



City of Boyne City

Founded 1856

319 N. Lake Street

Boyne City, Michigan 49712
www.boynecity.com

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**BOYNE CITY
CITY COMMISSION REGULAR MEETING
Boyne City Hall
319 North Lake Street
Tuesday, June 12, 2012 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 May 22, 2012 regular City Commission meeting minutes as presented
 - B. Approval of lot reconfiguration for Irene Brandon to reconfigure parcels at 604 Earl Street by dividing parcel 051-369-364-00 in half and conveying the west half to parcel 051-369-348-00 and combining the east half with parcel 051-369-349-00
 - C. Approval to appoint Heath Meeder to the Parks and Recreation Board to fill a vacancy left by Paul Nicholls for a term expiring on 12/31/2014
4. **HEARING CITIZENS COMMENTS (on non-agenda items; 5 minute limit)**
5. **CORRESPONDENCE**
6. **CITY MANAGER'S REPORT**
7. **REPORTS OF OFFICERS, BOARDS, AND STANDING COMMITTEES**
 - A. Draft Minutes of the April 26, 2012 Airport Advisory Board Meeting
 - B. Draft Minutes of the May 3, 2012 Main Street Meeting
 - C. Draft Minutes of the May 3, 2012 Parks and Recreation Commission Meeting
 - D. Draft Minutes of the May 14, 2012 Economic Development Corporation Meeting
 - E. Draft Minutes of the May 14, 2012 Local Development Authority Finance Authority Meeting
 - F. Draft Minutes of the May 21, 2012 Planning Commission Meeting
 - G. Draft Minutes of the May 24, 2012 Airport Advisory Board Meeting
 - H. Draft Minutes of the May 22, 2012 Historical District Board Meeting
8. **UNFINISHED BUSINESS**
 - A. Kirtland Update

An Equal Opportunity Provider and Employer

Hometown Feel, Small Town Appeal

- B. **South Park Street Reconstruction Project**
Consideration to authorize seeking of bids for the South Park Street Reconstruction Project as revised, with the exception of changing the first four parking spaces on the west side of Park Street south of Water Street to six angle parking spaces

9. **NEW BUSINESS**

- A. **One Water Street Conditional Rezoning Request**
Consideration of first reading of an amendment to allow conditional rezoning of a parcel located at 1 Water Street and to schedule a second reading for July 24, 2012
- B. **Cemetery Maintenance Contract**
Consideration to terminate the contract with John's Snow and Lawn Maintenance effective June 10, 2012; to waive the 60 day termination notification of that contract and approve the proposed Cemetery Maintenance Contract with B & W Nature's Maintenance to complete the remainder of the 2012 Cemetery Maintenance for a cost of \$18,000 and authorize the City Manager and Clerk / Treasurer to execute the documents
- C. **Liquor License Transfer**
Consideration to approve the transfer ownership of 2011 Resort Class C licensed business issued under MCL 436-1531(3) with Specific Purpose Permit (Food) located at 5 W. Main Street, Unit 1, Boyne City, MI, 49712, Charlevoix County from Sammich N Sudz Corp. to MMJ Food and Spirits LLC
- D. **Veteran's Memorial Monument**
Consideration to allow the placement of the Fallen Soldier's monument at one of the two proposed locations on the Veteran's Memorial Site
- E. **Hannah Street Reconstruction**
Consideration to approve the preliminary design of the Hannah Street Reconstruction project as presented with the flexibility to adjust the sidewalk location within the right of way based on obstacles, grades or other factors
- F. **Service of Alcohol on City Sidewalks ordinance discussion**
Consideration to review the Boyne City Zoning Ordinance Section 10.20(Q) regarding the allowance of alcohol service on sidewalks in the Central Business District and make a termination if changes to the existing policy should be explored
- G. **Facilities Discussion**
- H. **Request of the City Manager to go into closed session to consider the purchase of real property as provided in MCL 15.268 (d) of the Michigan Open Meetings Act (PA 267 of 1976)**

10. **GOOD OF THE ORDER**

11. ANNOUNCEMENTS

- The next regular City Commission meeting is scheduled for Tuesday, June 26, 2012 at Noon

12. ADJOURNMENT

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



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City Commission Agendas/Agenda Packet*

**MAY 22, 2012
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 MAY 22, 2012

CALL TO ORDER

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

Present: Mayor Ron Grunch, Mayor Pro-Tem Gene Towne, Commissioners Derek Gaylord, Laura Sansom and Tom Neidhamer

Staff: Craig Remsberg, Scott McPherson, Barb Brooks, Dan Meads, Michele Hewitt, Shannon McMaster, Andy Kovolski and Cindy Grice

Others: There were 27 citizens in attendance, including representatives from the Petoskey News Review and Charlevoix County News

Remove Agenda Item

Mayor Grunch stated that Agenda Item 9F is being removed from today's agenda.

**CONSENT AGENDA
MOTION**

2012-05-072
Moved by Towne
Second by Sansom

To approve the May 8, 2012 regular City Commission meeting minutes as presented

Ayes: 5
Nays: 0
Absent: 0
Motion carried

CITIZENS COMMENTS

Ron Crozier discussed the upcoming Memorial Day ceremony. Harry Wright asked if the annual rubbish cleanup could take place earlier for the year-round residents, possibly in May. He also discussed the lack of a sound ordinance and the loud music from the Mushroom Festival after curfew this past weekend that could be heard from his house. Mr. Wright also asked the Commission to guard our City rights and a place to launch boats. Maybe a no – wake zone could be added.

CORRESPONDENCE

An email from Emily Jones requesting a speedy resolution to the Kirtland Products noise and emissions issue was received and filed.

CITY MANAGERS REPORT

Barb Brooks presented the City Manager's report.

- The Boyne City Schools and City joined with several local industries to introduce and discuss the new machine tool tech course that will be offered at our local school this fall.
- Final application materials for the Park Street DIG grant were submitted on Monday.
- The airport will be closed on Saturday, May 26 at noon to prepare for the Police Department Drag race which starts Sunday at noon. The airport will reopen Sunday evening.
- The Brooke Development on Vogel Street should be open for business by the end of next week.
- The City's Rubbish Collection program will begin on Wednesday June 6.

Barb Brooks discussed and presented the 2012 Governor's Award for Historic Presentation that was recently awarded to the City of Boyne City for the 1910 Waterworks Building rehabilitation. Several members of the Community involved in the project were in attendance at the meeting and received words of appreciation for their involvement and dedication to the project. Commissioners also thanked individuals involved in restoring history while helping the water system as well.

2012 Governor's Award for Historic Preservation

Planning Director Scott McPherson provided an update from the recent Planning Commission meeting where the conditional rezoning for the One Water Street project was discussed and will be submitted at the next City Commission meeting.

REPORTS OF OFFICERS, BOARDS, AND STANDING COMMITTEES

Planning Director Scott McPherson stated that the noise consultants, RSG, are here today to collect the noise data, identify the issues and mitigation efforts. The Citizens Committee is still looking at emissions issues and the type of consultant required. The Kirtland plant is running this morning. The plan is to test the data during the day and night.

Kirtland Products update

Mike Hausler inquired regarding the DEQ emission requirement levels, if this was Scott McPherson's thinking or the City Commission's thinking. Mr. Hausler also provided information showing what the DEQ shows is coming out of the stack.

Commissioner Sansom asked how is the attendance of the committee and Scott said he doesn't believe all members have attended every meeting. Stack testing has not yet been done. Commissioner Gaylord inquired if all applicable equipment will be running during the noise testing and was informed yes.

Park Street Plan Review

Review of the draft Park Street reconstruction plans.

Larry Fox of C2AE provided an update on the Park Street reconstruction project, discussing the most preferred plan. A block by block description of the proposed plan was discussed. Much discussion took place on parking issues.

Citizens Comments: Harry Wright inquired about the effect of the reconstruction on the Soap Box Derby that takes place on the street and was informed, the street is being widened and there should be no effect. Todd Wright discussed the down side of the bump out including dangerous for bikers. Walt Ward said he sees not benefits of bump outs. Shirley Kirby stated that the bump outs are dangers because the streets are not wide enough. Michael Sehr said he would like to see diagonal parking in front of Self Indulgence, the building that he owns. The client turnover for the hair salon is every half hour per hairdresser and many are elderly. Todd Wright stated that he prefers the entrance off Park Street to the Library not be closed, and of the possibility of paving the alley behind the building. If the City paves it's portion of the alley, his business would pave their portion. Dan Meads said regarding the alley, the City Manager is looking into not closing it. He added that for now, it would be better keeping that alley open. Andy Kovalski said the alley doesn't present a plowing issue if it were closed.

Board Deliberation: Commissioner Neidhamer asked the justification and

rationale of the bump outs from an engineering stand point. Larry Fox said they present a barrier and a transition to the downtown, esthetically provide green space. It should provide space to accommodate a bike, it cuts down pedestrian crossing distance. Commissioner Neidhamer also asked from an engineering standpoint about closing the alley at the library and Larry Fox said there have been some sight issues with cars. Are there plowing issues? Andy Kovolski said we are looking at getting more flexible blades for the bump out plowing and are getting a sample soon. Mayor Pro-Tem Towne said he would like to see the alley stay open. Commissioner Gaylord inquired if there was any statistical data regarding excessive speed and Interim Police Chief Remsberg said no. Commissioner Sansom said she is in favor of saving the tree on the second block of the project.

Parking issues were discussed. Pat O'Brien asked if both sides of the street could be parallel parking.

Mayor Grunch said this issue should be brought back at the next meeting for final decisions. Commissioner Gaylord said he would like statistical data from the Police department. Information from the public hearings regarding this project were also requested for the next commission meeting.

MOTION

2012-05-073
 Moved by Grunch
 Second by Gaylord

To call for a five minute recess at 1:46 p.m.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

MOTION

2012-05-074
 Moved by Grunch
 Second by Towne

To reconvene the meeting at 1:54 p.m.

Ayes: 5
 Nays: 0
 Absent: 0
 Motion carried

Mooring on Road Ends Update

Mayor Grunch discussed the new State law effective March 22 of this year that makes it illegal for individuals to continue to moor vessels between the hours of 12 midnight and sunrise at road ends unless such use is expressly provided for in the associated deed, easement or dedication. A copy of the law was also provided.

Staff Comments: Interim Chief Remsberg said he has reviewed the new law.

Citizens Comments: Bill Hawkins inquired about the public waterway

areas. Bob Frisch said any mooring in the launch area would require a permit and be monitored by the City. Lynn Murray said the primary concern is ownership of the deed to the road ends. That should be determined before issuing any permit. Wait Ward asked if we are going to roll over to Lansing. The law goes overboard. It makes it impossible for someone to use the lake. The street ends have been taken away from the public. Are you going to stand up for the citizens? Barb Frisch said the law has been passed. When you purchase a boat, you make arrangements on how to use it. John McCahan said as far as he knows, the road end property is owned by the City. Deeds should be researched. For at least 15 years, there have been sailboats moored at the Charlevoix Street road end. The new law has section 3 that may allow usage. He would hate to see the City not allow users. There are other road ends in the City, too. Vicky Farrell said she and her husband keep a sailboat out there. There have been problems in the past but not with them. It looks like there may be a way to allow moorings and she would like the City to allow the mooring and consider opening something more affordable.

Bob Frisch said the law was not just for Charlevoix Street, but is a Michigan Law. This is an ongoing problem in the State. Do we need the publicity that Boyne City does not follow the law? John McCahan said it is City property and the City has been very nice to allow it's use. Jordan Sweet said he has been keeping a boat at Charlevoix Street for a number of years. It isn't easy to take a sailboat out. Personally, it a beautiful boat on the water, it should not be a burden. All of the residents should be allowed to use the water. It would be great. Barb Frisch said the reality of the issue is that the parties don't want to pay for a boat well.

Interim Police Chief Remsberg said local authorities can enforce a state law along with the County Sheriff and the State Police. Barb Brooks said she read the public act, got an opinion from the MDNR that this affects the Charlevoix Street Road end. The City could apply for a permit for moorings if we choose to.

Board Deliberation: Commissioner Sansom said there is a need to have specifically designated spaces to moor boats, if we could find an area, set up spots and a fee schedule. Commissioner Gaylord asked if we know if the State of Michigan let the registered vessel owners know of the law. He added that we can debate whether it's a good or bad law, but it has to be enforced. The law is what the law is. Commissioner Neidhamer said he doesn't see any options. He also agrees it may be time to explore a mooring field. Mayor Grunch discussed another buoy that is far out into the lake and was informed by the owner of the buoy that it would be removed.

Patrol Car Purchase

Consideration to purchase a 2013 Ford Taurus Police Interceptor from Bob Mathers Ford in the amount of \$23,528.72 and authorize the City Manager to execute the necessary documents.

Interim Police Chief Craig Remsberg discussed the proposed purchase. The third patrol car is experiencing several issues that will be costly to repair. We are currently working on an application with the USDA for a grant to assist with the purchase of this vehicle.

Staff Comments: None

Citizens Comments: None

Board Deliberation: All are in agreement with the request.

2012-05-075

Moved by Towne

Second by Gaylord

MOTION

To purchase a 2013 Ford Taurus Police Interceptor from Bob Mathers Ford in the amount of \$23,528.72 and authorize the City Manager to execute the necessary documents

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Consideration to purchase 8 radios and 20 pagers from 911 with AFG Grant funds at a cost of \$5,600.19 and authorize the City Manager to execute the necessary documents

Fire Department Radio Purchase

Clerk / Treasurer Grice discussed the request from Fire Chief Dennis Amesbury. This will upgrade our radios and pagers to the new narrow band standard.

Staff Comments: None

Citizens Comments: None

Board Deliberation: All are in agreement with the request.

2012-05-076

Moved by Towne

Second by Gaylord

MOTION

To purchase 8 radios and 20 pagers from 911 with AFG Grant funds at a cost of \$5,600.19 and authorize the City Manager to execute the necessary documents

Ayes: 5

Nays: 0

Absent: 0

Motion carried

Barb Brooks provided an introduction and demonstration of the City of Boyne City's new website. Many new features have been added, along with ease in viewing the minutes and agendas section of the site. This website will go live next week. The new address is www.cityofboyneccity.com.

