# City of Boyne City
Founded 1856

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BOYNE CITY
CITY COMMISSION REGULAR MEETING
Boyne City Hall
319 North Lake Street
Tuesday, February 12, 2019 at 7:00 p.m.

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 January 22, 2019 City Commission regular meeting minutes as presented
   B. Approval of the recommendation of the EDC board to reappoint Josette Lory for a term of six years ending March 11, 2025

4. HEARING CITIZENS COMMENTS (on non-agenda items; 5 minute limit)

5. CORRESPONDENCE

   A. Correspondence from Communication from Nancy LaCroix regarding recreational marijuana

6. CITY MANAGER'S REPORT

7. REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

   A. Draft minutes of the January 3, 2019 Main Street Board Meeting
   B. Approved minutes of the January 10, 2019 Airport Advisory Board Meeting
   C. Draft minutes of the January 10, 2019 Parks & Recreation Commission
   D. Draft minutes of the January 21, 2019 Historical Commission Meeting
   E. Draft minutes of the January 21, 2019 Planning Commission Meeting
   F. Draft minutes of the January 24, 2019 Airport Advisory Board Meeting
   G. Draft minutes of the January 28, 2019 EDC Board Meeting
   H. Draft minutes of the January 28, 2019 LDFA Board Meeting

8. OLD BUSINESS

9. NEW BUSINESS

A. Marihuana Opt Out Ordinance Second Reading
Consideration of a second reading and adoption of ordinance 34-9 and 34-10 to prohibit marihuana establishments within the City of Boyne City as defined by the Michigan Regulation and Taxation of Marijuana Act

B. Article XX Building Height Amendment Second Reading
Consideration of a second reading and adoption of an amendment to Section 20-10 and 20.20 of the Article XX Schedule of Regulations and Section 10.50(C) of the Article X Central Business District and Section 11.04(C) of Article XI Transitional Commercial District

C. North Lake Street Resurfacing Project Design and Trail Planning
Consideration to award a contract for the design & trail planning services for the N Lake Street Project in an amount not-to-exceed $27,500 per the proposal dated 2/5/2019 and authorize the City Manager to execute the documents. A portion of costs will come from funds available for these services in 2018/2019 Budget and the balance will be included in the 2019/2020 Professional Services account in the Major Roads Budget

D. BS&A Work Order Software Purchase
Consideration to accept the proposal from BS&A Software in an amount to exceed $9,445 for Work Order software and authorize the City Manager to execute the documents

E. DPW Facility Security Upgrades
Consideration to contract with Habitec Security to upgrade and move the DPW security systems, including video monitoring and facility access control to the Police Department in the amount of $3,777 and authorize the City Manager to execute the documents

10. GOOD OF THE ORDER

11. ANNOUNCEMENTS

- The next Boyne Housing Solutions work session will be held on Friday, February 15, 2019 from 1:00 to 2:30 p.m. at City Hall
- The next regular City Commission meeting is scheduled for Tuesday, February 26, 2019 at Noon

12. ADJOURNMENT

Scan QR code or go to
www.ofrofboynecity.com
click on Boards & Commissions for complete
agenda packets & minutes for each board

*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*

**JANUARY 22, 2019 REGULAR MEETING**

RECORD OF THE PROCEEDINGS OF THE REGULAR BOYNE CITY COMMISSION MEETING DULY CALLED AND HELD AT BOYNE CITY HALL, 319 NORTH LAKE STREET, ON TUESDAY JANUARY 22, 2019

**CALL TO ORDER**

Mayor Neidhamer called the meeting to order at noon followed by the Pledge of Allegiance.

Present: Mayor Tom Neidhamer, Mayor Pro-Tem Ron Grunch, Commissioners Hugh Conklin, Sally Page and Dean Solomon

Absent: None

Staff: John Lamont, Scott McPherson, Patrick Kilkenny, Tim Faas, Mark Fowler, Barb Brooks, Michael Cain, Cindy Grice and Jeff Gaither

Others: There were seven citizens in attendance including a representative from the Petoskey News Review

**CONSENT AGENDA MOTION**

2019-01-004
Moved by Conklin
Second by Grunch

Approved the December 11, 2018 City Commission regular meeting minutes as presented
Approved to appoint Danyell Minier to the Board of Review for a three-year term expiring 1/31/2022
Approved to award a contract for deicing salt to Compass Minerals in the amount not-to-exceed $14,912 per the State of Michigan bids obtained last fall and authorize the City Manager to execute the documents
Approved of the recommendation of the Airport Advisory Board to appoint Doug Brubaker to the Airport Advisory Board with a term ending August 24, 2021
Approved the recommendation of the Airport Advisory Board to appoint Allen Sturza as an Ex-Officio member of the Airport Advisory Board with a term ending August 24, 2021

Ayes: 5
Nays: 0
Absent: 0
Motion carried

**CITIZENS COMMENTS**

None

**CORRESPONDENCE**

A thank you from the United States Marine Corps Reserve for the City's participation on the 2018 Toys for Tots program and communication from Nancy LaCroix regarding recreational marijuana were received and filed.

**CITY MANAGERS REPORT**

City Manager Cain reported:

- Consumers Energy is continuing their tree trimming program
- The Fat and Flurrious Bike event was held this past weekend and everything went well.

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- The deadline to file petitions to run for City Commissioner is April 23, 2019 at 4:00 p.m.

**REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES**

The December, 2018 Financial Statement was received and filed.

**Goals Adoption**

Review and consideration of goals, high priority actions and quarterly review dates.

City Manager Cain reviewed the minor changes to the goals and high priority actions. There was a consensus of the Commission in agreement of the changes to the action items as presented.

**Boyne City to Boyne Falls Trail TAP Grant Resolution**

Consideration to approve the funding confirmation resolution for the TAP grant for the Boyne City to Boyne Falls Trail as presented.

Planning Director Scott McPherson discussed the proposed resolution to affirm that funding, including matching funds for the Boyne City to Boyne Falls non-motorized trail are in place and the City will provide maintenance to the portion of the trail that is located in Boyne City. The passage of the resolution is required for obtaining the TAP grant.

Staff Comments: None

Citizens Comments: None

Board Discussion: All are in agreement.

**MOTION**

2019-01-005
Moved by Page
Second by Solomon

To approve the funding confirmation resolution for the TAP grant for the Boyne City to Boyne Falls Trail as presented

Ayes: 5
Nays: 0
Absent: 0
Motion carried

**Flood Insurance Ordinance First Reading**

Consideration of a first reading to adopt an ordinance addressing floodplain management provisions of the State Construction Code and schedule a second reading for February 26, 2019

Planning Director Scott McPherson discussed the Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM) for Charlevoix County and all jurisdictions in the County which have been completed and delivered. The maps are set to become effective on May 16, 2019 and will replace the existing FIRM maps. The City has participated in the National Flood Insurance Program since 1982 and there are a number of properties in the City that are currently covered by the NFIP.

With the updating of the FIRM there are actions the City needs to take in order to remain in the program and insure uninterrupted

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insurance coverage to City residents that are covered by NFIP. If the City does not adopt the updated map City residents will no longer be eligible for flood insurance through the NFIP and would be forced to purchase private flood insurance at a significantly higher cost. Prior to the May 16, 2019 effective date the City will need adopt an ordinance addressing floodplain management provisions of the State Construction Code and pass a resolution and Intergovernmental agreement to manage floodplain development for NFIP.

The adoption of the ordinance and resolutions will not change any current policy, procedure or responsibility. The adoption of the ordinance will update the ordinance adopted in 1982 and the resolution reaffirms the City's commitment to participate in the NFIP, and formalizes the agreement with Charlevoix County to continue to be the enforcing agency using existing provisions in the state construction codes.

Staff Comments: City Manager Cain added that this matter will also be discussed at the upcoming Charlevoix County Elected Officials summit next week.

Citizens Comments: None

Board Discussion: All are in agreement.

**MOTION**

2019-01-006
Moved by Solomon
Second by Conklin

To approve the first reading to adopt an ordinance addressing floodplain management provisions of the State Construction Code and schedule a second reading for February 26, 2016

Ayes: 5
Nays: 0
Absent: 0
Motion carried

**Flood Insurance Resolution**

Consideration to approve a resolution and Intergovernmental agreement to manage flood plain development for the National Flood Plain Insurance Program to reaffirm the City's commitment to participate in the NFIP and formalize the agreement with Charlevoix County to continue to be the enforcing agency using existing provisions in the state construction codes

**MOTION**

2019-01-007
Moved by Solomon
Second by Page

To approve a resolution and Intergovernmental agreement to manage flood plain development for the National Flood Plain Insurance Program to reaffirm the City's commitment to participate in the NFIP and formalize the agreement with Charlevoix County to

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continue to be the enforcing agency using existing provisions in the state construction codes

Ayes: 5
Nays: 0
Absent: 0
Motion carried

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**Boyne Avenue Properties LLC Brownfield Development Agreement**

Consideration to approve proceeding with the MDEQ Brownfield Grant and its implementation agreement with Boyne Avenue Properties, LLC at 437 Boyne Avenue as presented and authorize the Mayor and City Manager to execute any documents associated with them

City Manager Cain said that late last year the City became involved in efforts to obtain Michigan Department of Environmental Quality (MDEQ) Brownfield grant funds to help a local property owner redevelop their recently acquired property at 437 Boyne Avenue. Others involved in this process are the owners the MDEQ (Julie Lowe,Brownfield Redevelopment Coordinator), the Boyne City Main Street Program and Otwell Mawby (Mac McClelland) as the environmental consultant.

For many years the building on their property on M-75 South was known as REH Acres. Prior to that it had a history as a gas station and repair shop. Apparently over time underground fuel tanks and other items from those earlier uses leaked contaminants into the ground. While the tanks were removed years ago, contaminants still remain and are being monitored by the MDEQ.

The current owners of the site, Boyne Ave Properties, LLC, represented by Bob Earl, are working to redevelop and remodel the site to house multiple businesses. Their plans have been reviewed, modified and approved by the Main Street Design Committee and the Boyne City Planning Commission. Work is well underway on the improvements.

As planning for the site's redevelopment went forward it was determined that a vapor barrier was warranted to insure that occupants of the building were protected from contaminates remaining in the soil. The MDEQ has a grant and loan program to help deal with such environmental issues and their mitigation. The opportunity being discussed here is a grant that would pay for the vapor barrier and several matters related to it. The grant being requested for the environmental work is $105,925. Page 9 also reflects $10,000 in local funds which are a previously approved grant from our Main Street program to help with the owner's façade improvement costs. For the project to qualify for this funding, the City must be the applicant. The property owner can not apply for it themselves. There is no cost, other than some minor staff time, or profit to the City in participating in this program. The benefit to the City, and the community, is the redevelopment and reuse of the property and building and the improved protection from inherited environmental issues.

DRAFT

Otwell Mawby is the environmental consultant. The MDEQ also uses Mac's services frequently. Mr. Earl, who did not know Mac before this process began, also seems very comfortable with retaining him and his firm. The services of Otwell Mawby will be paid for by the grant.

As noted before the City doesn't need to get involved in any of this but the benefits to all parties, including those to the City and community as a whole, far outweighing any very limited risks or additional work involved.

Julie Lowe said the DEQ heavily supports this project for the vapor mitigation system.

Staff Comments: None

Citizens Comments: Property owner Bob Earl thanked the City for their involvement.

Board Discussion: Commissioner Conklin inquired if the building would be worthless without this and was informed without the mitigation, there would be no occupancy permit issued. All Commissioners are in agreement with the recommendation.

**MOTION**

2019-01-007
Moved by Conklin
Second by Grunch

To approve proceeding with the MDEQ Brownfield Grant and its implementation agreement with Boyne Avenue Properties, LLC at 437 Boyne Avenue as presented and authorize the Mayor and City Manager to execute any documents associated with them

Ayes: 5
Nays: 0
Absent: 0
Motion carried

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**Proposed Sale of City Properties**

Consideration to authorize the City Manager to put two properties on West Court Street out to bid

City Manager Cain stated that over the last couple of years the City has gotten more serious regarding the possible properties the City feels it no longer needs. The subject has received more attention as the community has looked at options to address housing needs.

Proposed for consideration are two possible pieces of property the Commission may wish us to put up for sale. The City Attorney advises that such properties be placed out for bid. In placing them out for bid the City Commission can consider various factors in addition to price as it determines what if any offers it would wish to pursue as 'in the best interest' of the City.

Such factors could include:1) Conformance with the City's Master Plan; 2) Number and type of housing units proposed; 3) Long term

DRAFT

financial implications for the City; 4) Work schedule proposed including commencement and completion of construction; 5) Local workforce utilized; 6) Educational Opportunities provided; 7) Number of year round residents.

Other factors could be considered. All factors would be reviewed to insure legal compliance.

Both sites are on sections of West Court Street. They were selected in part because the necessary infrastructure is on site or nearby such as: paved roads and all utilities. The first site is about a 3 acre site just east of Lakeview Apartments. The property is zoned Multi Family Residential. The second site is about 3.15 acres between Robinson and Escape Streets with frontage on both. We are verifying the Traditional Residential District zoning for this area. This site currently contains the Community Garden which would need to be relocated. This is adjacent to the existing small dog park and their proposed agility area. A proposed open space grassed area south of the small dog park would be made available for development under this proposal.

Both these sites were discussed in the housing solutions forum held late last year as lead housing development sites, among city owned properties. We have also had interest from potential developers regarding both these sites.

Any bids received would come back to the City Commission for further consideration. The Commission would have the options of accepting or rejecting bids as it determined to be in the City's best interest. We have not had the properties surveyed, appraised, or otherwise evaluated. The properties would be sold as is unless otherwise agreed in writing by the parties.

We have also put out our yellow informational signs on these properties in advance of the Planning Commission and today's meeting. In addition to the City Commission meeting this was discussed at the Planning Commission's January 21st meeting.

Staff Comments: None

Citizens Comments: Bob Brooks said he would have a plan for housing for the property but timing is based on financing from the State.

Board Discussion: Commissioner Solomon said this would meet a specific goal of housing. All Commissioners are in agreement with the recommendation.

**MOTION**

2019-01-009
Moved by Solomon
Second by Page

To authorize the City Manager to put two properties on West Court Street out to bid

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Ayes: 5
Nays: 0
Absent: 0
Motion carried

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**Charlevoix County Parks Millage Applications**

Consideration to approve to submit an application request in the amount of up to $10,000 for the Peninsula beach Park Recreation additions and $9,929 for the Avalanche Park Recreation additions, adopt the resolutions supporting the applications for the projects and authorize the City Manager to sign all of the required documents to secure the funds.

Assistant Planner Patrick Kilkenny discussed the proposed applications for the 2019 Charlevoix County Parks Millage grants. Each of these applications are supported by the Parks and Recreation Commission. The first one is for Peninsula Beach Park for construction of new playground equipment within the park. The second is for installation of trail signage and bicycle racks for Avalanche Park. No matching funds are required for the Parks Millage Applications and the maximum fund allocations is unofficially capped at $10,000 per project.

Staff Comments: None

Citizens Comments: None

Board Discussion: All Commissioners are in agreement with the recommendation.

2019-01-010
Moved by Solomon
Second by Page

**MOTION**

To approve to submit an application request in the amount of $10,000 for the Peninsula beach Park Recreation additions and $9,929 for the Avalanche Park Recreation additions, adopt the resolutions supporting the applications for the projects and authorize the City Manager to sign all of the required documents to secure the funds.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

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**Well #5 Automatic Transfer Switch Install**

Consideration to approve the proposal from Windmuller Electric to install an automatic transfer switch for the generator at Well #5 in the amount of $6,655 and authorize the City Manager to execute the documents.

Water/Wastewater Superintendent Mark Fowler discussed the costs for the installation of the automatic transfer switch for the generator at well #5. The lowest quote was from Windemuller in the amount of $6,655. This generator is necessary for power outages to start and

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automatically transfer the well house power in order to run the pumps and chemical feed equipment properly.

Staff Comments: None

Citizens Comments: None

Board Discussion: All Commissioners are in agreement with the recommendation

**MOTION**

2019-01-011
Moved by Conklin
Second by Solomon

To approve the proposal from Windmuller Electric to install an automatic transfer switch for the generator at Well #5 in the amount of $6,655 and authorize the City Manager to execute the documents.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

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**Cemetery Maintenance Contract**

Consideration to approve a three year contract with Northern Michigan Escapes to provide Cemetery maintenance services in the Maple Lawn and Wilson Cemeteries in the amount of $25,000 per year and authorize the City Manager and City Clerk/Treasurer to execute the documents.

Clerk/Treasurer Cindy Grice discussed the bids advertised for and received for the Cemetery Maintenance Contract. Four proposals were received, the lowest cost from Northern Michigan Escapes for the amount of $25,000/year. Cemetery Foreman Rob Lavanway and I met with Jeremy Neer, Lawn Care Division General Manager from Northern Michigan Escapes earlier this week who assured us they have the proper equipment, appropriate number of staff and understanding the importance of providing quality maintenance services. I contacted the references Mr. Neer provided and all were favorable.

Staff Comments: None

Citizens Comments: None

Board Discussion: All Commissioners are in agreement with the recommendation

**MOTION**

2019-01-012
Moved by Page
Second by Grunch

To approve a three year contract with Northern Michigan Escapes to provide Cemetery maintenance services in the Maple Lawn and Wilson Cemeteries in the amount of $25,000 per year and authorize

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the City Manager and City Clerk/Treasurer to execute the documents.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

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**Audit Renewal Proposal**

Consideration to approve of a contract with Gabridge & Co. to provide auditing services in the amount of $42,600 for three years, plus if the City requires that a Single Audit be performed, an additional fee of $3,000 per year would be charged and authorize the City Manager and City Clerk/Treasurer to execute the documents

Clerk / Treasurer Grice stated that Gabridge and Co. have been our Auditors since FYE 2014. Our experience with the team at Gabridge has been excellent. They are professional, informative, timely and provide valuable support throughout the year. Staff from Gabridge continually keep us updated on changing applicable GASB rulings, while providing insight.

This past fiscal year was the last year of our five-year contract with Gabridge. The last time we requested bids from auditors was in January of 2014. We received four bids at that time. The highest was for $89,000 for five years while the lowest was for $64,840 for five years. Both bids were before any possible Single Audit costs. After an interview with Joe Verlin from Gabridge, we made the recommendation to the Commissioners to enter into a five year contract with Gabridge & Associates and have been very pleased with the excellent services they have provided. During that time, we have received the GFOA's Certificate of Achievement for Excellence in Financial Reporting Award for FYE 2016, FYE 2017 and have sent in our submission for the FYE 2018 award. The choice made in 2014 was an excellent one.

We recently received a proposal from Joe Verlin with Gabridge & Co. to continue to auditing services to the City of Boyne City for an additional five years with minor increases each year with separate fees of $3,000 fee per year for a single audit if necessary. A single audit would only be necessary if the City has federal expenditures of over $750,000 during that fiscal year.

Two major upcoming changes are ahead of us. The State of Michigan is continuing with its Chart of Accounts conversion requirement and the Governmental Accounting Standards Board (GASB) in now implementing GASB Statement No. 75. GASB 75 will be requiring improved accounting and financial reporting by state and local governments for post employment benefits other than pensions. We will be assisted with the Chart of Accounts conversion from our accounting software provider, BS&A in part, but the value of having an auditing firm understand our policies, procedures and current Chart of Accounts will prove to be invaluable to staff in the upcoming few years. Continuing professional services with Gabridge

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with be somewhat like continuing to contract with various engineering firms for professional services.

Staff Comments: City Manager Michael Cain and Deputy Treasurer Michele Hewett expressed their agreement.

Citizens Comments: None

Board Discussion: All Commissioners are in agreement with the recommendation

**MOTION**

2019-01-013
Moved by Solomon
Second by Page

To approve of a contract with Gabridge & Co. to provide auditing services in the amount of $42,600 for three years, plus if the City requires that a Single Audit be performed, an additional fee of $3,000 per year would be charged and authorize the City Manager and City Clerk/Treasurer to execute the documents.

Ayes: 5
Nays: 0
Absent: 0
Motion carried

**Good Of The Order**

None

**ADJOURNMENT**

Motion by Mayor Neidhamer, second by Commissioner Conklin to adjourn the Regular City Commission meeting of Tuesday, January 22, 2019 at 1:57 p.m.

Tom Neidhamer
Mayor

Cindy Grice
Clerk/Treasurer

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# City of Boyne City MEMO

To: Michael Cain, City Manager

From: Jane Halstead, Recording Secretary

Date: February 6, 2019

Subject: Re-Appointment of Josette Lory to the EDC Board

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At the Economic Development Corporation Meeting held on January 28, 2019 a motion was passed unanimously to recommend to the City Commission the re-appointment of Josette Lory to the Economic Development Corporation Board for a term of six years ending 3/11/2025.

These two articles are a must read, for anyone making a decision to allow recreational marijuana in their town/county. Please make a copy for every council/board member. Do they ever ask themselves, how a schedule 1 drug can be classified medical by just saying so?

Thank You

Nancy La Croix

547-6418

Centers for Disease Control and Prevention
CDC 24/7: Saving Lives, Protecting People™

Marijuana and Public Health



# What You Need to Know About Marijuana Use in Teens

## Fast Facts

- 38% of high school students report having used marijuana in their life.[1]
- Research shows that marijuana use can have permanent effects on the developing brain when use begins in adolescence, especially with regular or heavy use.[2]
- Frequent or long-term marijuana use is linked to school dropout and lower educational achievement.[3]

The teen years are a time of rapid growth, exploration, and onset of risk taking. Taking risks with new behaviors provides kids and teens the opportunity to test their skills and abilities and discover who they are. But, some risk behaviors—such as using marijuana—can have harmful and long-lasting effects on a teen's health and well-being.

## Marijuana and the teen brain

Unlike adults, the teen brain is actively developing and often will not be fully developed until the mid 20s. Marijuana use during this period may harm the developing teen brain.

**Negative effects include:**

- Difficulty thinking and problem solving.
- Problems with memory and learning.
- Impaired coordination.
- Difficulty maintaining attention.[3]

## Negative effects on school and social life

Marijuana use in adolescence or early adulthood can have a serious impact on a teen's life.

- **Decline in school performance.** Students who smoke marijuana may get lower grades and may more likely to drop out of high school than their peers who do not use.[4]
- **Increased risk of mental health issues.** Marijuana use has been linked to a range of mental health problems in teens such as depression or anxiety.[5] Psychosis has also been seen in teens at higher risk like those with a family history.[6]
- **Impaired driving.** Driving while impaired by any substance, including marijuana, is dangerous. Marijuana negatively affects a number of skills required for safe driving, such as reaction time, coordination, and concentration.[7,8]
- **Potential for addiction.**[a] Research shows that about 1 in 6 teens who repeatedly use marijuana can become addicted, which means that they may make unsuccessful efforts to quit using marijuana or may give up important activities with friends and family in favor of using marijuana.

## For more information, visit:

**YRBSS Results, Slides, and MMWR Publications:**
https://www.cdc.gov/healthyyouth/data/yrbs/index.htm
(https://www.cdc.gov/healthyyouth/data/yrbs/index.htm)

**Parent Engagement Tips:**
https://www.cdc.gov/healthyyouth/protective/parent_engagement.htm
(https://www.cdc.gov/healthyyouth/protective/parent_engagement.htm)

**School Connectedness:**
https://www.cdc.gov/healthyyouth/protective/school_connectedness.htm
(https://www.cdc.gov/healthyyouth/protective/school_connectedness.htm)

**NIDA Drug Facts: Marijuana:** https://teens.drugabuse.gov/drug-facts/marijuana
(https://teens.drugabuse.gov/drug-facts/marijuana)

**NIDA Marijuana: Facts for Teens:**
https://www.drugabuse.gov/publications/marijuana-facts-teens/letter-to-teens
(https://www.drugabuse.gov/publications/marijuana-facts-teens/letter-to-teens)

**Adolescents and Marijuana:**
http://learnaboutmarijuanawa.org/factsheets/adolescents.htm
(http://learnaboutmarijuanawa.org/factsheets/adolescents.htm)

## References

[a] *The term "addiction" is used to describe compulsive drug seeking despite negative consequences. However, we recognize that "addiction" is not considered a specific diagnosis in the fifth edition of The Diagnostic and Statistical Manual of Mental Disorders (DSM-5)—a diagnostic manual used by clinicians that contains descriptions and symptoms of all mental disorders classified by the American Psychiatric Association (APA). Rather the DSM-5 uses the term substance use disorder. However, throughout this document addiction is used synonymously with having a substance use disorder for ease of language recognition and understanding.*

1. Centers for Disease Control and Prevention (CDC), High School Youth Risk Behavior Survey Data. 2016 [cited 2016 November 16, 2016]; Available from: http://nccd.cdc.gov/youthonline/ (http://nccd.cdc.gov/youthonline/).
2. National Institute on Drug Abuse. What are marijuana's long-term effects on the brain? 2016 [cited 2016 November 16, 2016]; Available from: https://www.drugabuse.gov/publications/marijuana/what-are-marijuanas-long-term-effects-brain (https://www.drugabuse.gov/publications/marijuana/what-are-marijuanas-long-term-effects-brain).
3. Fergusson, D.M. and J.M. Boden, Cannabis use and later life outcomes. Addiction, 2008. 103(6): p. 969-76; discussion 977-8.
4. Broyd, S.J., et al., Acute and Chronic Effects of Cannabinoids on Human Cognition-A Systematic Review. Biol Psychiatry, 2016. 79(7): p. 557-67.
5. Copeland, J., S. Rooke, and W. Swift, Changes in cannabis use among young people: impact on mental health. Curr Opin Psychiatry, 2013. 26(4): p. 325-9.
6. Arseneault, L., et al., Cannabis use in adolescence and risk for adult psychosis: longitudinal prospective study. BMJ, 2002. 325(7374): p. 1212-3.
7. Bondallaz, P., et al., Cannabis and its effects on driving skills. Forensic Sci Int, 2016. 268: p.92-102.
8. Hartman, R.L. and M.A. Huestis, Cannabis effects on driving skills. Clin Chem, 2013. 59(3): p. 478-92.
9. National Institute on Drug Abuse. Drugs, Brains, and Behavior: The Science of Addiction 2014 [cited 2016 December 29].

