



City of Boyne City
Founded 1856

319 N. Lake Street

Boyne City, Michigan 49712
www.boyne-city.com

Phone 231-582-6597
Fax 231-582-6506

**BOYNE CITY
CITY COMMISSION REGULAR MEETING
Boyne City Hall
364 North Lake Street
Tuesday, May 24, 2016 at Noon.**

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. CONSENT AGENDA
The purpose of the consent agenda is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff, or the public may ask that any item(s) on the consent agenda be removed and placed as the last item under new business to receive full discussion. Such requests will be automatically respected.
 - A. Approval of the May 10, 2016 City Commission regular meeting minutes as presented
 - B. Approval to reappoint Aaron Place to the Planning Commission for a three year term expiring on May 31, 2019
 - C. Approval to reappoint Joe St. Dennis to the Planning Commission for a three year term expiring on May 31, 2019
 - D. Approval to reappoint Ken Allen to the Planning Commission for a three year term expiring on May 31, 2019
 - E. Approval to reject the offer from the Charlevoix County Treasurer to purchase tax foreclosed properties
 - F. Approval of a grant application to the Grand Traverse Band of Ottawa & Chippewa Indians in the amount of \$36,315 for the purpose of purchasing three Lucas automatic CPR machines and authorize the City Manager to execute the documents
 - G. Approval of the construction and installation of a mosaic mural piece in the marina and authorize the City Manager and Main Street Director to execute any necessary contracts or documentation to move the project forward
4. HEARING CITIZENS COMMENTS (on non-agenda items; 5 minute limit)
5. CORRESPONDENCE
6. CITY MANAGER'S REPORT
7. REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

8. OLD BUSINESS

A. Goal Setting / Community Input

Consideration to direct City Staff to review the information and prepare a recommendation of top goals and issues to address and bring it back to the City Commission at its June 14, 2015 meeting; or schedule a City Commission Work Session for June 7, 2016 at 1:30 p.m. to review all of the information, prioritize and adopt a set of goals

9. NEW BUSINESS

A. Public Hearing for Munson Healthcare Charlevoix Hospital

Consideration of a request from Munson Healthcare Charlevoix Hospital, financing through Charlevoix Township Hospital Finance Authority to hold a Public Hearing for utilizing tax exempt bond proceeds for the purpose of purchasing and installing medical equipment at the Boyne Area Medical facility located in Boyne City

B. Street Vacation Request

Consideration to proceed with a request from Stephanie Moody for the vacation of the south portion of Willow Street and authorize staff to schedule and notice the required public hearing

C. Clean Air Act Interpretation

Consideration of the recent re-interpretation of the federal Clean Air Act and its effect on local business and determine what, if any, role it wishes to take on the matter

D. Request of the City Manager to go into closed session to consider strategy connected with the negotiation of a collective bargaining agreement as provided in MCL 15.268 (c) of the Michigan Open Meetings Act (PA 267 of 1976)

10. GOOD OF THE ORDER

11. ANNOUNCEMENTS

- The next regular City Commission meeting is scheduled for Tuesday, June 14, 2016 at 7:00 p.m.

12. ADJOURNMENT

Individuals with disabilities requiring auxiliary aids or services in order to participate in municipal meetings may contact Boyne City Hall for assistance: Cindy Grice, City Clerk/Treasurer, 319 North Lake Street, Boyne City, MI 49712; phone (231) 582-0334



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www.cityofboyne.org
click on Boards & Commissions for complete
agenda packets & minutes for each board

**MAY 10, 2016
REGULAR MEETING**

RECORD OF THE PROCEEDINGS OF THE REGULAR BOYNE CITY COMMISSION MEETING DULY CALLED AND HELD AT BOYNE CITY HALL, 364 NORTH LAKE STREET, ON TUESDAY MAY 10, 2016

CALL TO ORDER

Mayor Neidhamer called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance.

Present: Mayor Tom Neidhamer, Commissioners Ron Grunch, Laura Sansom and Hugh Conklin

Absent: Mayor Pro-Tem Gene Towne

Staff: Cindy Grice, Michael Cain and Kevin Spate

Others: There were 9 citizens in attendance including a representative from the Charlevoix County News

**Excuse Mayor Pro-Tem
Towne
MOTION**

2016-05-060
Moved by Neidhamer
Second by Sansom

To excuse Mayor Pro-Tem Towne from attending tonight's meeting

Ayes: 4
Nays: 0
Absent: 1
Motion carried

**CONSENT AGENDA
MOTION**

2016-05-061
Moved by Conklin
Second by Sansom

2016-05-061A
Approval of the April 26, 2016 City Commission regular meeting minutes with correction as requested

2016-05-061B
Approval of the 2016/2017 Planning and Zoning Service contracts for Evangeline Township in the amount of \$28,609.91 and Wilson Township in the amount of \$39,923.13 and authorize the City Manager to execute the documents

2016-05-061C
Approval to update and renew the operating agreement for the One Water Marina with Integrity Land Development (aka Catt Development) and any other slip owner for 2016 and future years, if the opportunity presents itself, and authorize the City Manager to sign the agreement(s) on the City's behalf

2016-05-061D
Approval to proclaim May 15 – 21, 2016 as "Public Works Week" in the City of Boyne City

2016-05-061E
Approval of a payment in the amount of \$2,700 to Loy Cyrulik of Harborage Heights Development LLC for a permanent easement for the construction and maintenance of a sidewalk in connection with the Safe Routes to School Grant

Ayes: 4
 Nays: 0
 Absent: 1
 Motion carried

CITIZENS COMMENTS

Bill Kuhn said the archery targets are up and ready to shoot at the archery range. There will be a major shoot to be held at Boyne Mountain this year. Also, regarding the Division Street drainage, there needs to just be a slight change at the corner of the area of issue. Is there the possible of adding a ditch.

Nancy Kujawski said she is here about the water issue from Division Street as well. She feels there is still a lack of drainage. She added there has been a neglect of the City to resolve these issues. How can you look at a cesspool on the south side of Division street? It looks terrible and is not right. The problem won't go away without proper infrastructure. People won't come in to the meetings because things won't get done. She added she feels the City has lost its direction and priorities. We are losing Boyne City due to big money.

Ron Crozier said he agrees that the City doesn't care about the locals. He's a businessman that has lost business because of this.

CORRESPONDENCE

None

CITY MANAGERS REPORT

City Manager Cain reported:

- Demolition of the old City Hall continues. The flagpole and drop box have been relocated to the temporary location.
- The pavement lines that were recently done are being repaired.
- The Main Street Program is now in its new home on Water Street in the Ace Hardware building.
- Thanks to all those who volunteered and helped with Buff up Boyne this past weekend.
- The Mushroom Festival kicks off Thursday evening.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Draft Minutes of the April 7, 2016 Main Street Meeting; the April 18, 2016 Planning Commission Meeting and the April 27, 2016 Airport Advisory Board Meeting were received and filed.

City Manager Cain provided a draft resolution on the Enbridge Line 5 matter based on information presented at the Commission's April 26 meeting. He started with the Cheboygan County Resolution and incorporated items from the Tip of the Mitt Watershed Council's position. He added that he further expanded the scope, requests and distribution of the proposed resolution to include other relevant parties such as the governments and appropriate representatives of the United State, the Canadian Government and the Province of Ontario. Also presented was correspondence from Commissioner Sansom prior to this meeting with language changes she proposed.