Website Introduction

Staff Comments: None

Citizens Comments: None

Board Deliberation: All of the Commissioner express approval of the site and thanked Barb for the great job she has done on it.

Commissioner Sansom said she would like staff to see if there is appropriate space for 4-6 moorings.

Good of the Order

Moved by Mayor Grunch, seconded by Mayor Pro-Tem Towne to adjourn the regular City Commission meeting of Tuesday, May 22, 2012 at 3:08 p.m.

**ADJOURNMENT
MOTION**

Ron Grunch
Mayor

Cindy Grice
Clerk / Treasurer

DRAFT

CITY OF BOYNE CITY

To: Michael Cain, City Manager *Mc*
From: Scott McPherson, Planning Director *SM*
Date: June 12, 2012
Subject: Irene Brannon Lot Split

**Background Information**

Irene Brannon owns two parcels 051-369-349-00 and 051-369-346-00 located at 604 Earl St. The parcels are platted lots 349 and 347 as shown on the attached tax map. The parcels are contiguous and a single family dwelling is located on 369-349-00 and 369-346-00 is vacant. The applicant is proposing to reconfigure the parcels as shown on the attached survey by dividing parcel 369-346-00 in half and conveying the west half to parcel 051-369-348-00 and combining the east half with 369-349-00.

The proposed reconfiguration meets of requirements for Lot Configuration found in the City of Boyne City Subdivisions and Other Divisions of Land ordinance.

The lots as proposed are in conformance with setback requirements and the minimum TRD lot size which is 5,445 square feet.

The allowed maximum lot depth-to-width ratio is 4:1. Both proposed parcels comply with this requirement

Process

The Planning Commission completed a preliminary review of proposed lot reconfiguration at its May 21st meeting and made a recommendation to the City Commission that the lot reconfiguration be approved as presented. .

Recommendation

Approve the lot reconfiguration as proposed.

368 334 00

61.25'

TAX MAP

78.37'

75'

STREET
IN L
T 32

APPROX

ADDITION

ST.

N. & S. 1/4 LINE, SEC. 35, T. 32

SEE SHEET 3-14

EARL

340 00

341

78.38'

132.1'

78.37'

76.9'

348

349

132.01'

369 348 00

369 349 00

78.37'

80.1

BLK.

22

347

369 346 00

158.56'

66.05'

78.37'

81.84'

West half of 347 to be added to 348 and east half added to 349

345

346

132.01'

BARDEN

~~369 345 00~~

75.37'

85.14'

VACATED L/CI P56'

ST



CITY OF BOYNE CITY

MEMO

To: Michael Cain, City Manager *Mc*

From: Barb Brooks, Executive Assistant *(B)*

Date: June 8, 2012

Subject: Parks and Recreation Board Member Appointment

At the Thursday, June 7, 2012 meeting of the Parks and Recreation Board, the board unanimously voted to recommend to the City Commission the appointment of Heath Meeder to the Parks and Recreation Board to fill a board vacancy left by Paul Nicholls. This is a remainder of a four year term, expiring 12/31/2014.

Recording secretary Brooks stated that an application was received by Heath Meeder in February of 2011. She contacted Mr. Meeder to see if he was still interested in serving and he stated he was. Brooks also indicated that there were no other current applications for review and consideration. Mr. Meeder stated that he really enjoys living in Boyne City and would like to be more active in the community. Kuhn moved, Wehner seconded, Passed Unanimously to recommend the City Commission appoint Heath Meeder to the Parks & Recreation Board with a term expiration of December 31, 2014.

CITY OF BOYNE CITY

FEB 03 2011

319 North Lake Street Boyne City, MI 49712 (231) 582-6597



BOARD MEMBER APPLICATION

The City understands you are interested in becoming a member on one of the City Advisory Boards/Commissions. We appreciate your interest and future dedication to Boyne City. In order for the City to have information on file as reference when the next board has an opening, we ask you please complete the following and return to City Hall.

See next page for a list of Boyne City Advisory Boards or Commissions, term of appointment, and meeting schedule.

Name: HEATH MEEDER

Address: 322 E. Cedar St. Boyne City

Telephone: 989-350-0926 cell (daytime) 231-459-4443 (evening)

Email: heath.meeder@yahoo.com

Occupation: Sales

Please check any Advisory Board or Commission you may be interested in.

- | | |
|---|--|
| <input type="checkbox"/> Airport Advisory Board | <input type="checkbox"/> Economic Development Corporation |
| <input type="checkbox"/> Historical Commission | <input type="checkbox"/> Downtown Development Authority/ Main Street Program |
| <input type="checkbox"/> Planning Commission | <input checked="" type="checkbox"/> Parks and Recreation Commission |
| <input type="checkbox"/> Board of Review | <input checked="" type="checkbox"/> Housing Commission - <i>Res inquired about opening</i> |
| <input type="checkbox"/> Local Development | <input type="checkbox"/> Zoning Board of Appeals |
| <input type="checkbox"/> Finance Authority | <input type="checkbox"/> District Library Board |
| <input type="checkbox"/> Historic District Commission | |

Reason(s) you wish to serve: Serve Community

Other community or civic service activities: C Church
Volunteer - Kids Hope - Concord School

Signature: Heath Meeder Date: 2-3-11



Approved: _____

MEETING OF APRIL 26, 2012

RECORD OF THE PROCEEDINGS OF THE REGULAR MEETING OF THE BOYNE CITY AIRPORT ADVISORY BOARD HELD APRIL 26, 2012

CALL TO ORDER

Chair Reynolds called the meeting to order at 5:30 p.m. followed by the pledge of allegiance.

ROLL CALL

Present: Richard Bouters, Ed Hennessey, Roger Reynolds, Jerry Schmidt, Oral Sutliff, Bud Chipman*, Rod Cortright* and Jim Kozlowski*

ATTENDANCE

Absent: Leon Jarema* and Larry Trumble*

*Ex Officio Members

Staff: Airport Manager/City Manager Michael Cain

APPROVAL OF MINUTES MOTION

Sutliff moved, seconded by Schmidt PASSED UNANIMOUSLY to approve the March 22, 2012 minutes as presented.

CORRESPONDENCE

Correspondence from the FAA regarding a request from Antrim County to decommission the Non-Fed Clam Lake Beacon (received and filed)

Correspondence from the Michigan Aeronautics Commission: Guidelines for Land Acquisitions at Public Airports. (received and filed)

REPORTS OF OFFICERS, BOARDS, AND STANDING COMMITTEES

None

UNFINISHED BUSINESS

- Hangar Inquires/Leasing: Cain reported there are two hangars available for lease A16 and C19. Some inquiries no action. Some of the new leases are expiring.
- Kozlowski asked if tie down signs have been provided, there appears to be no official sign. Cain will discuss with local sign maker.
- Kozlowski reported that he repaired some frayed tie down cables, needs more painting. He suggested material for wheel blocks. He brought samples. He will try them to see how they work.

NEW BUSINESS

- Bouters reported that inspections are about due.

GOOD OF THE ORDER

- Fuel price as of 4-16-12: \$5.63
- Kozlowski recommended an open house to make the public more aware of what we have at the airport. He feels various groups would participate such as the Air Force and Young Eagles and many other groups. Following board discussion: Schmidt, Kozlowski and Bouters agreed to look into further detail of such an event.
- Cortright suggest we might also have a "business after hours" meet at

the terminal he will discuss the idea with the Chamber of Commerce.

- Bouters handed out copies of the prototype of the proposed GPS system. (received and filed)

NEXT MEETING

The next Airport Advisory Board will be held Thursday, May 24, 2012 at 5:30 p.m.

ADJOURNMENT

Chair Reynolds adjourned the Airport Advisory Board meeting at 6:37 p.m.

Ed Hennessey, Recording Secretary

draft



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www.gov.boynecity.com
 click on minutes & agendas

Approved: _____

**Meeting of
 May 3, 2012**

MINUTES OF THE BOYNE CITY MAIN STREET BOARD REGULAR MEETING HELD ON THURSDAY, MAY 3, 2012 AT 8:30 A.M. IN THE COMMISSION CHAMBERS AT CITY HALL, 319 NORTH LAKE STREET

Call to Order

Chair Lenhart called the meeting to order at 8:30 a.m.

Roll Call

Present: Robin Berry Williams, Bob Carlile, Michelle Cortright, Larry Lenhart, Pat O'Brien and Mike Cain
 Absent: Kathy Anderson, Jodie Adams and Rob Swartz
 City Staff: Main Street Manager Hugh Conklin, Assistant Planner/Zoning Administrator, Shannon McMaster, City Planner Scott McPherson, Streets Superintendent Andy Kovolski and Executive Assistant Barb Brooks

**Meeting
 Attendance**

Public: There was four people in attendance

**Excused
 Absences
 MOTION**

Carlile moved Cortright seconded, PASSED UNANIMOUSLY to excuse the absence of Rob Swartz and Kathy Anderson.

**Approval of Minutes
 MOTION**

Cortright moved, Carlile seconded, PASSED UNANIMOUSLY to approve the April 12, 2012 minutes as presented.

Citizens Comments

None

Correspondence

None

**Main Street
 Committee Reports**

Farmers Market: Market Manager Becky Harris reported the market opens its outdoor season on Wednesday, May 2nd. To date, there are about 70 vendors registered for the season, an increase of 10 from last year. There have been some vendors that have been turned away due to not fitting into the mission (statement) of the market. A vendor layout was distributed. The Bridge Card machine will be here shortly and be accepted by most vendors. There are some limitations on what the cards can be used for and the vendors understand that they may have to wait up to two weeks for reimbursements. A "Friends" group has been formed to assist with the market by Lucy Hartlove. They are also looking into ways to continue to support the winter market (researching grant opportunities)

Promotions:

- The Boyne Area Arts Collective will be moving back into their location and are having a grand opening on May 4.

- The SOBO Arts Festival is June 29-30.
- Fund-raising for Stroll the Streets is going well. They are about half way to their fund-raising goal of \$14,000 for the event.

Design:

- There have been some initial conversations with Mike Webster and Dan Adkison regarding the bike racks but nothing to report yet. He will continue to follow up.
- The new banners should be up within the next couple of weeks

Organization

- Planning for Boyne Thunder is up to 58 registered boats. It is being capped at 62.

Team Boyne – Creating Entrepreneurial Communities (ER committee)

- The Boyne Wellness Station made a presentation to Team Boyne. They are a unique group doing and doing great things.
- On May 16, Jay who did the Market Study will be here and meeting with various business people.

- Main Street Manager Conklin congratulated Jim Baumann for organizing such a great, successful Business Expo.
- The application for Designation of Historic Places is being submitted. Conklin passed out a handout regarding the historic background and significance of the house (apartment complex) on Pearl St.; the former William H. White home. O'Brien indicated that it should be condemned as it is a hazard. Cain referred to it as a challenge and noted the previous and current condition of the 1910 Water Works building and the award that was received for historic preservation.
- The new Main Street website is live. Errors are being corrected, if anyone comes across any others, please get the information to Hugh.
- Real Estate Development Conference is coming up and four people will be attending the four day class.
- Main Street Manager Conklin also reported that after he returns from the conference, he will be going on vacation starting May 14 for one week.

South Park Street Project – The board discussed various alternatives regarding parking, street width and streetscapes options. Most of the discussion revolved around the parking and traffic concerns on the block between Water and Ray Streets. The board did not come to a consensus regarding the on street parking. They felt more discussion should take place with the property and business owners and would like to review the options again once additional information is compiled. There was discussion regarding questions from the property owners as to how much it will cost to bring the power lines from underground and connect to the buildings and who is expected to pay for it. The board also asked for a cost estimate to bury lines on Ray Street between Park and Lake Streets.

One Water Street Resort Cottages – Developer and property owner Glen Catt gave a recap of the site plan as it was originally proposed and stated that nothing has happened due to the timing not being right to market the project.

Manager's Report

UNFINISHED BUSINESS

NEW BUSINESS

He felt his options are to wait and see what happens or switch gears and do something else. Wally Kidd added that due to the collapse in the lending market for condo units there are new lending restrictions. Mr. Catt then shared his new concept of individual units with no common walls, bottom units can be hotel or commercial and the upper units would be geared toward extended stay. The site plan meets the parking requirements with the inclusion of "turf" parking. There is twenty two percent less density, seven percent less of overall foot print and reduced building height; however, there is a reduction in view corridor. City Planner Scott McPherson brought up a 3-D model of the property and proposed site plan for the boards review. McPherson stated that this plan call for a Conditional Rezoning from Waterfront Marina District to Central Business District. The conditional rezoning is site plan specific. The plan, including any concessions, is offered by the applicant and the City can accept or deny the plan but can not put any additional conditions on it. Board members Robin Berry-Williams expressed concern over Café Sante losing their view from the outside seating area. The general consensus of the board was that Café Sante has know all along they would lose that view at some point and would welcome the additional potential customers from the new development. After additional board discussion and questions regarding fire code and truck access, cost and single family dwelling vs. mixed use requirements; **Carlile moved, Cortright seconded, PASSED UNANIMOUSLY** to support the proposed site plan concept.

Pat O'Brien excused himself at 10:13

Café Sante Sidewalk Liquor License Inquiry – The owners of Café Sante have requested consideration to serve alcohol on the patio area for people waiting to be seated. This is not the outdoor dining area but on the sidewalk out in front which is public property. The general consensus of the board was that Main Street should work with the Planning Commission on this and to contact other communities to see what they are doing.

Michigan Main Street Quarterly Training – Conklin reported that Boyne City will be hosting it on June 4 – 5 and is working on coordination.

Cortright stated that she will not be in town for the June meeting.
Cortright excused herself from the meeting at 10:18

Cain shared a couple photos of a parking lot screening example.

There was not a quorum to move for an official adjournment of the May 3, 2012 meeting of the Boyne City Main Street Board.