Top of Page

**Page last reviewed: April 13, 2017**
**Content source:** National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention

# Marijuana, Mental Illness, and Violence

imprimis.hillsdale.edu/marijuana-mental-illness-violence/

**Alex Berenson**
Author, *Tell Your Children: The Truth About Marijuana, Mental Illness, and Violence*

**Alex Berenson** is a graduate of Yale University with degrees in history and economics. He began his career in journalism in 1994 as a business reporter for the *Denver Post*, joined the financial news website TheStreet.com in 1996, and worked as an investigative reporter for *The New York Times* from 1999 to 2010, during which time he also served two stints as an Iraq War correspondent. In 2006 he published *The Faithful Spy*, which won the 2007 Edgar Award for best first novel from the Mystery Writers of America. He has published ten additional novels and two nonfiction books, *The Number: How the Drive for Quarterly Earnings Corrupted Wall Street and Corporate America* and *Tell Your Children: The Truth About Marijuana, Mental Illness, and Violence.*

*The following is adapted from a speech delivered on January 15, 2019, at Hillsdale College's Allan P. Kirby, Jr. Center for Constitutional Studies and Citizenship in Washington, D.C.*

Seventy miles northwest of New York City is a hospital that looks like a prison, its drab brick buildings wrapped in layers of fencing and barbed wire. This grim facility is called the Mid-Hudson Forensic Psychiatric Institute. It's one of three places the state of New York sends the criminally mentally ill—defendants judged not guilty by reason of insanity.

Until recently, my wife Jackie—Dr. Jacqueline Berenson—was a senior psychiatrist there. Many of Mid-Hudson's 300 patients are killers and arsonists. At least one is a cannibal. Most have been diagnosed with psychotic disorders like schizophrenia that provoked them to violence against family members or strangers.

A couple of years ago, Jackie was telling me about a patient. In passing, she said something like, *Of course he'd been smoking pot his whole life.*

Of course? I said.

*Yes, they all smoke.*

So marijuana causes schizophrenia?

I was surprised, to say the least. I tended to be a libertarian on drugs. Years before, I'd covered the pharmaceutical industry for *The New York Times*. I was aware of the claims about marijuana as medicine, and I'd watched the slow spread of legalized cannabis without much interest.

Research on individual users—a better way to trace cause and effect than looking at aggregate state-level data—consistently shows that marijuana use leads to other drug use. For example, a January 2018 paper in the *American Journal of Psychiatry* showed that people who used cannabis in 2001 were almost three times as likely to use opiates three years later, even after adjusting for other potential risks.

Most of all, advocates have told you that marijuana is not just safe for people with psychiatric problems like depression, but that it is a potential treatment for those patients. On its website, the cannabis delivery service Eaze offers the "Best Marijuana Strains and Products for Treating Anxiety." "How Does Cannabis Help Depression?" is the topic of an article on Leafly, the largest cannabis website. But a mountain of peer-reviewed research in top medical journals shows that marijuana can cause or worsen severe mental illness, especially psychosis, the medical term for a break from reality. Teenagers who smoke marijuana regularly are about three times as likely to develop schizophrenia, the most devastating psychotic disorder.

After an exhaustive review, the National Academy of Medicine found in 2017 that "cannabis use is likely to increase the risk of developing schizophrenia and other psychoses; the higher the use, the greater the risk." Also that "regular cannabis use is likely to increase the risk for developing social anxiety disorder."

***

Over the past decade, as legalization has spread, patterns of marijuana use—and the drug itself—have changed in dangerous ways.

Legalization has not led to a huge increase in people using the drug casually. About 15 percent of Americans used cannabis at least once in 2017, up from ten percent in 2006, according to a large federal study called the National Survey on Drug Use and Health. (By contrast, about 65 percent of Americans had a drink in the last year.) But the number of Americans who use cannabis *heavily* is soaring. In 2006, about three million Americans reported using cannabis at least 300 times a year, the standard for daily use. By 2017, that number had nearly tripled, to eight million, approaching the twelve million Americans who drank alcohol every day. Put another way, one in 15 drinkers consumed alcohol daily; about one in five marijuana users used cannabis that often.

Cannabis users today are also consuming a drug that is far more potent than ever before, as measured by the amount of THC—delta-9-tetrahydrocannabinol, the chemical in cannabis responsible for its psychoactive effects—it contains. In the 1970s, the last time this many Americans used cannabis, most marijuana contained less than two percent THC. Today, marijuana routinely contains 20 to 25 percent THC, thanks to sophisticated farming and cloning techniques—as well as to a demand by users for cannabis that produces a stronger high more quickly. In states where cannabis is legal, many users prefer extracts that are nearly pure THC. Think of the difference between near-beer and a martini, or even grain alcohol, to understand the difference.

These new patterns of use have caused problems with the drug to soar. In 2014, people who had diagnosable cannabis use disorder, the medical term for marijuana abuse or addiction, made up about 1.5 percent of Americans. But they accounted for eleven percent of all the psychosis cases in emergency rooms—90,000 cases, 250 a day, triple the number in 2006. In states like Colorado, emergency room physicians have become experts on dealing with cannabis-induced psychosis.

Cannabis advocates often argue that the drug can't be as neurotoxic as studies suggest, because otherwise Western countries would have seen population-wide increases in psychosis alongside rising use. In reality, accurately tracking psychosis cases is impossible in the United States. The government carefully tracks diseases like cancer with central registries, but no such registry exists for schizophrenia or other severe mental illnesses.

On the other hand, research from Finland and Denmark, two countries that track mental illness more comprehensively, shows a significant increase in psychosis since 2000, following an increase in cannabis use. And in September of last year, a large federal survey found a rise in serious mental illness in the United States as well, especially among young adults, the heaviest users of cannabis.

According to this latter study, 7.5 percent of adults age 18-25 met the criteria for serious mental illness in 2017, double the rate in 2008. What's especially striking is that adolescents age 12-17 don't show these increases in cannabis use and severe mental illness.

A caveat: this federal survey doesn't count individual cases, and it lumps psychosis with other severe mental illness. So it isn't as accurate as the Finnish or Danish studies. Nor do any of these studies *prove* that rising cannabis use has caused population-wide increases in psychosis or other mental illness. The most that can be said is that they offer intriguing evidence of a link.

Advocates for people with mental illness do not like discussing the link between schizophrenia and crime. They fear it will stigmatize people with the disease. "Most people with mental illness are not violent," the National Alliance on Mental Illness (NAMI) explains on its website. But wishing away the link can't make it disappear. In truth, psychosis is a shockingly high risk factor for violence. The best analysis came in a 2009 paper in *PLOS Medicine* by Dr. Seena Fazel, an Oxford University psychiatrist and epidemiologist. Drawing on earlier studies, the paper found that people with schizophrenia are five times as likely to commit violent crimes as healthy people, and almost 20 times as likely to commit homicide.

NAMI's statement that most people with mental illness are not violent is of course accurate, given that "most" simply means "more than half"; but it is deeply misleading. Schizophrenia is rare. But people with the disorder commit an appreciable fraction of all murders, in the range of six to nine percent.

"The best way to deal with the stigma is to reduce the violence," says Dr. Sheilagh Hodgins, a professor at the University of Montreal who has studied mental illness and violence for more than 30 years.

The marijuana-psychosis-violence connection is even stronger than those figures suggest. People with schizophrenia are only moderately more likely to become violent than healthy people when they are taking antipsychotic medicine and avoiding recreational drugs. But when they use drugs, their risk of violence skyrockets. "You don't just have an increased risk of one thing—these things occur in clusters," Dr. Fazel told me.

Along with alcohol, the drug that psychotic patients use more than any other is cannabis: a 2010 review of earlier studies in *Schizophrenia Bulletin* found that 27 percent of people with schizophrenia had been diagnosed with cannabis use disorder in their lives. And unfortunately—despite its reputation for making users relaxed and calm—cannabis appears to provoke many of them to violence.

A Swiss study of 265 psychotic patients published in *Frontiers of Forensic Psychiatry* last June found that over a three-year period, young men with psychosis who used cannabis had a 50 percent chance of becoming violent. That risk was four times higher than for those with psychosis who didn't use, even after adjusting for factors such as alcohol use. Other researchers have produced similar findings. A 2013 paper in an Italian psychiatric journal examined almost 1,600 psychiatric patients in southern Italy and found that cannabis use was associated with a ten-fold increase in violence.

The most obvious way that cannabis fuels violence in psychotic people is through its tendency to cause paranoia—something even cannabis advocates acknowledge the drug can cause. The risk is so obvious that users joke about it and dispensaries advertise certain strains as less likely to induce paranoia. And for people with psychotic disorders, paranoia can fuel extreme violence. A 2007 paper in the *Medical Journal of Australia* on 88 defendants who had committed homicide during psychotic episodes found that most believed they were in danger from the victim, and almost two-thirds reported misusing cannabis—more than alcohol and amphetamines combined.

Yet the link between marijuana and violence doesn't appear limited to people with preexisting psychosis. Researchers have studied alcohol and violence for generations, proving that alcohol is a risk factor for domestic abuse, assault, and even murder. Far less work has been done on marijuana, in part because advocates have stigmatized anyone who raises the issue. But studies showing that marijuana use is a significant risk factor for violence have quietly piled up. Many of them weren't even designed to catch the link, but they did. Dozens of such studies exist, covering everything from bullying by high school students to fighting among vacationers in Spain.

In most cases, studies find that the risk is at least as significant as with alcohol. A 2012 paper in the *Journal of Interpersonal Violence* examined a federal survey of more than 9,000 adolescents and found that marijuana use was associated with a doubling of domestic violence; a 2017 paper in *Social Psychiatry and Psychiatric Epidemiology* examined drivers of violence among 6,000 British and Chinese men and found that drug use—the drug nearly always being cannabis—translated into a five-fold increase in violence.

Today that risk is translating into real-world impacts. Before states legalized recreational cannabis, advocates said that legalization would let police focus on hardened criminals rather than marijuana smokers and thus reduce violent crime. Some advocates go so far as to claim that legalization *has* reduced violent crime. In a 2017 speech calling for federal legalization, U.S. Senator Cory Booker said that "states [that have legalized marijuana] are seeing decreases in violent crime." He was wrong.

The first four states to legalize marijuana for recreational use were Colorado and Washington in 2014 and Alaska and Oregon in 2015. Combined, those four states had about 450 murders and 30,300 aggravated assaults in 2013. Last year, they had almost 620 murders and 38,000 aggravated assaults—an increase of 37 percent for murders and 25 percent for aggravated assaults, far greater than the national increase, even after accounting for differences in population growth.

Knowing exactly how much of the increase is related to cannabis is impossible without researching every crime. But police reports, news stories, and arrest warrants suggest a close link in many cases. For example, last September, police in Longmont, Colorado, arrested Daniel Lopez for stabbing his brother Thomas to death as a neighbor watched. Daniel Lopez had been diagnosed with schizophrenia and was "self-medicating" with marijuana, according to an arrest affidavit.

In every state, not just those where marijuana is legal, cases like Lopez's are far more common than either cannabis or mental illness advocates acknowledge. Cannabis is also associated with a disturbing number of child deaths from abuse and neglect—many more than alcohol, and more than cocaine, methamphetamines, and opioids combined—according to reports from Texas, one of the few states to provide detailed information on drug use by perpetrators.

These crimes rarely receive more than local attention. Psychosis-induced violence takes particularly ugly forms and is frequently directed at helpless family members. The elite national media prefers to ignore the crimes as tabloid fodder. Even police departments, which see this violence up close, have been slow to recognize the trend, in part because the epidemic of opioid overdose deaths has overwhelmed them.

So the black tide of psychosis and the red tide of violence are rising steadily, almost unnoticed, on a slow green wave.

***

For centuries, people worldwide have understood that cannabis causes mental illness and violence—just as they've known that opiates cause addiction and overdose. Hard data on the relationship between marijuana and madness dates back 150 years, to British asylum registers in India. Yet 20 years ago, the United States moved to encourage wider use of cannabis and opiates.

In both cases, we decided we could outsmart these drugs—that we could have their benefits without their costs. And in both cases we were wrong. Opiates are riskier, and the overdose deaths they cause a more imminent crisis, so we have focused on those. But soon enough the mental illness and violence that follow cannabis use will also be too widespread to ignore.

Whether to use cannabis, or any drug, is a personal decision. Whether cannabis should be legal is a political issue. But its precise legal status is far less important than making sure that anyone who uses it is aware of its risks. Most cigarette smokers don't die of lung cancer. But we have made it widely known that cigarettes cause cancer, full stop. Most people who drink and drive don't have fatal accidents. But we have highlighted the cases of those who do.

We need equally unambiguous and well-funded advertising campaigns on the risks of cannabis. Instead, we are now in the worst of all worlds. Marijuana is legal in some states, illegal in others, dangerously potent, and sold without warnings everywhere.

But before we can do anything, we—especially cannabis advocates and those in the elite media who have for too long credulously accepted their claims—need to come to terms with the truth about the science on marijuana. That adjustment may be painful. But the alternative is far worse, as the patients at Mid-Hudson Forensic Psychiatric Institute—and their victims—know.

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**Michael Cain**

**Subject:** FW: Proposed Ordinance Change / Tonights meeting

From: **Todd Wright** <todd@northernwrights.com>
Date: Tue, Feb 12, 2019 at 1:08 PM
Subject: Proposed Ordinance Change / Tonights meeting
To: <tdneid@gmail.com>, <rongrunch@hotmail.com>, <hughconklinbc@gmail.com>, <salpage43@gmail.com>, <deanrsolomon@gmail.com>

Commissioners,

Regretfully I will be unable to attend tonight's meeting, but I would like this letter read into the meeting record.

I am writing to express my concern with tonight's final reading of a revision of the Zoning Ordinance regarding building height and number of stories in the Central Business District. As you are aware, the change would allow for buildings of four stories in height where currently only three are allowed for a flat roof building (or 3.5 for a pitched roof).

My concern stems from comments that I have heard about this being "only a clarification" and that the actual height allowed is not changing. While the height may not change, *the residential density allowed will increase by 50%.* This clearly is not a simple "clarification" but a major change in an allowed use.

I believe that this large density increase deserves a more in-depth investigation into the implications for City Services, Parking, infrastructure and traffic flow. A 50 % increase in density in any zoning district is substantial, and it is reasonable to expect that the corresponding increase in the demand for these services should be given more than a cursory review.

Perhaps more importantly, while I am concerned that the impact of this revision is not receiving the scrutiny that it deserves, *I am at the same time suspicious about its timing*. The change is obviously aimed to clear the way for the proposed large four-story development at the corner of State and Lake Street, and as such should be a part of the discussion of this particular development. On the surface one could easily draw the conclusion that the developer was "working through the back door" with City Hall to clear an obstacle before the controversial development was unveiled to the public. It is hard to believe that the timing is a coincidence when the ordinance language has remained unchanged since I was on the planning commission in the mid 1990's.

I am sure that you realize this proposed development will be the largest structure in Boyne City since the Tannery was removed, and that its sheer size and location will be controversial to say the least. There is likely to be much public outcry and debate surrounding the proposal, and the City should not go into the process with a tainted position. I urge you to table the final reading of the ordinance change until the all of the facts have been considered, and until all appearances of impropriety can be put to rest.

It is only fair that the citizens of Boyne City get to see the proposed development in the light of day before our zoning is changed to accommodate it.

Respectfully,

*Todd Wright*

Approved: _____

| | |
|---|---|
| Meeting of January 3, 2019 | MINUTES OF THE BOYNE CITY MAIN STREET BOARD REGULAR MEETING HELD ON THURSDAY, JANUARY 3, 2019 at 8:30 AM CITY HALL, 319 NORTH LAKE STREET |
| **Call to Order** | Chair Michelle Cortright called the meeting to order at 8:30 a.m. |
| **Roll Call** | Present: Jodie Adams, Chris Bandy, Michael Cain, Michelle Cortright, Becky Harris, Patrick Little, Pat O'Brien, Rob Swartz |
| **Meeting Attendance** | Absent: None<br>City Staff: Main Street Director Kelsie King-Duff, Recording Secretary Jane Halstead, Assistant Planner Patrick Kilkenny, DPW Director Tim Faas<br>Public: One |
| **Approval of Minutes** MOTION | **Adams moved, Bandy seconded,** to approve the December 6, 2018 minutes as presented. |
| | City Manager Michael Cain introduced Tim Faas, the new DPW Director, to the Main Street Board. Faas worked for Canton Township at a similar position for many years prior to coming to Boyne. |
| **Citizens Comments** | None. |
| **Correspondence** | Correspondence was included in the agenda packet. Received and filed. |
| **Committee Reports** | **Organization**<br>Boyne Thunder sponsorships are on track.<br>A strategic planning session will be held in February.<br><br>**Promotion**<br>The Committee discussed how the Marketing and Promotions Committees efforts blend together. They also discussed the effectiveness of social media.<br>The Committee will try to limit discussion to 2 events per meeting in the future.<br>Kelsie will send out updated minutes.<br><br>**Design**<br>The Committee will meet next week and again hear plans regarding the Robert's Restaurant property. |

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Committee members will meet with Marth Sulfridge to determine what direction the Walk-About-Sculpture Show will take.

**Farmer's Market**
Missy Jollette has resigned as the Farmer's Market Manager.
Monies from the Food Truck Rally will go to the Pavilion.

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**Director's Report**

Received and filed.
A person who wishes to remain anonymous has donated the Draco Viewer sculpture to the City.
The Boyne District Library is not able to opt out of the DDA TIF at this time. They may not opt out until there is a change in the TIF plan (renewal or boundary change).

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**Unfinished Business**

None.

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**New Business**

**2019 Meeting Schedule**

Consideration to approve the Boyne City Main Street Meeting Calendar dates as presented with meetings to be held at 8:30 a.m. at Boyne City Hall, 319 N. Lake Street.

**2019 Meeting Schedule**
MOTION

**Adams moved, Bandy seconded, PASSED UNANIMOUSLY** to approve the Boyne City Main Street Meeting Calendar dates as presented with meetings to be held at 8:30 a.m. at Boyne City Hall, 319 N. Lake Street.

**Michigan Main Street Master Level Agreement**

Consideration to recommend the City Commission approve the Community Requirements and Expectations Master Level Agreement with Michigan Main Street.

There have been no changes since the last Master Level Agreement. This agreement will take us through 2020.

**MMS Master Level Agreement**
MOTION

**Cain moved, Little seconded, PASSED UNANIMOUSLY** to recommend the City Commission approve the renewal of the Community Requirements and Expectations Master Level Agreement with Michigan Main Street.

**Boyne City Main Street Board Member Appointments**

Consideration to recommend to the City Commission the appointment of Patti Gabos to a 4 year term expiring 1/18/2023, Jodie Adams to a 4 year term expiring 1/18/2023 and Pat O'Brien to a 1 year term expiring 1/18/2020 on the Main Street Board as recommended by the Organization Committee.

**BCMS Board Member Appointments**
MOTION

**Bandy moved, Swartz seconded, PASSED UNANIMOUSLY** to approve the appointment of Patti Gabos to a 4 year term expiring 1/18/2023, Jodie Adams to a 4

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year term expiring 1/18/2023 and Pat O'Brien to a 1 year term expiring 1/18/2020 on the Main Street Board as recommended by the Organization Committee.

**Farmers Market Committee Appointments**

Consideration to reappoint Brian Bates, Jack Laurent, and Joann Brown and appoint Tim Dennis and Rod Cortright to the Farmers Market Committee for 3 year terms expiring 1/2022 as recommended by the Farmers Market Committee.

The Board approves the appointments but wants to stagger the term expiration dates so that 5 members will not have expiring terms at the same time.

**Farmers Market Committee Appointments**
MOTION

**Cain moved, Swartz seconded, PASSED UNANIMOUSLY** to reappoint Brian Bates, Jack Laurent, and Joann Brown for 3 year terms expiring 1/2022, appoint Rod Cortright to a 3 year term expiring 1/2022 and appoint Tim Dennis to a two year term expiring 1/2020.

**2019 Special Event Liquor Licenses**

Consideration to recommend to the City Commission approval of the application for special event liquor licenses for Boyne Thunder on Friday, July 12, 2019 and Saturday, July 13, 2019 and the Food Truck Rally on Thursday, July 18, 2019.

**2019 Special Event Liquor Licenses**
MOTION

**Swartz moved, Cain seconded, PASSED UNANIMOUSLY** to recommend the City Commission approve of the application for special event liquor licenses for Boyne Thunder on Friday, July 12, 2019 and Saturday, July 13, 2019 and the Food Truck Rally on Thursday, July 18, 2019.

**Class Cost for MSARP Credential**

Consideration to approve the cost of 2 classes toward the Main Street America Revitalization Professional (MSARP) for the Executive Director for a total of $550.

**MSARP Credential**
MOTION

**Adams moved, Cain seconded, PASSED UNANIMOUSLY** to approve the cost of 2 classes toward the Main Street America Revitalization Professional (MSARP) for the Executive Director for a total of $550.

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**Financial Report Review**

The Financial Report was received and filed.

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**Good Of The Order**

- North Lake Street will be rebuilt this year – mill and fill.
- The City is applying for a new permit for the expansion and modernization of the Marina.
- Both grants to update the bathrooms at the river mouth were denied.
- The Wolverine Dillworth has installed their refurbished sign. The reopening of the building is still 2 years out.

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- Cain is working to establish a sister city relationship with Boyne Valley in Ireland. They may visit this July.
- Since the opening of the new Book Mobile, 500 new library cards have been issued.
- Boyne City Public Schools continue to grow due to school of choice students.
- The Chamber of Commerce Annual Awards Gala is scheduled for January 17th at Boyne Mountain.
- The 3rd annual Women's March in Boyne is scheduled for January 19th at 12:45 p.m. It will begin at Harbor House Publishers.
- The Fat Tire race at Avalanche is scheduled for January 19th at 9:00 a.m.

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**Adjournment**

The January 3, 2019 meeting of the Boyne City Main Street Board was adjourned at 9:28 a.m.

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Jane Halstead, Recording Secretary

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Agenda Item 7B

Approved: 11/24/19 gH

**MEETING OF**
**January 10th, 2019**

RECORD OF THE PROCEEDINGS OF THE SPECIAL *2019 AIRPORT ADVISORY BOARD GOAL SETTING* MEETING OF THE **BOYNE CITY AIRPORT ADVISORY BOARD** held January 10th, 2019.

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**CALL TO ORDER**

Chair Richard Bouters called the meeting to order at 1:00 PM followed by the pledge of allegiance.

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**ROLL CALL**

**Present**: Richard Bouters, Richard Wright, Brian Harrington, Leon Jarema*, Bud Chipman*, Rod Cortright*, Jerry Schmidt*

**Excused Absences:**

**Ex Officio Members*

**Staff:** Airport/City Manager - Michael Cain

**Citizens:** Doug Brubaker, Allen Sturza, John Van Etten, Lynn Van Etten

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**INTRODUCTIONS**

Richard Bouters' welcome to the attending citizens and guest was followed by round table self-introductions of each board/staff member.