Citizens Comments: Adam Kennedy representing the Friends of the Boyne River thanked everyone for what they have done and their consideration on this matter.

Commissioners Comments: Commissioner Sansom said she felt the original resolution provided wasn't strong enough. She also has difficulty with Enbridge transporting anything along those lines adding that it's not if, it's when there's a failure of the line. Commissioner Conklin said he could live with either one. He has a hard time getting into too much detail. He likes the tone of the Tip of the Mitt resolution. We are adding our voice to the choir regarding this matter. Commissioner Grunch and Mayor Neidhamer agree.

MOTION

2016-05-062
 Moved by Conklin
 Second by Grunch

To approve the resolution opposing Enbridge Line 4 as presented, with edits proposed by the Tip of the Mitt Watershed Council, also to include Commissioner Sansom's proposed change on item 2 regarding financial responsible, with the resolution to be signed by all City Commissioners, the City Manager and City Clerk.

Ayes: 4
 Nays: 0
 Absent: 1
 Motion carried

**Closed Session
MOTION**

2016-05-063
 Moved by Neidhamer
 Second by Conklin

To approve the request of the City Manager to go into closed session with our attorney regarding Attorney/Client Privilege document as provided in MCL 15.268 (h) of the Michigan Open Meetings Act (PA 267 of 1976) at 7:46 p.m.

Ayes: 4
 Nays: 0
 Absent: 1
 Motion carried

**Return to Open
Session
MOTION**

2016-05-064
 Moved by Neidhamer
 Second by Conklin

To return to Open Session at 8:33 p.m.

Ayes: 4
 Nays: 0
 Absent: 1
 Motion carried

Good of the Order

Commissioner Grunch said he would like to see the bike racks restored at the Charlevoix Street Look-out. He added the recent landscaping done at that site is beautiful. Commissioner Sansom inquired about the clean up being done at Riverside Park. Mayor Neidhamer said the garden club is out in full force this week. The dog park has been cleaned, Little League is in full session. The volunteers are taking on all of these projects and are getting them done. Commissioner Conklin has also started a Friends of Avalanche group that recently met for the first time.

ADJOURNMENT

Motion by Mayor Neidhamer seconded by Commissioner Grunch to adjourn the regular City Commission meeting of Tuesday, May 10, 2016 at 8:33 p.m.

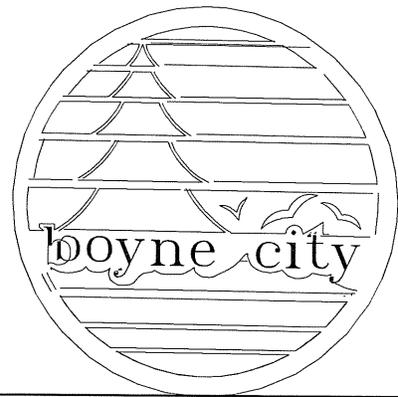
Tom Neidhamer
Mayor

Cindy Grice
Clerk / Treasurer

DRAFT

CITY OF BOYNE CITY

To: Michael Cain, City Manager
From: Scott McPherson, Planning Director *SM*
Date: May 24, 2016
Subject: Planning Commission Appointment



Background Information

On May 31, 2016 the terms for Planning Commissioners Aaron Place, Joe St. Dennis and Ken Allen will expire.

Process

The procedures for the appointments to the planning commission are regulated by Ordinance A - 21. The ordinance stipulates that planning commissioners are appointed by the Mayor subject to the majority vote of the City Commission. As per normal procedures of the City a the Planning Commission reviewed the appointment and recommended reappointment of all three.

Recommendation

Reappointment of Aaron Place, Joe St. Dennis and Ken Allen to the planning commission for an additional 3 year term expiring May 31, 2019.



City of Boyne City

Agenda Item 3E

MEMO

Date: May 20, 2016

To: Mayor Neidhamer and the Boyne City City Commission

From: Michael Cain, City Manager *Mc*

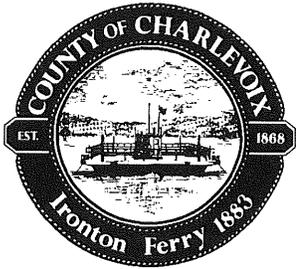
Subject: Charlevoix County Tax Foreclosed Property Offer

Attached please find a letter from the County Treasurer advising the City of property within Boyne City that they have taken possession of and are now offering to us. I have reviewed the properties with staff and we see no value to us. We have shared this information with Jane MacKenzie of Northern Homes and the Boyne City Housing Commission to see if they would be of any value to them as they seek to deal with local housing needs. They will pursue this directly with the County if they are if value to them. Our passing on these properties does not complicate their efforts.

RECOMMENDATION: That the City Commission authorize staff to inform the County Treasurer that Boyne City is not interested in these properties.

Options:

- a) Postpone this matter for further information or consideration.
- b) Decide not to pursue this matter at this time.
- c) Other options as determined by the City Commission.



A MICHIGAN HISTORICAL SITE

MARILYN COUSINEAU
Charlevoix County Treasurer

301 STATE ST./COUNTY BUILDING
CHARLEVOIX, MICHIGAN 49720

Telephone 231-547-7202
Fax 231-547-7252

April 25, 2016

City of Boyne City
Attention: Cindy Grice
319 N. Lake St.
Boyne City, MI. 49712

Dear City Council:

I have enclosed a list of parcels in the City of Boyne City that I foreclosed upon in Circuit Court in my capacity as the Foreclosing Governmental Unit under the authority of the General Property Tax Act. This foreclosure was made delinquent for real property taxes. This list is not final: there may be further court action to remove parcels from foreclosure or to extend the redemption period.

A public auction of these properties is tentatively scheduled for August 16, 2016. Minimum bids have been established and will include all delinquent taxes, fees, penalties, and interest plus any costs of preparing for and conducting the auction. The enclosed list includes a minimum bid for each auction item.

The General Property Tax Act establishes a procedure for the State and for local municipalities to purchase foreclosed property prior to public auction. The purchase must be for a governmental purpose and public use. The law establishes the following order of preference:

1. The State of Michigan has first right of refusal and must pay the higher of the minimum bid or the market value of the property.
2. The City, Village, or Township (in that order) in which the property is located can purchase the property if the State declines and must pay the minimum bid.
3. The County may purchase the property if the City, Village, or Township declines and must pay the minimum bid.

If the City, Village, Township, or County purchases a property under this process and later sells the property for more than the purchase price, plus the cost of any improvements, the excess proceeds are due back to the Treasurer to replenish the tax foreclosure fund.

Rec'd 4-27-16

I have enclosed 2 forms one is if you decided you don't want the parcel and the other is if you decided you want the parcel. Please fill out whichever form applies and return it to me no later than May 27, 2016.

If I don't receive a reply I will assume that you don't want the parcel and it will go to auction.

Sincerely,

A handwritten signature in cursive script that reads "Marilyn Cousineau". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Marilyn Cousineau
Charlevoix County Treasurer

Parcel 051-147-001-00

Amount owed on Taxes \$2,507.19 plus \$10.00 recording Fee.

Parcel 051-147-006-00

Amount owed on Taxes \$3,879.31 Plus \$10.00 recording fee.

Parcel 051-147-008-00

Amount owed on Taxes \$1,484.56 plus \$10.00 recording fee.



