license is revoked as provided in this Chapter.

SECTION 2. 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 3. Effective Date.

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

ENACTED this 4th day of October, 2010.

Ordinance No. 746-2010 was enacted on the 4th day of October, 2010, by the Charlevoix City Council as follows:

Motion by: Councilmember Jill Picha
Seconded by: Councilmember Bryan Vollmer

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

XI. Miscellaneous Business

General business item F. was postponed until late in the meeting, in hopes it would allow Mr. Funkey to be present for the discussion of the item. Mr. Funkey was unable to arrive.

F. Discussion Regarding Renewal of Docking Lease Agreement with Keweenaw Excursions

The Mayor reviewed the agreement, which had been arrived after a meeting with Mr. Jason Funkey of Keweenaw Excursions, Mayor Carlson, Councilmember Picha, and the City Manager. The Mayor reviewed the terms of the agreement.

Gary Dawson, from Sunshine Charters, spoke opposing this agreement, stating the business has a poor business plan, failure of the business to properly advertise, and giving Keweenaw an unfair advantage over his business. Mr. Dawson doesn't understand why the City would want to subsidize a business that is poorly conceived and poorly run. Mr. Dawson also expressed concerns that the Keweenaw boat was not up to "green," clean marina standards. Mr. Dawson proposed making the Keweenaw operation spend the money they are saving on dockage for advertising. Mr. Dawson stated that he would expect some sort of reduction in fees for his business too; he would be willing to put any savings toward an advertising campaign. The Mayor attempted to address the issues for Mr. Dawson, explaining that the City does not view Keweenaw as a direct competitor to Sunshine, and the additional fees for office space that Keweenaw pays. Additionally, the space where the Keweenaw Star is docking is not controlled by the DNR, as the dock where the Sunshine moors is. The decision has not been taken lightly. The new proposed Keweenaw contract will allow Mr. Funkey

to make payments over time, rather than having all the money up front, allowing more flexibility of funds for advertising. The Mayor explained that the City does provide tax breaks to industries to help them. Councilmember Picha stated that she doesn't believe the Keweenaw boat has pollution problems.

Motion by Councilmember Dennis Kusina, seconded by Councilmember Jill Picha, to approve the commercial docking agreement with Keweenaw Excursions, as outlined on pp. 45-48 of the packet.

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

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 7:58 p.m.