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**CANDIDATE BOYNE CITY AIRPORT 2019 GOALS**

Chair Bouters conducted a brief review of *Completed, In-Work* and *Waiting* 2018 goals.

Richard Wright offered the following 2019 candidate goals:

- Aircraft Mishap Training
- Terminal building and grounds beautification
- Airport tenant appreciation event
- Airport pavement management plan
- Develop comprehensive list of recurring airport inspections
- Consolidate airport polices, memo, letters of instruction etc. into one comprehensive airport management and reference medium
- Research all aspects of and develop a plan to obtain Boyne City Airport specific weather reporting equipment.

The Board unanimously agreed to adopt these goals for 2019.

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**OTHER GOAL RELATED**

Michael Cain suggested to keep those 2018 goals identified as *Waiting* and *In-Work* for action continuity over multiple years. Richard Wright will create an amalgamated multiple year (2018 and 2019) goal list.
Two 2018 *In-Work* goals merited only a very brief discussion. Considered *Go-Do's*, the Board acknowledged follow-on actions required to install the Runway Distance Remaining Markers and final acceptance of the reworked Emergency Action plan are expected and did not require further discussion.

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**FILLING BOARD VANCY**

Two candidate Airport Advisory Board members attended the 2019 Goal Setting meeting. A motion was made by Richard Wright and seconded by Brian Harrington (all other Board members voting "aye") to endorse Mr. Douglass Brubaker and Allen Sturza nomination to the Boyne City Airport Advisory Board. The endorsement is for presentation to the Boyne City Commissioners at their next scheduled meeting, Mr. Douglass' nomination is as a full voting member, Mr. Sturza ex officio.

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**OTHER**

Michael Cain informed the Board that it would be prudent to invite the new Director of the Department of Public Works, Mr. Tim Faas to the next regular scheduled Airport Advisory Board Meeting.

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**ADJOURNMENT**

The meeting was adjourned at 2:15 P.M. by meeting chair, Richard Bouters.

Richard K. Wright
Boyne City Airport Advisory Board Secretary

Agenda Item 7C

Approved:

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|---|---|
| **Meeting of January 10, 2019** | RECORD OF THE PROCEEDINGS OF THE **REGULAR BOYNE CITY PARKS AND RECREATION COMMISSION MEETING** HELD AT 5:00 P.M. AT CITY HALL ON THURSDAY, JANUARY 10, 2019. |
| **Call to Order** | Meeting was called to order by Chair Mike Sheean at 5:00 p.m. |
| **Roll Call** | Present: Mike Sheean, Diane Sterling, Jo Bowman and Hugh Conklin,<br>Absent, Lisa Alexander, Greg Vadnais and Gow Litzenburger |
| **Meeting Attendance** | City Staff: city manager Michael Cain, interim DPW superintendent Tim Faas and recording secretary Barb Brooks<br>Public Present: two (2) |
| **Excused Absences**<br>****MOTION** | **Conklin moved, Sterling seconded, PASSED UNANIMOUSLY** to excuse the absence(s) of Litzenburger, Vadnais and Alexander |
| **Approval of Minutes**<br>****MOTION** | **Sterling moved, Conklin seconded, PASSED UNANIMOUSLY** a motion approving the December 13, 2018 meeting minutes as presented |
| **Citizens Comments**<br>(on non-agenda items) | • City Manager Michael Cain introduced the new Department of Public Works Director Tim Faas who started on January 2, 2019.<br>• Mike Cortright updated the board on the trail grooming at Avalanche and that he added "trail conditions" on his business website that can be viewed anytime for current conditions. Commissioner Conklin thanked Cortright for all of his efforts not only on the bike trails but the walking trail as well. |
| **Director's Report** | Director Faas stated that the weather has not been cooperating to make ice and have the rink open at Avalanche but the crew is ready to work on it as soon as we get some snow and the temperature drops. There is enough snow for sledding and the warming house has been open. He has received a request for placement of a memorial bench to be place somewhere at Avalanche. This will be placed on the agenda for discussion once he receives more details. Lastly, Faas met with staff to discuss the Riverside Park project and feels that he understands what needs to happen to move the project forward first thing in the spring and have it completed before Memorial Day. |
| **Correspondence** | None |
| **Reports of Officers, Boards, and Standing Committees** | **Park Inspection Reports** –<br>• There is a tree down at Avalanche across the walking trail that needs to be addressed. |

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**Unfinished Business**

**Avalanche RFP update**

Faas reported that he has reviewed the RFP that was previously drafted by Brooks and has a few minor revisions but it could be ready within a couple weeks. There was also discussion regarding having one consultant contracted to look at both the base of Avalanche and the Open Space and possible cost savings.

**Walloon Lake Trust & Conservancy/TOMMBA Property Acquisition and Trail Project**

Mike Cortright informed the board that of the $150,000 fund-raising goal, they are approximately 1/3 of the way there. This is a joint effort between the conservancy and TOMMBA. $150,000 will cover the cost acquiring the property and start the trail building. Fund-raising efforts will be ongoing.

**City-wide Goals**

The board reviewed the list that Brooks placed on the back of the agenda of the City's ongoing and/or incomplete parks and recreation projects. The general consensus of the board was that the list was complete and there were just a couple minor tweaks. There was also discussion regarding keeping in mind manpower time and maintenance costs that would associated with any future project proposals.

**Health Department of Northwest Michigan Grant**

After review and discussion, staff opted to apply for bike racks and trail marking and way-finding signs for Avalanche Park. Some sample sign drawings were provided by The Wood Shop. Successful grantees will be announced in February.

**New Business**

**Avalanche Sledding Safety**

The net at the bottom of the hill has helped. Director Faas introduced a proposal to try the use of straw bales to help separate sledding down the hill vs. walking up the hill to try to prevent collisions, especially with the younger kids. The bales are easy to move around so staff can try various scenarios to see what seems to have the best flow. The board expressed that they were happy to have staff try new safety measures and work toward a resolution.

**Charlevoix County Parks & Recreation Millage Allocation**

Brooks stated that applications are being accepted by the County until February 1, 2019 for the recreation millage funds. The board discussed various project options that either had cost estimates already associated with them or would be easy to obtain quotes as the turnaround time for the applications is a short window. City staff will meet to review the options suggested by the board and will move forward with projects they feel are viable.

**Adjournment**

The January 10, 2019 meeting of the Parks and Recreation Board was adjourned at 6:12 p.m.

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Barb Brooks, Recording Secretary

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# BOYNE CITY HISTORICAL COMMISSION

Minutes of January 21, 2019
7:00 p.m.
Boyne City Hall

CALL TO ORDER: 7:02 p.m.

PRESENT: Hewitt, Sansom, Raycraft, Dawson and Alexander

ABSENT: Barden

GUESTS: None

APPROVAL OF MINUTES: Approval of the minutes from the December 17, 2018 meeting, motioned by Dawson, second by Alexander, all ayes.

OLD BUSINESS:

A. Photo/Artifact Use and Recognition Discussion – The Board agrees that the Boyne Heritage Center are not the owners of the photos and artifacts. They are caretakers. The Heritage Boards needs to report back to the Historical Commission or the City Commission and image and photos need to be identified as property of the City of Boyne City. It needs to be a joint decision between the Historical Commission and the Heritage Center to release any artifacts.

Raycraft motioned, Dawson seconded, all ayes to require the Boyne Heritage Center to provide copies of their minutes and agenda packets to the Historical Commission Board following each meeting.

NEW BUSINESS:

A. Update from Heritage Board – None.
B. Election of Officers - Alexander motioned, Raycraft seconded, all ayes to elect Laura Sansom as Chair, Lisa Alexander as Vice-Chair and Michele Hewitt as Secretary of the Boyne City Historical Commission.
C. Calendar for 2019 – Dawson motioned, Raycraft seconded, all ayes to hold the Boyne City Historical Commission Meetings on the 3rd Monday of the month at 7:00 p.m.

CITIZENS COMMENTS

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None

COMMUNICATIONS

May Conference

What is the time line for the Heritage Center now that they have their 501C3 to complete their exhibits? Do we set a deadline?

The Board discussed putting out a summer newsletter to acknowledge the Historical Commission/City of Boyne City on funding the first 2 phases of the new museum project and highlight the efforts that have been put forth by the Board thus far such as hosting the 2017 LaFrance Open House. The Boyne Heritage Center will be the new stewards of the museum.

Next Meeting: February 18, 2019

Adjourned: 8:30 p.m.

DRAFT

**Approved:** _____

**Meeting of January 21, 2019**

Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday January 21, 2019 at 5:00 pm.

**Call to Order**

Vice Chair Allen called the meeting to order at 5:00 p.m.

**Roll Call**

Present: Ken Allen, Jason Biskner, Tom Neidhamer, Aaron Place (arrived 5:03 pm) Jeff Ross and Joe St. Dennis
Absent: George Ellwanger and Jim Kozlowski
Vacancy: One

**Excused Absences**
****Motion**

**2019-1-21-02**
**St. Dennis moved, Biskner seconded, PASSED UNANIMOUSLY**, a motion to excuse the absence of Kozlowski.

**Meeting Attendance**

City Officials/Staff: Planning and Zoning Administrator Scott McPherson, City Manager Michael Cain, City Commissioner Hugh Conklin and Recording Secretary Pat Haver
Public Present: Six

**Consent Agenda**
****Motion**

**2019-1-21-03**
**Biskner moved, Ross seconded, PASSED UNANIMOUSLY**, a motion to approve the consent agenda, the Planning Commission minutes from December 17, 2018 as presented.

Chair Place arrived at 5:03 pm so Vice Chair Allen turned the meeting over to him

**Citizen comments on Non-Agenda Items**

Ted Macksey wanted to update the commission on the status of his project on Jefferson St. As you recall, in April of 2017 he was approved for a zoning district change to multi family, and as a condition of the rezoning must present a development plan within 2 years, his time is almost up. He has been crunching numbers, talking with investors and joint venture partners and has not had any luck due to prohibitive development and construction costs. There is a possibility of having to come back in front of this board for another rezoning request and then eventually to the City Commission for approval, depending on the outcome of his development plans. He is now leaning towards a manufactured housing community on his 30 acres. He still wants to meet the current demand of affordable housing, and just can't get the costs affordable enough. These housing options are not BOCA but HUD manufactured double wide housing units that should come in between $90,000 to $120,000. He would like to make sure that there is enough space on each lot to have a 1 or 2 car garage for vehicles or storage. They will be built in a factory and brought in and set on the lots and not built on site.
**Neidhamer** – Will this project be owner owned, rentals or a mix?
**Macksey** – It will be a land lease community with a manager's office to oversee the day to day operations, and will be run as an association. The development will meet all of the zoning requirements as far as open/common space design, lot width, landscaping and sidewalks.
The board felt that it would be best if the developer met with staff to bring in concepts to see if they will work with the earlier approved sketches that were brought before the board as proposals, and proceed from there.

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**Reports of Officers, Boards and Standing Committees**

Boyne Housing Solutions board will be meeting on Friday, February 15th, either at 1:00 pm or 1:30 pm all are encouraged and invited to attend.

**Unfinished Business**

None

## New Business

**Review proposed housing options for City wide property**

Planning Director McPherson reviewed his report that was included in the agenda packet, then turned the discussion over to City Manager Cain to continue. The city currently has a surplus of property that could possibly be brought into use for housing developments to help alleviate the current housing shortage. The available parcels would be put out to bid, and the city would be able to decide which bidder would fit the best interests of the city based on several factors. Currently there are 2 prospective pieces of land that have peaked the interest of some developers, both of the locations under consideration already have infrastructure on site, or very close by which includes water/sewer and are on paved roads. One is a little over 3 acres on Court Street currently west of the DPW facility, zoned multifamily residential. It runs alongside and behind the current Lakeview Apartments owned by Bob & Pam Brooks. Potentially working with the Boyne City Housing Commission, a future development of an additional 32 units is being explored. The second area is on Court Street between Robinson St and Escape St. This area is a little over 3.15 acres and could be used for single family residences, as the zoning in this district is under investigation and thought to have originally been TRD/Traditional Family Residential prior to being changed to CSD/Community Service District. This area currently is used for storage for city items, the location of the community garden and is near the dog park. In the past, excess fill has been dumped in the area, so there is some grading work that would need to be done. According to Pat Little and Ken Schrader, the Boyne City Public Schools has been looking to purchase property for their building trades class with continued construction of houses. In this area, a total of 12 to 15 houses could be proposed, giving the schools the ability to put in any needed infrastructure and to perform any grading work that needs to be done all at once to spread out the cost among the multiple lots, and not have the added expense of putting in one at a time. To help address the housing shortage, the building trades class for the 2019-2020 school season are going to build 2 smaller homes on Pleasant Avenue instead of one larger one. With board discussion, they all agree that something needs to be done to help alleviate the housing crisis, and look forward to seeing any development proposals that would help attain those goals. This item is also on the City Commissions' agenda for consideration tomorrow 1-22-2019.

**Review RRC recertification report and update Redevelopment Ready Sites**

**Staff Report**

Planning Director McPherson reviewed his report that was included in the agenda packet. The city was certified as an RRC Community back in 2015. At the end of 2018, staff received recertification packet information for completion to continue to hold onto the RRC status. In that report the city was found to be in substantial compliance with the current RRC best practices, however the report did identify some items that need to be addressed to maintain certification. Because of the RRC certification, the city has been able to take advantage of several opportunities in the form of marketing the City's RRC redevelopment sites, no cost training opportunities for city staff and appointed officials, planning assistance and studies which included the recent M-75 Corridor and downtown parking studies, along with the Boyne on the Water Plan and soil borings for the Fochtman site. Since staff has received the report, they have been working on ways to address the identified areas that need to be completed in the RRC Recertification Action Plan, which party is responsible to oversee each area and the estimated time for completion. It has been determined that the Planning Commission should review and update the previous list of priority sites to determine which sites can be removed, which sites should be added, and which sites are in the process of redevelopment completion. From the previous listing, Site 1 17 N. Lake St.; Site 2 302 Front St.; Site 3 216 S. Lake St.;

Draft

should remain, Site 4 311 E. Water St. is owner occupied with short term rentals; Site 5 437 Boyne Ave. is currently in the process of being redeveloped; and Site 6 100 N. Lake St. has prospective developers looking at the possibility of redevelopment. With board discussion they would like to see added to the priority site list:

- 201 E. Water St. (Parkside Grill and Treats)
- 211 E. Water St. (Country Now and Then)
- 401 E. Main St. (Unoccupied building)
- City owned parking lot on the corner of S. Lake St. and Ray St.

Staff will get information to the state identifying these potential sites and work closely with them to ensure that the recertification process is completed in order for the city to remain in the program.

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**Staff Report**

- A question was raised by a commission member about short term rentals and if staff has been able to go through the data to determine the impact of these on the city? Staff has been accumulating an inventory of those units that have been identified and trying to determine the economic impact on the city and what would happen if they are to remain out of the inventory for single family housing units.
- For the RRC recertification process, there are a number of items that the Planning Commission will be responsible for, so each month once the action item identification has been finalized, this board will be working on different areas for completion.

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**Good of the Order**

- Rotary Park fencing: at one point donated poles were going to be used, and now due to aesthetics, a different direction is being looked at. It was brought up that maybe look at split rail fencing, however, use pipes instead of wood.
- James Kozlowski will be absent from the January, February and March meetings

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The next regular meeting of the Boyne City Planning Commission is scheduled for Monday, February 18, 2019 at 5:00 p.m.

**Adjournment**
****Motion**

**2019-1-21-10**
**St. Dennis moved, Ross seconded, PASSED UNANIMOUSLY** a motion to adjourn the January 21, 2019 meeting at 6:23 p.m.

_____ _____

Chair Aaron Place Recording Secretary Pat Haver

Draft

Approved: _____

**MEETING OF JANUARY 24th , 2019**

RECORD OF THE PROCEEDINGS OF THE MEETING OF THE BOYNE CITY AIRPORT ADVISORY BOARD HELD JANUARY 24th, 2019.

**CALL TO ORDER**

Chair, Richard Bouters called the meeting to order at 5:33 PM followed by the pledge of allegiance.

**ROLL CALL ATTENDANCE**

Present: Richard Bouters, Brian Harrington, Richard Wright, Doug Brubaker Jerry Schmidt*, Leon Jarema*, Rod Cortright*
Absent: Leon Vercruysee, Bud Chipman*, Allen Sturza*
*Ex Officio Members

Citizens: John Van Etten, Lynn Van Etten
Staff: Airport and City Manager, Michael Cain; Timothy Fass, Boyne City Director of Public Works (DPW)

**EXCUSED ABSENCES**

None (Board member absences were unintentionally omitted)

**APPROVAL OF MINUTES**

October 25th 2018 Meeting Minutes:
Under NEW BUSINESS, III, 2019 Boyne City Airport Advisory Board Meeting Schedule the meeting minutes incorrectly reflected a start time as 5 PM. The meeting minutes are changed to show a start time of 5:30 PM. Motion by Harrington seconded by Brubaker to pass the meeting minutes as amended.

January 10th 2019 Special Airport Advisory Board Goal Setting Meeting:
Motion by Wright seconded by Brubaker to pass the meeting minutes as written.

**CORRESPONDENCE**

Received January 22nd, 2019, from Prein & Newhof to Mr. Mike Cain, re. QoE Acquired Prein & Newhof. Letter recounts Prein & Newhof's values of: *Invest Wisely, Build Expertise and Develop Relationships*. Also mentioned is Prein & Newhof is a Michigan only business with headquarters in Grand Rapids, MI.

Received January 24th, 2019 from Mr. Travis Hatt, subject: Flying drone at Boyne Mountain January 26th, 2019. The Board's collective agreement was the activity does not affect Boyne City Airport operations. Cain advised Mr. Hatt to also advise those responsible for Boyne Mountain Airport operations of the proposed activity. Ensuing conversation detailed that an airport operator may disapprove drone flights if those flights interfere with manned aircraft flight.

draft

**CITIZENS COMMENTS (NON-AGENDA ITEMS)**

Mr. John Van Etten enquired if it would be possible to install or have installed high visibility red obstruction balls (Catenary Unlighted Markers, AC No: 70/7460-1L, Subject: *Obstruction Marking and Lighting*) on the power lines crossing the approach zone to runway 27.

Michael Cain will discuss this issue with the Michigan Department of Transportation – Aviation (MDOT) at the Michigan Association of Airport Executives (MAAE) meeting scheduled for February 19 – 20 in Lansing, MI.

**COMMITTEES**

Nothing reported

**UNFINISHED BUSINESS**

**Review Consolidated Goals List**

Richard Wright provided an expanded four page spread sheet delineating:

1. 2018 Summary Boyne City Airport Advisory Board Goals
2. 2018 Carry-Over Boyne City Airport Advisory Board Goals (2018 Completed Goals Deleted)
3. 2019 New or Restated Existing Airport Advisory Board Goals
4. 2019 New and Existing 2018 Combined Goals List
    i. Additional columns reflect each goal's status and if funding is required.

Board members agreed to individually prioritize the 23 2019 goals sending their assessments to Richard Wright via email no later than February 11th.

**Airport Parking Final Summary**

Richard Bouters presented the results of his study, ***AIRCRAFT OVERNIGHT PARKING PROJECT, June 1st thru August 31st 2019***. Richard's five page printed study includes six attachments spanning the project's purpose, goal, development process, parameters and summary. Based on extensive data gathered Richard suggests three alternative possible actions:

1. Continue charging overnight parking fees
2. Develop a process to monitor, record and collect fees for parked aircraft during the peak user season
3. Abandon aircraft overnight parking fees.

The ensuing discussion primarily centered on positive and negative effects of abandoning overnight parking fees. The merits of revenues collected was contrasted with the potential loss of revenues from aviation fuel sales and local economy stimulation. Mr. John Van Etten reported that many smaller general aviation airports do not collect overnight parking fees if that aircraft operator purchases fuel at that airport. Ms. Lynn Van Etten suggested that until a final course of action is chosen and committed to by the Board it would be beneficial to reflect the fact that Boyne City does indeed collect overnight airport parking fees in the Airport Facility Directory.

Board consensus regarding the possible actions was not achieved. The issue was tabled until the next scheduled airport advisory board meeting.

draft

**Installation of Runway Distance Remaining Markers**
Richard Wright briefly informed Mr. Tim Fass (DPW Director), that the newly acquired runway distance markers are in cold storage at the DPW facility in Boyne City. Further, consistent with the purchase agreement the deadline for markers installation is end April 30th, 2019.

**Airport Automated Weather Reporting**
*Say Weather*, a commercial aviation weather reporting and recording system, was presented by Richard Wright. Board members watched a TV video (equipment courtesy Richard Bouters) presentation of the system.

Board members quickly noticed the absence of cloud cover and visibility information severely limit the systems effectiveness. Richard Wright pledged to compile data on other commercially available weather reporting systems and periodically present those findings to the board.

**NEW BUSINESS**

**Budget Suggestions**
Budget suggestions will continue after the 2019 Airport Advisory Board Goals are collectively prioritized. Deadline for budget requests is mid-March 2019.

**Proposed Establishment of Graying Temporary Military Operations Area**
Michael Cain will send the correspondence letter to the board members for consideration.

**Boyne City Public Works *Box Snow Plow***
Tim Fass reported that DPW has a purchase bid on a highly effective box snow plow. He reported that the Boyne City Airport would greatly benefit from such a device.

**GOOD OF THE ORDER**

The current price of aviation 100 Low Lead (LL) at the Boyne City Airport is $4.72 per gallon.

**ANNOUNCEMENTS**

None

**NEXT MEETING**

The next regular Boyne City Airport Advisory Board meeting is scheduled for Thursday, February 28th, 2019 at 5:30 p.m. at the Airport Terminal.

**ADJOURNMENT**

The meeting was adjourned 7:02 PM by Chair, Richard Bouters.

Richard K. Wright _____
Boyne City Airport Advisory Board Secretary

draft

Agenda Item 7G

Approved_____

**MEETING OF**
**January 28, 2019**

MINUTES OF THE **BOYNE CITY ECONOMIC DEVELOPMENT CORPORATION** MEETING DULY CALLED AND HELD ON MONDAY, January 28, 2019 at CITY HALL ~ 319 N Lake St, Boyne City

**CALL TO ORDER**

Chair Gillett called the meeting to order at 12:00 p.m.

**ROLL CALL**

Present: Pat Anzell, Kelly Bellant, Michael Cain, Michelle Cortright, Pete Friedrich, Ralph Gillett, Drew May
Absent: Marilea Grom, Josette Lory

**EXCUSED ABSENCES**
**MOTION**

**Cain moved, Friedrich seconded, PASSED UNANIMOUSLY** to excuse Josette Lory

**MEETING ATTENDANCE**

Staff: Recording Secretary Jane Halstead
Public: One

**MINUTE APPROVAL**
**MOTION**

**Cortright moved, Bellant seconded, PASSED UNANIMOUSLY** to approve the minutes of September 7, 2018.

**HEARING CITIZENS PRESENT**

None.

**UNFINISHED BUSINESS**

A purchase agreement extension has been granted until February 12, 2019 for a pending transaction in the Business Park and the transaction continues to move forward.

**NEW BUSINESS**

2019 CALENDAR
**MOTION**

**Anzell moved, May seconded, PASSED UNANIMOUSLY** to approve the 2019 EDC meeting calendar as presented.

TERMS OF OFFICE
**MOTION**

Marilea Grom resigned from the EDC Board effective March 11, 2019.

**Cain moved, Anzell seconded, PASSED UNANIMOUSLY** to accept the resignation of Marilea Grom from the EDC Board effective March 11, 2019.

**Cain moved, Friedrich seconded, PASSED UNANIMOUSLY** to recommend to the City Commission the reappointment of Josette Lory to the EDC Board for a six year term expiring 3/11/2025.

DRAFT

| | |
|---|---|
| 2019 CHAMBER OF COMMERCE AD | The Board discussed the plans for the 2019 Chamber of Commerce Ad. The ad will be similar to last year's ad with some minor changes. Michelle Cortright will email a proof of the ad for everyone to review. |
| TOURS | Cain asked the Board if they would be interested in touring some of the facilities in the Business Park at upcoming meetings. Everyone thought it is a good idea and agreed to start with the July or September meeting. |

**GOOD OF THE ORDER**

None.

**ANNOUNCEMENTS**

The next regular meeting of the EDC is scheduled for March 11, 2019 at Noon.

**ADJOURNMENT**

The January 28, 2019 Economic Development Corporation meeting was adjourned at 12:12 p.m.