Line

Lake

Fremont

051-147-001-00

051-147-006-00

051-147-008-00

Ottawa

Groveland

Memo:

May 20, 2016

To: Michael Cain, 
City Manager

From: John M Lamont

EMS Director

Re: GTB 2% grant application

I would like to pursue a grant application to the Grand Traverse Band of Ottawa Indians for the purchase of three (3) Lucas automatic CPR machines. Currently our system has one, problem, it is not always where it is needed. By purchasing 3 units each vehicle will have the unit on the truck. Boyne Valley Township is willing to partner in this purchase and share in any cost distribution to provide a 10% match to the request.

Each unit cost is \$14,000 with misc add on of \$450.00 each for cases and extra batteries . The provider is offering a \$1,000.00 discount per unit.

We would request \$40,350.00 less 10% match (shared with Boyne Valley) or \$36,315 from the grant. The City cost would be \$2,017.50

This unit is rapidly becoming standard of care. With the new American Heart Association guidelines the rigor of prolong CPR leads to less effectiveness. With the rural area and transport distance it becomes a herculean task to provide quality CPR.

The grant application will be submitted for the June request period.

Thank-you for your help in this endeavor.



City of Boyne City

MEMO

Date: May 20, 2016

To: Mayor Neidhamer and the Boyne City City Commission

From: Michael Cain, City Manager *Mc*

Subject: Sculpture Location

Attached please find a memo from Main Street Executive Director Lori Meeder. In that memo she speaks about a permanent mosaic sculpture that has been approved by the Main Street Design Committee and its full Board. Since it is proposed that this sculpture would be placed on City property between our marina and its parking lot the matter is now before you for your consideration. This location has been reviewed by our Harbormaster Barb Brooks and discussed by our Department Heads and we support the request. This project will be paid for by the Main Street program.

If approved it is anticipated that the sculpture would be created this summer.

RECOMMENDATION: That the City Commission approve the proposed Main Street sculpture and its location at the City Marina.

Options:

- a) Postpone this matter for further information or consideration.
- b) Decide not to pursue this matter at this time.
- c) Other options as determined by the City Commission.



Date: May 24, 2016

To: Michael Cain, City Manager, Tom Neidhamer, Mayor and City Commissioners, City of Boyne City

Me

From: Lori Meeder, Boyne City Main Street

Subject: Mosaic Installation

Overview

In late 2015, Main Street was approached by Svetlana Ottley who is moving to Boyne city with her husband and family in late 2016. They have been long time visitors of Boyne City and are looking forward to living here and getting involved in the community. Svetlana is a mosaic artist and has done extensive art work in the Toledo/Sylvania Ohio community.

She would like to donate a mosaic sculpture to our community. Main Street would pay for the materials and installation. The estimated cost was included in the budget for FY 2016/2017. Under the oversight of the Main Street design committee, Bruce Janssen and Martha Sulfridge worked directly with Svetlana to come up with a design and potential location that is now being presented to the city commission for consideration. The rough size of the free standing structure is 5' tall by 3' wide.

Attached is the potential design superimposed into a place in the marina between the parking lot and the boat docks to give an idea of the impact. Also some pictures of her actual work to show the quality and beauty of her work.

The possibility of utilizing some of the Onaway Stone from the old city hall was discussed as a potential material for the base/wall. A stone mason will need to be secured to construct the free standing wall, with the possibility of getting a bid from and utilizing the brick contractors working on the new city hall.

Recommendation for city commission to approve the construction and placement of the mosaic structure installation was approved by the Main Street board at their May meeting. The marina is supportive of the project.

Recommendation:

Recommend that the city commission approve the construction and installation of the mosaic mural piece in the marina, and authorize the city manager and Main Street director to execute any necessary contracts or documentation to move the project forward.

Cindy Grice

From: Lori Meeder
Sent: Thursday, May 19, 2016 8:45 AM
To: Michael Cain; Cindy Grice
Subject: City Commission Memo
Attachments: Memo on mosaic installation.docx; Mosaic in Park.jpg; LadyofGuadalupe.tif; SCSTFab.jpg

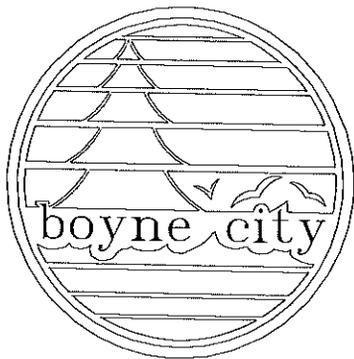
Hi Cindy and Mike attached is the memo and supporting documentation for the request to approve the installation and construction of the mosaic mural in the marina. Let me know if you have any questions. I am out of town next week so I am hoping you can present this Mike. You might mention to them that the picture depicts the piece much larger than it will actually be. It is only 5' x 3'. The last two attachments are optional. It just shows her actual work – although I do reference in the memo. Thanks!

Lori Meeder
Boyne City Main Street
214 Water Street – New Location
Boyne City MI 49712
231-582-9009





Proposed Location

*CITY OF BOYNE CITY**MEMO*

To: Michael Cain, City Manager *Mc*

From: Barb Brooks, Executive Assistant *BB*

Date: May 20, 2016

Subject: Goal Setting / Community Input

In January of this year, city staff with facilitators Dean Solomon from the MSU Extension and Andy Hayes of the Northern Lakes Economic Alliance held a goal setting / community input session. Approximately 41 people, including staff, commissioners and members of the public attended. It was followed up with an online survey that reached approximately 465 people.

In February a summary was provided to the commission capturing the issues that arose from a combination of the meeting and online survey for the review. A link to the survey site was also provided for the review of all comments and suggestions that were provided via the survey.

Reviewing this information, prioritizing the subjects and adopting a set of goals will assist City staff in where they should focus their attention and resources and provide guidance to boards and commissions as they look review requests and concerns of citizens, groups and businesses within our community.

Recommendation Options:

- Direct City Staff to review the information and prepare a recommendation of top goals and issues to address and bring it back to the commission at its June 14, 2016 meeting
- Schedule a City Commission work session for June 7, 2016 at 1:30 p.m. to review all of the information, prioritize and adopt a set of goals



City of Boyne City

Agenda Item 9A

MEMO

Date: May 20, 2016

To: Mayor Neidhamer and the Boyne City City Commission

From: Michael Cain, City Manager *Mc*

Subject: Munson Healthcare Charlevoix Hospital Bonding Public Hearing

In April the City received a request to schedule a public hearing regarding Munson Healthcare Charlevoix Hospital's desire to be able to bond for improvements including those at the hospital and others at the Boyne Area Medical Center in Boyne City. At that time the City Commission scheduled today's public hearing on the matter. Notice of the hearing was published and proof of such is provided.

These bonds, while needing a resolution of support from the City Commission will not create any sort of financial obligation for us. Today we are looking to hold the public hearing and consider adoption of the proposed resolution. A representative of the Hospital is expected to attend and address any questions that may arise.

Given that a portion of this funding will be used to improve health care in our community and that there is no responsibility on the City's part to pay for this funding I see no reason not to support this request.

RECOMMENDATION: That the City Commission hold the Public Hearing on this matter, consider any input received and if appropriate approve the resolution as proposed.

Options:

- a) Postpone this matter for further information or consideration.
- b) Decide not to pursue this matter at this time.
- c) Other options as determined by the City Commission.