MOTION

Good of the Order

Adjournment

Barb Brooks, Recording Secretary

Approved: _____

MEETING OF
May 03, 2012

RECORD OF THE PROCEEDINGS OF THE REGULAR BOYNE CITY
PARKS AND RECREATION COMMISSION MEETING HELD AT
6:00 P.M. AT CITY HALL ON THURSDAY, FEBRUARY 02, 2012.

CALL TO ORDER

Meeting was called to order by Chair Nichols at 6:00 p.m.

ROLL CALL

Present: Carl Wehner, Mike Sheehan, Gail VanHorn, Lou Awodey, Jerry
Swift and Marie Sheets

Absent: Bill Kuhn

MEETING
ATTENDANCE

City Staff: Streets/Parks & Recreation Superintendent Andy Kovolski
Recording Secretary Barb Brooks

Public Present: None

APPROVAL OF
MINUTES
****MOTION**

Sheehan moved, Sheets seconded, PASSED UNANIMOUSLY, a motion
to approve the April 12, 2012 meeting minutes as presented.

CITIZENS
COMMENTS

None

DIRECTOR'S REPORT

All seasonal buildings are open and irrigation to the parks will be
turned on within the next week or two. Ten new picnic tables have been
ordered and they will be added to the current tables distributed
throughout the parks.

CORRESPONDENCE

None

REPORTS OF
OFFICERS, BOARDS
AND STANDING
COMMITTEES

Park Inspections

- Sheets shared some concerns about the storm water drainage outlet at Lower Lake Street. Kovolski stated that the dirty outflow was due to the heavy rain that took place earlier that

- morning.
- Swift stated that there is more evidence of beavers at Riverside Park and the City should keep an eye on it.
-

UNFINISHED BUSINESS

Boyne City/Charlevoix Rd. Trail Update

Sheean reported that the Trail fund-raiser at Red Mesa was very successful and exceeded expectations.

Boyne City to Boyne Falls Trail Update

Sheean stated that Boyne Valley township is negotiating with the State to gain ownership of a piece of land and are working on one other piece of property.

Avalanche Trail Signage update

Kovolski reported that he had contacted Cindy Mom but she was going to be away for a couple weeks so there is nothing new to report at this time. Wehner offered to assist with the sign placements using his GPS.

Sunset Park Update

Nothing new to report at this time.

Peninsula Beach Update

Kovolski indicated he has not received any new information from board member Kuhn or Commission Neidhamer.

NEW BUSINESS

Archery Target Replacement

Board member Kuhn was going to look into costs. Due to his absence, there is no information at this time.

Election of Board Chair for the remainder of 2012

Board member Marie Sheets offered to chair the board for the remainder of the year. Awodey moved, Sheean seconded, **PASSED UNANIMOUSLY** to elect Marie Sheets as Board Chair for the remainder of 2012.

****MOTION**

NEXT MEETING

The next regular meeting of the Parks and Recreation Board is scheduled for Thursday, June 7, 2012 at 6:00 p.m. at Avalanche Park

ADJOURNMENT

The May 3, 2012 meeting of the Parks and Recreation board was adjourned at 6:33 p.m.

Barb Brooks, Recording Secretary



Approved _____

**MEETING OF
May 14, 2012**

MINUTES OF THE **BOYNE CITY ECONOMIC DEVELOPMENT CORPORATION** MEETING DULY CALLED AND HELD ON MONDAY, MAY 14, 2012, AT 12:00 NOON.

CALL TO ORDER

Board member Cain called the meeting to order at 12:00 p.m.

ROLL CALL

Present: Pat Anzell, Kelly Bellant, Michael Cain, Michelle Cortright, Pete Friedrich and Josette Lory
 Absent: Richard Copeland, Ralph Gillett and Marilea Grom
 Staff: Planner/Zoning Administrator Scott McPherson
 Recording Secretary Karen Seeley
 Public: One

ACTING-CHAIR

With the absence of Chair Gillett and Vice Chair Copeland, **Lory moved, Friedrich seconded PASSED UNANIMOUSLY** to appoint Cortright as acting Chair for today's meetings.

EXCUSED ABSENCE

Cain moved Friedrich seconded PASSED UNANIMOUSLY to excuse Richard Copeland, Ralph Gillett and Marilea Grom.

**APPROVAL OF
MINUTES
MOTION**

Lory moved Anzell seconded PASSED UNANIMOUSLY to approve the minutes of March 19, 2012 as presented.

**HEARING CITIZENS
COMMENTS
CORRESPONDENCE**

None

None

**UNFINISHED
BUSINESS**

Park Business update:

- Potential Business:** City Manager Michael Cain reported on a possible lot sale. They have met with recent park additions and are well aware of what we did for them, and would like the same. He is asking the board for their initial thoughts. He feels there will be sufficient growth with this company in the future. Our primary goal is to create family sustaining jobs in the community. What are our priorities selling lots or filling lots?
 Board discussion: Have we set a precedent for all lots? Some lots have more value than others. We should review case by case and set parameters to keep in mind when making decisions.

NEW BUSINESS

MOTION

MOTION

MOTION

- IFEC Extension: Sim-Tech's IFEC expired December 31, 2011. They were initially approved for eight years. State law allows them to reapply for the remaining four years. The board had a few questions for Mr. Koteskey, who was not in attendance. **Lory moved Cain seconded, PASSED UNANIMOUSLY** to postpone discussion until the July 9, 2012 and ask Mr. Koteskey to attend.
- Election of Officers: **Anzell moved Friedrich seconded PASSED UNANIMOUSLY** to re-appoint Ralph Gillett as Chair **Anzell moved Friedrich seconded PASSED UNANIMOUSLY** to re-appoint Richard Copeland as Vice Chair.

GOOD OF THE ORDER None

ADJOURNMENT

The May 15, 2012 Economic Development Corporation meeting was adjourned at 12:35 p.m.

Karen Seeley, Recording Secretary



Approved: _____



**MEETING OF
MAY 14, 2012**

**MINUTES OF THE BOYNE CITY LOCAL DEVELOPMENT FINANCE
AUTHORITY MEETING DULY CALLED AND HELD ON MONDAY, MAY
14, 2012**

CALL TO ORDER

Acting Chair Cortright called the meeting to order at 12:35 p.m.

ROLL CALL

Present: Pat Anzell, Kelly Bellant, Michael Cain, Michelle Cortright, Pete Friedrich and Josette Lory
Absent: Richard Copeland and Ralph Gillett

EXCUSED ABSENCES

Cain moved, Anzell seconded PASSED UNANIMOUSLY to excuse Richard Copeland and Ralph Gillett

**MEETING
ATTENDANCE**

Staff: Planning/Zoning Administrator Scott McPherson and Recording Secretary Karen Seeley
Public: One

**APPROVAL OF
MINUTES
MOTION**

Anzell moved, Lory seconded, PASSED UNANIMOUSLY to approve the March 19, 2012 and April 20, 2012 minutes as presented.

**UNFINISHED
BUSINESS**

- Road/Intersection Improvements: C2AE is making progress; the plans are being revised and should be ready for review on Friday.
- Drainage Issues: There were some drainage issues Precision Edge and Classic Instruments. The contractor for Precision Edge is making adjustments for the drainage with plans to run a 8 inch pipe, 700 feet, under the pavement and would like to get it taken care of before we start our road improvements. The proposal by Bosch & Sons of Traverse City in the amount of \$7480. DPW Supervisor Kovolski has reviewed the pricing and feels it is a fair price. This should also take care of the drainage issues at Classic Instruments. Friedrich moved Bellant seconded **PASSED UNANIMOUSLY** to approve the \$7480 for Bosch & Sons of Traverse City to correct the drainage issues.
- Sign updates: The "Boyne Business Park" sign is up. The directional signs are a work in progress.
- Kirtland Study update: Planning Director Scott McPherson discussed the recent meeting the Kirtland Citizens Committee had. They had a conference call with the MDEQ reviewing emissions. The plant needs to be running at near capacity to perform the emission testing. Some citizens don't believe that the DEQ has safe standards. They want zero emissions which is not a reasonable point of view.

NEW BUSINESS

- Elections of Officers: **Lory moved Anzell seconded PASSED UNANIMOUSLY** to keep the officers that are already in place. Gillette, Chair, Copeland, Vice Chair and Friedrich, Secretary.

GOOD OF THE ORDER

None.

NEXT MEETING

The next meeting of the Local Development Finance Authority is scheduled for Monday, July9 , 2012 at Boyne City, City Hall.

ADJOURNMENT

The March 19, 2012 Local Development Finance Authority meeting was adjourned at 1:04p.m.

Pete Friedrich, LDFA Secretary

Karen Seeley, Recording Secretary

Approved: _____

**Meeting of
May 21, 2012**

Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday, May 21, 2012 at 5:00 P.M.

Call to Order

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

Roll Call

Present: Gretchen Crum, George Ellwanger, Chris Frasz, Lori Meeder and Tom Neidhamer

Absent: Jim Kozlowski, Jane MacKenzie, John McCahan (arrived: 5:03 pm), and Joe St, Dennis

Excused Absence(s)****MOTION****2012-05-21-2**

Crum moved, Meeder seconded, PASSED UNANIMOUSLY a motion to excuse the absence of Kozlowski and St. Dennis.

Meeting Attendance

City Officials/Staff: Planning Director Scott McPherson and Recording Secretary Pat Haver

Public Present: Twelve

Consent Agenda****MOTION**

Item #B from the consent agenda, Lot reconfiguration request from Irene Brannon, has been removed and will be placed under New Business, 7C

2012-05-21-3

Meeder moved, Ellwanger seconded, PASSED UNANIMOUSLY a motion to approve the consent agenda. Approval of the April 16, 2012 Planning Commission minutes as presented.

Comments on**Non-Agenda Items**

None

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

None

Unfinished Business

None

New Business**Election of Officers**

Planning Director Scott McPherson advised every May the election of officers must be held. As the current chairman is an elected city commissioner, while there is nothing stated that he can not be the planning commission chair, it is not recommended that he hold the office. After board discussion, it was determined not to postpone due to the absences of commission members. **Motion by Crum, seconded by Meeder** to nominate Jane MacKenzie as Chair.

2012-05-21-7A(1)**Roll Call:**

Aye: Crum, McCahan, Meeder

Nay: Ellwanger, Frasz, Neidhamer

Absent: Kozlowski, MacKenzie, and St. Dennis

Motion does not carry - tie vote

Motion by Neidhamer seconded by Ellwanger to nominate Gretchen Crum as Chair.

2012-05-21-7A(2)

Roll Call:

Aye: Ellwanger, Frasz, Neidhamer

Nay: Crum, McCahan, Meeder

Absent: Kozlowski, MacKenzie, and St. Dennis

Motion does not carry – tie vote

Due to the tie votes **Motion by Crum, seconded by Meeder** to nominate Tom Neidhamer as Chair.

2012-05-21-7A(3)

Roll Call:

Aye: Crum, Ellwanger, Frasz, McCahan, Meeder, Neidhamer

Nay: None

Absent: Kozlowski, MacKenzie, and St. Dennis

Motion Carries

Motion by Meeder, seconded by Frasz to nominate Jane MacKenzie as Vice Chair.

2012-05-21-7A(4)

Roll Call:

Aye: Crum, Ellwanger, Frasz, McCahan, Meeder, Neidhamer

Nay: None

Absent: Kozlowski, MacKenzie, and St. Dennis

Motion Carries

Planning Director Scott McPherson presented the application for a conditional rezoning request for the 1 Water Street property. The original project was approved back in June 2009. Restaurant and office spaces portion has been constructed. The second phase was the proposed 37 room hotel/condominium units. A new application has been submitted to replace the hotel/condominium structure with 13 resort cottage structures with extended stay on the upper floors, and the lower floors will have motel rooms, commercial spaces, along with a shower facility for the marina. One of the primary concerns is the view shed. In the first plan, the required 30% side yard setback; the planning commission approved a diminished amount down to 23%, and a waiver was given. The new plan is diminished also, but does afford a view corridor through the buildings. The other issue of concern was the parking. The application does state that they would be able to provide 106 spots, consistent with the uses that will be provided; along with the consideration of the 20% reduction for mix uses plus the allowance of 14 parking spots that are off site. In the CBD there is the ability for the commission to waive or reduce the amount of parking if they find that surrounding public parking and walk ability is available. The Main Street group reviewed, and recommended approval of the proposed plan, as the project falls within the Downtown Development Authority. As the uses are uses by right in the CBD, it is not a requirement to go through a conditional development review, but would recommend that final site plan approval be received by the planning commission prior to construction.

**Public Hearing for
Conditional Rezoning
Request for 1 Water
Street submitted by Catt
Development**

Development Team presentation

Glen Catt – I know last month there were some concerns about financial aspects and funding, and a letter from Northwestern Bank is included in your packet. There are two units on the corners that have shared walls, so will need a cash customer or someone that has the ability to get a non-conventional mortgage.

Doug Mansfield – Mansfield & Associates

This proposed plan goes back to vintage motor courts with walking promenades of stamped concrete, along with independent parking for the units. Commercial uses with 400 to 500 square foot units, could house galleries and shops, the lake side and interior will have downstairs motel units, and one with the marina shower house. The plan does accommodate fire trucks if they become necessary. We do have 106 parking spaces, and the view corridor is about the same with views at the southern edge, and between the buildings. The profile of the proposed units is 20% lower than the original 4 story hotel. All of the buildings will have sprinkler systems, and fire separation walls and ceilings.

Public hearing opened at 5:48 pm

Ron Lewis – Representative of Harborage Bay neighbors to the South

(1) Getting the zoning changed from Waterfront Marina District to Central Business District, how does it affect existing marina? **McPherson** – It is still an allowed use, the marina is separate from the land, so is not affected by zoning change.

(2) Timing to start construction - **Catt** - Looking at starting this fall

(3) Common border – We would like to have a meeting with you to discuss the details of the border. **Catt** - We want that also.