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Jane Halstead, Recording Secretary

Agenda Item 7H

Approved: _____

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| **MEETING OF**<br>**January 28, 2019** | MINUTES OF THE **BOYNE CITY LOCAL DEVELOPMENT FINANCE AUTHORITY** MEETING DULY CALLED AND HELD ON MONDAY, January 28, 2019 at City Hall ~ 319 N Lake St, Boyne City |
| **CALL TO ORDER** | Chair Gillett called the meeting to order at 12:12 p.m. |
| **ROLL CALL** | Present: Pat Anzell, Kelly Bellant, Michael Cain, Michelle Cortright, Pete Friedrich, Ralph Gillett, Drew May<br>Absent: Josette Lory |
| **EXCUSED ABSENCES**<br>**MOTION** | **Friedrich moved, Cain seconded, PASSED UNANIMOUSLY** to excuse Josette Lory |
| **MEETING ATTENDANCE** | Staff: Recording Secretary Jane Halstead<br>Public: One |
| **APPROVAL OF MINUTES**<br>**MOTION** | **Cain moved, Cortright seconded, PASSED UNANIMOUSLY** to approve the November 1, 2018 minutes as presented. |
| **HEARING CITIZENS PRESENT** | None |
| **CORRESPONDENCE** | None. |
| **UNFINISHED BUSINESS**<br>Industrial Park Sign | Bruce Janssen of the Wood Shop talked to the Board about a new sign for the Business Park to replace the wooden Air Industrial Park sign at the entrance to the Park. He brought in a preliminary plan for a 15 foot stainless steel (or other metal) sculpture on a platform with a sign. No cost has been finalized as of yet. There was discussion regarding a potential change to the entrance of the park and if the location of the sign would be affected. The Board liked the proposed design and there will be more discussion in the future. |
| **NEW BUSINESS**<br>Property Development | City Manager Cain provided an update on the recent acquisition of two parcels of property adjacent to the Business Park. The sales are complete and we have full possession of the properties. The houses located on the parcels are fully insured and the two houses on the properties are vacant. There is no plan for the property at this time. |
| Meeting Calendar | **Cain moved, Anzell seconded, PASSED UNANIMOUSLY** to adopt the 2019 LDFA Meeting calendar as presented. |

DRAFT

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|---|---|
| Budget Discussion | It is time to start thinking about next year's budget. We will send out a copy of the budget for the current fiscal year for the board members to review. |
| Recodified TIF | Beginning January 1, 2019 the State will require additional DDA/TIF reporting and new public informational meeting requirements. Our LDFA will incorporate these requirements into the regularly scheduled meetings. The Recodified Tax Increment Financing Act flyer was received and filed. |

**GOOD OF THE ORDER**

A Tractor Supply store is coming to Boyne City. It will be constructed off of M-75 in Wilson Township.

Sav-A-Lot is still on hold until the new design is completed.

**NEXT MEETING**

The next meeting of the Local Development Finance Authority is scheduled for March 11, 2019.

**ADJOURNMENT**

The January 28, 2019 Local Development Finance Authority meeting was adjourned at 1:05 p.m.

Pete Friedrich, LDFA Secretary

Jane Halstead, Recording Secretary

**CITY OF BOYNE CITY**

**To:** Michael Cain, City Manager

**From:** Scott McPherson, Planning Director SAM

**Date:** February 12, 2019

**Subject:** MRTMA Second Reading

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**Background**
The Michigan Regulation and Taxation of Marihuana Act (MRTMA) was approved by Michigan voters on November 6th and became effective on December 6, 2018. The Act requires municipalities to either "opt-in" to permit and regulate marihuana establishments, or "opt-out" to not permit marihuana establishments within the municipality. If a municipality wishes to "opt-out" it is recommend the action is done by ordinance.

From the effective date of the law the State has one year to assemble the regulatory framework for licensing commercial recreational marihuana establishments. While the State could adopt the regulatory framework in a shorter timeframe, it is not anticipated to be completed anytime in the near future. The City may opt in or out at any time. However given the fact that the nature and requirements of the rules that will be adopted by the State are completely unknown at this time, developing an ordinance to regulate establishments at this time would pose significant challenges. Therefore it would seem prudent to choose to opt out at this time to provide the City the time to further study the issue and fully consider the rules developed by the State once completed.

It should be noted that a municipality is not permanently bound by any actions it takes. If a municipality decides to opt-in after a decision to opt-out has been made, they can do so, and similarly the municipality can opt-out after opting in; however, this may pose challenges on how to treat any establishments that were legally created during the opt in period.

**Process**
The proposed ordinance was submitted to the City Commission for a First Reading on December 11, 2018 and was scheduled for a second reading. As required by the Boyne City Charter, ordinances cannot be adopted until at least one month after the meeting it is introduced and the ordinance was scheduled for a second reading on February 12, 2018. If adopted by the Commission the ordinance will become effective 15 days after publication.

**Recommendation**
The proposed ordinance is recommended for adoption as presented.

Other Options
1. Do not adopt the ordinance
2. Send proposed ordinance back to staff for additional changes
3. Direct staff to develop an "opt-in" ordinance
4. Other actions as determined by the Commission.

An ordinance to amend Chapter 34 Article I of the Code of Ordinances City of Boyne City, by adding new Sections 34-9 and 34-10.

**WHEREAS**, the City Commission of the City of Boyne City has studied the existing provisions of the City Code of Ordinances and has determined that changes to the City Code Ordinances are desirable in order to prohibit the establishment or operation of marijuana establishments within the City as such facilities are defined in the Michigan Regulation and Taxation of Marijuana Act (the "Act"); and, to prohibit consumption (including smoking), cultivation, distribution, processing, selling or displaying marihuana or marijuana accessories in a building owned or operated by the City of Boyne City; and to prohibit consumption (including smoking) of marijuana in a public place; and

**WHEREAS**, the City Commission finds that immediate adoption of the within Ordinance is necessary for the health, safety and welfare of the City of Boyne City,

**NOW, THEREFORE, THE CITY OF BOYNE CITY ORDAINS:**

**Section 1**

Sections 34-9 and 34-10 of Chapter 34 of Article I of the Code of Ordinances of the City of Boyne City is hereby added, to read as follows:

**Section 34-9**
**PROHIBITION OF MARIJUANA FACILITIES**

(1) The purpose of this Ordinance is to exercise the City of Boyne City's authority to prohibit the establishment or operation of marijuana establishments within the City as such facilities are defined in the Michigan Regulation and Taxation of Marijuana Act (the "Act").

(2) Pursuant to the Act, Section 6.1, the City prohibits the establishment or operation of any and all categories of marijuana establishments within its boundaries.

**Section 34-10**
**PROHIBITION OF CONSUMPTION OF MARIJAUNA IN PUBLIC PLACES**

(1) No person shall consume (including smoking) cultivate, distribute, process, sell, or display marijuana or marihuana accessories in a building owned or operated by the City of Boyne City, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marijuana by means other than smoking;

(2) No person shall consume (including smoking) marijuana in a public place within the boundaries of the City of Boyne City, including but not limited to any street, sidewalk, highway, alley, park, or parking lot located therein, or the City docks or the City beach areas.

(3) Any person that violates any provision of this section is responsible for a municipal civil infraction, subject to the payment of a civil fine pursuant to section 1-7.

**Section 2**

The provisions of this ordinance are hereby declared to be severable, and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by a court of competent jurisdiction, the remaining portions of said ordinance shall remain in force.

**Section 3**

This ordinance shall take effect fifteen (15) days after its adoption and publication.

**Section 4**

A copy of this Ordinance may be purchased or inspected during normal business hours at City Hall, 319 N Lake Street, Boyne City, Michigan.

**CITY OF BOYNE CITY**

To: Michael Cain, City Manager

From: Scott McPherson Planning Director SAM

Date: February 12, 2019

Subject: Article XX Building Height Amendment Second Reading

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**Background**

Currently the ordinance limits building height by a maximum number of stories or maximum number of feet in the Schedule of Regulation Sections 20.10 and 20.20, and in the Central Business District (CBD) and Transitional Commercial District (TCD) Development Requirements Sections 10.50(C) and 11.04(C) respectively. Per ordinance requirements when there are multiple regulations that can be applied the most restrictive controls.

**Discussion**

In discussions with prospective developers the maximum stories provision was noted as a limiting factor and potential barrier for redevelopment projects. In response to these discussions staff reviewed the implication of an ordinance change that would eliminate story limitation aspect of the maximum height regulations. Currently all zoning districts limit maximum height in the number of stories and feet. In the CBD the maximum building height is 3 ½ stories with maximum height of 45 feet. For your reference 2 sheets of example elevations have been provided. Sheet 1 shows an example of the same building in different configurations. If configured as a 4 story structure the building would not meet ordinance standards. If only half of the 4th story is completed as finished space or if the building was developed with only 3 stories the same basic structure would meet ordinance height standards. While these concepts are possible, they probably are not likely. Specific examples of what is developed can be found in existing and approved buildings in the City. Sheet 2 shows the elevations of the Harborside Condominium and an approved plan for One Water Street. As can been seen with the provided elevations, the story limitation does not reduce the overall height of the building, it limits only the amount of usable space inside the structure and encourages the gambrel roof form.

Another issue that was found in the review of the height regulations was contradicting requirements for the TCD district. Article XX limits buildings to 2 ½ stories with maximum height of 35 feet and in section 11.04 (C) the height is limited to 2 stories with a maximum of 30 feet.

Given these issues the proposed ordinance amendments were developed to clarify regulations, eliminate ordinance inconsistencies and promote redevelopment. The proposed change would be consistent with the master plan and the adopted goals of the City by more efficiently using available land and infrastructure and by providing the ability to create more usable space per building which could be used for more commercial space and/or additional housing units. For your reference the ordinance definitions and associated graphics for building height and story have also been provided.

***Building Height:*** *The vertical distance measured from the established grade prior to any excavation or construction, to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height shall be measured from the lowest exposed point of a building to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.*

*For roofs which are not symmetrical the mean height between the eaves and ridge will apply to the highest midpoint of all roof surfaces. When more than one type of roof is present in a building design, each type shall be considered separately, and no roof element shall exceed the height allowed for that particular roof type.*

***Story:*** *A portion of a building, other than a mezzanine, included between the surface of a floor and the upper surface of the floor next above, or if there is no floor above, then the space between the floor and the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.*

***Story, Half:*** *A part of a building between a pitched roof and the uppermost full story, such part having a floor area which does not exceed one-half (2) of the floor area of such full story, provided the area contains at least two-hundred (200) square feet, with a clear height of at least seven (7) feet six (6) inches.*

The proposed amendment to Article XX would eliminate the story limit in Section 20.10 and 20.20, Section 10.50(C) of the Article X Central Business District and Section 11.04(C) of Article XI Transitional Commercial District as follows:

10.50 C.

Building Height. ~~Maximum height of all buildings shall be three (3.5) stories and forty-five (45) feet. All stories shall contain habitable commercial, office, or residential spaces. First floor height of all buildings shall be a minimum of twelve (12) feet.~~ New buildings must contain at least two (2) stories if the building is proposed for a corner lot or is adjacent to a multiple story building, unless the Planning Commission determines requiring a second story will not significantly enhance the character and appearance of the downtown.

11.04 C

~~Building Height. Maximum height of all buildings shall be two (2) stories and thirty (30) feet. All stories shall contain habitable commercial, office, or residential spaces. First floor height of all buildings shall be a minimum of twelve (12) feet.~~

Each of the complete articles with the proposed amendments been attached.

**Process**

In accordance with the Michigan Zoning Enabling Act and the Boyne City Zoning Ordinance Section 2.40 Amendment Procedures, a public hearing was held by the Planning Commission on December 17, 2018 and after reviewing the Amendment Criteria as required by the Boyne City Zoning Ordinance Section 2.50 B, the Planning Commission recommended approval of the proposed amendment finding it consistent with criteria 1,2,3,6 and 11. The proposed ordinance amendment was submitted to the City Commission for a First Reading on January 8, 2019 and the proposed ordinance was reviewed by the Commission and the proposed amendment was scheduled for a second reading on February 12, 2019. As required by the Boyne City Charter, ordinances cannot be adopted until at least one month after the meeting it is introduced.

**Section 2.50 Amendment Criteria.**

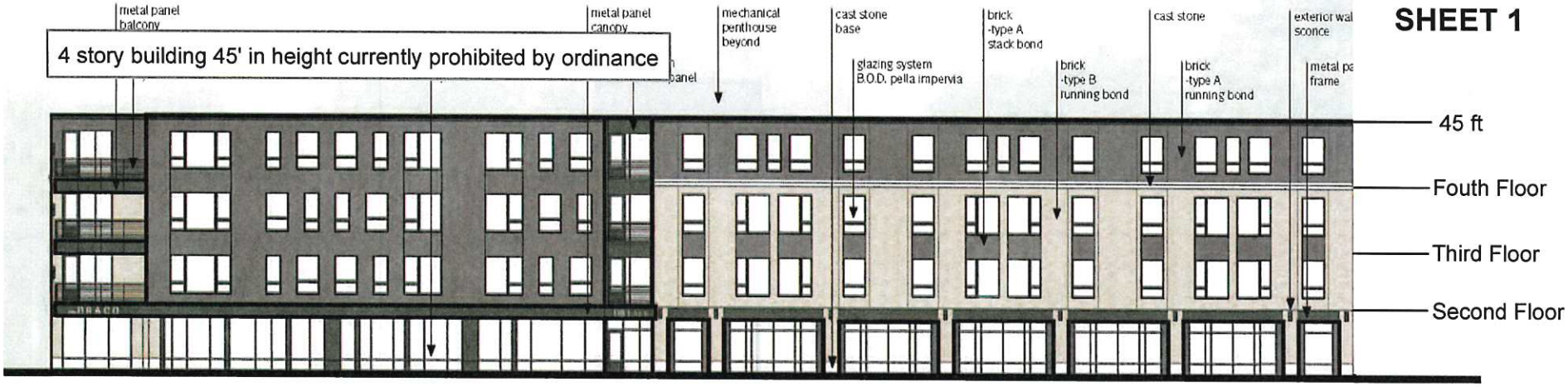
B. For amendment requests to change or to add additional regulations or standards to a district or a use, the Planning Commission and City Commission shall use the following as a guide:

1. The proposed rule, change or addition helps to reinforce the Comprehensive Plan.
2. The proposed rule, change or addition is in keeping within the spirit and intent of this Ordinance, and with the objectives of the zoning district.
3. The problem or issue which the change is intended to address cannot be accomplished in another, more appropriate fashion.
4. The proposed amendment would correct an error in the Ordinance.
5. The proposed amendment would clarify the intent of the Ordinance.
6. Documentation has been provided indicating problems and conflicts in implementation or interpretation of specific sections of this Ordinance.
7. The proposed amendment would address changes to county, state or federal legislation.
8. The proposed amendment would address potential legal issues or administrative problems with this Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.
9. The proposed amendment would promote compliance with changes in other city ordinances and/or county, state, or federal regulations.
10. The proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
11. Other criteria as determined by the Planning Commission or City Commission which would protect the health, safety, and welfare of the public, protect public and private investment in the City, promote implementation of the goals and policies of the Comprehensive Plan, and enhance the overall quality of life in the City.

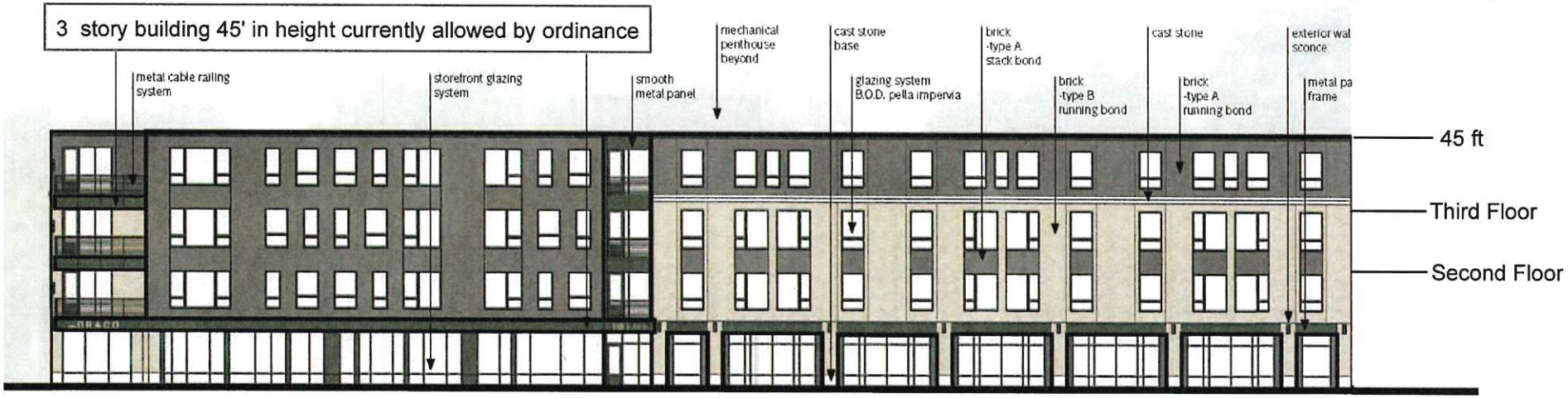
**Recommendation**
Approve proposed amendment as the amendment meets the criteria standards of Section 2.50 (B).

**Options**
1. Do not adopt the proposed amendment.
3. Postpone for further consideration or review.
4. Other options as determined by the City Commission
.

# SHEET 1

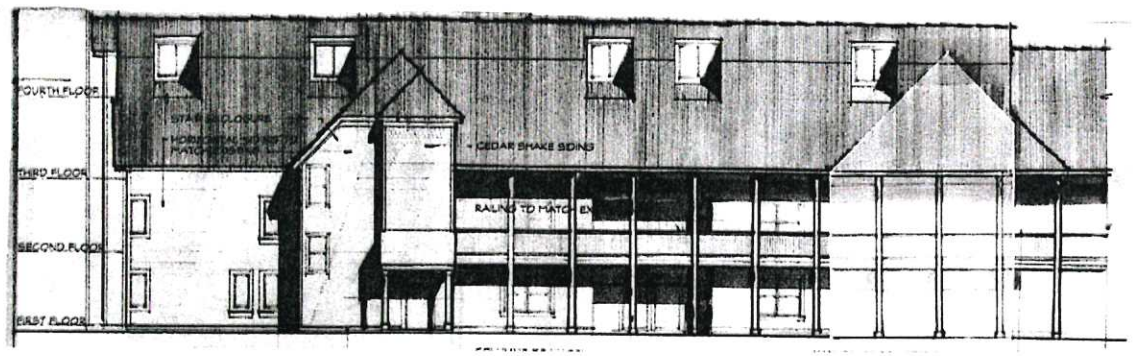

4 story building 45' in height currently prohibited by ordinance
metal panel balcony
metal panel canopy
mechanical penthouse beyond
cast stone base
glazing system B.O.D. pella impervia
brick -type A stack bond
brick -type B running bond
cast stone
brick -type A running bond
exterior wal sconce
metal pa frame
45 ft
Fouth Floor
Third Floor
Second Floor

3 1/2 story building 45' in height currently allowed by ordinance
metal panel
system
metal panel
mechanical penthouse beyond
cast stone base
glazing system B.O.D. pella impervia
brick -type A stack bond
brick -type B running bond
cast stone
brick -type A running bond
exterior wall sconce
metal pa frame
45 ft
Third 1/2 Floor
Third Floor
Second Floor


3 story building 45' in height currently allowed by ordinance
metal cable railing system
storefront glazing system
smooth metal panel
mechanical penthouse beyond
cast stone base
glazing system B.O.D. pella impervia
brick -type A stack bond
brick -type B running bond
cast stone
brick -type A running bond
exterior wal sconce
metal pa frame
45 ft
Third Floor
Second Floor

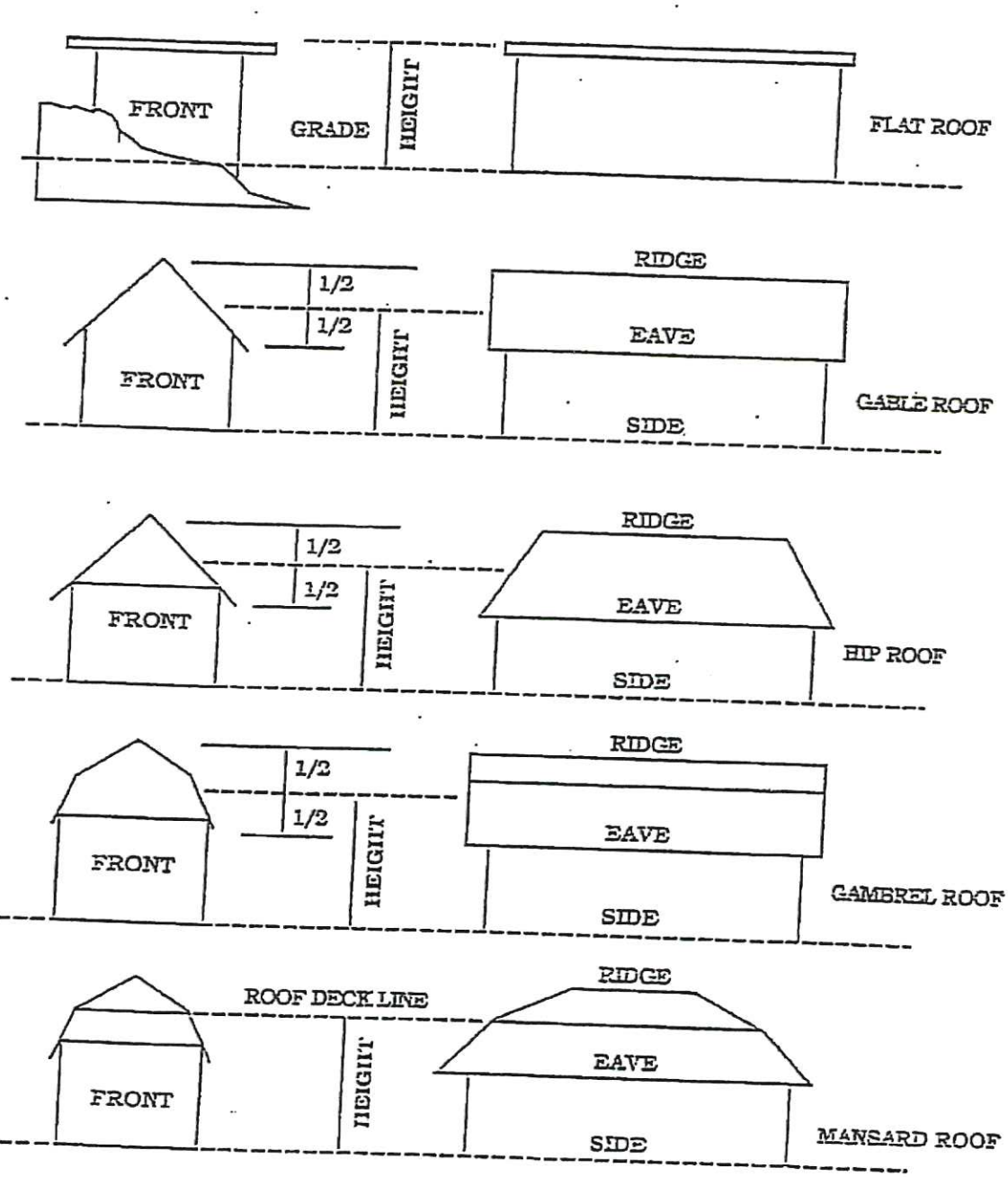
**SHEET 2**

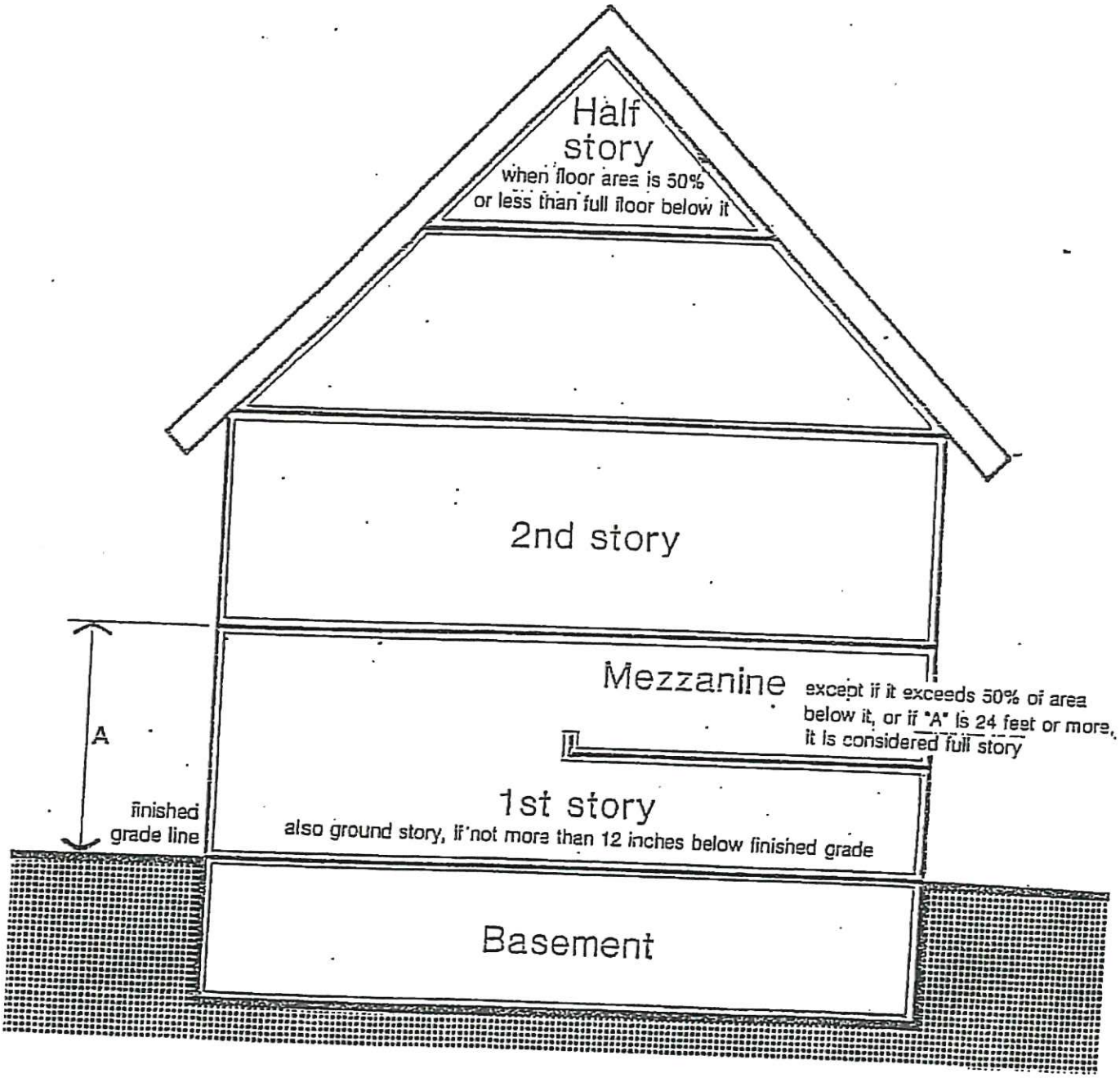
3 1/2 story building 44' in height currently allowed by ordinance