Carol A. Ochs	City Clerk	Norman L. Carlson, Jr.	Mayor
Accounts Payable – 09/24/2010			
AT&T MOBILITY	263.91	RESCO	33,220.12
CITIZENS BANKING CORP	18,162.24	STANDARD INSURANCE CO	1,359.57
DELTA DENTAL	3,868.67	TOTAL 9/24/2010	56,874.51
Accounts Payable – 10/05/2010			
ACCUMED BILLING INC.	402.02	LAKESHORE TIRE & AUTO SERVICE	13.95
AIRGAS GREAT LAKES INC.	569.00	LANDSCAPE FORMS INC.	1,792.50
AMCOMM TELECOMMUNICATIONS INC	14,124.00	MAGNUM ELECTRIC INC.	800.00
AMERICAN SAFETY	216.00	MARVIN'S GARDENS INC	99.98
AMERICAN SAFETY UTILITY CORP	51.37	MAS MODERN MARKETING	515.42
AT&T LONG DISTANCE	111.41	MCVEIGH'S TRUCK SPRINGS INC.	139.79
BAILEY, MATT	87.50	MDC CONTRACTING LLC	54.00
BANDIT INDUSTRIES INC	76.03	MEGGISON, BRUCE	100.00
BERGMANN MARINE	172.00	MICHIGAN MUNICIPAL LEAGUE	10,194.48
BRADLEY, KELLY	60.00	MICHIGAN PUBLIC POWER AGENCY	157,423.11
BRANDI, RICHARD	219.50	MICHIGAN SECTION AWWA	195.00
BRECHEISEN DIESEL SERVICE INC	48.69	MISS DIG SYSTEM INC	236.51
CADWELL, MARY	46.08	N 6058 F INC.	451.71
CALDWELL, JAMES	41.00	NASH, JENNIFER	41.00
CAREY, KEITH	41.00	NORTHERN FIRE & SAFETY	227.00
CHARLEVOIX COUNTY	1,080.00	NORTHERN SAFETY CO INC	1,298.11
CHARLEVOIX TOWNSHIP	10.50	OCHS, CAROL	188.00
CHEMICAL SYSTEMS INC.	1,768.00	ORBAN, BARBARA	40.00
CHEMSEARCH	962.50	OTEC	900.00
CINTAS FIRST AID & SAFETY	80.40	PARADIS III, J.A.	172.20
COMPLETE MUFFLER	80.96	PARASTAR	1,776.54
CRA Payment Center	198.32	PERFORMANCE ENGINEERS INC	3,881.25
CREATIVE PRODUCT SOURCING INC	297.73	POLYDYNE INC	379.50
CRIPPS, PATRICIA	53.94	POWER LINE SUPPLY	6,153.64
DESIGN ASSOCIATES	1,420.00	POWERPLAN	89.03
DOAN, GERARD	41.00	PRIORITY HEALTH	38,670.19
DTE ENERGY	1,826.07	QUIROGA, NANCY	25.00
EAST JORDAN IRON WORKS	133.37	RESCO	715.52
ELHORN ENGINEERING COMPANY	2,045.00	RIETH-RILEY CONST CO INC	519.08
ELLIOTT, PATRICK	41.00	RS TECHNICAL SERVICES	377.15
EMERGENCY MEDICAL PRODUCTS INC	498.40	SEELEY'S PRINTING SERVICE	92.69
EVANS, HAL	41.00	SKY ELECTRIC OF NORTHERN MI	3,455.36
FERGUSON & CHAMBERLAIN ASSOC	374.00	SPARTAN DISTRIBUTORS INC	114.80
FLOTATION DOCKING SYSTEMS INC.	1,175.00	SPARTAN STORES	5,000.00
FOX CHARLEVOIX FORD	125.04	SPENCER, MICHAEL	41.00
GALLS AN ARAMARK COMPANY	53.98	STATE OF MICHIGAN	390.00
GREAT LAKES ENERGY	171.42	STATE OF MICHIGAN	395.00
GRIFFIN BEVERAGE CO	4.00	STRAEBEL, ROBERT J.	41.00
HACH COMPANY	137.70	SUPER M EXCAVATING AND	10,850.00
HAGGARD'S INC	1,480.00	SWEM, DONALD	41.00
HANKINS, SCOTT	41.00	SYSTEMS SPECIALISTS INC	457.50
HART, TERESA	41.00	TRUCK & TRAILER SPECIALTIES	761.60
HILTON, BOB	83.00	TURFGRASS INC	720.96
ISLAND AIRWAYS	1,239.93	UP NORTH PROPERTY SERVICES LLC	6,916.00
IVAN, PAUL	41.00	USA BLUE BOOK	399.80
KMart	77.02	USA MOBILITY WIRELESS INC.	9.99
KSS ENTERPRISES	326.95	YOUNG GRAHAM	13,268.90
LAB SAFETY SUPPLY INC.	1,131.64	TOTAL	303,771.73
Accounts Payable – 10/05/2010			
Tax Disbursements			
C.H.R. LLC	25.05	CHARLEVOIX PUBLIC SCHOOLS	4,386.29
CHARLEVOIX COUNTY TREASURER	49,299.15	CHARLEVOIX PUBLIC SCHOOLS	8,763.74
CHARLEVOIX COUNTY TREASURER	154.28	CITY OF CHARLEVOIX - TAXES DUE	57,107.99
CHARLEVOIX DISTRICT LIBRARY	12.24	RECREATIONAL AUTHORITY	2.35
CHARLEVOIX PUBLIC SCHOOLS	68,993.73	TOTAL	188,744.82
PAYROLL: NET PAY			
Pay Period Ending 10/25/2010 – Paid 10/01/2010			
WELLER, LINDA JO	1,312.06	BRANDI, RICHARD M.	1,700.83
STRAEBEL, ROBERT J.	2,277.48	LOY, EVELYN R.	948.04