Jim Baumann – Chamber of Commerce Director. I just attended a placemaking summit that spoke specifically about this type of project, "walkable urban development" the old concept of sprawl does not work any longer. What is not to like, more density, less height, less bulk, and this will be good for the downtown, and has the potential to bring more retail downtown.

Don Ryde – Café Sante. I liked the older project alot. This one is just beautiful; this will be a big plus for the whole town, and will upgrade the waterfront.

Public hearing closed at 5:55 pm

Board Deliberation

Neldhamer - Our task is to approve or disapprove as presented.

Meeder – Is there flexibility with lower units from retail/motel as market dictates?

Catt – Correct, they will have the option for commercial spaces vs motel room. The flexibility will remain with the units.

McPherson – Sidewalk placement will have direct access to units with a small yard area between the front and the sidewalk? **Mansfield** - An entrance will come off of the side of the unit from the walk. They will have a small sign bracketed off of the building itself.

Meeder – I think this is beautiful and like the design. Board agrees.

Usage

Ellwanger – Very happy with the design, it makes sense. Board agrees

Viewshed

Neidhamer – To clarify, if it changes zoning? **McPherson** – the viewshed in the WMD specifically requires 30% setback. CBD there is not a requirement. Does not require you to approve/waive if it goes below 30%. However, it is a change and appropriate to consider the impact.

Meeder – like the viewshed better, with the different points, and doing the math is not that much different.

Frasz – This is my biggest area of concern. For me seeing the lake and having access to the view is important to me and others. We need to do whatever possible to maintain public access to views with the sidewalk or in front of the development on the lakeside and down the south side of the property border. Having access to the lake is in the Master Plan.

Catt – In the last project, one of the things we did was “trade” making the marina dock public so the lakefront side of the project could remain private.

Frasz – I remember the conversation, but not the trading point. If we made that decision as a board, we should honor that.

Catt – I think it would be more important for the public to be able walk out to the end of the dock, instead of the walkway in front of the units on the lake side. I placed the stipulation that the marina dock would be public in the previous development plan. I believe more people will be using the dock than the walkway on the lake side. I don’t want to take away the public aspect of the marina access on the dock.

McPherson – I remember the discussion. It was offered, and we accepted.

Catt – We put the dock access in writing in the development agreement, so that it could never be taken away. They can go all the way down to the dock to the “T” at the end, except the fingerlings.

McPherson – It was a condition and approval of the previous plan. This was verified reviewing the previous minutes.

Parking

Neidhamer – Willing to give up the lot across the street. It’s in the best interest of the city to not have a parking lot on one of the main streets in the city, and the possibility of bringing in businesses into town. Board agrees.

Motion by Crum, seconded by Meeder to approve the 20% reduction in parking based on the mix use variance for collective uses.

2012-05-21-7B(1)

Roll Call:

Aye: Crum, Ellwanger, Frasz, McCahan, Meeder, Neidhamer

Nay: None

Absent: Kozlowski, MacKenzie, and St. Dennis

Motion Carries

Motion by Ellwanger, seconded by Meeder to waive the reduction of required parking under Section 10.5 based on the mixed use of the marina slips, proximity to downtown and additional public parking spaces.

****MOTION**

****MOTION**

2012-05-21-7B(2)

Roll Call:

Aye: Crum, Ellwanger, Frasz, McCahan, Meeder, Neidhamer

Nay: None

Absent: Kozlowski, MacKenzie, and St. Dennis

Motion Carries

Architecture Pattern Board Presentation

The Main Street Design Committee unanimously approved the submitted building materials and finishes. The reduction in height is not an issue; landscaping, lighting, signage will all be reviewed at the final site plan review.

Mansfield – We have designed this project with a historically Bar Harbor feel, which is appropriate for the cottage feel with green space.

Frasz – Who will be responsible for the sidewalk in front of the retail spaces?

Mansfield – The developer will be it is in the development agreement.

At this point the board went through Section 2.5C items 1-12

2.5 C. For amendment requests to change, create, extend or reduce a mapped zoning district, the Planning Commission and City Commission shall use the following as a guide:

1. The proposed zoning district is more appropriate than any other zoning district, or more appropriate than adding the desired use as a conditional land use in the existing zoning district.
Future Land Use map shows it in the downtown core, consistent with Master Plan. It was zoned CBD prior to the change in ordinance, and is not new to this parcel.
2. The property cannot be reasonably used as zoned, and the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under current zoning at the time of purchase or at the time of securing legal control of the property.
Documentation from banks and financial institutions that financial aspects have changed.
3. The proposed zone change is supported by and consistent with the goals, policies and future land use map of the adopted City Comprehensive Plan, including any sub-area or corridor studies. If conditions have changed since the Comprehensive Plan was adopted, as determined by the Planning Commission, the consistency with recent development trends in the area shall be considered.
Yes, the Waterfront Master Plan identifies this particular parcel as adopted in 2006, and shows the various uses, in compliance with the Future Land Use Plan.
4. The proposed zone change is compatible with the established land use pattern, surrounding uses, and surrounding zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values, and is consistent with the needs of the community.
Yes
5. All the potential uses allowed in the proposed zoning district are compatible with the site's physical, geological, hydrological and other environmental features.
Yes, as conditional zoning, this is an allowed use.

6. The change would not severely impact traffic, public facilities, utilities, and the natural characteristics of the area, or significantly change population density, and would not compromise the health, safety, and welfare of the City. The Planning Commission may require a general impact assessment in accordance with the requirements of this Ordinance if it determines the proposed zoning change could have a negative impact upon traffic, public facilities, utilities, natural characteristics, populations' density, or other concerns. A traffic impact study in accordance with the requirements of this Ordinance shall be required if the proposed rezoning district permits uses that could generate one hundred (100) or more directional trips during the peak hour, or at least one thousand (1,000) trips per day more than the majority of the uses that could be developed under current zoning.
Proposed uses don't approach these thresholds. Along with the reduction in previously approved density.
7. The rezoning would constitute and create an isolated and unplanned "spot zone" granting a special privilege to one landowner not available to others.
Adjacent to CBD, planned for CBD, was previously CBD, totally consistent.
8. The change of present district boundaries is consistent in relation to existing uses, and construction on the site will be able to meet the dimensional regulations for the proposed zoning district listed in the Schedule of Regulations.
Plan presented does meet all of the requirements.
9. There has been a change of conditions in the area supporting the proposed rezoning.
Financing, economic times, and needs have all changed.
10. Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district.
It is one of the available pieces of waterfront property for this particular project.
11. There was a mistake in the original zoning classification.
Not true
12. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.
No plans have been submitted within the past year.

The project does meet 11 of the 12 criteria.

Ellwanger moved, Meeder seconded a motion to recommend the conditional rezoning to the City Commission, with the stipulation that final site plan approval must be received from the Planning Commission prior to construction, and the previous development agreement remain in place that public shall have access to the marina dock.

2012-05-21-7B(3)

Roll Call:

Aye: Crum, Ellwanger, Frasz, McCahan, Meeder, Neidhamer

Nay: None

Absent: Kozlowski, MacKenzie, and St. Dennis

Motion Carries

****MOTION**

**Irene Brannon Lot
Reconfiguration Parcel #
051-369-346-00**

This item was removed from the consent agenda for discussion
Frasz – I have a question on the vacated alley that was on the drawing. This has been split and under the ownership of the adjacent property owners. No access can be given back. **McPherson** – It was formally vacated long ago. With no further board discussion **motion by Meeder, seconded by Crum** to recommend approval of the proposed lot reconfiguration request from Brannon to the City Commission.

****MOTION**

Planning Director McPherson believes that the process for our lot reconfigurations is cumbersome and can be streamlined by administrative review of the zoning staff. It is not discretionary; they either meet the requirements, or they do not. It can also be a financial and time hardship to the applicant to go through our current process of two board meetings. After additional board discussion this item to be put on a future agenda for discussion and possible change to the process and ordinance.

2012-05-21-7C

Roll Call:

Aye: Crum, Ellwanger, Frasz, McCahan, Meeder, Neidhamer

Nay: None

Absent: Kozlowski, MacKenzie, and St. Dennis

Motion Carries

Staff Report

- The Devlon site has been cleared of the rubble pile and most of the asphalt. They are still pursuing Brownfield funding. Request for appeal at the State Court of Appeals is still pending. Need to look at other issues of the site, the unfinished building and fence.
- Kirtland – The consultants will arrive tomorrow to set up monitors. They will monitor while the plant is running 24 hours with the machinery running and again for 24 hours while not. Phase II (emissions) will be looked at a later date, Kirtland is unsure when the stack testing will be done.

Good of the Order

None

Adjournment

The next regular meeting of the Boyne City Planning Commission is scheduled for June 18, 2012.

2012-05-21-10

Neidhamer moved, Meeder seconded, PASSED UNANIMOUSLY a motion to adjourn the meeting at 6:58 p.m.

****MOTION**

Pat Haver, Recording Secretary

Tom Neidhamer, Chair



Approved: _____

MEETING OF MAY 24, 2012

RECORD OF THE PROCEEDINGS OF THE REGULAR MEETING OF THE BOYNE CITY AIRPORT ADVISORY BOARD HELD MAY 24, 2012

CALL TO ORDER

Chair Reynolds called the meeting to order at 7:00 p.m. followed by the pledge of allegiance.

ROLL CALL

Present: Richard Bouters, Ed Hennessey, Roger Reynolds, Jerry Schmidt, Oral Sutliff, Bud Chipman*, Rod Cortright* Leon Jarema* and Jim Kozlowski*

ATTENDANCE

Absent: Larry Trumble*

*Ex Officio Members

Staff: Airport Manager/City Manager Michael Cain

APPROVAL OF MINUTES MOTION

Sutliff moved, seconded by Schmidt PASSED UNANIMOUSLY to approve the April 24, 2012 minutes as presented.

CORRESPONDENCE

None

REPORTS OF OFFICERS, BOARDS, AND STANDING COMMITTEES

None

UNFINISHED BUSINESS

- Hangar Inquires/Leasing: Cain reported all available hangars have been leased. He reported that D1 has no plane, but the lessee has some sort of a sub-lease plan. Cain will follow up.
- Tie down signs: Bouters submitted a rendering of the sign showing dimensions (received and filed), one has been ordered at the cost of \$71.00
- Open House: (Titled "Aviation day") Kozlowski submitted a list of items (received and filed) he would suggest be part of this open house based on his past experience. Planning for such an event requires setting a date first. **Board discussion followed Bouters moved Schmidt seconded PASSED UNANIMOUSLY** to appoint a committee to plan the event. Reynolds appointed Bouters, Schmidt, & Kozlowski to the committee. Cain said Kalkaska has a similar activity pending, showed the board a flyer for their event (left at terminal).
- Business after hours: Cain reported that the Chamber is interested and has many dates available.
- Cain stated that we agreed to conduct hangar inspections and have not recently. **Schmidt moved Bouters seconded PASSED UNANIMOUSLY** to establish an inspection polity and begin

MOTION

inspections as soon as possible.

NEW BUSINESS

- Cain reported that the city is receiving quotes on fuel storage tank insurance, present coverage is still in effect.
 - Cain reported that there are a number of delinquent fuel bills. The City is notifying the people in arrears.
-

GOOD OF THE ORDER

- Fuel price as of 4-16-12: \$5.63
 - Bouters no new GPS information.
 - Airport will close at noon Saturday, May 26, 2012 for drag races until approximately 6 p.m. Sunday, NOTAM posted.
-

The next Airport Advisory Board will be held Thursday, June 25 2012 at 5:30 p.m.

NEXT MEETING

Chair Reynolds adjourned the Airport Advisory Board meeting at 8:15 p.m.

ADJOURNMENT

Ed Hennessey, Recording Secretary

Boyne City Historical District May 22, 2012 minutes

- Call to Order Chair Bandy called the meeting to order at 7:02 pm
- Roll Call Present: Hewitt, Bandy, Dunn, Wellman, Sheets.
- Approval of Minutes Sheets moved to accept Minutes from the February 21, 2012 meeting, second by Hewitt, all ayes.
- Public Comment None
- Old Business
- 417 Boyne Avenue, Jayne Mackenzie missed the deadline on the grant due to the property not going up for tax sale. Jayne would ask for consideration of liens to be forgiven to help reduce price if purchased thru tax sale.
- Chris Christensen has mailed a letter asking owner to consider lower price so it can be purchased for use as a senior housing project, no response so far.
- Sheets suggested a strategy for the property Bandy reminded we are limited in what we can do. Need planning department support. Our mission is to help with grant efforts when needed.
- “What every home owner needs to know” reviewed the Rochester Hills one and selected what we like for our notice. Work done without a permit discussion. Dunn asked if the following required applications, new doors (445 Pearl), landscaping (447 Pearl). Hewitt to send applications to the listed property owners for this work.
- Hewitt is a point of contact when new property owners call for transferring utilities they are notified about living in a district and info is mailed.
- National register application has been submitted to the State; review is going on now and should be complete soon.
- Training once new district is complete. Our board will also oversee this new district, Ask City Manager if we can get planning department to take more involvement in the enforcement of our ordinance. Adding two new board members would be very helpful.

Are there any tax credits available on the Federal level?

Put together our version of "what every home owner needs to know" and email to board members to review for discussion at our October meeting. Final revision, adopt by end of year.

New Business	Election of Officers, Bandy Chair, Hewitt motioned, Dunn second, all ayes. Wellman Vice Chair, Hewitt motioned, Sheets second, all ayes. Hewitt Secretary, Dunn motioned, Wellman second, all ayes.
Announcements	none
Adjournment	Sheets motioned to end the meeting at 8:09, Dunn second, all ayes.
Next Meeting	October 16, 2012



Date: June 8, 2012
To: Mayor Grunch and the Boyne City City Commission
From: Michael Cain, City Manager 
Subject: South Park Street Reconstruction Plans

Attached for the City Commission's further review and consideration is a revised plan for the reconstruction of South Park Street between Water and Park Streets. This project was most recently reviewed at the Commission's May 22nd meeting.