3 1/2 story building 45' in height currently allowed by ordinance

# GUIDE TO
# HEIGHT DEFINITIONS






& Associates, Incorporated
Community Planning • Urban Design
Bloomfield Hills, Michigan

# Basic Structural Terms

# ARTICLE XX
# SCHEDULE OF REGULATIONS

## Section 20.10 Residential Districts.

| Zoning District | Minimum Lot Per Unit | | Maximum Height of Structure | Minimum Yard Setback (Per Lot In Feet) | | | | | Maximum Percentage of Lot Area Covered by All Buildings h |
|---|---|---|---|---|---|---|---|---|---|
| | Area in Square Feet | Width In Feet | In Feet | Front | Sides k | | Rear | Minimum Floor Area Per Unit (Square Feet) i | |
| | | | | | At Least One | Total of Two | | | |
| Rural Estate District (RED) o | 10,890 | 100 | 30 | 30 c | 10 k | 30 k | 30 l | 800 first floor 1,200 if more than one story | 30% |
| Traditional Residential District (TRD) o | 5,445 | 50 | 30 | 10 c | 5 k | 15 k | 15 l | 672 first floor 1,000 if more than one story | 40% |
| Waterfront Residential District (WRD) e, m, n, o | 5,445 | 66 | 30 | 35 | 5 k | 15 k | 15 | 672 first floor 1,000 if more than one story | 30% |
| Multiple Family Residential District (MFRD) e, m, n, o | g | 100 | 35 | 40 d | 25 d | 50 d | 50 d | 500 | 30% |
| Manufactured Housing Park District (MHPD) | See Article VII Manufactured Housing Park District | | | | | | | | |

**Section 20.20 Mixed Use and Non-Residential Districts.**

| Zoning District | Minimum Lot Per Unit | | Maximum Height of Structure | Minimum Yard Setback (Per Lot In Feet) | | | | Minimum Floor Area Per Unit (Square Feet) | Maximum Percentage of Lot Area Covered by All Buildings i |
|---|---|---|---|---|---|---|---|---|---|
| | Area in Square Feet | Width In Feet | In Feet | Front j | Sides c, l | | Rear l | | |
| | | | | | At Least One | Total of Two | | | |
| Professional Office District (POD) | 5,445 | 50 | 35 | 10 | 5 | 15 | 15 | 672 | 60% |
| Waterfront Marina District (WMD) e, m, n, o | 5,445 | 50 | 35 | 10 | 5 | 15 | 15 | 672 | 60% |
| Central Business District (CBD) | - | - | 45 | - | - | - | - | - | 100% |
| Transitional Commercial District (TCD) | 5,445 | 50 | 35 | 10 | 5 | 15 | 15 | 672 | 60% |
| General Commercial District (GCD) | 10,890 | 75 | 35 | 10 | 5 a | 15 | 15 b | - | 60% |
| Regional Commercial/Industrial District (RC/ID) | 21,780 | 100 | 35 | 20 | 10 a | 25 | 25 b | - | 60% |
| Planned Industrial District (PID) | 21,780 | 100 | 35 | 50 | 25 a | 50 | 25 b | - | 40% |
| Community Service District (CSD) f, o | 5,445 | 50 | 35 | 10 | 5 | 15 | 15 | 672 | 40% |
| Flood Hazard District (FHD) | All structures shall be set back a minimum of fifteen (15) feet from the 100 year floodplain. See Article XVI Flood Hazard District for the remaining regulations. | | | | | | | | |

**Section 20.30 Notes for Schedule of Regulations.**

The following letters refer to the charts containing the schedule of regulations in Sections 20.10 and 20.20:

a. Except for Section 21.46 C., all side yards abutting residentially zoned land shall have a minimum distance of twice the one yard requirement.

b. All rear yards abutting residentially zoned land shall have a minimum distance of fifty (50) feet between the principal building and rear property line.

c. Parking shall not be permitted in any required front yard, not withstanding off-street parking requires in CBD and PID districts.

d. Multiple family dwellings which have all off-street parking provided behind the dwelling and have the main entrance to the building facing a public street may reduce required minimum yard setbacks (per lot in feet) as follows:

| Front | Sides | | Rear |
|---|---|---|---|
| | Least One | Total of Two | |
| 5 | - | - | 30 |

e. The Planning Commission may waive these standards if it determines it is necessary, in order to preserve public views and scenic vistas from being unreasonably obscured by development of lakeside properties or properties near bodies of water, to allow flexibility in the siting and construction of new buildings in such zoning districts.

f. The Planning Commission may waive these standards if it determines it is necessary for the development of a site to be compatible with surrounding uses and buildings if such a site is adjacent to the CBD.

g. Apartments shall comply with the applicable standards for the MFRD listed in Section 20.10. Single-family detached dwellings shall comply with the applicable standards for the TRD listed in Section 20.10. All other uses shall comply with the applicable standards for the CBD listed in Section 20.20.

h. The total floor space in all buildings on the lot may not exceed one and one-half (1 2) times the total net lot area (floor area ratio of 1.5).

i. The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, attached garages, attached sheds or utility rooms.

j. In all zoning districts, except the CBD and PID Districts, the required front yard setback shall not be used for off-street parking, loading or unloading, and shall remain as open space, unoccupied and unobstructed from the ground upward, except for landscaping, plant materials or vehicle access drives; unless use of the front yard setback for off-street parking is determined necessary by the Planning Commission due to the size and configuration of the lot.

k. In all residential districts, the width of side yards which abut upon a street on the same side or on the opposite side of the same block, upon which other residential lots front, shall not be less than the required front yard setback for homes which front upon such side street.

l. No rear yard or side yard setback is required where such property abuts a public alley, providing that accessory buildings in the rear yard shall meet the required setback.

m. Setbacks

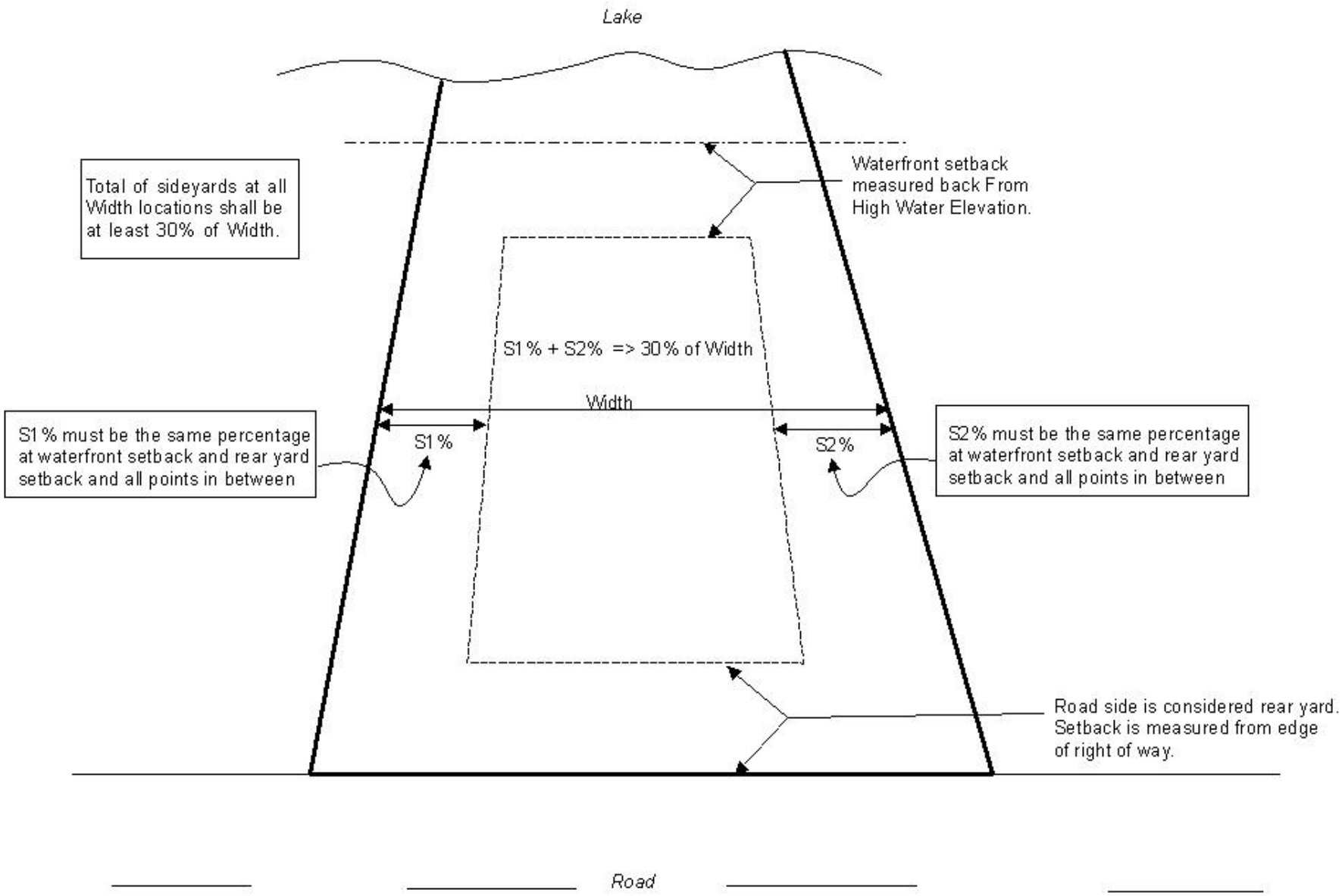
1) Waterfront Setback: For the purposes of this Ordinance the waterside of the structure shall be considered the front yard; except for docks, shoreline protection structures and walkways six (6) feet or less in width, all other structures shall be located a minimum of thirty-five (35) feet upland from the high water elevation as defined.

2) Wetland Setback: All structures or additions to existing structures shall be set back a minimum of twenty-five (25) feet from areas defined as wetlands in the Boyne City Comprehensive Plan.

3) Road Setback: For the purposes of this Ordinance the road side will be considered a rear yard and subject to the provisions of Article XX.

n. Height, area, lot coverage and yard regulatory is specified in Article XX of this Ordinance with the following exception: Within the area described as follows: from the edge of Lake Charlevoix along the centerline of West Michigan Avenue to the centerline of North Lake Street to the intersection of Lower Lake Street, building height shall be defined as the vertical distance measured from the highest point of the finished grade adjacent to the building (excluding berms, flower boxes, and other similar increases in elevation) to the highest point of the roof of the building (excluding chimneys, antennas, and similar items) and such building height in this area shall not exceed thirty (30) feet.

o. The minimum combined side yard setbacks for buildings and structures on waterfront parcels shall not be less than thirty percent (30%) of the width of the corresponding cross section of the parcel. The percentage used for each side yard setback shall be consistent along the entire length of each side yard. Additionally, side yard setbacks may not be less than the minimum setback as listed for the district as required by this section unless specifically allowed by other provisions of this ordinance. (effective: December 31, 2008)


Lake
Total of sideyards at all Width locations shall be at least 30% of Width.
Waterfront setback measured back From High Water Elevation.
S1% + S2% => 30% of Width
Width
S1%
S2%
S1% must be the same percentage at waterfront setback and rear yard setback and all points in between
S2% must be the same percentage at waterfront setback and rear yard setback and all points in between
Road side is considered rear yard. Setback is measured from edge of right of way.
Road

# ARTICLE X
# CENTRAL BUSINESS DISTRICT (CBD)

**Section 10.10 Purpose.**

The Central Business District (CBD) is established for the purpose of accommodating the highest concentration of retail and service establishments. Collectively, the uses permitted in this district are intended to provide a convenient and attractive retail and service center for the community, its rural trade area, and the city's tourist traffic. A prime characteristic of this district is the offering of a variety of goods and comparison shopping opportunities directed primarily at the pedestrian shopper. This district is designed and intended to promote the development of a pedestrian oriented and accessible, central commercial service district where a variety of mutually supporting retail, commercial, office, civic and limited residential uses are permitted. Each use shall be complementary to the stated function and purpose of the district and shall not have adverse impact upon adjacent street capacity and safety, utilities, and other city services. In an effort to encourage this type of character, and provide for the health, welfare and safety of the pedestrian in the area, drive-in and drive-through operations are excluded from this district.

The CBD is further designed and intended to:

A. Encourage innovative, traditional and neo-traditional commercial and mixed use developments.

B. Encourage a lively social environment and economically viable downtown with a wide variety of uses in a pedestrian-oriented setting, with shared parking.

C. Extend greater opportunities for traditional community living, working, housing and recreation to all citizens, residents, and visitors of the city.

D. Encourage a more efficient use of land and public services, and to reflect changes in technology of land development by directing new development in a traditional, compact, and consolidated pattern of mixed use and varied commercial styles.

E. Reduce the excessive sprawl of development and the segregation of land uses that cause unnecessary traffic congestion.

F. Prohibit the development of drive-in and drive-through facilities, which contributes to traffic congestion and poses a threat to the pedestrian environment.

G. Discourage the development of separate off-street parking facilities for each individual use, and to encourage the development of off-street parking facilities designed to accommodate the needs of several individual uses.

H. Prohibit uses that do not deal directly with consumers and are disruptive to pedestrian activities.

I. Promote the creation of urban places which are oriented to the pedestrian thereby promoting citizen security and social interaction.

J. Promote developments where the physical, visual and spatial characteristics are established and reinforced through the consistent use of compatible urban design and architectural design elements which improves the visual character of the downtown. Such elements shall relate to the design characteristics of an individual structure or development, to other existing and planned structures or developments in a harmonious manner, resulting in coherent overall design and development patterns for the downtown.

K. Prohibit commercial and business uses that create objectionable noise, glare, odors, or other nuisances.

L. Encourage development of an urban Main Street with mixed land uses, shared parking, and continuous frontage which not only serves the needs of the immediate neighborhood, but also the City and surrounding areas as a whole.

**Section 10.20 Principal Permitted Uses.**

In the CBD, no use shall be permitted, unless otherwise provided in this Ordinance, except for the following:

A. Apartment buildings, up to a maximum of eight (8) units per building, subject to the following standards:

1. All public utilities are available.

2. All units shall have at least one (1) living room and one (1) bedroom, except that two (2) units may be of an efficiency apartment type.

3. Buildings shall have a ten (10) foot front yard setback, five (5) foot side yard setbacks, and a fifteen (15) foot rear yard setback.

B. Art galleries.

C. Bus passenger stations.

D. Business schools and colleges.

E. Business establishments which perform services on premises such as, but not limited to: banks, savings and loans and credit unions (excluding drive-through branches and drive-through lanes); brokerage houses; insurance, real estate, and travel agencies; pedestrian-oriented automated teller machine facilities.

F. Churches, temples, and similar places of worship, limited to a capacity of five-hundred (500) worshipers.

G. Clubs, fraternal organizations, and lodge halls.

H. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer, limited to two-thousand (2,000) square feet of floor area. Central dry cleaning plants serving more than two (2) retail outlets shall be prohibited.

I. Essential public services, telephone exchanges, public utility offices, substations and uses when conducted within a completely enclosed building, excluding storage yards, provided the use and building are consistent with the appearance and character of the downtown as determined by the Planning Commission.

J. Hotels, motels, bed and breakfast inns, and bed and breakfast houses.

K. Laundromats (self-service or coin-operated).

L. Medical offices including offices of doctors, dentists and similar or allied professions, with up to ten-thousand (10,000) square feet gross floor area.

M. Mixed-use buildings, with business, commercial, or service uses on the ground floor, and residential, office, or warehouse uses on upper floors, subject to the conditions of contained herein. Business and office uses may occupy a building used for residential uses provided that no such business or office use may be located on the same floor as used for residential purposes, and no floor may be used for business or office use on a floor located above a floor used for residential purposes. Further, where there is mixed business/office and residential use in a building there shall be provided a separate, private pedestrian entranceway for the residential uses.

N. Newspaper offices and publishers, and commercial printers.

O. Nursery schools, day nurseries, and child care centers, provided that:

1. There is provided and maintained a minimum of one-hundred-fifty (150) square feet of indoor and/or outdoor play area per child and provided that such total area shall not be less than five-thousand (5,000) square feet. The Planning Commission may waive these requirements if it determines there is adequate indoor play area, or if there is a public park or playground within the immediate area which can be safely accessed by those children attending such use.

2. Such use shall be fenced and screened from any adjoining lot if an on-site outdoor play area.

3. Adequate ingress and egress, and parking and circulation, as determined by the Planning Commission, shall be provided.

4. Such use shall not be located within five-hundred (500) feet, or further if determined necessary by the Planning Commission, from those uses the Planning Commission determines to be incompatible or would present a danger to the health, safety and welfare to the children attending such use.

P. Offices of an executive, administrative or professional nature, with up to ten-thousand (10,000) square feet gross floor area.

Q. Outdoor cafés, outdoor eating areas, carry-out, and open front restaurants, subject to the following site design standards:

1. Outdoor cafés may be permitted within the boundaries of a parcel or lot, on a building roof top, or as part of a patio or deck.

2. The outdoor café must be kept clean, litter-free, and with a well-kept appearance within and immediately adjacent to the area of the tables and chairs. Additional outdoor waste receptacles may be required.

3. Tables, chairs, planters, waste receptacles, and other elements of street furniture shall be compatible with the architectural character of the adjacent buildings. If table umbrellas will be used, they shall complement building colors.

4. Other additional signs are not permitted beyond those permitted for the existing restaurant.

R. Outdoor theaters (excluding drive-in theaters), plazas, parks, and public gathering places.

S. Personal service establishments within a completely enclosed building, provided that each occupies a total usable floor area of not more than four-thousand (4,000) square feet, including but not limited to such uses as: repair shops (watches, radio, television, shoes, etc.), tailor and dressmaking shops, beauty parlors and styling salons, barber shops, photographic studios, film processing outlets, copy centers, interior decorators, and postal centers.

T. Public, quasi-public, and institutional uses such as, but not limited to, municipal buildings and offices, court houses, public off-street parking facilities, libraries, museums, public safety facilities, parks and playgrounds, post offices, and civic centers, but excluding storage yards.

U. Retail businesses which supply commodities on the premise of up to twenty-thousand (20,000) square feet of gross floor area, such as but not limited to: groceries, meats, fruits and produce, dairy products, baked goods, candies, wine (specialty wine shops only) and other specialty food products (such products can be produced on the premises as an accessory use provided they are sold on the site at retail prices); and stores selling drugs, dry goods, flowers, clothing, notions, books and magazines, toys, sporting goods, shoes, tobacco

products, musical instruments, recorded music, video rentals and sales, gifts and souvenirs, antiques, furniture, and hardware.

V. Retail sales in which both a workshop and retail outlet or showroom are required, such as plumbing, electrician, interior decorating, upholstering, printing, photographic-reproducing, radio, and home appliance and similar establishments of similar character subject to the provision that not more than eighty percent (80%) of the total useable floor area of the establishment shall be used for servicing, repairing, or processing activities and further provided that such retail outlet or showroom activities area shall be provided in that portion of the building where the customer entrance is located.

W. Restaurants (excluding drive-in restaurants and those with drive-through facilities), taverns (pubs), and brewpubs where the patrons are served while seated within the building occupied by such establishment.

X. Single-family detached dwellings, provided all requirements for the Traditional Residential District (TRD) are met, except as required in this Article herein. The minimum distance between buildings shall be ten (10) feet. Front building setbacks shall equal the average setback line of the block, as determined by the Planning Commission, or ten (10) feet. Building setback to any side property line where adjacent to non-residential property shall be fifteen (15) feet. Driveways, parking and walls may be within a side or rear setback.

Y. Studios for art, music, dance, or theatrical instruction.

Z. Theaters, assembly halls, community centers, or similar places of assembly when conducted completely within enclosed buildings.

AA. Veterinary clinics and animal grooming, provided all activities are conducted within an enclosed building, with up to ten-thousand (10,000) square feet gross floor area.

BB. Accessory buildings and uses customarily incidental to the above permitted uses (i.e., entertainment facilities).

**Section 10.30 Conditional Uses.**

In the CBD, the following uses shall be considered conditional and require a conditional use permit. Such uses may be permitted subject to applicable site design standards hereinafter imposed and subject further to the conditional use approval procedures of Section 2.70, Conditional Uses in Districts:

A. Automobile, truck, motorcycle, trailer, recreational vehicle or boat dealerships, either new or used, with customary accessory uses such as, but not limited to, engine, chassis and body repair, painting, car rental, etc. The Planning Commission may permit outdoor storage for such uses provided it determines the design, placement, and screening of such outdoor storage (not including display of merchandise) meets or exceeds the intent and purposes of this Article.

B. Bars and cocktail lounges (night clubs), provided no outdoor café, outdoor eating area, carry-out, or open front area shall be permitted. The Planning Commission may waive this requirement, and the thirty percent (30%) floor area limitation on bar areas for existing buildings, only if a full-service menu is provided for the on-site consumption of food, and the Planning Commission determines that the use is more characteristic of a tavern (pub) than a cocktail lounge (night club).

C. Commercial parking lots and structures.

D. Indoor recreational centers, including the following: bowling alleys, roller and ice skating rinks, pool or billiard halls, pinball and mechanical amusement device arcades, and other general indoor recreation facilities.

E. Lumber yards and building supplies. The Planning Commission may permit outdoor storage for such uses provided it determines the design, placement, and screening of such outdoor storage meets or exceeds the intent and purposes of this Article.

F. Funeral homes. (amended: October 24, 2007)

G. Open air business uses (as defined in Section 1.40), unless otherwise permitted in herein.

H. Party stores.

I. Public utility transformer stations, substations, and natural gas regulator stations without service or storage yards, subject to the following: A front yard setback of not less than fifty (50) feet shall be provided (irrespective of the yard requirements of the CBD) and two (2) side yards and a rear yard shall be provided, each shall not be less than twenty-five (25) feet in width. The previously mentioned conditional uses shall be screened by either decorative or ornamental masonry wall of at least six (6) feet in height, or a berm, buffer strip, or green belt, as defined in Article XXIII of this Ordinance, or a combination of a wall and a berm, buffer strip, or greenbelt.