Founded in 1852
by Sidney Davy Miller

MILLER CANFIELD

Miller, Canfield, Paddock and Stone, P.L.C.
101 North Main, Seventh Floor
Ann Arbor, Michigan 48104
TEL (734) 663-2445
FAX (734) 747-7147
www.millercanfield.com

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NEW YORK: New York

OHIO: Cincinnati

CANADA: Toronto • Windsor

CHINA: Shanghai

MEXICO: Monterrey

POLAND: Gdynia

Warsaw • Wroclaw

April 22, 2016

Michael Cain, City Manager
Boyne City
319 North Lake Street
Boyne City, Michigan 49712

via e-mail to: mcain@boynecity.com

RE: Charlevoix Township Hospital Finance Authority – Munson Healthcare
Charlevoix Hospital

Dear Michael:

Munson Healthcare Charlevoix Hospital is anticipating a financing through Charlevoix Township Hospital Finance Authority utilizing tax-exempt bonds. Miller Canfield is acting as bond counsel with respect to the bonds. Although all of the bonds will be issued by the Charlevoix Township Hospital Finance Authority, as permitted by State law, the Hospital will use a portion of the proceeds of the bonds to purchase and install medical equipment at the facilities of the Hospital in Boyne City. The Internal Revenue Code of 1986 requires each jurisdiction in which bonds proceeds will be used to hold a public hearing and authorize the issuance of the bonds.

To meet the requirements of the Code, we would like to request being placed on your City Commission agenda for your May 24, 2016 meeting for the purpose of conducting a public hearing and approving the issuance of the bonds by the Charlevoix Township Hospital Finance Authority. I am attaching a draft of the notice of public hearing, which we will publish in the *Petoskey News* no later than 14 days prior to the May 24th meeting. I am also attaching a draft of the proposed resolution that the City Commission will consider.

The approval of the bonds by the City Commission of Boyne City is solely for the purpose of meeting the public approval requirements of the Code. Such approval will not have any effect on the ability of Boyne City (or affiliates) to issue bonds and will not involve any liability to Boyne City (or affiliates).

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

Mr. Michael Cain

-2-

April 22, 2016

Please let me know if you have any questions and confirm that we can be placed on your agenda for your May 24, 2016, City Commission meeting. A representative of the Hospital will attend your meeting to address any questions you or the members of the public may have about the bond issuance.

Very truly yours,

Miller, Canfield, Paddock and Stone, P.L.C.

By: /s/ Kristin E Nied
Kristin E. Nied

Enclosure

26586412.1\063357-00009

Advertising Receipt

Northern Michigan Review, Inc.

319 State Street
Petoskey, MI 49770

Phone: 231-347-2544

Fax: 231-347-6833

Miller Canfield Paddock PLC
Kristin Nied
101 North Main Street 7th Floor
Ann Arbor , MI 48104

Acct #: 14119129

Ad #: 00480871

Phone: (734)668-8874

Date: 05/02/2016

Ad taker: HA **Salesperson:** HA

Sort Line: NOTICE OF PUBLIC HEARINGS BEF

Classification: 2095

Description	Start	Stop	Ins.	Cost/Day	Total
01 Petoskey News Review	05/04/2016	05/04/2016	1	231.00	231.00
aff1 Affidavit Fee \$10					20.00

Ad Text:

NOTICE OF
PUBLIC HEARINGS
BEFORE THE CHARLEVOIX TOWNSHIP SUPERVISOR
AND THE BOYNE CITY COMMISSION
ON THE ISSUANCE OF BONDS
BY THE CHARLEVOIX TOWNSHIP HOSPITAL FINANCE AUTHORITY
FOR THE BENEFIT OF
MUNSON HEALTHCARE CHARLEVOIX HOSPITAL

Payment Reference:

Total: 251.00

Tax: 0.00

Net: 251.00

Prepaid: 0.00

Total Due 251.00

The Charlevoix Township Supervisor will hold a public hearing at 10:00 a.m., on May 18, 2016, in the Charlevoix Township Hall, 12491 Waller Road, Charlevoix, Michigan and the Boyne City Commission will hold a public hearing at 12:00 noon on May 24, 2016, at 319 North Lake Street,

Proof of Publication

**NOTICE OF
PUBLIC HEARINGS**
BEFORE THE CHARLEVOIX TOWNSHIP SUPERVISOR
AND THE BOYNE CITY COMMISSION
ON THE ISSUANCE OF BONDS
BY THE CHARLEVOIX TOWNSHIP HOSPITAL FINANCE AUTHORITY
FOR THE BENEFIT OF
MUNSON HEALTHCARE CHARLEVOIX HOSPITAL

The Charlevoix Township Supervisor will hold a public hearing at 10:00 a.m., on May 18, 2016, in the Charlevoix Township Hall, 12491 Waller Road, Charlevoix, Michigan and the Boyne City Commission will hold a public hearing at 12:00 noon on May 24, 2016, at 319 North Lake Street, Boyne City, Michigan on the proposed issuance by the Charlevoix Township Hospital Finance Authority (the "Authority") of hospital revenue bonds, in one or more series, (collectively, the "Bonds") for the benefit of Munson Healthcare Charlevoix Hospital (the "Hospital").

The Authority will loan the proceeds of the Bonds to the Hospital, and the Hospital will use the proceeds of the Bonds, together with other available funds, for any one or more of the following purposes: (a) to finance or refinance the costs of the acquisition, construction, renovation and equipping of the Hospital's health care facilities located at 14700 Lakeshore Drive, Charlevoix, Michigan 49720, 14734 Park Ave., Charlevoix, Michigan 49720, 14695 Park Ave., Suite A, Charlevoix, Michigan 49720, 14651 W Upright St., Charlevoix, Michigan 49720, 14705 W Upright St., Charlevoix, Michigan 49720, 14709 W Upright St., Charlevoix, Michigan 49720, 14734 Park Ave., Charlevoix, Michigan 49720, 223 N Park St., Boyne City, Michigan 49712 and 197 State St., Boyne City, Michigan 49712, generally consisting of the addition of a new operating room, renovations to existing facilities, equipment purchases and installation and other various capital and facility improvements and (b) to pay costs of issuing the Bonds. The Authority proposes to issue the Bonds in an aggregate principal amount of not to exceed \$7,500,000.

The Hospital owns and operates all facilities to be financed with the proceeds of the Bonds.

Additional detail with respect to the items being financed or refinanced with the proceeds of the Bonds is available upon request.

The Bonds will be limited obligations of the Authority payable only from loan repayments to be made to the Authority, and certain funds and accounts established by the bond indenture of the Authority for the Bonds. The Bonds will not be a general obligation of the Authority and will not be a debt of the State of Michigan, Charlevoix Township, Boyne City or any political subdivision of the State of Michigan. The Authority has no taxing power and the issuance of the Bonds will not obligate the State of Michigan, Charlevoix Township, Boyne City or any political subdivision of the State of Michigan to levy or pledge any form of taxation for the Bonds or to make an appropriation for the payment of the Bonds.

The hearings will provide a reasonable opportunity for expression of opinion, argument on the merits, and introduction of documentary evidence pertaining to the proposed issuance of the Bonds. Written comments will be accepted by the Authority but must be received on or before the dates of the hearings.