Below are the changes identified as being made by the City's consulting engineers C2AE since that meeting:

- We are now showing the driveway to the alley behind the Library maintained.
- We are showing the 45 degree diagonal parking in front of the True Value Hardware
- We have revised the parking in front of the Pat O'Brien building to be parallel parking, and lined it up with the parallel parking in front of the Railroad Building. The existing parallel parking in front of O'Brien's is currently set back further towards the building, but there is no reason not to move it out and align it with the rest of the parallel parking.
- We have pulled back the east side of the northwest bulb out at the intersection of Park and Ray Streets where we do not have a pedestrian crossing. Bulb outs seem to be one of those things that people either love or hate. Based on the nature of this district and the benefits of additional pedestrian safety, traffic calming and parked vehicle delineation, I am in favor of them for this project.
- We have added tree grate locations for new trees east and south of the Pat O'Brien Real Estate office and also in the bulb out at the northwest corner of Park and Ray Streets.

Also since that meeting we have kept up the public information signs at the project site. Since that meeting Jim White, the owner of Boyne City Ace Hardware, expressed concerns about the proposed change from angle to parallel parking on the west side of Park Street closest to his store. The Main Street Board also discussed this change at their meeting on Thursday but did not arrive at a consensus on which option would be better.

There are pros and cons with either option. I don't see a real advantage either way with regards to ease of parking. Both parallel and angle parking have their challenges and while some people may have a personal preference many people don't like and have difficulty with one or the other, or both. Although we have both types of parking throughout our downtown we don't seem to have any more problems with one or the other. In terms of ease or safety I see it as a draw.

With the parallel parking we have the advantage of being able to provide a wider sidewalk adjacent to it. While that may not be that much of advantage to the current businesses there, it may be some day.

With the angle parking the main advantage is the additional parking it provides, in this case for this small area two more parking spaces in the heart of the downtown. To me that's the biggest issue and should be the deciding factor. We have pretty much the same setup just past two intersections on Water Street (a busier street) in front of Thick and Juicy and Ace Hardware and also just south of the Park Street Bridge next to Boyne Country Provisions and have had no significant problems. Why do we expect to have more problems here?

Traffic in downtown is tight, which is what we should want. It slows down traffic and keeps people on watch. If the goal is putting the pieces in place that help create a thriving downtown those two parking spaces, and the business and convenience they support, given no major opposing factors, angle parking should be installed in this location.

We also discussed the idea of reverse angle parking at this location, which where tried in other communities. Reverse angle seems to address many of the concerns expressed about angle parking, but it was decided that this was not the time or location to start that discussion. It should be noted however, that if we ever did wish to try to use reverse angle parking all it would require where we currently have the majority of angle parking is repainting the parking lines. They are using reverse angle parking in parts of Elk Rapids' downtown area.

Overall the project before you is a good quality project and one we should proceed with as soon as possible. Is it perfect, probably not. But nothing ever is, especially where we are trying to fit things into an existing space. Our goal is to make it the best it can be to serve us well now and in the future.

I would encourage the City Commission to authorize the project to go forward for bidding, if we hope to have any chance to complete it this year. If we remain uncertain on some issues they can most likely be handled through change orders during the bidding or construction process. Delaying this project not only impacts this project but has the potential to negatively impact our ability to pursue other grants.

RECOMMENDATION: That the City Commission authorize the seeking of bids for the South Park Street Reconstruction Project as revised, with the exception of changing the first four parallel parking spaces on the west side of Park Street south of Water Street to six angle parking spaces.

Options:

- Proceed with the revised plans as presented.
- Postpone the matter for further consideration or information
- Other design options, as determined by the City Commission.

PINE ST.

MAIN ST.

RAY ST.

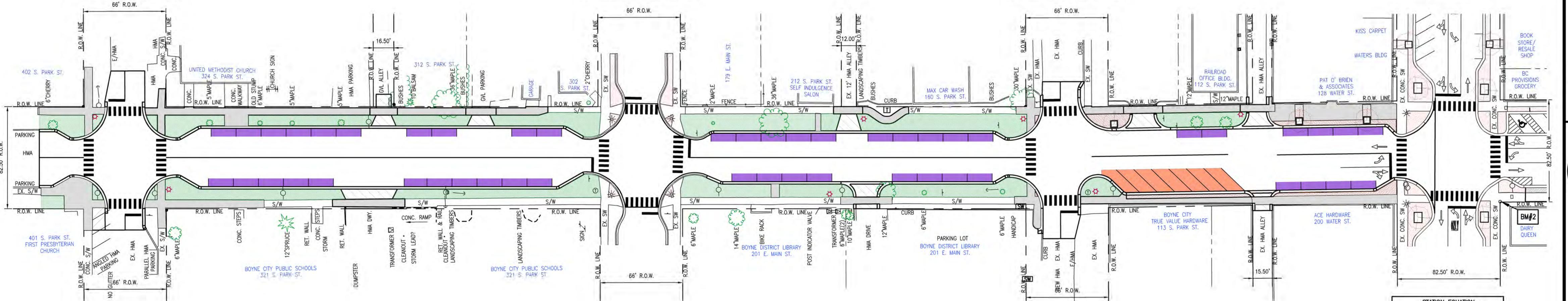
WATER ST.

STATION EQUATION
STA 0+86.43 S. PARK ST. =
CENTERLINE OF PINE ST.

STATION EQUATION
STA 5+00.26 S. PARK ST. =
CENTERLINE OF MAIN ST.

STATION EQUATION
STA 8+34.68 S. PARK ST. =
CENTERLINE OF RAY ST.

BM#1 EL = 601.48
CHISELED MARK IN LIGHT POLE
N 691560.8690 E 19518421.9802
BM#2 EL = 590.42
PK NAIL
N 692270.8313 E 19518464.0897



STATION EQUATION
STA 11+45.23 S. PARK ST. =
CENTERLINE OF WATER ST.

725 Prudden Street
Lansing, MI 48906 - 517.371.1200
123 West Main Street, Suite 200
Gaylord, MI 49735 - 689.732.8131
648 Monroe Avenue NW, Suite 210



MENTO

CITY OF BOYNE CITY

To: Michael Cain, City Manager
From: Scott McPherson, Planning Director
Date: June 12, 2012
Subject: One Water Street Conditional Rezoning Request



Background Information

BACKGROUND

An application for conditional rezoning and development plan review has been submitted by Mansfield and Associates for the parcel located at 1 Water Street owned by Catt Land Investments LLC. The parcel is 83,200 square feet and is a wedge shaped corner lot with 299 feet of frontage on Front Street and 383 feet of frontage at the end of Water Street. The parcel has approximately 200 feet of frontage on Lake Charlevoix. The parcel is located in the Waterfront Marina District (WMD) and is adjacent to Central Business District (CBD) on the east, Community Service District (CSD) on the north and Multifamily Residential District (MFRD) on the south.

In 2009 a conditional use and development plan was approved for a mixed use development that included marina facilities, retail, restaurant, and 37 unit hotel condominium that included 20 single room units and 17 units with full kitchens and dining rooms. Since the 2009 approval the marina, retail, office and restaurant components of the project have been completed.

DISCUSSION

Proposed Uses-The proposed plan is to replace the approved 37 unit hotel and construct 13 detached resort cottage structures. The ground floor of the structures would primarily consist of motel units designed for short term transient occupancy and would have only a bedroom and bathroom. It is anticipated that 3 of the ground floor units will be used for commercial uses however, this could fluctuate depending on market demand. One unit would be dedicated as a bathroom and shower facility for marina users. The second and third floors would contain 15 two bedroom units intended to be used as vacation rentals that could be used for short term or long term occupancy. The applicant is applying for approval of the uses as principal permitted uses in the CBD as per section 10.20(J) and 10.20(M) which are as follows:

10.20(J)

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

10.20(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.

Motel (Motor Court): A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

Viewshed – The previously approved plan is located in the Waterfront Marina District the Boyne City Zoning Ordinance (BCZO) and Section 20.20 note(o) requires lake front properties in the WMD must have a minimum side yard setback of 30% of the corresponding lot width. The previously approved plan did not meet this requirement and a setback of 23% was approved by the Planning Commission as per the allowances of BCZO Section 20.20 note(e). The approved plan provided for 138 feet of water view across the parcel from Front Street. The viewshed provided by the approved site plan is shown in the image below.



The proposed development plan will replace the single 3.5 story structure with 13 three story structures. Similar to the approved plan the buildings will be placed on the north property line adjacent to Water Street. The location of the buildings on the property line is permitted and is encouraged by the ordinance. A side yard setback of 33.3 feet from the south property line is proposed which would equal 16% of the corresponding lot width and will provide a lake view. The buildings on the proposed plan will have 8ft spacing between the walls of structures which will provide two other lake views from Front Street. The views are shown on the image below

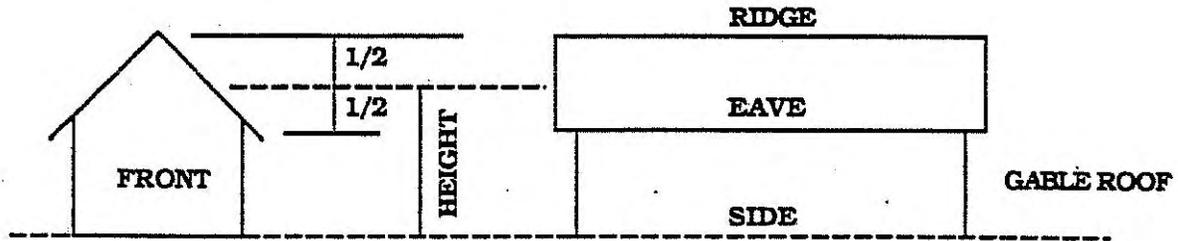
as viewshed 1, viewshed 2 and viewshed 3. Viewshed 1 would have a total of 35ft of view from Front Street, of which 15ft would be somewhat obstructed by the dumpster enclosure. Viewshed 2 would have 35 feet of view from Front Street with 7 feet obstructed. Viewshed 3 would provide unobstructed views from Front Street for 102 feet. Because the applicant is proposing a conditional rezoning to CBD, the 30% side yard requirement of BCZO 20.20 note(o) does not apply. While the Planning Commission is not required to make a finding in regards to the viewshed as it did with the previous application, it is totally appropriate to consider the changes in the viewshed in the context of this conditional rezoning request.



Building Height - The proposed project is comprised of basically two different building types. All the proposed buildings are 3 stories. The total height of the buildings as measured from the grade to the ridge is 37' and 40'. All the buildings will have 8/12 gable roofs and building heights as measured per the ordinance requirements would be 33 feet and 35 feet. In the CBD district the maximum building height is 45 feet or 3.5 stories. The proposed plan would be a reduction in the building height as per the approved plan that has a 3 ½ story building that measured 45' from the grade to the ridge with a building height of 37' 6" as per the ordinance standards. The approved buildings exceeded the 35 height limit in the WMD and received approval by the Planning Commission as per the allowances of BCZO Section 20.20 note(e).

Building height for buildings with gable roofs is measured as follows:

Building Height: The vertical distance measured from the natural grade, prior to any excavation of construction, to



the highest point of the 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.

Parking

The submitted application has included parking calculations for the existing and the proposed

		Parking Calculations currently approved hotel concept		Parking Calculations proposed cottage motel concept	
Retail	1 per 250sf	2,500 square feet	10	2,500 square feet	10
Restaurant	1 per 100sf	3,800 square feet	38	3,800 square feet	38
Office	1 per 350sf	6,300 square feet	18	6,300 square feet	18
Hotel	1 per room	37 rooms	37	- rooms	-
	1 per employee	1 employee	1	1 employee	1
Marina	1.5 per slip	24 slips	36	24 slips	36
Motel	1 per unit	- units	-	29 units	29
		140 total		132 total	
		-20%	-28 shared use credit	-20%	-26.4 shared use credit
			112 required		105.6 required
		on-site spaces provided	98	on-site spaces provided	92
		additional off-site spaces	14	additional off-site spaces	14
			112 provided	0.4	108 provided
		One Water St public spaces	23	One Water St public spaces	23
			111		135

uses. The uses as requested would require 132 parking spaces for existing developed portion of the project and the proposed changes. The parking calculations for the approved and proposed developments are shown below:

As with the previous approved plan the applicant is requesting that the Planning Commission approve a 20% reduction for collective use of parking spaces as provided by BCZO section 24.20(F) which is as follows:

Variance for Collective Uses. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap and there is an opportunity for a patron to visit more than one use, the Planning Commission may grant a reduction to the required number of spaces of up to twenty percent (20%) provided a signed agreement is provided by the property owners.

The submitted site plan shows a total of 106 parking spaces will be provided with 92 spaces located on site and 14 spaces that are located off site. The onsite spaces will be consist 16 paved spaces located on Front Street, 30 paved spaces in a parking lot, 7 spaces that will be reinforced

turf parking and 39 paved spaces that will be located in the access drive, driveways and garages of the resort cottages. The off site spaces are located on a parcel 126' away at 210 Front Street which is owned by Integrity Land Company and is currently occupied by the Boyne Arts Collective. Section 24.20(A) allows off site parking for developments as long as property is owned by the applicant and the spaces are within 300' feet of the proposed development. These spaces were also included in the previous approval and were given a deferment by the Planning Commission as provided by section 24.10(B)(3) which is as follows:

Variance and Deferment. The Planning Commission may, without proof of unnecessary hardship, waive the requirements of this Article if the Planning Commission finds from the evidence presented that the intended use of a proposed building does not require parking or loading facilities to the degree specified herein. However, the Planning Commission shall require that adequate open areas be retained around such a building to permit development of the required parking or loading areas should the use of the building change at a later date. The site plan shall note the area where parking is being deferred, including dimensions and a dotted parking lot layout.

The deferment of the 14 spaces was approved with the condition that the Planning Commission was to review the demand for parking 1 year after the total buildout of the development and determine in if the spaces were needed. As part of this conditional zoning application the applicant is requesting that these 14 off site spaces be permanently waived.

As the conditional rezoning request would change the property from WMD to CBD the Planning Commission would now have the ability to consider a reduction of the parking requirements as per standards of Section 10.50 which state:

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.