KLOOSTER, ALIDA K.	1,411.19	BOSS, DWIGHT M.	28,039.62
BROWN, STEPHANIE C.	1,021.56	KLOOSTER, SUSAN E.	21.12
OCHS, CAROL A.	947.49	STEBE, LAURA A.	44.32
CAREY, KEITH V.	1,153.17	STEBE, DAVID S.	22.16
SPENCER, MICHAEL D.	1,459.24	HART, TERESA M.	723.51
SPENCLEY, PATRICIA L.	1,025.85	CRAIN, CODY A.	238.00
SOMERVILLE, COLLIN P.	414.46	BENNETT, THOMAS A.	320.26
NASH, JENNIFER B.	888.40	DURRENBERGER, LARRY J	168.27
BAILEY, MATTHEW L.	918.44	CARLSON JR., NORMAN	1,937.24
UMULIS, MATTHEW T.	1,565.26	STEVENS, GREGORY L	452.51
DOAN, GERARD P.	1,723.47	PICHA, C JILL	558.80
METDEPENNINGEN, SARAH	1,322.88	KUSINA, DENNIS	571.99
WARNER, JANINE M.	1,311.38	COLE, SHANE	397.10
EVANS, HALBERT K.	862.72	GENNETT, LYLE E	598.40
KANINE, MATTHEW J.	199.29	VOLLMER, BRYAN R.	321.20
BINGHAM, LARRY E.	264.74	SHRIFT, PETER R.	1,241.33
SCHLAPPI, JAMES L.	1,056.84	HANKINS, SCOTT A.	1,418.53
TAYLOR, TERRY K.	201.84	KLOOSTER, PATRICK H.	295.75
ORBAN, BARBARA K.	1,405.92	BOSS, JOHN M.	140.80
HASKE, TYLER K.	280.66	KLOOSTER, JUSTIN N.	452.86
IVAN, PAUL M.	1,885.38	COPPOCK, TIMOTHY M.	1,413.27
SCHWARTZFISHER, JOSEPH	969.73	WURST, RANDALL W.	1,353.19
ROLOFF, ROBERT P.	1,179.23	WHITLEY, JOHN F.	1,874.74
BRODIN, WILLIAM C.	1,118.06	BLANCHARD, SCOTT W.	1,521.66
CALDWELL, JAMES P.	1,354.25	FRYE, EDWARD J.	1,053.13
MAYER, SHELLEY L.	1,436.30	SWEM, DONALD L.	1,693.31
HILLING, NICHOLAS A.	1,013.11	ROTTA, RUSSELL	1,501.20
MEIER III, CHARLES A.	949.11	HART II, DELBERT W.	628.30
JACOBS, DOUGLAS R.	2,287.42	MORRISON, KEVIN P.	1,294.70
NISWANDER, JOSEPH F.	1,321.83	HODGE, MICHAEL J.	1,343.93
WELLS JR., DONALD E.	1,519.22	JOHNSON, STEVEN P.	1,097.18
JONES, TERRI L.	1,174.57	JONES, ROBERT F.	1,221.38
BRADLEY, KELLY R.	1,366.51	BISHAW, JAMES H.	622.10
EATON, BRAD A.	1,391.62	DISHONG, AARON S.	848.44
WILSON, TIMOTHY J.	1,595.41	ZIPP, DONALD R.	1,104.07
ELLIOTT, PATRICK M.	1,578.40	HOLM, ARTHUR R.	844.72
WILSON, RICHARD J.	1,231.18	HEID, THOMAS J	1,338.55
SIEGMUND, CHRISTOPHER	525.94	KING, LYLE S.	149.49
BROWE, RAYMOND L.	568.92	BOAL, DAVID W.	762.67
RAMSEY, ARIEL M.	26.39	MILLIGAN, DESMOND E.	99.00
EAGLESON, WAYNE L.	449.56	REID, JON M.	411.54
MCGHEE, ROBERT R.	984.40	GRUNCH, RONALD J.	136.67
CROSS, MARCUS E.	739.28	BOOTH, GEORGE E.	149.59
VANLOO, JOSEPH G.	592.10	MILLIGAN, DOUGLAS J.	8.31
STEVENS, BRANDON C.	597.26	TOTAL	113,963.30

PAYROLL: TRANSMITTAL
10/01/2010

**EFTPS* Payroll Taxes	47,529.82	MI STATE DISTRICT UNIT	128.28
CHAR EM UNITED WAY	40.00	NORTHWESTERN BANK	8,306.00
CHARLEVOIX STATE BANK	14,487.25	POLICE OFFICERS LABOR	308.00
COMMUNICATION WORKERS	513.11	PRIORITY HEALTH	73.49
ICMA RETIREMENT TRUST 401	669.43	STATE OF MICHIGAN	6,466.91
ICMA RETIREMENT TRUST 457	6,171.40	TOTAL	84,693.69