DATED: May 4, 2016

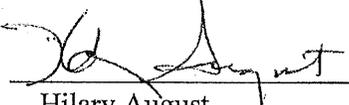
Charlevoix Township Hospital Finance Authority
c/o Township Supervisor
12491 Waller Road
Charlevoix, Michigan 49720
Telephone: (231) 547-4611
(L-5/4)

STATE OF MICHIGAN)
COUNTY OF EMMET)

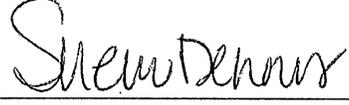
Hilary August
BEING DULY SWORN, DEPOSES AND
SAYS THAT she is the Principal clerk of the
Petoskey News Review, a newspaper printed
and published in the County of Emmet, in
said state; that the annexed printed notice was
published in said newspaper on:

May 4, 2016

signed:


Hilary August

Subscribed and sworn to before me this
4th day of May, 2016

signed: 

Shelli Dennis

Notary Public in in Emmet County, Michigan

My commission expires May 23, 2017.

RESOLUTION
Boyne City, Michigan

At a regular meeting of the City Commission of Boyne City, Michigan, held at 12:00 noon, Eastern Daylight Time, on May 24, 2016.

PRESENT: _____

ABSENT: _____

The following preamble and resolution were offered by _____ and supported by _____;

WHEREAS, the Charlevoix Township Hospital Finance Authority (the "Authority") proposes to make a loan to Munson Healthcare Charlevoix Hospital (the "Hospital") to be used by the Hospital, together with other available funds of the Hospital, to finance or refinance the construction, renovation and equipping of certain Hospital facilities and to pay the costs related thereto; and

WHEREAS, the Authority intends, pursuant to a plan of financing as described in Section 147(f)(2)(C) of the Internal Revenue Code of 1986, as amended (the "Code"), to issue bonds, in one or more series, on behalf of the Hospital (collectively, the "Bonds") in the aggregate principal amount of not to exceed \$7,500,000 to provide funds with which to make the loan to the Hospital; and

WHEREAS, the Bonds will be limited obligations of the Authority and will not constitute general obligations or debt of Boyne City, Charlevoix Township, the State of Michigan or any political subdivision thereof; and

WHEREAS, this Commission has held a public hearing after a notice was published as provided in, and in satisfaction of the applicable public hearing requirements of, the Code; and

WHEREAS, the Authority has requested that this Commission approve the issuance of the Bonds; and

WHEREAS, this Commission desires to express its approval of the issuance of the Bonds by the Authority.

IT IS HEREBY RESOLVED BY THE CITY COMMISSION OF BOYNE CITY, AS FOLLOWS:

1. Solely for the purpose of fulfilling the public approval requirements of the Code, the City Commission of Boyne City, Michigan, hereby approves the issuance, sale and delivery, in one or more series, of not to exceed \$7,500,000 in aggregate principal amount of the Bonds.

2. The City Clerk is hereby directed to provide three (3) certified copies of this resolution to the Chairperson of the Authority.

YEAS _____

NAYS _____

ABSTENTIONS _____

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
) ss.
COUNTY OF CHARLEVOIX)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Commission of Boyne City, Michigan, held on the 24th day of May, 2016, and that the minutes of the meeting are on file in the office of the City Clerk and are available to the public. Public notice of the meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan, 1976.

City Clerk

26586302.1\063357-00009

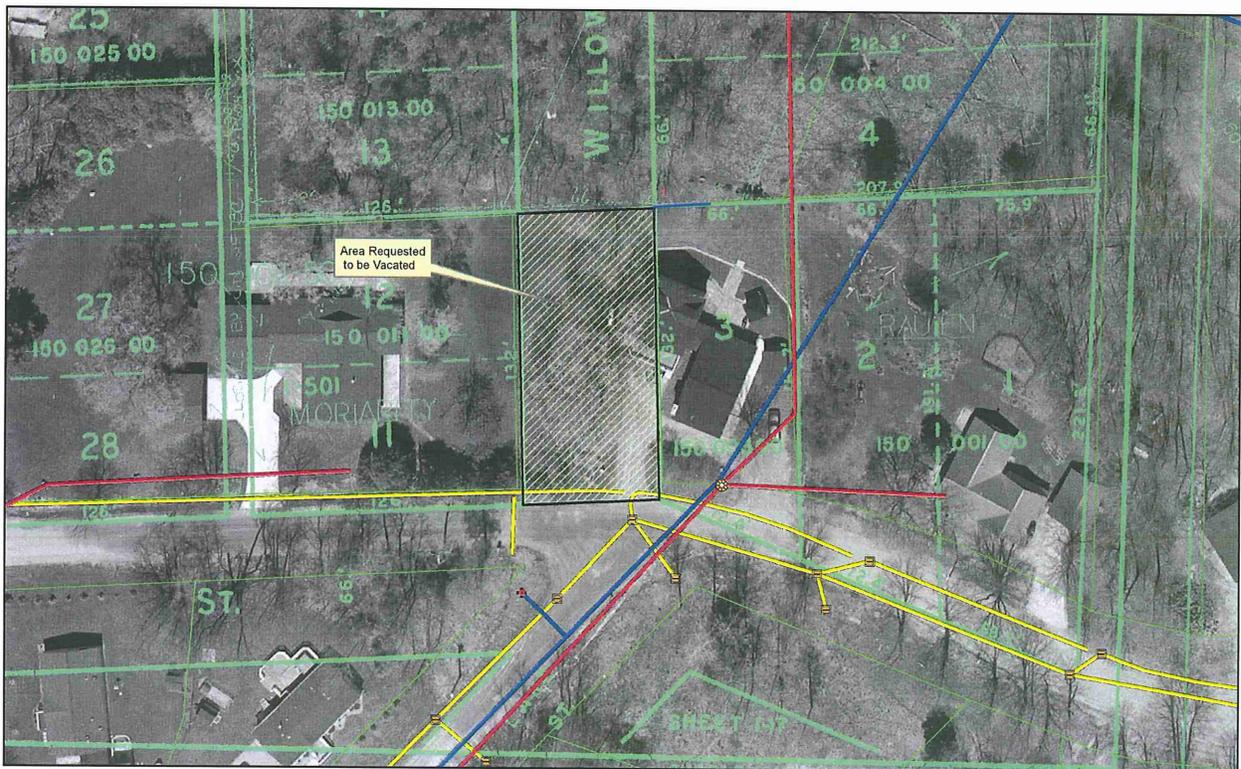
CITY OF BOYNE CITY

To: Michael Cain, City Manager *Mc*
From: Scott McPherson, Planning Director *SM*
Date: May 24, 2016
Subject: Application for Street vacation



Background

An application for the vacation of a public way has been submitted by Stephanie Moody who owns 100 W Court Street. She is requesting the south portion of Willow Street located in Caldwell's Addition between lots 11 and 12 owned by Tom Lasater and lot 3 owned by her to be vacated. This portion of the street is 66 feet wide and 132 feet in length and is the only remaining portion of the street that has not been vacated. While the street is undeveloped and does not have any utilities located in it, the house located at 100 W Court Street does encroach significantly into the right of way. In 1991 an addition to the home was constructed. A plot plan and zoning permit for the addition was submitted and approved by the City. It was not discovered until relatively recently that the addition encroached into the platted street. While many years have passed since the initial encroachment the property owner does not have legal nonconforming status or an adverse possession claim as these cannot be obtained for encroachments onto public property. The street vacation request was reviewed by all city departments and there were no objections to the request. It was noted by staff that water and waste water mains are installed on the east side of the house at 100 W Court St. and it was recommended that an easement for the maintenance of these line be obtained.