Design Criteria -Section 10.50 of the BCZO establishes the design standards for buildings located in the CBD district. A design pattern book with specific design requirements has been provided by the applicant to the City Commission for review.

Boyne City Comprehensive Plan

The Future Land Use map in the City of Boyne City Comprehensive Plan shows the One Water Street Parcel as part of the Downtown Core which is described in the plan as follows:

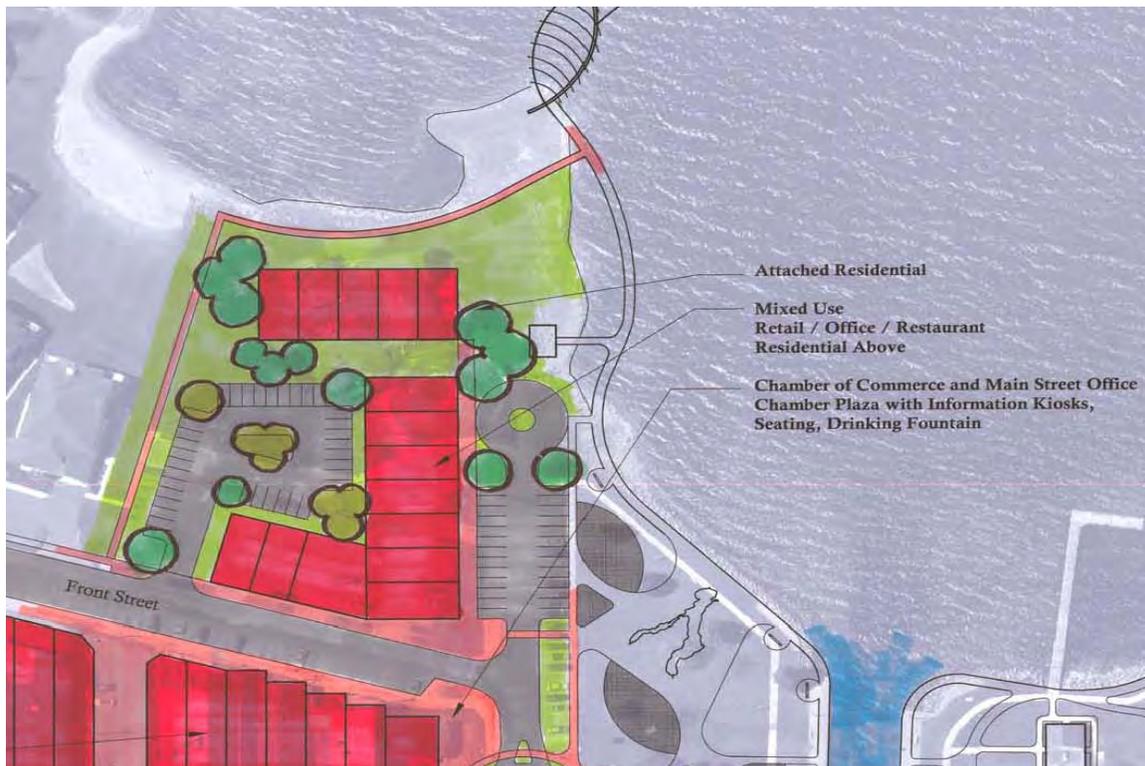
Downtown Core - The downtown and historic core is the focal point of Boyne City with retail, office, residential, and public uses, supported by a transportation system that creates a pedestrian friendly atmosphere, provides improved access for local businesses and enhances the streetscape. This plan promotes mixed use development in the Downtown Core to reinforce the unique identity and attractive pedestrian environment.



Water Front Master Plan

The parcel is specifically referenced and illustrated in the Water Front Master Plan as follows:

One Water Street – This parcel is shown to extend party wall commercial buildings from Front Street toward the lake along the south side of Water Street. Residences would occupy the second story of these buildings. The restaurant would remain, but is a smaller configuration. Residential structures area proposed faces the lake to the west. A private marina is also proposed. Public participation in the marina for transient and or shoppers slips would be desirable.



Process

The authority to approve a Conditional Zoning became effective 2004 and allows an owner of land to voluntarily offer a specific use and development of land as a condition to a rezoning of the land. The act allowing conditional rezoning in its entirety is as follows:

125.3405 Use and development of land as condition to rezoning.

Sec. 405.

(1) An owner of land may voluntarily offer in writing, and the local unit of government may approve, certain use and development of the land as a condition to a rezoning of the land or an amendment to a zoning map.

(2) In approving the conditions under subsection (1), the local unit of government may establish a time period during which the conditions apply to the land. Except for an extension under subsection (4), if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification.

(3) The local government shall not add to or alter the conditions approved under subsection (1) during the time period specified under subsection (2) of this section.

(4) The time period specified under subsection (2) may be extended upon the application of the landowner and approval of the local unit of government.

(5) A local unit of government shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer under subsection (1) shall not otherwise affect a landowner's rights under this act, the ordinances of the local unit of government, or any other laws of this state

A conditional rezoning is a zoning map amendment and is processed in accordance with the Michigan Zoning Enabling Act and the Boyne City Zoning Ordinance Section 2.40 Amendment Procedures. It is important to remember that the City is under no obligation to consider or approve the request for conditional rezoning irregardless if the proposed plan meets all zoning criteria. This is a voluntary process for both the City and the applicant. A public hearing in front of the Planning Commission was held on May 21, 2012 and the conditional rezoning as presented was recommended for approval. The Planning Commission recommended approval of the request as submitted which included the approval the 20% reduction in parking for collective uses as provided by section 24.20(F), and approval of the request to waive the 14 offsite spaces as provided by 10.50. In it's recommendation of approval the Planning Commission made the stipulation that if the Conditional Rezoning is approved by the City Commission the final site plan must be approved by the Planning Commission.

Recommendation

The City Commission should review the amendment and if the Commission wishes consider adoption of the proposed amendment a second reading for the proposed amendment should be scheduled for no earlier than July 24th 2012.

Application for
Conditional Re-Zoning
One Water Street Resort Cottages
A Catt Development Project

Submitted to:

City of Boyne City
Scott McPherson, AICP Planning/Zoning Director
319 N. Lake Street
Boyne City, MI 49712



Developer:



Prepared by:

Mansfield & Associates
Land Use Consultants

1212 Veterans Drive
Traverse City, MI 49684
p 231.946.9310
f 231.946.8926
i www.maaeps.com

Project Partners:

IA TRAVERSE ARCHITECTURAL GROUP, L.L.C.
1212 Veterans Drive
Traverse City, MI 49684
231-946-9940 • F 231-946-9945

Integrity
CONSTRUCTION SERVICES

May 4, 2012

Scott McPherson, AICP
City of Boyne City, Planning/Zoning Director
319 N. Lake Street
Boyne City, MI 49712

**Re: Proposed Conditional Rezoning Offer
One Water Street –updated application packet**

Dear Scott,

The enclosed documents have been revised based on discussion following the April 16, 2012 Planning Commission meeting where the offer for Conditional Rezoning of the One Water Street parcel was introduced.

The old application packets can be recycled and replaced with these complete and updated packets.

Updates to the site plan include joining the two southwestern most cottages to create a duplex (*resulting in 13 structures proposed*). This was done to increase the setback of structures from the southern parcel boundary in order to expand the view corridor through to the lake along the southern property line. Additional shared-use parking was added to the interior of site. Additional information provided also includes, a 'pattern book' or 'architectural menu' of potential architectural elements, colors, and configurations of the individual structures. A letter from Northwestern Bank explains the current state of financing available for new construction projects.

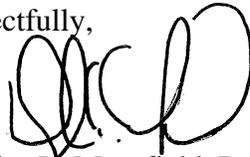
the following documents are included in this packet:

- this Cover Letter
- Rezoning and Site Plan Review Applications
- A Rezoning Exhibit, showing surrounding land use and ownership
- Draft Conditional Rezoning Agreement
- Resort Cottage Preliminary Site Plan (*color*)
- Engineered Site Plan
- Engineering Dimensioning Plan
- Parking Plan
- View Shed Plan
- Architectural Elevations and Floorplans

- Project Fact Sheet
- response to Section 2.40 Amendment Procedures
- response to Article II Section 2.70 Conditional Uses in Districts
- explanation of financing from Northwestern Bank
- Land Use Maps Exhibits
- Project Site Air Photo and Phasing Exhibit
- Proposed Architectural Elevation Exhibit
- Historic and Modern Resort Cottage Exhibit
- approved Hotel Concept vs. proposed Cottage Concept graphic comparison

Please feel free to contact me at (231) 946-9310 *office*, or (231) 218-5560 *cell*, should you have any questions, or require additional information.

Respectfully,



Douglas I. Mansfield, President
Mansfield & Associates, Inc.

April 2, 2012

Scott McPherson, AICP
City of Boyne City, Planning/Zoning Director
319 N. Lake Street
Boyne City, MI 49712

Re: Proposed Conditional Rezoning Offer
One Water Street

Dear Scott,

Per our recent discussions, I am requesting to be placed on the agenda for the next regular Planning Commission meeting, which I understand to be on April 16, 2012, to formally introduce an Offer for Conditional Rezoning.

As you know, the One Water Street parcel currently holds a City Land Use Permit for two structures, one two-storey (completed) mixed-use storefront building housing Café Santé, commercial and office uses, the other (yet to be constructed) four-story hotel-condominium, and a (completed) marina pier. Only two of the currently approved uses (marina and restaurant) on the One Water Street site are principal permitted uses within the Waterfront Marina District. The existing and proposed mixed-uses on the site more accurately reflect a Central Business District zoning. Rezoning the parcel from WMD to CBD will more accurately reflect that actual existing and proposed land use on the parcel.

The One Water Street parcel is bordered by a City park to the north, commercial uses to the east, residential uses to the south, and Lake Charlevoix to the west. The Master Plan designates this area for uses consistent with the Downtown Core designation. Catt Development is offering to Conditionally Rezone the One Water Street parcel from WMD Waterfront Marina District to CBD Central Business District with Conditions for the purpose of permitting, constructing and operating a mixed-use Resort Cottage development consisting of 15 cottages to replace the currently approved hotel-condominium building. Each Resort Cottage will be sustainable onto itself in terms of economic viability including ground floor leasable space for complementary and compatible uses. The project will be conveyed through a condominium with provisions for maintenance, operations, and restrictions providing both long term and transient occupancies, with leasing handled by an off-site, in-town manager. The structures will be protected by individual NFPA 13R fire suppression systems, and served with extensions of municipal sanitary sewer and water systems, private roads and other public and private utilities. (see attached Site Plan and Architectural Designs).

The primary reason for requesting a conditional rezoning of the One Water Street parcel is that

today's financial climate makes it virtually impossible to obtain financing for large, multi-unit residential and lodging developments. Financing is limited for both the initial construction of the project, and also for the sale (mortgages) of the individual condominium units within the development. Financial institutions are more willing to finance both the construction and sale of individual units such as the proposed resort cottages. Secondly, the design team feels that the proposed resort cottage (motel) use will positively contribute to the character of One Water Street, as well as the City of Boyne City. Rather than continue the pattern of large condominium buildings lining the waterfront, the proposed clustered cottage development will provide an aesthetically pleasing human scale of structures, resulting in a pleasantly soft urban feel reminiscent of quaint motor courts of the past and taking architectural cues from the historic neighborhood homes of Boyne City. This project would provide a unique tourist lodging alternative along the waterfront in Boyne City.

Pursuant to this request, we are submitting the following documents:

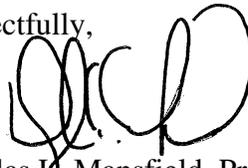
- this Cover Letter (18-8.5x11)
- Rezoning Application (18-8.5x11)
- Site Plan Review Application (18-8.5x11)
- A Rezoning Exhibit, showing surrounding land use and ownership (18-8.5x11)
- Draft Conditional Rezoning Agreement (18-8.5x11)
- Resort Cottage Preliminary Site Plan (1-24x36, 17-11x17)
- Engineering Dimensioning Plan (1-24x36, 17-11x17)
- Engineering Utility Plan (1-24x36, 17-11x17)
- Architectural Elevations and Floorplans (1-24x36, 17-11x17)

Due to the nature of this request and per our previous conversations, we have also attached:

- and a response to Section 2.40 Amendment Procedures (18-8.5x11)
- and a response to Article II Section 2.70 Conditional Uses in Districts (18-8.5x11)
- View Corridor Analysis Exhibit (1-24x36, 17-11x17)

We are confident that the success enjoyed by the first phase completed at One Water Street proves the level of quality and commitment the City can expect from Catt Development in the completion of the project. We look forward to working with the City to complete a successful project to the benefit of both the developer and the City. Please feel free to contact me at (231) 946-9310 *office*, or (231) 218-5560 *cell*, should you have any questions, or require additional information.

Respectfully,



Douglas J. Mansfield, President
Mansfield & Associates, Inc.



**BOYNE CITY
PLANNING COMMISSION**

REZONING APPLICATION
319 N. Lake Street (231) 582-0343
Boyne City, Michigan 49712
www.boynecity.com

➡ **Applicant Name:** Mansfield * Associates, Inc. - Doug Mansfield
Street Address: 1212 Veterans Dr.
City: Traverse City **State:** MI **Zip-Code:** 49684
Phone Number (s): (231) 946-9310 **E-mail:** doug@maaeprs.com

➡ **Property Owner's Name:** *(for all lots affected)* CATT Development - Glen Catt
Street Address: 829 W. Main St. Suite C
City: Gaylord **State:** MI **Zip-Code:** 49735
Phone Number (s): (989) 732-9722

➡ **Project Location:** **Street Address:** One Water Street
Property ID Number: 15-051-445-705-1131

I / We request: a rezoning of the partially completed One Water St. development
Current Zoning: WMD (waterfront marina) **Proposed Zoning:** CBD (central business) parcel
Propose Use: Motel (other mixed uses already existing)

I/we understand and agree, upon execution and submission of this application, that I/we agree to abide by all provisions of the City of Boyne City Zoning Ordinance as well as all procedures and policies of the City of Boyne City Planning Commission as those provisions, procedures, and policies relate to the handling and disposition of this application; that the all information submitted in support of this application is true and accurate to the best of my/our knowledge, and that a filing fee is due with this application.