J. Senior housing and housing for the elderly.

K. Outdoor displays of merchandise in the public right-of-way subject to the following:

1. All merchandise shall be limited to that normally sold by the business.

2. Merchandise displayed shall abut the building and occupy not more than seventy-five percent (75%) of the width of the store front for displays of goods.

3. Displays of merchandise shall not exceed four (4) feet in height.

4. Merchandise shall not be displayed beyond the hours of operation of the business and must be removed completely from the right-of-way at the end of the business day.

5. There shall be no off-premises advertising used in connection with any outdoor display of merchandise.

6. Merchandise shall be for display only and not in a state of operation.

7. Merchandise shall not have sharp edges, open flames, barbed wire or otherwise represent a health or safety hazard to customers or pedestrians.

8. No outdoor display shall cause damage including discoloration to the sidewalk, street trees, planters, street furniture, or other public structure.

9. No public right-of-way may be used for display of merchandise on July 4th.

10. The party responsible for the outdoor display shall provide evidence of insurance coverage naming the City as an additional insured party in an amount acceptable to the City.

L. Other uses not specifically stated or implied elsewhere which, in the determination of the Planning Commission, are similar to the principal permitted uses provided herein, and are in harmony with the character of the downtown, this Article, and the purpose and intent of the Comprehensive Plan of the City.

**Section 10.40 Prohibited Uses.**

Uses permitted in the General Commercial District (GCD), Regional Commercial/Industrial District (RC/ID), or any other zoning districts, unless incorporated in this Article herein specifically or by reference, are neither principal permitted uses nor conditional uses in the CBD.

**Section 10.50 Development Requirements.**

Buildings in the CBD should possess architectural variety, but must enhance the overall cohesiveness of the downtown's character and appearance as determined by the Planning Commission. Building heights, story levels, window sizes and proportions, architectural features, and building materials must remain consistent with those of existing or adjacent buildings within the downtown.

Except as otherwise noted, buildings and uses in the CBD shall comply with the following requirements:

A. Development Plan. Development plan approval for all uses as specified in Article XIX of this Ordinance. The Planning Commission may also request a preliminary or conceptual review by the Downtown Development Authority or its Architectural Review Committee for development plans within the CBD.

B. Building Placement. Buildings shall be built at lot lines with no setbacks, or the average setback of other buildings on the block as determined by the Planning Commission. The Commission may require greater setbacks if such space, in their determination, is needed for off-street parking or other requirements.

C. Building Height. New buildings must contain at least two (2) stories if the building is proposed for a corner lot or is adjacent to a multiple story building, unless the Planning Commission determines requiring a second story will not significantly enhance the character and appearance of the downtown.

D. Building Mass. Buildings located at gateways entering the CBD Central Business District shall mark the transition into and out of the downtown in a distinct fashion, using massing, additional height, contrasting materials and architectural embellishments to obtain this effect. Buildings on corner lots shall be considered more significant structures, since they have at least two (2) front façades visibly exposed to the street. The Planning Commission may require additional height and architectural embellishments, such as corner towers, relating to their location.

E. Façade Design. All visible building façades from public right-of-way or public land shall conform with the following design criteria:

1. Architectural Features. Building façades greater than thirty-three (33) feet in length shall contain architectural features, details and ornaments that are consistent with predominating architectural styles found within the downtown such as: arches; roof cornices; contrasting bases; contrasting masonry courses, or molding; pilasters or columns; corbeling; contrasting bands or color; stone or ceramic accent tiles; colonnades; or porches. Elements such as wall clocks, decorative light fixtures, and door or window canopies are recommended. Blank, windowless walls are prohibited.

   All non-residential buildings must have interior downspout and gutter systems; exterior downspouts and gutters are not permitted for non-residential buildings, except for those originally constructed for single-family residential purposes.

2. Fenestration. All façades visible from the street must contain glazed glass windows. Windows shall be recessed and include visually obvious sills. Spaces between windows shall be formed by columns, mullions, or material found elsewhere on the façade. Clear window glass is recommended; green, blue, bronze, or smoke tints are permitted. Window shapes shall be rectangular, square, or palladian (mostly rectangular with semi-circular top).

   a. Glazing on the first floor shall occupy a minimum sixty percent (60%) and a maximum of seventy percent (70%) of the façade. No glazing on first floor shall be placed less than two (2) feet six (6) inches above the sidewalk. No

glazing on the first floor shall be placed more than eight (8) feet above sidewalk.

b. Glazing on the second or higher floors shall be a minimum thirty percent (30%) and a maximum of sixty percent (60%) of the façade.

Vertical window orientation shall have a width-to-height ratio of at least one (1) to (2), and shall be consistent with adjacent buildings. Horizontal windows with a width-to-height ratio of between one (1) to one (1) and four (4) to one (1) may be permitted by the Planning Commission if they determine such window orientation is consistent with the appearance and character of the downtown.

Shutters, if used, shall be mounted on either side of a window shall be equal to one-half (2) of the width and one (1) times the height.

3. Building Materials. Building materials must be consistent with the surrounding neighborhood character, as determined by the Planning Commission. Building materials on the front façade or any façade visible from a public right-of-way must be primarily of natural materials conveying permanence, as determined by the Planning Commission. Each front façade, any façade visible from a public right-of-way, and any façade with a dedicated public entrance into the building should contain at least sixty percent (60%) percent of the recommended materials listed below, excluding window areas.

a. Recommended Materials. Brick; stone; wood; concrete slab (poured-in-place, tilt-up construction).

b. Acceptable Materials. Split face, scored, or ground face block; beveled wood siding (lap, board and batter, shake); exterior finish insulation systems (EIFS).

c. Discouraged Materials. Smooth face block; vinyl siding; metal siding (standing seam panels, aluminum siding); clear and reflective glass; T-111 and other wood panel siding which resembles any other discouraged material.

Acceptable or discouraged materials, or similar synthetic or highly-reflective materials should not be used except for decorative or accent features only. Exterior insulation finish systems (EIFS) may be used for decorative or accent features, and may also be a primary façade material provided it is placed at a height of twelve (12) feet or greater and provided it is no more than twenty percent (20%) of the total façade area, excluding window areas.

4. Exterior Colors. Exterior colors shall be compatible with the colors on adjacent buildings, subject to review and approval by the Planning Commission. The

following natural colors are encouraged for the main portions of building façades and roof forms: neutral earth tones (sand to brown); shades of gray; traditional colors (e.g., brick red, forest green, navy blue); light, subdued hues (e.g., salmon); or white. Contrasting, accent colors which are compatible with the primary colors listed above are encouraged for trim, accent, and other decorative architectural features. The use of bright or fluorescent colors (e.g., purple, orange, pink, lime, yellow) is discouraged. Colors should be natural to the material or pigmented, and not painted on the material whenever possible.

Proposed colors shall be specified on the development plan. Samples of building materials and colors are required at the time of development plan review for review and approval of the Planning Commission. Development plan reviews may be postponed for lack of building samples.

F. Side or Rear Façade Design. All sides of a building shall be similar in design, detail, and material to present a cohesive appearance to neighboring properties. Wherever a side or rear façade is visible from a public right-of-way, or if parking is located at the side or rear of a building, the façade shall be designed to create a pleasing appearance, in accordance with the following design criteria:

1. Materials and architectural features similar to those present on the front of the building shall be used on the side or rear façade. All visibly exposed sides of a building shall have an articulated base course and cornice. The base course shall align with either the kickplate or sill level of the first floor. The cornice shall terminate or cap the top of a building wall, and may project out horizontally from the vertical building wall plane and may be ornamented with moldings, brackets and other details. The middle section of a building may be horizontally divided at floor, lintel, or sill levels with belt or string courses.

2. Waste receptacle and service areas shall be completely screened with a decorative masonry wall or some other acceptable form of screening as approved by the Planning Commission.

3. Open areas shall be landscaped with lawn, ground cover, ornamental shrubs and trees. On every site involving new development or redevelopment, foundation plantings adjacent to the building shall be provided. The species and design shall meet the requirements of Article XXIII, Landscaping Requirements.

G. Building Entrances. All buildings shall have at least one (1) primary public entrance that faces a public street unless a building does not face a public street and/or right-of-way. Rear entrances are permitted, only if there is a primary entrance from a public street. Main entrances to buildings shall incorporate devises such as canopies, recessed entrance ways, larger door openings and display windows, accent colors, and architectural details such as tile work, moldings, and distinctive door pulls.

1. Doors. Doors measuring seven (7) and eight (8) feet high are highly recommended. Doors measuring six (6) feet eight (8) inches high shall have a glass transom with a minimum height of twelve (12) inches.

H. Rooflines. Rooflines shall be consistent with adjacent buildings and the surrounding neighborhood character as determined by the Planning Commission. Flat roofs shall be used in the CBD. Distinctively shaped roof forms, detailed parapets, and exaggerated cornice lines shall be incorporated into rooflines along building façades greater than thirty-three (33) feet. Mansard, mock mansard, or barrel roofs are prohibited.

Pitched roof forms (gable, hip, shed) with overhanging eaves and between four (4) inches of vertical rise to twelve (12) inches of horizontal run and twelve (12) inches of vertical rise to twelve (12) inches of horizontal run may be used within the CBD if similar rooflines are used on adjacent buildings, or if the Planning Commission determines such a roof will be consistent with the appearance and character of the downtown.

I. Lighting. Exterior lighting must be placed and shielded so as to direct the light onto the site and away from adjoining properties. The lighting source shall not be directly visible from adjoining properties. Floodlights, wall pack units, other types of unshielded lights, and lights where the lens is visible outside of the light fixture shall be prohibited, except where historic-style lighting is used that is compatible with existing historic-style lamps approved by the Planning Commission.

1. Sidewalks and parking areas shall be properly lit to facilitate the safe movement of pedestrians and vehicles and provide a secure environment. In parking areas, the light intensity shall average a minimum of one (1) foot candle, measured five (5) feet above the surface. Parking lot lighting shall be consistent and/or similar with other fixtures used throughout the downtown, as determined by the Planning Commission, and no greater than twenty-four (24) feet. In pedestrian areas, the light intensity shall average a minimum of two (2) foot candles, measured five (5) feet above the surface.

J. Canopies and Awnings. Canopies and awnings shall be permitted on buildings as follows:

1. All awnings must be made from canvass fabric or similar water-proofed material, rather than metal, aluminum, plastic, vinyl, or rigid fiberglass.

2. All awnings shall be attached directly to the building, rather than supported by columns or poles.

3. In buildings with multiple storefronts, compatible awnings shall be used as a means of unifying the structure.

K. Signs. Signs for all uses shall be permitted as specified in the Boyne City Sign Ordinance.

L. Mechanical Equipment. All units and appliances for air conditioning, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes or other telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and

from adjacent properties, by using walls, fences, roofline elements, penthouse-type screening devices or landscaping.

Fire escapes shall not be permitted on a building's front façade. In buildings requiring a second means of egress pursuant to the local building codes, internal stairs or other routes of egress shall be used.

Solid metal security gates or solid roll-down metal windows shall be prohibited. Link or grill type security devices shall be permitted only if installed from inside, within the window or door frames; or if installed on the outside, if the coil box is recessed and concealed behind the building wall. Security grills shall be recessed and concealed during normal business hours. Models which provide a sense of transparency by colors, are encouraged. Other security devices fastened to the exterior walls are prohibited.

M. Parking and Loading. The Planning Commission shall determine if the number of off-street parking and loading/unloading spaces required per Article XXIV of this Ordinance shall be met, or if a lesser number spaces or no spaces are required due to the following: the availability of on-street parking spaces, off-site parking lots, or municipal parking lots; a finding that patrons will either walk to the site from nearby neighborhoods, or will park at other sites and visit several uses at one time; or the placement and configuration of existing buildings. If required, parking lot design shall comply with the standards below, in addition to the provisions of Article XXIV.

1. No new parking lot shall be created nor any existing parking lot expanded in front of a building. If the Planning Commission determines that a new parking lot must be created or an existing parking lot must be expanded the parking lot shall be located to the rear of buildings on the interior of the lots, accessed by means of common driveways, preferably from side streets or lanes. Such parking lots shall be small in scale where possible, and interconnected with commercial parking lots on adjacent properties. Cross-access easements for adjacent lots with interconnected parking lots shall be required, in language acceptable to the City Attorney. Common, shared parking facilities are encouraged, wherever possible.

2. Parking located on the side of a building shall be screened from the road with either: a thirty-six (36) inch decorative masonry or stone wall; a forty-eight (48) inch ornamental fence; or a thirty-six (36) inch evergreen hedge in accordance with Article XXIII of this Ordinance.

3. In order to maximize the amount of land area left for landscaping and open space, paving shall be confined to the minimum area necessary to comply with the parking requirements of Article XXIV of this Ordinance.

4. Parking lot layout shall take into consideration pedestrian circulation; pedestrian crosswalks shall be provided, where necessary and appropriate, and shall be integrated into the pedestrian network system. Pavement textures shall be required on

pedestrian access ways, and strongly encouraged elsewhere in the parking lot, as surfacing materials, or when used as accents.

5. For uses, which because of the density of development and the existing zoning regulations in the CBD, cannot provide additional parking, a Parking Improvement Fund (PIF) is hereby established. The creation of additional commercial floor space or accessory residential floor space or, in the judgment of the City, a change in use which requires additional parking, shall require the provision of parking in accordance with Article XXIV of this Ordinance; provided that the Planning Commission and the City Commission may waive all or part of the requirement, provided that the application and/or property owner pays into the PIF a fee as established by the City Commission. The payments into the PIF shall be used for public parking in the CBD. The parking spaces constructed with the PIF shall be unreserved and available to the public. Existing parking spaces on site shall be assigned to existing uses and may not be assigned to newly created floor space or uses, unless sufficient parking spaces are provided on site which meet the requirements of existing floor space and/or uses. Nothing within this section shall preclude a property owner, who has property within the CBD from building to the limits of his/her property as allowed by this Ordinance. In exchange for permission to build to the limits of the property, the owner must contribute to the PIF on a per space basis, since the PIF will have the responsibility of making up the lost spaces. (amended: September 26, 2007).

6. Off-street parking spaces under private ownership existing on the date of adoption of this Zoning Ordinance shall not be converted to another use without the review and approval of the Planning Commission in accordance with the development plan standards of Article XIX of this Ordinance.

N. Service Access. A service alley or designated loading space shall be reserved at the rear of the building. Loading from secondary streets may be permitted by the Planning Commission upon demonstration by the applicant that through traffic flow and access to neighboring uses will not be disrupted.

O. Landscaping. Landscaping shall comply with the provisions of Article XXIII of this Ordinance, in addition to the standards below:

1. On every site involving new development or redevelopment, street trees with a minimum caliper of two-and-a-half (2 2) inches shall be provided at twenty-five (25) foot intervals. Any of the following street trees with a minimum caliper of two-and-a-half (2 2) inches shall be planted within the road right-of-way at twenty-five (25) foot intervals: Red Maple, Green Ash, Bradford Pear, or Little Leaf Linden, White Ash, or Honey Locust, subject to review and approval by the Planning Commission.

2. On every site involving new development or redevelopment, a landscape plan shall be submitted for review and approval. The landscape design shall compliment the character of the downtown.

3. Lots for apartment and non-residential uses shall balance the functional requirements of parking with the provision of pedestrian amenities. Transition areas between parking and civic, commercial or residential uses shall be designed with textured paving, landscaping and street furniture.

P. Screening. Where a new or expanded use occurs in this District, after the effective date of this Zoning Ordinance, which new or expanded use abuts directly upon a residential district, protective screening shall be provided in accordance with the following standards:

1. A landscaped berm, buffer strip, or greenbelt meeting the requirements of Article XXIII of this Ordinance shall be provided and maintained along the entire length of a contiguous, single family residential district. In addition, such sites shall be screened from such contiguous, single family residential district by either a building housing a permitted use or by a solid masonry wall, ornamental on both sides, and not less than six (6) feet in height above grade, between the required greenbelt area and the use. Such walls shall be constructed of the same materials as that of the main or principal building, and be faced with either brick, decorative block, or pre-cast concrete formed into a decorative pattern and painted in the same color scheme as that of the principal building.

   If, in the opinion of the Planning Commission, the greenbelt would serve no good purpose, the Planning Commission may waive such requirement and provide only the wall between the contiguous, single family residential district and the site.

   When vehicles, open air displays, waste receptacles, or other features generally exceed a six (6) foot height, the wall shall be increased to a height adequate to completely screen such features not exceeding ten (10) feet. All such walls shall be of uniform height around the premises and the design of such wall shall be first approved by the Planning Commission.

2. Where required walls are provided on the business side of public alleys, wall requirements may be waived to provide necessary entrance to or exit from required off-street parking and loading areas, provided the parking area is in mid-block with no possibility for street ingress or egress, and provided, further, that such opening, if approved by the Police Department, and the Planning Commission, shall be stepped down to a three (3) foot level for a minimum of ten (10) feet on each side of the opening.

Q. Courtyards and Plazas. Exterior public and semi-public spaces, such as courtyards or plazas, shall be designed for function, enhance surrounding buildings, and provide amenities for users in the form of textured paving, landscaping, lighting, trees, benches, trash receptacles and other items of street furniture, as appropriate. Courtyards shall have recognizable edges defined on at least three (3) sides by buildings, walls, elements of landscaping, and elements of street furniture, in order to create a strong sense of enclosure.

R. Utilities. All public and semi-public utilities and services, including but not limited to electricity, telephone, cable television, and others, shall be placed underground.

S. Enclosed Buildings. Within the CBD, all activities, unless specifically provided for herein, shall be conducted entirely within an enclosed building.

# ARTICLE XI
# TRANSITIONAL COMMERCIAL DISTRICT (TCD)

**Section 11.01 Purpose.**

The Transitional Commercial District (TCD) is intended to serve as a buffer between the Central Business District and other residential or business districts in the City. Its purpose is one of Amodulation whereby property abutting the CBD may be used for a variety of non-residential uses which are consistent with the objectives of the Comprehensive Plan. It is intended for areas not suitable for low density residential development and not suited for the policy implications of the Central Business District, such as off-street parking. It provides for a mix of low key commercial uses and offices potentially in one building. The TCD may be used to implement the professional office category in the City's Comprehensive Plan. It also provides for ancillary residential uses which may be a legitimate component in a mixed use area.

**Section 11.02 Principal Permitted Uses.**

In a TCD, no building, structure or premise shall be erected, altered, or used, except for one (1) or more of the following uses, unless otherwise provided in this Ordinance (except that conversions of warehouse or industrial facilities to loft type dwelling units may increase the total number to a maximum of sixteen (16)).

A. Apartments, up to a maximum of eight (8) units per building, subject to the following standards:

   1. All public utilities are available.

   2. All units shall have at least one (1) living room and one (1) bedroom, except that two (2) units may be of an efficiency apartment type.

   3. Buildings shall have a ten (10) foot front yard setback, a minimum of one five (5) foot side yard setback and a total of two (2) not less than fifteen (15) feet, and a fifteen (15) foot rear yard setback.

B. Art galleries.

C. Bed and breakfast inns and homes.

D. Business establishments which perform services on premises such as, but not limited to: banks, savings and loans and credit unions (excluding drive-through branches); brokerage houses; insurance, real estate, and travel agencies; pedestrian-oriented automated teller machine facilities.

E. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer. Central dry cleaning plants shall be prohibited.

F. Essential public services, telephone exchanges, public utility offices, substations and uses when conducted within a completely enclosed building, excluding storage yards, provided the use and building are consistent with the appearance and character of the downtown as determined by the Planning Commission.

G. Medical offices including offices of doctors, dentists and similar or allied professions, with up to ten-thousand (10,000) square feet gross floor area.

H. Mixed-use buildings, with business, commercial, or service uses on the ground floor, and residential, office, or warehouse uses on upper floors, subject to the conditions of contained herein. Business and office uses may occupy a building used for residential uses provided that no such business or office use may be located on the same floor as used for residential purposes, and no floor may be used for business or office use on a floor located above a floor used for residential purposes. Further, where there is mixed business/office and residential use in a building there shall be provided a separate, private pedestrian entranceway for the residential uses.

I. Offices of an executive, administrative or professional nature, with up to ten-thousand (10,000) square feet gross floor area.

J. Personal service establishments within a completely enclosed building, provided that each occupies a total usable floor area of not more than four-thousand (4,000) square feet, including but not limited to such uses as: repair shops (watches, radio, television, shoes, etc.), tailor and dressmaking shops, beauty parlors and styling salons, barber shops, photographic studios, film processing outlets, copy centers, interior decorators, and postal centers.

K. Public, quasi-public, and institutional uses such as, but not limited to, municipal buildings and offices, court houses, public off-street parking facilities, libraries, museums, public safety facilities, parks, post offices, and civic centers, but excluding storage yards.

L. Retail businesses which supply commodities on the premise of up to ten-thousand (10,000) square feet of gross floor area, such as but not limited to: groceries, meats, fruits and produce, dairy products, baked goods, candies, wine (specialty wine shops only) and other specialty food products (such products can be produced on the premises as an accessory use provided they are sold on the site at retail prices); and stores selling drugs, dry goods, flowers, clothing, notions, books and magazines, toys, sporting goods, shoes, tobacco products, musical instruments, recorded music, video rentals and sales, gifts and souvenirs, antiques, furniture, and hardware.

M. Retail sales in which both a workshop and retail outlet or showroom are required, such as plumbing, electrician, interior decorating, upholstering, printing, photographic-reproducing, radio, and home appliance and similar establishments of similar character subject to the provision that not more than eighty percent (80%) of the total useable floor area of the establishment shall be used for servicing, repairing, or processing activities and further provided that such retail outlet or showroom activities area shall be provided in that portion of the building where the customer entrance is located.

N. Single-family detached dwellings, provided all requirements for the Traditional Residential District (TRD) are met, except as required in this Article herein. The minimum distance between any buildings shall be ten (10) feet. Front yards shall equal the average setback line of the block, as determined by the Planning Commission, or ten (10) feet. The side yard adjacent to nonresidential property shall be fifteen (15) feet. Driveways, parking and walls may be within a side or rear setback.

O. Studios for art, music, dance, or theatrical instruction.

P. Accessory buildings and uses customarily incidental to the above permitted uses (i.e., entertainment facilities).

**Section 11.03 Conditional Uses.**

In the TCD, the following uses shall be considered conditional and require a conditional use permit. Such uses may be permitted subject to applicable site design standards hereinafter imposed and subject further to the conditional use approval procedures of Section 2.70, Conditional Uses in Districts:

A. Senior housing and housing for the elderly.

B. Party stores.

C. Other uses not specifically stated or implied elsewhere which, in the determination of the Planning Commission, are similar to the principal permitted uses provided herein, and in harmony with the character of the District and the purpose and intent of this Article and the Comprehensive Plan of the City.

D. Funeral homes. (amended: October 24, 2007)

E. Banks, savings and loans and credit unions with drive-thru lanes meeting the following criteria

1. Drive-Thru lane must be located in the rear yard (amended: July 7, 2009)

**Section 11.04 Development Requirements**.

Buildings in the TCD should possess architectural variety, but must enhance the overall cohesiveness of the district's character and appearance as determined by the Planning Commission. Building heights, story levels, window sizes and proportions, architectural features, and building materials must remain consistent with those of existing or adjacent buildings within the immediate vicinity.

Except as otherwise noted, buildings and uses in the TCD shall comply with the following requirements:

A. Development Plan. Development plan approval for all uses as specified in Article XIX of this Ordinance.

B. Building Placement. Buildings may be built at lot lines with no setbacks, or the average setback of other buildings on the block as determined by the Planning Commission. The Commission may require greater setbacks if such space, in their determination, is needed for off-street parking or other requirements. The intent of the placement is to provide for a visual as well as use transition between the CBD and other adjacent districts.

C. Façade Design. All visible building façades shall conform with the following design criteria:

1. Architectural Features. Building façades greater than thirty-three (33) feet in length shall contain architectural features, details and ornaments that are consistent with predominating architectural styles found within the district such as: arches; roof cornices; contrasting bases; contrasting masonry courses, water tables, or molding; pilasters or columns; corbeling; contrasting bands or color; stone or ceramic accent tiles; colonnades; or porches. Elements such as wall clocks, decorative light fixtures, and door or window canopies are recommended. Blank, windowless walls are prohibited.