Process

Before an street or alley can be vacated by the City Commission a recommendation on the proposed vacation request from the Planning Commission is required. As per Chapter 54 of the Boyne City Code of Ordinances, Article II Vacating Streets or Alleys section 54-26, after receiving the report of the Planning Commission, the City Commission shall determine whether to proceed further and if so the procedure shall be as hereinafter set forth:

- (1) The city shall have published a notice of the hearing and date of said hearing on the petition for the vacating of the street, alley, or portion thereof, by publishing the notice thereof once each week for three consecutive weeks in a newspaper printed or circulated within the city;
- (2) The city shall also cause copies of said published notice to be posted in three of the most public places within the city;
- (3) The city shall also cause to be mailed, by first class mail, a copy of said notice of hearing to those persons shown by the last known city assessor's records, to be the owners of each lot or parcel of land which abuts said street, alley, or portion thereof to be vacated; and
- (4) The city shall cause to be mailed, by certified mail, a copy of said published notice to the state treasurer and to all of the public utilities providing services in the city, if said street, alley, or portion thereof sought to be vacated is connected to a county road; then, a copy of said notice shall also be mailed to the board of county road commissioners.

Action

The Planning Commission reviewed the request at their regular meeting on May 16, 2016 and based on findings that; the street can never be developed for though access due to a previous vacation of the north portion of Willow Street; and, the street is not currently maintained or plowed by the City; and, the street does not contain sewer or water mains; and, a review by City staff foresaw no future use of this portion of street for or by the City, the Planning Commission recommended the street as requested be vacated. Based on the report of the Planning Commission the City Commission determines if the application should proceed and if so directs staff to schedule a public hearing and distribute notice in accordance with the required procedures.

Recommendation

Proceed with the requested street vacation and direct staff to schedule and notice the required public hearing.

Options

1. Determine not to proceed with the street vacation request
2. Postpone action on the request pending further information
3. Other action as determined by the Commission



City of Boyne City

Agenda Item 9C

MEMO

Date: May 20, 2016

To: Mayor Neidhamer and the Boyne City City Commission

From: Michael Cain, City Manager *Mc*

Subject: Clean Air Act Interpretation

Wednesday evening I learned that a recent re-interpretation of the Clean Air Act by the EPA, if allowed to go forward, could have serious negative implications for one of our Business Park businesses, Classic Instruments. This change could result in significant business losses and result in fewer jobs at this business and others across the nation.

According to Classic Instruments owner John McLeod this re-interpretation would have devastating implications for his business and others that support this industry. He also goes on to state that the modification of existing motor vehicles to those to be used solely for competition purposes is a long established and accepted practice across the country. He further states that one of the reasons for its acceptance is the minute amount of pollution that this industry creates. He compares it to less pollution than that created by a semi-truck driving across the country.

This matter is going to be discussed at our Economic Development Commission meeting Monday afternoon. It is possible that they will be making a recommendation to the City Commission at that time. Since Mr. McLeod tells us that time is of the essence in this matter I am looking to bring it to the Commission for consideration at Tuesday's meeting.

Attached please find background materials provided by Mr. McLeod for your review. He will be away on business when we meet on Tuesday.

If you have any questions, comments or suggestions, please let me know.

RECOMMENDATION: That the City Commission prepare to consider the recent re-interpretation of the federal Clean Air Act and its effect on local business and determine what, if any, role it wishes to take in the matter.

Options:

- a) Postpone this matter for further information or consideration.
- b) Decide not to pursue this matter at this time.
- c) Other options as determined by the City Commission.

RPM Act Ensures Motor Vehicles May Be Modified Into Racecars

- **Legislation:** To ensure automotive enthusiasts continue to have the ability to modify motor vehicles into vehicles used solely for competition...
 - H.R.4715, Recognizing the Protection of Motorsports Act of 2016
Sponsor: Rep. Patrick McHenry [NC-10] & 84 cosponsors
Latest Major Action: 3/7/2016 Referred to House Committee on Energy and Commerce.
 - S.2659, Recognizing the Protection of Motorsports Act of 2016
Sponsor: Sen. Richard Burr [NC] & 12 cosponsors
Latest Major Action: 3/9/2016 Referred to Senate Committee on Environment and Public Works.
- **Issue:** The Clean Air Act prohibits the EPA from regulating racecars (“vehicles used solely for competition”). In July 2015, the EPA issued a provision (see below) within the proposed Phase 2 Medium- and Heavy-Duty Greenhouse Gas Standards clarifying that the agency has always considered it illegal to convert motor vehicles into racecars and sell emissions-related parts for use on these converted vehicles. The proposed policy sparked an enormous public outcry. While the EPA announced on April 15th that it will remove the provision from the final greenhouse gas rule, the agency has not abandoned its new interpretation of the Clean Air Act. The EPA still contends that it is illegal to sell and install legitimate racing parts on race use only vehicles and tampering has occurred if the modified vehicle was originally a motor vehicle. Whether or not the EPA enforces against the individual, the racing industry and enthusiasts remain under threat as companies will no longer sell or install racing products.
- **Vehicles Covered:** The EPA’s new interpretation would affect any racing vehicle that starts its life as a street car produced since 1968 or motorcycle produced since 1978, the years when federal emissions standards first took effect. These vehicles are used solely for racing but no longer remain in their certified configuration for emissions-related equipment. The prohibition would not cover purpose-built racecars like sprint cars and open-wheel dragsters. Further, the EPA would permit the conversion of “nonroad vehicles” for racing use (dirt bikes, ATVs, snowmobiles and boats).
- **Goal:** The EPA has provided little guidance on its goal beyond an intent to prohibit modifications affecting any emissions-related component, which is broadly construed to include changes to engines, engine control modules, intakes, exhaust systems and more, even if the vehicle is converted into a dedicated track car and never again used on the streets.
- **Impact:** The EPA’s interpretation would have a devastating impact on motorsports since many types of racing rely on production vehicles that have been modified for use strictly at the track. It would also decimate the industry that supplies the products used in motorsports. The specialty equipment automotive aftermarket employs about one million Americans across all 50 states. Current retail sales of racing products make up a \$1.4 billion annual market. The number of jobs lost as a result of the regulation will be huge.
- **Enforcement Authority:** The EPA already has authority to enforce against anyone who offers, sells or installs products that knowingly take a vehicle out-of-compliance. The EPA does not need any additional enforcement tools. Instead, the agency is trying to rewrite the Clean Air Act to regulate racecars. While Congress has already prohibited the EPA from regulating racecars, the “RPM Act” will “clarify” any doubts the agency may have.

- Enforcement Targets: Regulators have already targeted manufacturers, distributors and retailers under current Clean Air Act authority. Installers may be the next target. Even if the EPA doesn't go after individual racers, the expanded regulatory authority being proposed will have a chilling effect on the supply chain. Legitimate racing products may no longer be developed and sold, and businesses may no longer be willing to modify vehicles.
- New Interpretation: The Clean Air Act was enacted 46 years ago and SEMA is unaware of a single instance in which the EPA previously took the position that the law applies to vehicles converted for race-use-only purposes. Industry, public and lawmakers have had a clear understanding that these vehicles are excluded from the Clean Air Act. Racing-converted street cars is part of Americana. It is a heritage that goes back to NASCAR's origins of converting stockers to race cars in the 1930s. The EPA's enforcement division has attempted to rewrite the law by including within the draft greenhouse gas rule the following language to clarify what it states has always been its position. As noted, while the EPA announced that it will remove the language from the final greenhouse gas rule, it has not abandoned its new interpretation of the Clean Air Act.