DOUGLAS MANSFIELD 3/30/12
Applicant (Printed Name) **Signature** **Date**
 Glen Catt 3/26/2012
Property Owner(s) (Printed Name) **Signature** **Date**

This is to certify the required filing fee was received on _____ and documented with
Receipt Number _____ . This application is scheduled for public hearing on _____
Staff Initials _____

Please be advised that there may be deed restrictions limiting the use of your property. The Boyne City Planning Department does not investigate or enforce any such deed restrictions. Deed restrictions are generally enforced by local property owners or home owners associations. You may wish to future investigate any such deed restrictions before proceeding with this application. Furthermore, there may be permits required by state and federal agencies, and you may wish to further investigate these. The Planning Department does not assume any responsibility to ensure that the proper permits have been obtained.



**Boyne City
Planning Commission**

319 N. Lake Street
Boyne City, Michigan 49712-1188
(231) 582-0343
www.boynecity.com

**Site Plan Review Application
FULL PLAN REVIEW**

⇒ **Applicant Name:** Mansfield * Associates, Inc. - Doug Mansfield
Street Address: 1212 Veterans Dr.
City: Traverse City **State:** MI **Zip-Code:** 49684
Phone Number (s): (231) 946-9310 **E-mail:** doug.m@ma9eps.com

⇒ **Property Owner's Name:** CATT Development - Glen Catt
Street Address: 829 W. Main St. Suite C
City: Gaylord **State:** MI **Zip-Code:** 49735
Phone Number (s): (989) 732-9722

⇒ **Project Location:** Street Address: One Water Street
Property ID Number: 15-051-445-705-1131

I / We request: site plan review and land use permitting to complete the final component of the One Water St. mixed-use development.

As an illustration of this request, I/we have attached a site plan(s) of the premise drawn to scale showing the location of all existing and proposed structures, improvements, and uses on the property as well as any information required by ordinance.

I/we understand and agree, upon execution and submission of this application, that I/we agree to abide by all provisions of the City of Boyne City Zoning Ordinance as well as all procedures and policies of the City of Boyne City Planning Commission as those provisions, procedures, and policies relate to the handling and disposition of this application; that the above information is true and accurate to the best of my/our knowledge; and that a filing fee is due with this application.

DOUGLAS MANSFIELD
Applicant (Printed Name)

[Signature] 3/30/12
Signature Date

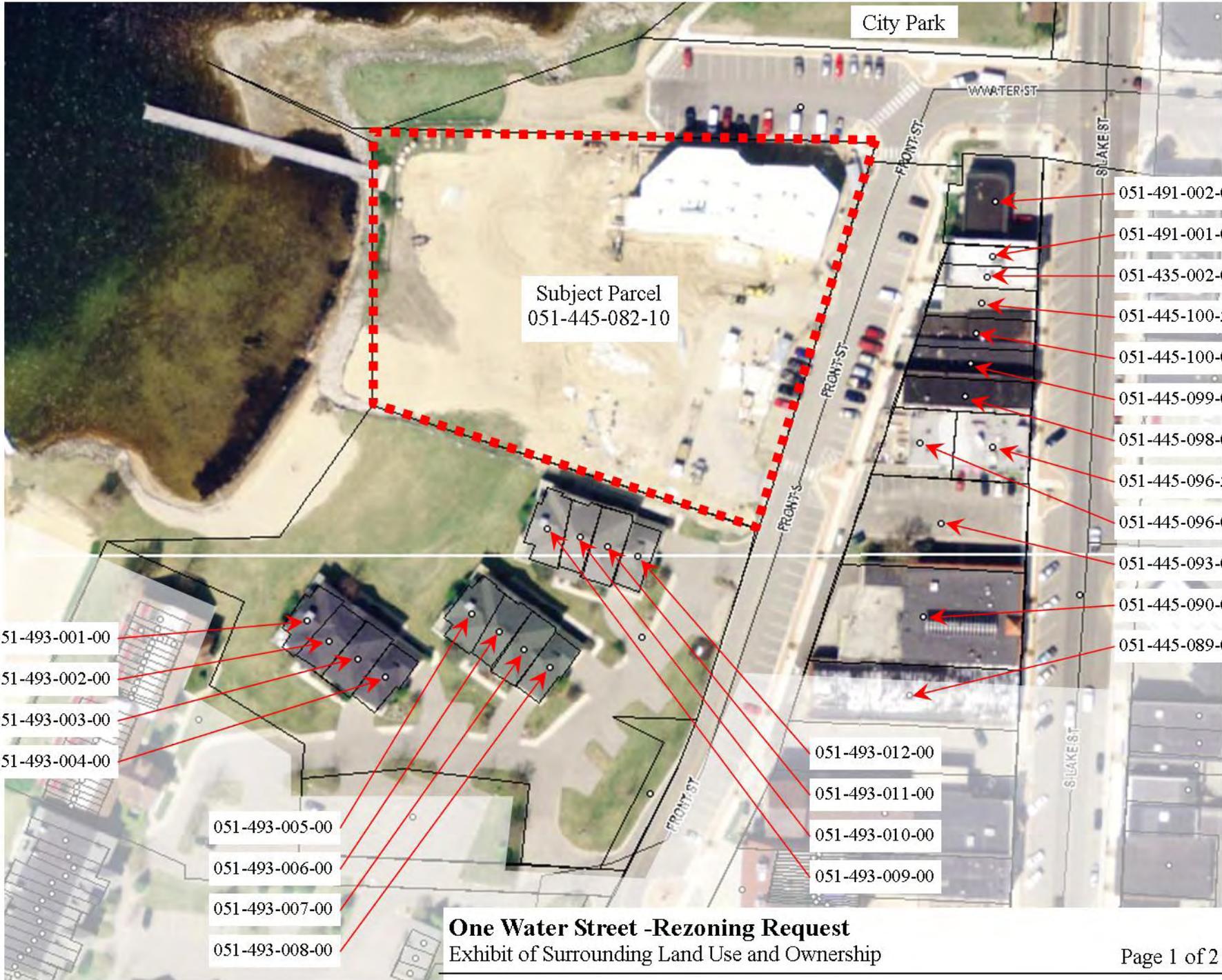
[Signature]
Property Owner (Printed Name)

Glen Catt 3/26/2012
Signature Date

Application and filing fee received _____

Receipt Number _____

Received by _____



City Park

WATER ST

FRONT ST

SLAKE ST

Subject Parcel
051-445-082-10

051-491-002-00

051-491-001-00

051-435-002-00

051-445-100-50

051-445-100-00

051-445-099-00

051-445-098-00

051-445-096-50

051-445-096-00

051-445-093-00

051-445-090-00

051-445-089-00

051-493-001-00

051-493-002-00

051-493-003-00

051-493-004-00

051-493-005-00

051-493-006-00

051-493-007-00

051-493-008-00

051-493-012-00

051-493-011-00

051-493-010-00

051-493-009-00

One Water Street -Rezoning Request
Exhibit of Surrounding Land Use and Ownership

Zoned	Existing Use	Master Planned	Parcel	Property Address:	Owner Information:		
CBD	Commercial	Downtown Core	051-435-002-00	102 LAKE ST S	GABOS MICHAEL E TRUST 1/2 GABOS ANN L TRUST 1/2	123 W MICHIGAN AVE	BOYNE CITY, MI 49712
WMD	Commercial	Downtown Core	051-445-082-10	1 WATER ST	INTEGRITY LAND COMPANY	829 W MAIN ST, STE C	GAYLORD, MI 49735
CBD	Commercial	Downtown Core	051-445-089-00	210 FRONT ST	INTEGRITY LAND COMPANY	829 W MAIN ST, STE C	GAYLORD, MI 49735
CBD	Commercial	Downtown Core	051-445-090-00	202 A LAKE ST S	BOYNE HOLDINGS INC	PO BOX 622	PETOSKEY, MI 49770
CBD	Commercial	Downtown Core	051-445-093-00	LAKE ST	BOYNE HOLDINGS INC	PO BOX 622	PETOSKEY, MI 49770
CBD	Commercial	Downtown Core	051-445-096-00	116 B LAKE ST S	COLLINS DAVID M	116 S LAKE ST	BOYNE CITY, MI 49712
CBD	Commercial	Downtown Core	051-445-096-50	118 LAKE ST S	COLLINS DAVID M	116 S LAKE ST	BOYNE CITY, MI 49712
CBD	Commercial	Downtown Core	051-445-098-00	116 LAKE ST S	COLLINS DAVID M	116 S LAKE ST	BOYNE CITY, MI 49712
CBD	Commercial	Downtown Core	051-445-099-00	112 LAKE ST S	PAGA PROPERTIES LLC	112 S LAKE ST	BOYNE CITY, MI 49712
CBD	Commercial	Downtown Core	051-445-100-00	110 LAKE ST S	CJB PROPERTIES II LLC	565 W MITCHELL ST	PETOSKEY, MI 49770
CBD	Commercial	Downtown Core	051-445-100-50	108 LAKE ST S	UHRICK JOHN E TRUSTEE UHRICK JOHN E TRUST	8276 MERCER BLVD	CHARLEVOIX, MI 49720
CBD	Commercial	Downtown Core	051-491-001-00	104 LAKE ST S	CZERKES STEPHEN & CATHERINE CO-TTEE CZERKES STEPHEN & CATHERINE TRUST	01294 FOREST LANE	BOYNE CITY, MI 49712
CBD	Commercial	Downtown Core	051-491-002-00	106 LAKE ST S	DRAGGOO KEVIN L & LAURI J U	1619 DENNISON RD	EAST LANSING, MI 48823
MFRD	Commercial	Multiple Family	051-493-001-00	222 A FRONT ST			
MFRD	Commercial	Multiple Family	051-493-002-00	222 B FRONT ST			
MFRD	Commercial	Multiple Family	051-493-003-00	222 C FRONT ST	SCROGGIE DAVID E & DEBORAH L	625 ISLAND DR	WHITE LAKE, MI 48386
MFRD	Commercial	Multiple Family	051-493-004-00	222 D FRONT ST	PLAINE SUSAN N REV LVG TRUST	4398 FORESTVIEW DR	WEST BLOOMFIELD, MI 48322
MFRD	Commercial	Multiple Family	051-493-005-00	212 A FRONT ST	KERBAWY EVELYN T TRUSTEE KERBAWY EVELYN REVOC TRUST	212 FRONT ST APT 5	BOYNE CITY, MI 49712
MFRD	Commercial	Multiple Family	051-493-006-00	212 B FRONT ST	LEWIS LORIL TRUST	22470 SOUTHWYCK CT	NOVI, MI 48374
MFRD	Commercial	Multiple Family	051-493-007-00	212 C FRONT ST	DORAN THOMAS B & BARBARA L	303 OAK KNOLL LANE	CARO, MI 48723
MFRD	Commercial	Multiple Family	051-493-008-00	212 D FRONT ST	LUTZ MICHAEL D & KATHRYN W	552 MADISON ST	BIRMINGHAM, MI 48009
MFRD	Commercial	Multiple Family	051-493-009-00	202 A FRONT ST	STOWELL IRENE D LIVING TRUST	202 FRONT ST #9	BOYNE CITY, MI 49712
MFRD	Commercial	Multiple Family	051-493-010-00	202 B FRONT ST	FLOOD CLIFFORD T & ANNETTE E	402 SHORELINE DR	DEWITT, MI 48820
MFRD	Commercial	Multiple Family	051-493-011-00	202 C FRONT ST	KENNEDY JEFFREY R & COLLEEN R	22821 SPY GLASS HILL DR	SOUTH LYON, MI
MFRD	Commercial	Multiple Family	051-493-012-00	202 D FRONT ST	LOGINSKY MARIAN E TRUSTEE LOGINSKY MARIAN E LVG TRUST	540 HILLTOP LN	BIRMINGHAM, MI 48009

One Water Street -Rezoning Request
Exhibit of Surrounding Land Use and Ownership

SECTION 1 - TITLE

CONDITIONAL REZONING AGREEMENT

between

Catt Development, Glen Catt -President, 829 W. Main St. Suite C, Gaylord, MI 49735

(the applicant)

and the

City of Boyne City, Charlevoix County, Michigan

for the rezoning of property located at

One Water Street, Boyne City, MI. 49735

Property Identification Number 15-051-445-082-10

SECTION 2 - PROPERTY AND PARTIES

THIS CONDITIONAL REZONING AGREEMENT is made of this ____th day of _____ 2012, by Catt Development, Glen Catt -President, 829 W. Main St. Suite C, Gaylord, MI 49735 herein after referred to as the applicant being the property owner of certain property having the Property Identification Number 15-051-445-082-10 and the City of Boyne City, Charlevoix County, Michigan herein after referred to as the City of Boyne City.

SECTION 3 - REQUESTED ACTION

WHEREAS, The applicant being the owners of certain property located at One Water Street, Boyne City, MI. 49735 **Property Identification Number** 15-051-445-082-10 legally described on the attached Exhibit "A" which is incorporated herein by reference, have petitioned the City of Boyne City Planning Commission for the rezoning of this property from the Waterfront Marina District (WMD) Zoning to Central Business District (CBD) Classification with Conditions as set forth in the City of Boyne City Zoning Ordinance, effective May 23, 2001, as amended to date, for the purpose of permitting, constructing and operating a mixed-use cottage development consisting of 13 cottages, each sustainable onto itself in terms of economic viability including ground floor leasable space for complementary and compatible uses, protected by individual NFPA 13R fire suppression systems, conveyed through a condominium and with restrictions including the provision for both long term and transient occupancies, with leasing handled by an off-site, in-town manager, to be served with extensions of municipal sanitary sewer and water systems, private roads and other public and private utilities, all pursuant to federal, state and local rules and regulations as may be applicable and all pursuant to the preliminary plans and narratives attached herein and in such forsaking all other uses that may permitted by right, by special use permit, or by any other means in the CBD Zoning Classification.