   All non-residential buildings must have interior downspout and gutter systems; exterior downspouts and gutters are not permitted for non-residential buildings, except for those originally constructed for single-family residential purposes.

2. Fenestration. All façades visible from the street must contain glazed glass windows. Windows shall be recessed and include visually obvious sills. Spaces between windows shall be formed by columns, mullions, or material found elsewhere on the façade. Clear window glass is recommended; green, blue, bronze, or smoke tints are permitted. Window shapes shall be rectangular, square, or Palladian (mostly rectangular with semi-circular top). Circular, octagonal, or diamond shaped windows are not permitted.

   a. Glazing on the first floor shall occupy a minimum sixty percent (60%) and a maximum of seventy percent (70%) of the façade. No glazing on first floor shall be placed less than two (2) feet six (6) inches above the sidewalk. No glazing on the first floor shall be placed more than eight (8) feet above sidewalk.

   b. Glazing on the second of higher floors shall be a minimum thirty percent (30%) and a maximum of sixty percent (60%) of the façade.

      Vertical window orientation shall have a width-to-height ratio of at least one (1) to (2), and shall be consistent with adjacent buildings. Horizontal windows with a width-to-height ratio of between one (1) to one (1) and four (4) to one (1) may be permitted by the Planning Commission if they determine such window orientation is consistent with the appearance and character of the district.

Shutters, if used, shall be mounted on either side of a window shall be equal to one-half (2) of the width and one (1) times the height.

3. Building Materials. Building materials must be consistent with the surrounding neighborhood character, as determined by the Planning Commission. Building materials on the front façade or any façade visible from a public right-of-way must be primarily of natural materials conveying permanence, as determined by the Planning Commission. Each front façade, any façade visible from a public right-of-way, and any façade with a dedicated public entrance into the building should contain at least sixty percent (60%) of the recommended materials listed below, excluding window areas.

   a. Recommended Materials. Brick; stone; wood siding; concrete slab (poured-in-place, tilt-up construction).

   b. Acceptable Materials. Split face, scored, or ground face block; beveled wood siding (lap, board and batter, shake); exterior insulation finish systems (EIFS).

   c. Discouraged Materials. Smooth face block; vinyl siding; metal siding (standing seam panels, aluminum siding); clear and reflective glass; T-111 and other wood panel siding.

   Acceptable or discouraged materials, or similar synthetic or highly-reflective materials should not be used except for decorative or accent features only. Exterior insulation finish systems (EIFS) may be used for decorative or accent features, and may also be a primary façade material provided it is placed at a height of twelve (12) feet or greater and provided it is no more than twenty percent (20%) of the total façade area, excluding window areas.

4. Exterior Colors. Exterior colors shall be compatible with the colors on adjacent buildings, subject to review and approval by the Planning Commission. The following natural colors are encouraged for the main portions of building façades and roof forms: neutral earth tones (sand to brown); shades of gray; traditional colors (e.g., brick red, forest green, navy blue); light, subdued hues (e.g., salmon); or white. Contrasting, accent colors which are compatible with the primary colors listed above are encouraged for trim, accent, and other decorative architectural features. The use of bright or fluorescent colors (e.g., purple, orange, pink, lime, yellow) is discouraged. Colors should be natural to the material or pigmented, and not painted on the material whenever possible.

   Proposed colors shall be specified on the development plan. Samples of building materials and colors are required at the time of development plan review for review and approval of the Planning Commission. Development plan reviews may be tabled for lack of building samples.

D. Side or Rear Façade Design. All sides of a building shall be similar in design, detail, and material to present a cohesive appearance to neighboring properties. Wherever a side or rear facade is visible from a public street, or if parking is located at the side or rear of a building, the

facade shall be designed to create a pleasing appearance, in accordance with the following design criteria:

1. Materials and architectural features similar to those present on the front of the building shall be used on the side or rear façade. All visibly exposed sides of a building shall have an articulated base course and cornice. The base course shall align with either the kickplate or sill level of the first floor. The cornice shall terminate or cap the top of a building wall, and may project out horizontally from the vertical building wall plane and may be ornamented with moldings, brackets and other details. The middle section of a building may be horizontally divided at floor, lintel, or sill levels with belt or string courses.

2. Waste receptacle and service areas shall be completely screened with a decorative masonry wall as approved by the Planning Commission.

3. Open areas shall be landscaped with lawn, ground cover, ornamental shrubs and trees. On every site involving new development or redevelopment, foundation plantings adjacent to the building shall be provided.

E. Building Entrances. All buildings shall have at least one (1) primary public entrance that faces a public street. Rear entrances are permitted, only if there is a primary entrance from a public street. Main entrances to buildings shall incorporate devises such as canopies, recessed entrance ways, larger door openings and display windows, accent colors, and architectural details such as tile work, moldings, and distinctive door pulls.

1. Doors. Doors measuring seven (7) and eight (8) feet high are highly recommended. Doors measuring six (6) feet eight (8) inches high shall have a glass transom with a minimum height of twelve (12) inches.

F. Rooflines. Rooflines shall be consistent with adjacent buildings and the surrounding neighborhood character as determined by the Planning Commission. Flat roofs may be used in the TCD. Distinctively shaped roof forms, detailed parapets, and exaggerated cornice lines shall be incorporated into rooflines along building façades greater than thirty-three (33) feet. Mansard, mock mansard, or barrel roofs are prohibited.

Pitched roof forms (gable, hip, shed) with overhanging eaves and between four (4) inches of vertical rise to twelve (12) inches of horizontal run and twelve (12) inches of vertical rise to twelve (12) inches of horizontal run may be used within the TCD if similar rooflines are used on adjacent buildings, or if the Planning Commission determines such a roof will be consistent with the appearance and character of the district.

G. Lighting. Exterior lighting must be placed and shielded so as to direct the light onto the site, preferably downward and away from adjoining properties. The lighting source shall not be directly visible from adjoining properties. Floodlights, wall pack units, other types of unshielded lights, and lights where the lens is visible outside of the light fixture shall be prohibited, except

where historic-style lighting is used that is compatible with existing historic-style lamps approved by the Planning Commission.

1. Sidewalks and parking areas shall be properly lit to facilitate the safe movement of pedestrians and vehicles and provide a secure environment. In parking areas, the light intensity shall average a minimum of one (1) foot candle, measure five (5) feet above the surface. Parking lot lighting shall be consistent and/or similar with other fixtures used throughout the district, as determined by the Planning Commission, and no greater than twenty (20) feet. In pedestrian areas, the light intensity shall average a minimum of two (2) foot candles, measured five (5) feet above the surface.

H. Canopies and Awnings. Canopies and awnings shall be permitted on buildings as follows:

1. All awnings must be made from canvass fabric or similar water-proofed material, rather than metal, aluminum, plastic, vinyl, or rigid fiberglass.

2. All awnings shall be attached directly to the building, rather than supported by columns or poles.

3. In buildings with multiple storefronts, compatible awnings shall be used as a means of unifying the structure.

I. Signs. Signs for all uses shall be permitted as specified in the Boyne City Sign Ordinance.

J. Mechanical Equipment. All units and appliances for air conditioning, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes or other telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties, by using walls, fences, roofline elements, penthouse-type screening devices or landscaping.

Fire escapes shall not be permitted on a building=s front façade. In buildings requiring a second means of egress pursuant to the local building codes, internal stairs or other routes of egress shall be used.

Solid metal security gates or solid roll-down metal windows shall be prohibited. Link or grill type security devices shall be permitted only if installed from inside, within the window or door frames; or if installed on the outside, if the coil box is recessed and concealed behind the building wall. Security grills shall be recessed and concealed during normal business hours. Models which provide a sense of transparency by colors, are encouraged. Other security devices fastened to the exterior walls are prohibited.

K. Parking and Loading. The Planning Commission shall determine if specific sites may be parking exempt if the number of off-street parking and loading/unloading spaces required per Articles XXIV of this Ordinance shall be met, or if a lesser number spaces or no spaces are required due to the following: the availability of on-street parking spaces, off-site parking lots, or municipal parking lots; a finding that patrons will either walk to the site from nearby neighborhoods, or

will park at other sites and visit several uses at one time; or the placement and configuration of existing buildings. If required, parking lot design shall comply with the standards below, in addition to the provisions of Article XXIV.

1. No new parking lot shall be created nor any existing parking lot expanded in front of a building unless the Planning Commission determines that parking in front of the building would be acceptable for either of the following reasons:

    a. Front yard parking is required to maintain the continuity of building setbacks in the block while making efficient use of the site; or

    b. Front yard parking is required for the purposes of traffic safety and to minimize driveway curb cuts where the new parking lot is proposed to connect with one (1) or more parking lots on adjoining parcels.

    If the Planning Commission determines that a new parking lot must be created or an existing parking lot must be expanded the parking lot shall be located to the rear of buildings, (unless (1)(a) and (b) herein are satisfied), on the interior of the lots, accessed by means of common driveways, preferably from side streets or lanes. Such parking lots shall be small in scale where possible, and interconnected with commercial parking lots on adjacent properties. Cross-access easements for adjacent lots with interconnected parking lots shall be required, in language acceptable to the City Attorney. Common, shared parking facilities are encouraged, wherever possible.

2. Parking located in the front or side of a building shall be screened from the road with either: a thirty-six (36) inch decorative masonry or stone wall; a forty-eight (48) inch ornamental fence; or a thirty-six (36) inch evergreen hedge in accordance with Article XXIII of this Ordinance.

3. In order to maximize the amount of land area left for landscaping and open space, paving shall be confined to the minimum area necessary to comply with the parking requirements of Article XXIV of this Ordinance.

4. Parking lot layout shall take into consideration pedestrian circulation; pedestrian crosswalks shall be provided, where necessary and appropriate, and shall be integrated into the pedestrian network system. Pavement textures shall be required on pedestrian access ways, and strongly encouraged elsewhere in the parking lot, as surfacing materials, or when used as accents.

5. Any use or site in the TCD required by the Planning Commission to provide off-street parking may, subject to the approval of City Commission, elect to meet such requirement by contributing a fee, as established by the City Commission, to a Municipal Parking Fund as defined in Section 10.50 M., in lieu of the required off-street parking spaces. This fund shall be used for purchasing land and developing consolidated parking spaces or the development of additional on-street parking in the TCD. The amount of the required fee

shall be established by the City and shall be based on anticipated acquisition and development costs.

Contributions may be paid in annual installments, with interest thereon, upon such terms and conditions as may be approved by the City Commission. An agreement between the City and the owner or developer, setting forth such terms and conditions in a form approved by the City Attorney, shall be executed and deposited with the City Clerk. Said agreement shall be recorded and all monies due there under shall be a lien upon the subject property.

6. Off-street parking spaces under private ownership existing on the date of adoption of this Zoning Ordinance shall not be converted to another use without the review and approval of the Planning Commission in accordance with the development plan standards of Article XIX of this Ordinance.

L. Service Access. A service alley or designated loading space shall be reserved at the rear of the building. Loading from secondary streets may be permitted by the Planning Commission upon demonstration by the applicant that through traffic flow and access to neighboring uses will not be disrupted.

M. Landscaping. Landscaping shall comply with the provisions of Article XXIII of this Ordinance, in addition to the standards below:

1. On every site involving new development or redevelopment, street trees with a minimum caliper of two-and-a-half (2 1/2) inches shall be provided at twenty-five (25) foot intervals. Any of the following street trees with a minimum caliper of two-and-a-half (2 1/2) inches shall be planted within the road right-of-way at twenty-five (25) foot intervals: Red Maple, Green Ash, Bradford Pear, or Little Leaf Linden, White Ash or Honey Locust, subject to review and approval by the Planning Commission.

2. On every site involving new development or redevelopment, a landscape plan shall be submitted for review and approval. The landscape design shall compliment the character of the district.

3. Lots for apartment and non-residential uses shall balance the functional requirements of parking with the provision of pedestrian amenities. Transition areas between parking and civic, commercial or residential uses shall be designed with textured paving, landscaping and street furniture.

N. Screening. Where a new or expanded use occurs in this District, after the effective date of this Zoning Ordinance, which new or expanded use abuts directly upon a single family residential district, protective screening shall be provided in accordance with the following standards:

1. A landscaped berm, buffer strip, or greenbelt meeting the requirements of Article XXIII of this Ordinance shall be provided and maintained along the entire length of a contiguous,

single family residential district. In addition, such sites shall be screened from such contiguous, single family residential district by either a building housing a permitted use or by a solid masonry wall, ornamental on both sides, and not less than six (6) feet in height above grade, between the required greenbelt area and the use. Such walls shall be constructed of the same materials as that of the main or principal building, and be faced with either brick, decorative block, or pre-cast concrete formed into a decorative pattern and painted in the same color scheme as that of the principal building.

If, in the opinion of the Planning Commission, the greenbelt would serve no good purpose, the Planning Commission may waive such requirement and provide only the wall between the contiguous, single family residential district and the site.
When vehicles, open air displays, waste receptacles, or other features generally exceed a six (6) foot height, the wall shall be increased to a height adequate to completely screen such features not exceeding ten (10) feet. All such walls shall be of uniform height around the premises and the design of such wall shall be first approved by the Planning Commission.

2. Where required walls are provided on the business side of public alleys, wall requirements may be waived to provide necessary entrance to or exit from required off-street parking and loading areas, provided the parking area is in mid-block with no possibility for street ingress or egress, and provided, further, that such opening, if approved by the Police Department, and the Planning Commission, shall be stepped down to a three (3) foot level for a minimum of ten (10) feet on each side of the opening.

O. Enclosed Buildings. Within the TCD, all activities shall be conducted entirely within an enclosed building.

**Section 11.05 Additional Development Requirements.**

The following requirements shall be met within a TCD.

A. Development plan approval for all non-single family residential uses as specified in Article XIX of this Ordinance.

B. Off-street parking, loading, and access management standards for all uses as specified in Article XXIV of this Ordinance.

C. Signs for all uses as specified in the Boyne City Sign Ordinance.

D. Height, area, lot coverage and yard regulations as specified in Article XX of this Ordinance.

E. Landscaping requirements as specified in Article XXIII of this Ordinance.

F. Design, architectural, and building material standards as specified in Article XXII of this Ordinance.

G. Provisions relating to all zoning districts (as applicable in each separate case) as specified in Article XXI of this Ordinance.

H. The Planning Commission may also request a preliminary or conceptual review by the DDA or its Architectural Review Committee for development plans adjacent to the CBD.

## CITY OF BOYNE CITY

To: Michael Cain, City Manager

From: Tim Faas, Director of Public Works

Date: February 7, 2019

Subject: **N Lake Street Resurfacing Project**
**Design & Trail Planning Consultant Recommendation**

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**BACKGROUND:**

Over the past couple of years, the City has been planning the rehabilitation and/or reconstruction of the existing pavement along N Lake Street from the City boat launch to W Michigan Avenue. As part of the design of this road improvement project, the trail extension design from roughly the city center to W Michigan Avenue will also be completed.

MDOT has programmed $235,000 in funds to cover a portion of the cost of the road project; however, the window for use of those funds closes on September 30, 2019. As such, the City must commence the design work as soon as practicable in order to meet the deadline. This road project would likely be constructed in the spring of 2020.

The City requested a formal proposal from C2AE, the City's civil engineering consultant, outlining the project understanding, scope and fee for the desired services (see attached). C2AE is most capable of meeting the tight deadline, is familiar with the trail project and was the designer of the section of N Lake Street south of this project to be constructed yet this year. The total cost of the services is $27,500 which would be charged to the Professional Services account #202-451-818.000 in the Major Roads Budget.

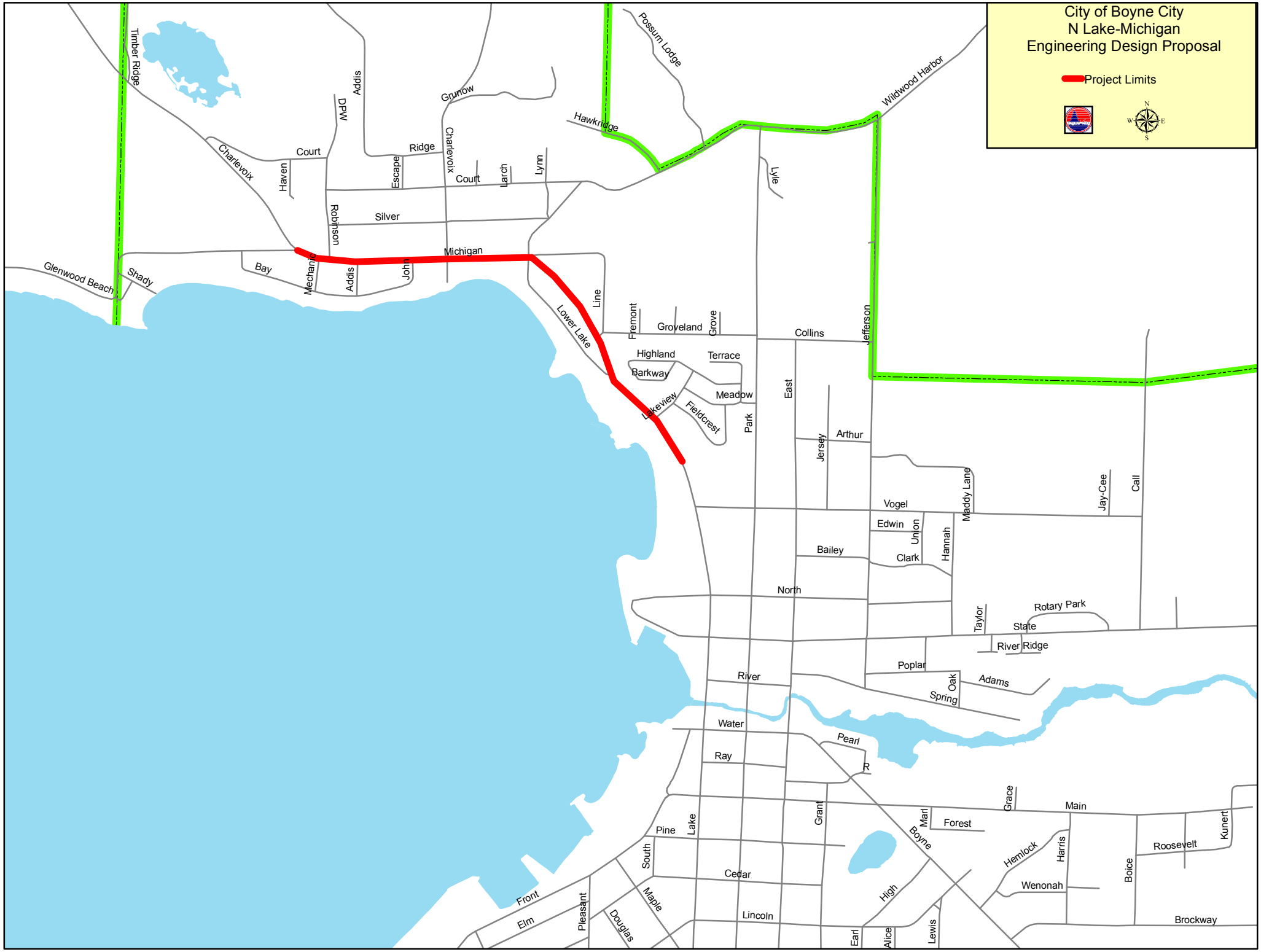
**RECOMMENDATION:**

It is my recommendation that the City Commission award a contract for the design & trail planning services for the N Lake Street Project in an amount not-to-exceed $27,500 per the proposal dated 2/5/2019. A portion of costs will come from funds available for these services in 2018/2019 Budget and the balance will be included in the 2019/2020 Professional Services account in the Major Roads Budget. Further, I would recommend the City Manager to execute the documents.

**OPTIONS:**

1. That this matter be postponed for further information or consideration
2. That this matter be approved subject to some revision
3. Other options as determined by the City Commission

Encl: Proposal dated 2/5/2019 from C2AE
Sketch of Project Limits


City of Boyne City
N Lake-Michigan
Engineering Design Proposal
Project Limits
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Wildwood Harbor
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Lynn
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Robinson
Silver
Michigan
Glenwood Beach
Shady
Bay
Mechanic
Addis
John
Line
Lower Lake
Fremont
Groveland
Grove
Collins
Jefferson
Highland
Terrace
Barkway
Meadow
Lakeview
Fieldcrest
East
Park
Jersey
Arthur
Maddy Lane
Jay-Cee
Call
Vogel
Edwin
Union
Hannah
Clark
Bailey
North
Taylor
Rotary Park
State
River Ridge
Poplar
Oak
Adams
Spring
River
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Forest
Boyne
Pine
Lake
South
Hemlock
Harris
Roosevelt
Kunert
Boice
Cedar
Wenonah
High
Front
Elm
Pleasant
Douglas
Maple
Lincoln
Brockway
Earl
Alice
Lewis

123 W. Main St. Suite 200
Gaylord, MI 49735
**O**: 989.732.8131
www.c2ae.com

February 5, 2019

Mr. Michael Cain, City Manager
City of Boyne City
319 N. Lake Street
Boyne City, MI 49712

**Re: Proposal for Professional Services: N. Lake Street Resurface Project Design and Trail Planning**

Dear Mike and City Commissioners,

Thank you for the opportunity to provide this proposal for design phase services for the street resurfacing/reconstruction project on N. Lake Street. The street project will be a Michigan Department of Transportation Local Agency Project. The Trail Planning portion of the project will work in conjunction with the road reconstruction design, so as to provide the best opportunities for trail construction in the future.

## PROJECT UNDERSTANDING

The City of Boyne City is currently on the Rural Task Force funding list for a MDOT Category D Funding for FY2019 for the N. Lake resurfacing project. The project will be from just south of the City boat launch drive north to W. Michigan Avenue, a distance of approximately 4,620 feet. This is the non-curbed section of N. Lake from the City boat launch to the north/west City limits and will be a continuation of the City's 2018 N. Lake project.

The MDOT programmed amounts are $235,000 in Federal/State funding, with any additional construction and the engineering costs the responsibility of the City. The project was submitted by the previous street superintendent with "HMA Overlay" as the listed reconstruction method. In reviewing sections of this roadway, it is our feeling that some portions may require more extensive reconstruction/rehabilitation measures for proper correction and longevity. An important part of the project design will be in working with the City to determine the best rehabilitation methods to apply to each area of the roadway.

The Trail Planning portion of the project is also significant to consider as a part of the design of roadway improvements, as the trail construction may dictate certain roadway improvements. For instance, in areas of very tight right of way it may make sense to install curb and gutter with the roadway improvements to make it feasible to construct a trail within the right of way. Therefore, it is important that these items be considered together for the best long term outcomes. The trail planning will also include other areas outside the N. Lake Street project area to provide a contiguous trail from the end of the existing trail at Michigan Avenue to an approximate end point of the River/N. East Street intersection. All of the potential trail routes developed previously will be re-evaluated as a part of the trail planning.

A critical element in the project timing is that the street reconstruction project must be obligated in FY2019, which ends 9/30/2019. This requires final approved plans to be submitted about September 1, 2019. Additionally, all design and construction work must be completed in compliance with MDOT Local Agency Standards.

C2AE has completed numerous MDOT Local Agency projects in the past, which is an important benefit to the City of Boyne City. Recent C2AE/MDOT Local Agency projects include Boyne City Court Street Reconstruction, Pleasant/Division Resurfacing, Division Street Reconstruction and State Street Reconstruction, as well as current projects for the City of Gaylord, City of East Jordan and Otsego County Road Commission. C2AE has the qualified office and field personnel with

the necessary certifications, as well as the required design and construction software to complete these MDOT local agency projects.

## SCOPE

C2AE will work closely with the City of Boyne City and Michigan Department of Transportation to provide a cost-effective and high-quality deliverable for the N. Lake Street and Trail Planning Project.

**Design Phase**

1. Project Initiation Meeting: Conduct a project initiation meeting with the City to review the project parameters, scope of services and project schedule contained in the project management plan. Review the previous plans with the City with respect to any desired changes. Obtain a clear understanding of the role of all parties. Set the proper course to achieve local input throughout the project.

2. Topographic Survey: Provide a topographic survey of the entire length of the roadway. Because of the undetermined nature of the street improvements required, and the need for detailed information for trail planning, a full topographic survey will be completed for the project area. The survey will use GPS equipment for direct input into computers for field data collection and base drawing creation.

3. Legal Survey: Additional legal survey will be completed along the N. Lake Street area sufficient to provide reasonably accurate right of way drawings for the project area. C2AE intends to utilize the firm of Ferguson and Chamberlain of Charlevoix for the legal survey needs. An allowance amount for legal survey has been included in the proposed fee.