Section 86.1854-12 is amended by adding paragraph (b)(5) to read as follows:

(5) Certified motor vehicles and motor vehicle engines and their emission control devices must remain in their certified configuration even if they are used solely for competition or if they become nonroad vehicles or engines; anyone modifying a certified motor vehicle or motor vehicle engine for any reason is subject to the tampering and defeat device prohibitions of paragraph (a)(3) of this section and 42 U.S.C. 7522(a)(3).

- Certainty: The public and regulated industry need certainty in how the Clean Air Act is applied, and Congress needs to confirm that it has ultimate authority. Passage of the "RPM Act" will end the debate.

Clean Air Act Regulation of Vehicles

The Clean Air Act was never intended to allow the EPA to regulate racecars. However, the U.S. Environmental Protection Agency (EPA) has proposed a rule (Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles--Phase 2, 80 Fed. Reg. 40,138 (July 13, 2015), docket no. EPA-HQ-OAR-2014-0827) to prohibit the conversion of certified motor vehicles into vehicles that will be used solely for competition and the sale of emissions-related parts for use on such converted vehicles. The following is a brief summary of the law and reasons for the RPM Act:

- **Motor Vehicle Air Pollution Control Act of 1965:** Congress defined the term “motor vehicle” as “any self-propelled vehicle designed for transporting persons or property on a street or highway.” Congress included “anti-tampering” language, making it illegal for “any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this title *prior to its sale and delivery to the ultimate purchaser*” (emphasis added).
- **Clean Air Act Amendments: 1970:** Lawmakers expand the anti-tampering provision to provide that no person can render the emissions controls inoperative “after such sale and delivery to the ultimate purchaser.” Congress also clarifies that the law does not apply to vehicles manufactured or modified for racing. The clarification was included in the congressional conference committee report.
- **Clean Air Act Amendments: 1977:** No changes impacting racecars.
- **Clean Air Act Amendments: 1990:** Congress provides the EPA with the authority to regulate nonroad vehicles/engines. Since the term “nonroad vehicle” could easily have been interpreted to include race vehicles, Congress included language to unequivocally exclude vehicles used solely for competition from the definition of “nonroad vehicle” (“*The term ‘nonroad vehicle’ means a vehicle that is powered by a nonroad engine and that is not a motor vehicle or a vehicle used solely for competition*”). The fact that Congress separated out “vehicles used solely for competition” from “motor vehicles” in the definition of nonroad vehicle is also instructive, as it indicates the term “motor vehicle” was not understood as covering “vehicles used solely for competition.” It is also noteworthy that Congress referenced racecars as vehicles *used* solely for competition – not vehicles built solely for competition.

Clean Air Act

The “Recognizing the Protection of Motorsports Act of 2016” (RPM Act) expands two sections of the Clean Air Act to ensure that automotive enthusiasts continue to have the ability to modify motor vehicles into vehicles used solely for competition. The two amendments are highlighted below.

42 U.S.C.

United States Code

Title 42 - THE PUBLIC HEALTH AND WELFARE

CHAPTER 85 - AIR POLLUTION PREVENTION AND CONTROL

SUBCHAPTER II - EMISSION STANDARDS FOR MOVING SOURCES

Part A - Motor Vehicle Emission and Fuel Standards

Sec. 7522 - Prohibited acts

§7522. Prohibited acts

(a) Enumerated prohibitions

The following acts and the causing thereof are prohibited—

(1) in the case of a manufacturer of new motor vehicles or new motor vehicle engines for distribution in commerce, the sale, or the offering for sale, or the introduction, or delivery for introduction, into commerce, or (in the case of any person, except as provided by regulation of the Administrator), the importation into the United States, of any new motor vehicle or new motor vehicle engine, manufactured after the effective date of regulations under this part which are applicable to such vehicle or engine unless such vehicle or engine is covered by a certificate of conformity issued (and in effect) under regulations prescribed under this part or part C in the case of clean-fuel vehicles (except as provided in subsection (b) of this section);

(2)(A) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under section 7542 of this title;

(B) for any person to fail or refuse to permit entry, testing or inspection authorized under section 7525(c) of this title or section 7542 of this title;

(C) for any person to fail or refuse to perform tests, or have tests performed as required under section 7542 of this title;

(D) for any manufacturer to fail to make information available as provided by regulation under section 7521(m)(5) of this title;

(3)(A) for any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this subchapter prior to its sale and delivery to the ultimate purchaser, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser; or

(B) for any person to manufacture or sell, or offer to sell, or install, any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine, where a principal effect of the part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this subchapter, and where the person knows or should know that such part or component is being offered for sale or installed for such use or put to such use; or

(4) for any manufacturer of a new motor vehicle or new motor vehicle engine subject to standards prescribed under section 7521 of this title or part C of this subchapter—

(A) to sell or lease any such vehicle or engine unless such manufacturer has complied with (i) the requirements of section 7541(a) and (b) of this title with respect to such vehicle or engine, and unless a label or tag is affixed to such vehicle or engine in accordance with section 7541(c)(3) of this title, or (ii) the corresponding requirements of part C of this subchapter in the case of clean fuel vehicles unless the manufacturer has complied with the corresponding requirements of part C of this subchapter ¹

(B) to fail or refuse to comply with the requirements of section 7541(c) or (e) of this title, or the corresponding requirements of part C of this subchapter in the case of clean fuel vehicles ¹

(C) except as provided in subsection (c)(3) of section 7541 of this title and the corresponding requirements of part C of this subchapter in the case of clean fuel vehicles, to provide directly or indirectly in any communication to the ultimate purchaser or any subsequent purchaser that the coverage of any warranty under this chapter is conditioned upon use of any part, component, or system manufactured by such manufacturer or any person acting for such manufacturer or under his control, or conditioned upon service performed by any such person, or

(D) to fail or refuse to comply with the terms and conditions of the warranty under section 7541(a) or (b) of this title or the corresponding requirements of part C of this subchapter in the case of clean fuel vehicles with respect to any vehicle; or

(5) for any person to violate section 7553 of this title, 7554 of this title, or part C of this subchapter or any regulations under section 7553 of this title, 7554 of this title, or part C of this subchapter.

No action with respect to any element of design referred to in paragraph (3) (including any adjustment or alteration of such element) shall be treated as a prohibited act under such paragraph (3) if such action is in accordance with section 7549 of this title. Nothing in paragraph (3) shall be construed to require the use of manufacturer parts in maintaining or repairing any motor vehicle or motor vehicle engine. For the purposes of the preceding sentence, the term "manufacturer parts" means, with respect to a motor vehicle engine, parts produced or sold by the manufacturer of the motor vehicle or motor vehicle engine. No action with respect to any device or element of design referred to in paragraph (3) shall be treated as a prohibited act under that paragraph if (i) the action is for the purpose of repair or replacement of the device or element, or is a necessary and temporary procedure to repair or replace any other item and the device or element is replaced upon completion of the procedure, and (ii) such action thereafter results in the proper functioning of the device or element referred to in paragraph (3). No action with respect to any device or element of design referred to in paragraph (3) shall be treated as a prohibited act under that paragraph if the action is for the purpose of a conversion of a motor vehicle for use of a clean alternative fuel (as defined in this subchapter) and if such vehicle complies with the applicable standard under section 7521 of this title when operating on such fuel, and if in the case of a clean alternative fuel vehicle (as defined by rule by the Administrator), the device or element is replaced upon completion of the conversion procedure and such action results in proper functioning of the device or element when the motor vehicle operates on conventional fuel. No action with respect to any device or element of design referred to in paragraph (3) shall be treated as a prohibited act under that paragraph if the action is for the purpose of modifying a motor vehicle into a vehicle to be used solely for competition.

(b) Exemptions; refusal to admit vehicle or engine into United States; vehicles or engines intended for export

(1) The Administrator may exempt any new motor vehicle or new motor vehicle engine, from subsection (a) of this section, upon such terms and conditions as he may find necessary for the purpose of research, investigations, studies, demonstrations, or training, or for reasons of national security.

(2) A new motor vehicle or new motor vehicle engine offered for importation or imported by any person in violation of subsection (a) of this section shall be refused admission into the United States, but the Secretary of the Treasury and the Administrator may, by joint regulation, provide for deferring final determination as to admission and authorizing the delivery of such a motor vehicle or engine offered for import to the owner or consignee thereof upon such terms and conditions (including the furnishing of a bond) as may appear to them appropriate to insure that any such motor vehicle or engine will be brought into conformity with the standards, requirements, and limitations applicable to it under this part. The Secretary of the Treasury shall, if a motor vehicle or engine is finally refused admission under this paragraph, cause disposition thereof in accordance with the customs laws unless it is exported, under regulations prescribed by such Secretary, within ninety days of the date of notice of such refusal or such additional time as may be permitted pursuant to such regulations, except that disposition in accordance with the customs laws may not be made in such manner as may result, directly or indirectly, in the sale, to the ultimate consumer, of a new motor vehicle or new motor vehicle engine that fails to comply with applicable standards of the Administrator under this part.

(3) A new motor vehicle or new motor vehicle engine intended solely for export, and so labeled or tagged on the outside of the container and on the vehicle or engine itself, shall be subject to the provisions of subsection (a) of this section, except that if the country which is to receive such vehicle or engine has emission standards which differ from the standards prescribed under section 7521 of this title, then such vehicle or engine shall comply with the standards of such country which is to receive such vehicle or engine.

42 U.S.C.

United States Code
Title 42 - THE PUBLIC HEALTH AND WELFARE
CHAPTER 85 - AIR POLLUTION PREVENTION AND CONTROL
SUBCHAPTER II - EMISSION STANDARDS FOR MOVING SOURCES
Part A - Motor Vehicle Emission and Fuel Standards
Sec. 7550 - Definitions

§7550. Definitions

As used in this part—

(1) The term "manufacturer" as used in sections 7521, 7522, 7525, 7541, and 7542 of this title means any person engaged in the manufacturing or assembling of new motor vehicles, new motor vehicle engines, new nonroad vehicles or new nonroad engines, or importing such vehicles or engines for resale, or who acts for and is under the control of any such person in connection with the distribution of new motor vehicles, new motor vehicle engines, new nonroad vehicles or new nonroad engines, but shall not include any dealer with respect to new motor vehicles, new motor vehicle engines, new nonroad vehicles or new nonroad engines received by him in commerce.

(2) The term "motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway and that is not a vehicle used solely for competition, including any vehicle so used that was converted from a motor vehicle.

(3) Except with respect to vehicles or engines imported or offered for importation, the term "new motor vehicle" means a motor vehicle the equitable or legal title to which has never been transferred to an ultimate purchaser; and the term "new motor vehicle engine" means an engine in a new motor vehicle or a motor vehicle engine the equitable or legal title to which has never been transferred to the ultimate purchaser; and with respect to imported vehicles or engines, such terms mean a motor vehicle and engine, respectively, manufactured after the effective date of a regulation issued under section 7521 of this title which is applicable to such vehicle or engine (or which would be applicable to such vehicle or engine had it been manufactured for importation into the United States).

(4) The term "dealer" means any person who is engaged in the sale or the distribution of new motor vehicles or new motor vehicle engines to the ultimate purchaser.

(5) The term "ultimate purchaser" means, with respect to any new motor vehicle or new motor vehicle engine, the first person who in good faith purchases such new motor vehicle or new engine for purposes other than resale.

(6) The term "commerce" means (A) commerce between any place in any State and any place outside thereof; and (B) commerce wholly within the District of Columbia.

(7) Vehicle curb weight, gross vehicle weight rating, light-duty truck, light-duty vehicle, and loaded vehicle weight.—The terms "vehicle curb weight", "gross vehicle weight rating" (GVWR), "light-duty truck" (LDT), light-duty vehicle,¹ and "loaded vehicle weight" (LVW) have the meaning provided in regulations promulgated by the Administrator and in effect as of November 15, 1990. The abbreviations in parentheses corresponding to any term referred to in this paragraph shall have the same meaning as the corresponding term.

(8) Test weight.—The term "test weight" and the abbreviation "tw" mean the vehicle curb weight added to the gross vehicle weight rating (gvwr) and divided by 2.

(9) Motor vehicle or engine part manufacturer.—The term "motor vehicle or engine part manufacturer" as used in sections 7541 and 7542 of this title means any person engaged in the manufacturing, assembling or rebuilding of any device, system, part, component or element of design which is installed in or on motor vehicles or motor vehicle engines.

(10) Nonroad engine.—The term "nonroad engine" means an internal combustion engine (including the fuel system) that is not used in a motor vehicle or a vehicle used solely for competition, or that is not subject to standards promulgated under section 7411 of this title or section 7521 of this title.

(11) Nonroad vehicle.—The term "nonroad vehicle" means a vehicle that is powered by a nonroad engine and that is not a motor vehicle or a vehicle used solely for competition.

May 2016

May 2016							June 2016						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7	5	6	7	1	2	3	4
8	9	10	11	12	13	14	12	13	14	15	16	17	18
15	16	17	18	19	20	21	19	20	21	22	23	24	25
22	23	24	25	26	27	28	26	27	28	29	30		
29	30	31											

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
May 1	2	3 7:00am School Election 5:00pm ZBA	4	5 6:00pm Parks & Rec	6	7 8:00am Buff Up Boyne
8 Mother's Day (United States)	9	10 7:00pm City Commission	11	12 8:30am Main Street Board mtg.	13	14
15 Marina Open	16 5:00pm Planning Commission	17 7:00pm Historic District	18	19	20	21
22	23 12:00pm EDC/LDFA	24 12:00pm City Commission	25	26 5:30pm Airport Advisory Board	27	28
29	30 Memorial Day Parade/Events (United States)	31	Jun 1	2	3	4

June 2016

June 2016							July 2016																				
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa														
	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
May 29	30	31	Jun 1	2 8:30am Main Street Board mtg. 6:00pm Parks & Rec	3	4
5	6	7 5:00pm ZBA	8	9	10 SOBO Arts Festival Stroll the Streets begins Stroll through History	11 SOBO Arts Festival
12	13	14 Flag Day (United States) 7:00pm City Commission	15	16	17	18
19 Father's Day (United States)	20 5:00pm Planning Commission 7:00pm Historical Commission	21	22	23 5:30pm Airport Advisory Board	24	25
26	27	28 12:00pm City Commission	29	30	Jul 1	2