4. Program Application: Assist the City in preparing the MDOT Program Application information, including environmental and historical clearances, accident history report, pavement design and other required elements.

5. Soil Borings: C2AE will assist the City with soliciting subconsultant proposals for soil borings along N. Lake Street. An allowance amount of $1,500 is included is included in the proposed fee for soil borings.

6. Preliminary Plans: Prepare plan view drawings for the reconstruction project, indicating the limits of storm sewer and drainage improvements, curb construction, and street surfacing. Provide plan drawings only for the mill and resurface project. Provide typical road construction cross sections and details.

7. Easements: No grading or drainage easements are anticipated.

8. Special Provisions: Prepare special provisions to be used in conjunction with the 2012 MDOT Standard Specifications for Construction to establish the quality of all materials, equipment, installation and construction.

9. Preliminary Quantities and Cost Estimate: Provide an itemized breakdown of estimated quantities, estimated unit costs and estimated total cost for all project components. The estimate will utilize the MDOT-required MERL software.

10. Grade Inspection/Review Meeting: Provide the necessary plan submittals, coordinate and participate in an on-site Grade Inspection/Review meeting with representatives of the City, MDOT and other interested members of the project team and affected utility companies.

11. Final Engineer's Cost Estimate: Provide a final itemized breakdown of construction quantities and unit cost for all of the pay items used on the project

12. Permits: Assist in the preparation all necessary permit applications for submission by the City to the applicable governmental agencies. Permit fees for such permits (where applicable) shall be paid for by the City.

13. Final Plans and Special Provisions: Prepare final plans and any special provisions applicable for the project. Include maintaining traffic, striping and signing plans in accordance with the Michigan Manual of Uniform Traffic Control Devices. Submit electronically, the required plans, special provisions and cost estimate for inclusion in an MDOT bid letting.

**Trail Planning Phase**

1. Design Coordination/Information: C2AE will utilize the topographic and legal survey information collected for the project as key sources of information for the trail planning. The roadway design and trail planning are integrally related and will occur simultaneously. Topographic survey outside the limits of the N. Lake St. project limits is not included in this proposal.

2. Planning Meetings: C2AE will meet with the City Staff as needed throughout the project design process. We have also budgeted time for additional meetings with the City's Park Board and City Commission to discuss the trail planning progress and receive input.

3. Trail Routing: The goal is to provide planning and preliminary layout for a continuous trail that begins at the end of the existing trail at Michigan Avenue and ends somewhere in the vicinity of Old City Park. C2AE will review all of the previous routes considered, including Bay/John Streets, Lower Lake Street, E. Michigan/Line, Groveland/Park, the City waterfront and all of N. Lake Street.

4. Planning Deliverables: The proposed outcome of the trail planning portion is the development of several routing options, cost opinions for each option, a discussion of the advantages and disadvantages of each option, possible funding options and ultimately a selected plan and cost opinion that can be used for funding applications.

## SCHEDULE

C2AE proposes the following project schedule:

C2AE will complete the design and trail planning phases for this project in order to meet the FY 2019 funding obligation requirements. The following dates are obtained from the MDOT Local Agency Project Planning Guide for a FY 2019 obligation. Topographic survey would begin as soon as weather and snow cover conditions allow.

| | |
|---|---|
| Program Application Submittal | 5/27/19 |
| GI Package Submittal (65% complete design) | 6/10/19 |
| Grade Inspection Meeting | 7/10/19 |
| Final Plan Submittal | 8/23/19 |
| Letting Date | 11/01/19 or later |
| Construction Period | May/June 2020 |

## FEE

C2AE proposes to provide engineering services as follows:

| | |
|---|---|
| Design and Trail Planning Fee | $23,500 Lump Sum |
| Legal Survey Allowance | $2,500 Lump Sum |
| Soil Boring Allowance | $1,500 Lump Sum |

We have included our Standard Contract Provisions as part of our proposal. If the terms and conditions as stated are acceptable, please countersign and return one (1) copy to our office. Please do not hesitate to contact us should you have any questions or concerns, or if you need additional information.

Sincerely,
C2AE

Larry Fox, PE
Project Manager

Accepted by:

_____
City of Boyne City

_____
Date

The parties to this agreement, Capital Consultants, Inc., a Michigan Corporation doing business as C2AE in the State of Michigan, hereinafter called the A|E CONSULTANT and the City of Boyne City, Michigan, hereinafter called the OWNER, hereby agree to the following conditions:

A. Limit of Scope: The services provided by the A/E CONSULTANT shall be limited to those described in the Scope of Services.

B. Changed Conditions: If, during the term of this Agreement, circumstances or conditions that were not originally contemplated by or known to the A/E CONSULTANT are revealed, to the extent that they affect the scope of services, compensation, schedule, allocation of risks or other material terms of this Agreement, the A/E CONSULTANT may call for renegotiation of appropriate portions of this Agreement. The A/E CONSULTANT shall notify the OWNER of the changed conditions necessitating renegotiation, and the A/E CONSULTANT and the OWNER shall promptly and in good faith enter into renegotiation of this Agreement to address the changed conditions. If terms cannot be agreed to, the parties agree that either party has the absolute right to terminate this Agreement.

C. Additional Services: Additional services not specifically identified in the Scope of Services shall be paid for by the OWNER in addition to the fees previously stated, provided the OWNER authorizes such services in writing. Additional services will be billed monthly as work progresses and invoices are due upon receipt.

D. Standard of Care: In providing services under this Agreement, the A/E CONSULTANT will endeavor to perform in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances.

E. Code Compliance: The A/E CONSULTANT shall put forth reasonable professional efforts to comply with applicable laws, codes and regulations in effect as of the date of submission to building authorities. Design changes made necessary by newly enacted laws, codes and regulations after this date shall entitle the A/E CONSULTANT to a reasonable adjustment in the schedule and additional compensation in accordance with the Additional Services provision of this Agreement.

F. Permits and Approvals: The A/E CONSULTANT shall assist the OWNER in applying for those permits and approvals normally required by law for projects similar to the one for which the A/E CONSULTANT's services are being engaged. This assistance shall consist of completing and submitting forms to the appropriate regulatory agencies having jurisdiction over the construction documents, and other services normally provided by the A/E CONSULTANT and included in the scope of Basic Services of this Agreement.

G. Opinions of Probable Construction Cost: In providing opinions of probable construction cost, the OWNER understands that the A/E CONSULTANT has no control over the cost or availability of labor, equipment or materials, or over market conditions or the Contractor's method of pricing, and that the A/E CONSULTANT's opinions of probable construction costs are made on the basis of the A/E CONSULTANT's professional judgment and experience. The A/E CONSULTANT makes no warranty, express or implied, that the bids or the negotiated cost of the work will not vary from the A/E CONSULTANT's opinion of probable construction cost.

H. Schedule for Rendering Services: The A/E CONSULTANT shall prepare and submit for OWNER approval a schedule for the performance of the A/E CONSULTANT's services. This schedule shall include reasonable allowances for review and approval times required by the OWNER, performance of services by the OWNER's consultants, and review and approval times required by public authorities having jurisdiction over the project. This schedule shall be equitably adjusted as the project progresses, allowing for changes in scope, character or size of the project requested by the OWNER, or for delays or other causes beyond the A/E CONSULTANT's reasonable control.

I. Ownership of Reports, Drawings and Other Materials: The OWNER agrees that all reports, drawings, letters, work sheets, plans, preliminary material tables, supportive data, documents and other materials produced by the A/E CONSULTANT in the course of and for the purpose of meeting this contract are the property of the A/E CONSULTANT, and shall remain in

the possession of the A/E CONSULTANT. The OWNER shall have access to the above named material during normal business hours of the A/E CONSULTANT during and after completion of this contract. The OWNER may obtain copies of any of the above named material. Copies of electronic media may be obtained by the OWNER. (See Alteration and Reuse of CAD Information provision of this Agreement.)

J. Alteration and Reuse of CAD Information: Because computer aided design/drafting (CAD) information stored in electronic form can be modified by other parties, intentionally or otherwise, without notice or indication of said modifications, the A/E CONSULTANT reserves the right to remove all indications of its ownership and/or involvement in the material from each electronic medium not held in its possession. The OWNER may retain copies of the work performed by the A/E CONSULTANT in CAD form. Copies shall be for information and used by the OWNER for the specific purpose for which the A/E CONSULTANT was engaged. Said material shall not be used by the OWNER, or transferred to any other party, for use in other projects, additions to the current project, or any other purpose for which the material was not strictly intended without the A/E CONSULTANT's express written permission. Any unauthorized modification or reuse of the materials shall be at the OWNER's sole risk, and the OWNER agrees to defend, indemnify, and hold the A/E CONSULTANT harmless, from all claims, injuries, damages, losses, expenses, and attorneys' fees arising out of the unauthorized modification of these materials.

K. Record Documents: Upon completion of the work, the A/E CONSULTANT shall compile for and deliver to the OWNER a reproducible set of Record Documents. The A/E CONSULTANT shall also provide electronic information utilizing the appropriate elevation datum and State Plane coordinate system for insertion of the record information into the City's GIS base draw. These Record Documents will show significant changes made during construction.

L. Payment Terms: Invoices will be submitted by the A/E CONSULTANT monthly, are due upon receipt and shall be considered past due if not paid within thirty (30) calendar days of the due date.

M. Disputed Invoices: If the OWNER objects to any portion of an invoice, the OWNER shall so notify the A/E CONSULTANT in writing within ten (10) calendar days of receipt of the invoice. The OWNER shall identify in writing the specific cause of the disagreement and the amount in dispute and shall pay that portion of the invoice not in dispute in accordance with other payment terms of this Agreement. Any dispute over invoiced amounts due which cannot be resolved within ten (10) calendar days after receipt of invoice by direct negotiation between the parties shall be resolved within thirty (30) calendar days in accordance with the Dispute Resolution provision of this Agreement. Interest at one-and-one-half (1.5) percent (or the maximum rate allowable by law, whichever is less) shall be paid by the OWNER on all disputed invoice amounts that are subsequently resolved in the A/E CONSULTANT's favor and shall be calculated on the unpaid balance from the due date of the invoice.

N. Abandonment of Work: If any work is abandoned or suspended, the A/E CONSULTANT shall be paid for services performed prior to receipt of written notice from the OWNER of abandonment or suspension.

O. Betterment: If, due to the A/E CONSULTANT's negligence, a required item or component of the project is omitted from the A/E CONSULTANT's construction documents, the A/E CONSULTANT shall not be responsible for paying the cost required to add such item or component to the extent that such item or component would have been required and included in the original construction documents. In no event will the A/E CONSULTANT be responsible for any cost or expense that provides betterment or upgrades or enhances the value of the project.

P. Indemnification: The A/E CONSULTANT agrees, to the fullest extent permitted by law, to indemnify and hold harmless the OWNER, its officers, directors and employees (collectively, OWNER) against all damages, liabilities or costs, including reasonable attorneys' fees and defense costs, to the extent caused by the A/E CONSULTANT's negligent performance of professional services under this Agreement and that of its subconsultants or anyone for whom the A/E CONSULTANT is legally liable.

Q. Consequential Damages: Notwithstanding any other provision of this Agreement, and to the fullest extent permitted by law, neither the OWNER nor the A/E CONSULTANT, their respective officers, directors, partners, employees, contractors or subconsultants shall be liable to the other or shall make any claim for any incidental, indirect or consequential damages arising out of or connected in any way to the project or to this Agreement. This mutual waiver of consequential damages shall include, but is not limited to, loss of use, loss of profit, loss of business, loss of income, loss of reputation or any other consequential damages that either party may have incurred from any cause of action including negligence, strict liability, breach of contract and breach of strict or implied warranty. Both the OWNER and the A/E CONSULTANT shall require similar waivers of consequential damages protecting all the entities or persons named herein in all contracts and subcontracts with others involved in this project.
The parties do not intend to confer any benefits on any person, firm, or corporation other than A/E CONSULTANT and OWNER. There are no third party beneficiaries. In no event shall either party, or their agents, servants, representatives or employees be liable for indirect, special or consequential damages to third parties. Both OWNER and the A/E CONSULTANT shall require waivers of consequential damages protecting all the entities or persons herein and all contracts and subcontracts with others involved in this project.

R. Full-Time Construction Observation: The A/E CONSULTANT will provide full-time project representation in order to observe the progress and quality of the work completed by the Contractor. Such observation is not intended to be an exhaustive check or a detailed inspection of the Contractor's work but rather is to allow the A/E CONSULTANT, as an experienced professional, to become generally familiar with the work in progress and to determine, in general, if the work is proceeding in accordance with the Contract Documents.
The A/E CONSULTANT shall keep the OWNER informed about the progress of the work and shall endeavor to guard the OWNER against deficiencies in the work.
The A/E CONSULTANT shall not supervise, direct or have control over the Contractor's work nor have any responsibility for the construction means, methods, techniques, sequences or procedures selected by the Contractor nor for the Contractor's safety precautions or programs in connection with the Work. These rights and responsibilities are solely those of the Contractor in accordance with the Contract Documents.
The A/E CONSULTANT shall not be responsible for any acts or omissions of the Contractor, subcontractor, any entity performing any portions of the work, or any agents or employees of any of them. The A/E CONSULTANT does not guarantee the performance of the Contractor and shall not be responsible for the Contractor's failure to perform its work in accordance with the Contract Documents or any applicable laws, codes, rules or regulations.

S. Jobsite Safety: Neither the professional activities of the A/E CONSULTANT, nor the presence of the A/E CONSULTANT or its employees and subconsultants at a construction/project site, shall relieve the General Contractor of its obligations, duties and responsibilities including, but not limited to, construction means, methods, sequence, techniques or procedures necessary for performing, superintending and coordinating the work in accordance with the Contract Documents and any health or safety precautions required by any regulatory agencies. The A/E CONSULTANT and its personnel have no authority to exercise any control over any construction contractor or its employees in connection with their work or any health or safety programs or procedures. The OWNER agrees that the General Contractor shall be solely responsible for jobsite safety, and warrants that this intent shall be carried out in the OWNER's contract with the General Contractor. The OWNER also agrees that the OWNER, the A/E CONSULTANT and the A/E CONSULTANT's subconsultants shall be indemnified by the General Contractor and shall be made additional insureds under the General Contractor's policies of general liability insurance.

T. Hazardous Materials: As used in this Agreement, the term *hazardous materials* shall mean any substances, including but not limited to asbestos, toxic or hazardous waste, PCBs, combustible gases and materials, petroleum or radioactive materials (as each of these is defined in applicable federal statutes) or any other substances under any conditions and in such quantities as would pose a substantial danger to persons or property exposed to such substances at or near the project site.

Both parties acknowledge that the A/E CONSULTANT's Scope of Services does not include any services related to the presence of any hazardous or toxic materials. In the event the A/E CONSULTANT or any other party encounters any

hazardous or toxic materials, or should it become known to the A/E CONSULTANT that such materials may be present on or about the jobsite or any adjacent areas that may affect the performance of the A/E CONSULTANT's services, the A/E CONSULTANT may, at its option and without liability for consequential or any other damages, suspend performance of its services under this Agreement until the OWNER retains appropriate consultants or contractors to identify and abate or remove the hazardous or toxic materials and warrants that the jobsite is in full compliance with all applicable laws and regulations.

The OWNER agrees, without waiving defenses of governmental immunity, and notwithstanding any other provision of this agreement but only to the extent permitted by law, to indemnify and hold harmless the A/E CONSULTANT, its officers, partners, employees and consultants (collectively, A/E CONSULTANT) from and against any and all claims, suits, demands, liabilities, losses, damages or costs, including reasonable attorneys' fees and defense costs arising out of or in any way connected with the detection, presence, handling, removal, abatement, or disposal of any asbestos or hazardous or toxic substances, products or materials that exist on, about or adjacent to the project site, whether liability arises under breach of contract or warranty, tort, including negligence, strict liability or statutory liability or any other cause of action, except for the negligence or misconduct of the A/E CONSULTANT.

U. Change Orders/Stop Work Orders: The A/E CONSULTANT and the OWNER agree that any construction contract change orders or stop work orders must be approved in writing by the OWNER.

V. Dispute Resolution: The OWNER agrees, without waiving defenses of governmental immunity, and notwithstanding any other provision of this agreement but only to the extent permitted by law, that all claims, disputes, and other matters in question between the parties arising out of or relating to this Agreement or breach thereof first shall be submitted for nonbinding mediation to any one of the following, as agreed to by the parties: American Arbitration Association, American Intermediation Service, Americord, Dispute Resolution, Inc., Endispute, or Judicate. Any party hereto may initiate mediation within the time allowed for filing for arbitration as set forth below and the parties hereto agree to fully cooperate and participate in good faith to resolve the dispute(s). The cost of mediation shall be shared equally by the parties hereto. Any time expended in mediation shall not be included in calculating the time for filing arbitration.

If mediation fails to resolve the claim or dispute, the matter shall be submitted to arbitration with the American Arbitration Association under the Construction Industry rules, unless the parties agree otherwise or unless a plaintiff not a party hereto institutes litigation in a court of competent jurisdiction and said court takes personal jurisdiction over one of the parties hereto regarding the same subject matter as in dispute between the parties hereto.

No arbitration arising out of or relating to this Agreement shall include, by consolidation, joinder, or in any other manner, any additional person not a party to this Agreement except by written consent of the parties and such consent to arbitration involving an additional person(s) shall not constitute consent to arbitration of any dispute not described therein. This Agreement to arbitrate and any agreement to arbitrate with an additional person(s) shall be specifically enforceable under the prevailing arbitration law.

The decision rendered by the arbitrators shall be final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof. In the event either party makes a claim or brings action against the other party for any act arising out of the performance of the services hereunder, and the claimant fails to prove such claim or action, then the claimant shall pay all legal and other costs (including attorneys' fees) incurred by the other party in defense of such claim or action.

**CITY OF BOYNE CITY**

To: Michael Cain, City Manager MC

From: Tim Faas, Director of Public Works TF
Mark Fowler, Water/Wastewater Superintendent MF

Date: January 31, 2019

Subject: **BS&A Work Order Software Purchase Recommendation**

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**BACKGROUND:**

Since 2009 the City of Boyne City staff has been using the BS&A financial management software with much satisfaction. BS&A also offers a Work Order (WO) software add-on application called WorkOrders.net at an additional expense. This software would allow the staff in both the Water/Wastewater Department and Public Works Department to track preventative and corrective maintenance activities on all public-owned assets such as the wastewater lagoons, wastewater treatment plant buildings & equipment, water wells, pumping stations, vehicles, parks, roads, public buildings, etc. The software would be interfaced with our ESRI GIS parcel mapping software so the labor, materials and equipment expenses are assigned to city property community-wide. Doing so will position us to budget better in the future, extend the useful life of the assets under our care, and generally be better stewards of the residents investments in our assets over time.

In January the city requested a proposal from BS&A which is attached. The proposal includes the following major items for acquiring the WO software:

| | | |
|---|---|---|
| 1. | licensing | $3,135 |
| 2. | project management | $850 |
| 3. | software set-up | $1,700 |
| 4. | training | $1,700 |
| 5. | travel expenses | $2,060 |
| | TOTAL = | $9,445 |

In addition, there is an annual software maintenance expense of $625 after the first year to maintain the latest version of the software and receive technical support.

A portion of the software cost will likely be eligible for reimbursement from the MDEQ SAW Grant upon application to the State. The cost of the software implementation would be split between the Water/Wastewater Department and the Public Works Department roughly 50/50.

The purchase would be charged to the following accounts:

| | | |
|---|---|---|
| #101-265-975.000 | $1,000 | Public Buildings |
| #101-751-970.000 | $1,000 | Parks & Recreation |
| #202-451-981.100 | $1,000 | Major Roads - SAW Grant (Stormwater) |
| #203-451-981.100 | $1,000 | Local Roads - SAW Grant (Stormwater) |
| #661-040-970.000 | $750 | Motor Pool |
| #590-590-971.000 | $4,695 | Water/Wastewater |
| TOTAL = | $9,445 | |

**RECOMMENDATION:**

It is our recommendation that the City Commission accept the proposal from BS&A Software of 14965 Abbey Lane, Bath MI 48808 in an amount not-to-exceed $9,445 per the proposal dated 1/11/2019 and authorize the City Manager to execute the agreement.

**OPTIONS:**

1. That this matter be postponed for further information or consideration
2. That this matter be approved subject to some revision
3. Other options as determined by the City Commission

Encl: Proposal from BS&A software dated 1/11/2019

# BOYNE CITY POLICE

319 North Lake St. Boyne City, MI 49712 • police@boynecity.com • Phone: (231) 582-6611 • Fax: (231) 582-3670

To: Michael Cain, City Manager

From: Jeff Gaither, Police Chief

Date: February 4, 2019

RE: DPW Facility Security Upgrades

The Department of Public Works building currently has a video monitoring system with cameras that record to a DVR inside the building. The control panel and DVR are currently housed in a closet and there is no means to observe what the cameras see or record without standing in that closet. The video system is also not secure because it is not in a locked housing.

To get the full value of the video, Habitec Security Company could enable remote access of the system to the Police Department by installing an Open Eye DVR in place of the one currently being used. This would allow monitoring of the perimeter of the building and the yard for security purposes by on duty officers when they are in the Police Department office. This would be especially useful at night when officers are in the office on reports, giving them "eyes" around the DPW facilities and also give playback capabilities to officers for investigations involving the yard or the building if something would occur there.

The cost to transfer the video system controls to the police Department is $1892, which includes a locked box for housing the hardware system in the DPW building. Labor rate is $75 per hour after the first hour (which is included) if they run into unforeseen problems. 4 hours of labor should be included with this as a precaution. The total for this move would be $2192.

The other component of security for DPW would be to combine the building access "key card "system with the City Hall system, which is managed by Assistant Chief Kevin Spate within the Police Department. Currently the DPW system in not compatible with the City Hall system, thus the key cards for DPW cannot be activated or deactivated by Assistant Chief Spate. Facility security begins with facility access control, limiting the potential for unauthorized use or entry into the facility. Combining the systems will bring more security to the DPW facility.

Habitec has the capability to combine the systems so they can truly be security controlled. We have an established protocol for the distribution of key cards at City Hall which would be utilized for the DPW building as well. If key cards are lost or not returned, they can be deactivated immediately with the systems combined.

Habitec also has a software program that makes it very simple to view which doors are used with the key card system and by which user. This becomes helpful to review which doors are used most or which

door may have been accessed by any user. This software would be used for both the City Hall and DPW facilities.

Costs for the "key Card" Facility Access Control move to the PD would be $1235 plus $350 for the software to isolate the doors on a report bringing the total to $1585.

DPW Director Tim Faas is in agreement with this recommendation and has the funds in the DPW budget to cover the costs.

Recommendation

The City Commission approve the upgrade and move of the DPW security systems, including video monitoring and facility access control, to the Police Department by Habitec Security company for the cost of $3777

Other Options

Keep the systems as they are currently

Approve only the video or the access control

Other options as determined by the commission

# February 2019

February 2019

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March 2019

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| 31 | | | | | | |

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|---|---|---|---|---|---|---|
| Jan 27 | 28 | 29 | 30 | 31 | Feb 1 | 2 |
| 3 | 4 | 5 | 6 | 7<br>8:30am Main Street Board mtg. | 8 | 9 |
| 10 | 11 | 12<br>7:00pm City Commission | 13 | 14<br>Valentine's Day (United States)<br>Winter Tax Due Date<br>5:00pm Parks & Rec | 15 | 16 |
| 17 | 18<br>President's Day (United States)<br>5:00pm Planning Commission | 19 | 20 | 21<br>5:00pm Historic District | 22 | 23 |
| 24 | 25 | 26<br>12:00pm City Commission | 27 | 28<br>5:30pm Airport Advisory Board | Mar 1 | 2 |

# March 2019

March 2019

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April 2019

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| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | | | | |

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|---|---|---|---|---|---|---|
| Feb 24 | 25 | 26 | 27 | 28 | Mar 1 | 2 |
| 3 | 4 | 5 | 6 | 7<br>8:30am Main Street Board mtg. | 8 | 9 |
| 10 | 11<br>12:00pm EDC/LDFA | 12<br>7:00pm City Commission | 13 | 14<br>5:00pm Parks & Rec | 15 | 16 |
| 17<br>Saint Patrick's Day (United States) | 18<br>5:00pm Planning Commission<br>7:00pm Historical Commission | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26<br>12:00pm City Commission | 27 | 28<br>5:30pm Airport Advisory Board | 29 | 30 |
| 31 | Apr 1 | 2 | 3 | 4 | 5 | 6 |