SECTION 4- STATUTORY AUTHORITY

WHEREAS, the applicant has requested the conditional rezoning of the subject property to allow for the operation a mixed-use cottage development consisting of 13 cottages, each sustainable onto itself in terms of economic viability including ground floor leasable

space for complementary and compatible uses, protected by individual NFPA 13R fire suppression systems, conveyed through a condominium and with restrictions including the provision for both long term and transient occupancies, with leasing handled by an off-site, in-town manager, to be served with extensions of municipal sanitary sewer and water systems, private roads and other public and private utilities, all pursuant to federal, state and local rules and regulations as may be applicable and all pursuant to the preliminary plans and narratives attached herein and in such forsaking all other uses that may permitted by right, by special use permit, or by any other means in the CBD Zoning Classification by a contract that stipulates the terms of and conditions for use, of the property under the authority of Section 405 of the Michigan Zoning Enabling Act, P.A. 110 of 2006 (MCL125.404) and Article X of the City of Boyne City Zoning Ordinance, effective May 23, 2001, as amended to date.

SECTION 5 - TERMS AND CONDITIONS

NOW, THEREFORE, in consideration of the premises and rights reserved, herein, and in order to accomplish the forgoing purposes, the undersigned hereby agree:

1. To rezone the land as described in Exhibit “A” as attached hereto to CBD with Conditions for the purpose of permitting, constructing, operating and maintaining a mixed-use cottage development consisting of 13 cottages, each sustainable onto itself in terms of economic viability including ground floor leasable space for complementary and compatible uses, protected by individual NFPA 13R fire suppression systems, conveyed through a condominium and with restrictions including the provision for both long term and transient occupancies, with leasing handled by an off-site, in-town manager, to be served with extensions of municipal sanitary sewer and water systems, private roads and other public and private utilities, all pursuant to federal, state and local rules and regulations as may be applicable and all pursuant to the preliminary plans and narratives attached herein and in such forsaking all other uses that may permitted by right, by special use permit, or by any other means in the CBD Zoning Classification.
1. The subject property is deemed to be a *Conditional Rezoning*, that being a land use that will, if not undertaken within three (3) years of the date of adoption, revert to a use in conformance with the City of Boyne City Master Plan and Zoning Ordinance.
2. It is understood by all parties that this Zoning Agreement and the corresponding Conditional Rezoning Offer were proposed voluntarily by the landowner, and applicant, and that the City in its review and determination have relied upon the same.
3. This agreement shall be recognized as meeting the intentions and authorizations of all state and federal law an in its signature is valid.
4. The property identified in Exhibit “A” attached hereto shall be developed or used in a manner that conforms to the requirements of the CBD with Conditions District and the incorporated Zoning Agreement and specifically per the attached preliminary plan set.

5. That this Zoning Agreement shall be binding upon and inure to the benefit of the applicant and landowner and the City of Boyne City, and their respective heirs, successors, assigns receivers or transferees.

6. That if the rezoning becomes void under the Zoning Ordinance no development shall take place and no permits will be issued unless and until a new Zoning District classification for the property has been established or a new rezoning has been approved.

7. That each of the requirements and conditions in the Zoning Agreement are necessary and reasonably related and roughly proportional in nature and extent to the impact created by the uses or activities authorized in the Zoning Agreement.

8. That no part of the Zoning Agreement shall permit any activity, use, or condition that would otherwise be prohibited in the Zoning District to which the property is rezoned.

9. That the Condominium Master Deed will provide the conditions of the maintenance and operations standards and escrowed funds to sustain all common elements of the development.

10. That the plans submitted with and for the Conditional Rezoning offer and referenced herein are preliminary in nature and while it is the intent that they meet the rules and regulations that promulgate such a development they are subject to final review and permitting by several other agencies and in such subject to change.

11. That the intent of this development is it be constructed in phases of 3-units starting from the northwest corner of the site, with the pool amenity to be constructed at mid-term of complete build-out, and marina restroom and shower facilities to be located in a ground floor area of a cottage unit.

SECTION 7 - OTHER REPRESENTATIONS AND AGREEMENTS

7. This agreement constitutes the entire agreement between the parties with respect to the matter set forth herein, and there are no representations, warranties, covenants, or obligations except as set forth herein. This Agreement supersedes all prior contemporaneous agreements, understandings, negotiations statements and discussion, written or oral, of the parties hereto, relating to the matters contemplated by the Agreement.

SECTION 8 - VIOLATION AND ENFORCEMENT

8. The failure of any party to complain or enforce of any act or omission on the part of another party, no matter how long the same may continue, shall not be deemed to be an acquiescence or waiver by such party of any of its rights hereunder. No waiver by any party at any time, expressed or implied, or any breach of any provision of this Agreement shall be deemed a waiver of a breach of any other provision of this Agreement or a consent to any subsequent breach of the same or any other provision of this agreement. If any action by any party shall require the consent or approval of another party(ies), such

consent or approval of such action shall not be deemed a consent to or approval of any other provision of this agreement.

SECTION 9- GOVERNING LAW

9. This Agreement shall be governed by the laws of the State of Michigan.

SECTION 10 - DELIVERY OF NOTICES

10. Notice shall be deemed as given hereunder upon personal delivery to the addresses set forth below, or if properly addressed, one (1) day after depositing such notice, with postage prepaid, in a United States mailbox or one (1) day after depositing such notice in the custody of a nationally recognized overnight delivery service. Notice shall be deemed properly addressed if sent to the following address.

Applicant and Property Owner:

Catt Development, Glen Catt -President, 829 W. Main St. Suite C, Gaylord, MI 49735

SECTION 11 - SIGNATURE BY FACSIMILE

11. The parties agree that this Agreement may be executed by facsimile or in counterparts, and that all counterparts together, with or without facsimile signatures, shall constitute one integrated agreement and be deemed an original document.

Section 12 - Recording with Register of Deeds

12. This document or Affidavit or Memorandum giving notice of this document shall be recorded with the Charlevoix County and City of Boyne City Register of Deeds Office.

SECTION 13 - PLANNING COMMISSION REVIEW AND PUBLIC HEARING

CITY OF BOYNE CITY PLANNING COMMISSION REVIEW AND RECOMMENDATION

After proper public notice was given and a public hearing held on **add date of public hearing**, 2012 before the City of Boyne City Planning Commission, a motion was duly made and approved as recorded in the minutes of the Planning Commission meeting of the same date recommending the City of Boyne City Commissioners approve this Conditional Rezoning Agreement.

Chair

Secretary

SECTION 14 - SIGNATURE AND NOTARIZATION

IN WITNESS WHEREOF, the undersigned has executed this **CONDITIONAL REZONING AGREEMENT** for and on behalf of Catt Development on the date first above written.



GRAPHIC SCALE 1" = 10' = 20' = 40' = 80'

0 10 20 40 80

W E

S N

Catt Development
One Water Street
 Site Plan
 Section 35, Town 33 North, Range 6 West
 City of Boyne City, Charlevoix County, Michigan

Zone: Central Business District
 Current Use: Retail/Office

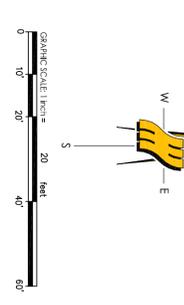
SPORISMAN BANK
 FAMILY DINING
 JOHNS BAKERY
 MARKS
 MEDCAP
 SHARD BANK

REV#	DATE	DES	DRN	CHK	DESC
0	1.20.12	djm	mm	djm	Original design
01	1.31.12	djm	mm	djm	Revisions per client
02	4.2.12	djm	mm	djm	Rezoning Application

Mansfield & Associates
 Land Use Consultants

Planners
 Civil Engineers
 Surveyors
 Testing Services

1212 Veterans Dr.
 Traverse City, MI 49684
 ph: 231-946-9310
 fax: 231-946-8926
 www.maeps.com
 email: info@maeps.com



DATE: 12010
 SCALE: 1/20=1'
 SHEET: 4 OF 10

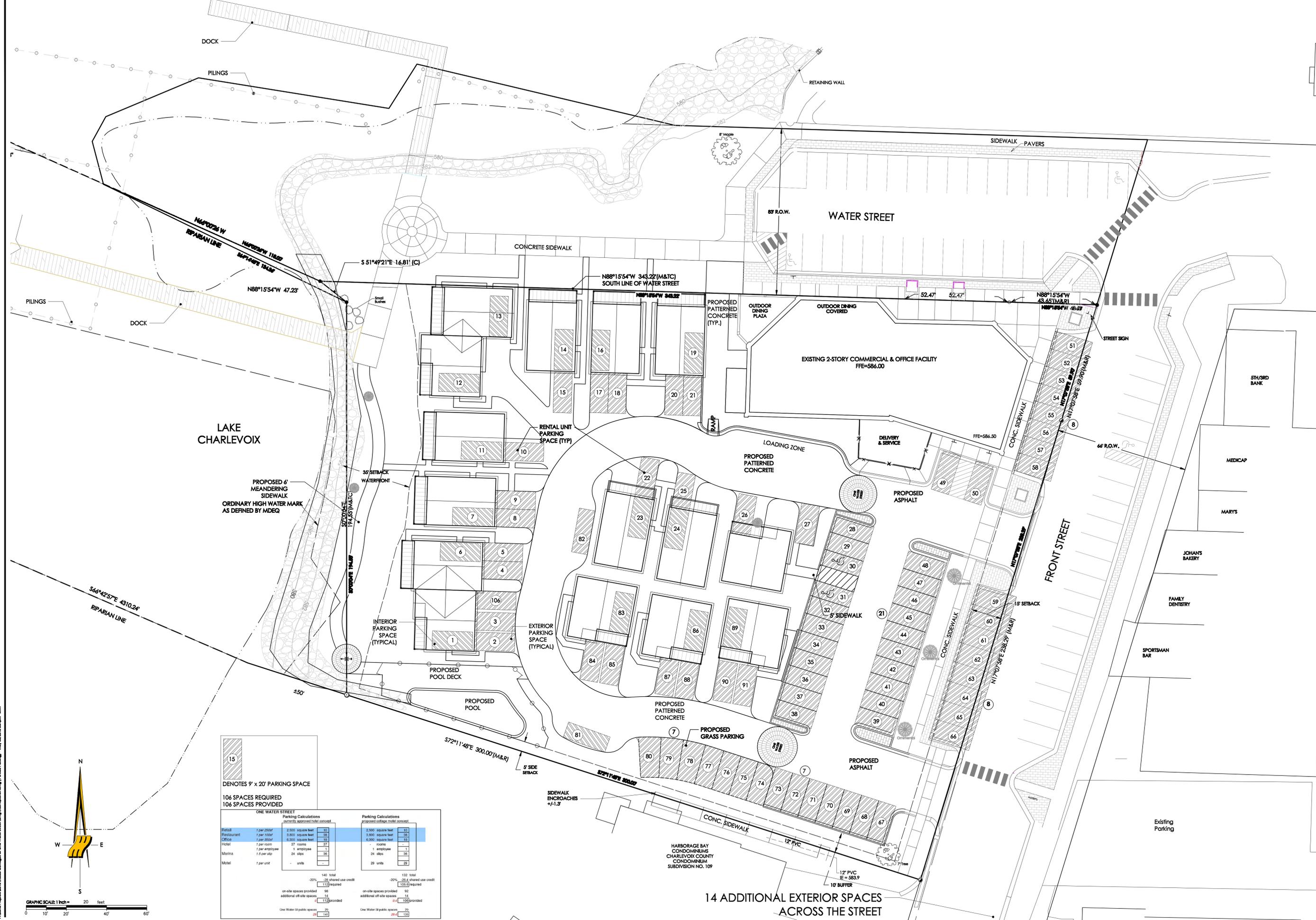
Catt Development
One Water Street
 Site Plan
 Section 35, Town 33 North, Range 6 West
 City of Boyne City, Charlevoix County, Michigan

REV#	DATE	DES	DRN	CHK	DESC
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Mansfield & Associates
 Land Use Consultants

Planners
 Civil Engineers
 Surveyors
 Testing Services

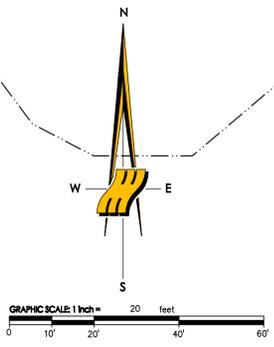
1212 Veterans Dr.
 Traverse City, MI 49684
 ph: 231-946-9310
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 email: info@maeps.com



15
DENOTES 9' x 20' PARKING SPACE

106 SPACES REQUIRED
106 SPACES PROVIDED

ONE WATER STREET	Parking Calculations density approved hotel consent	Parking Calculations proposed outage hotel consent
Restaurant	7 per 2500sf 2,500 square feet 10	2,500 square feet 10
Restaurant	7 per 3000sf 3,000 square feet 10	3,000 square feet 10
Office	7 per 3500sf 6,300 square feet 10	6,300 square feet 10
Hotel	1 per room 27 rooms 27	27 rooms 27
Marina	1 per employee 1 employee 1	1 employee 1
Marina	1.5 per slip 24 slips 36	24 slips 36
Motel	7 per unit 29 units 29	29 units 29
	140 total -28 shared use credit 112 required	132 total -26 shared use credit 106 required
	on-site spaces provided 96 additional off-site spaces 16 112 provided	on-site spaces provided 92 additional off-site spaces 14 106 provided
	One Water St public spaces 25 25 provided	One Water St public spaces 25 25 provided



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Traverse City, MI 49684
ph: 231-946-9310
fax: 231-946-8926
www.mansfield.com
email: info@mansfield.com

Planners
Civil Engineers
Surveyors
Testing Services

Mansfield & Associates
Land Use Consultants

REV	DATE	BY	CHK	DESCRIPTION	
0	4.21.12	dm	mm	dm	Issuance/Submit

Catt Development
One Water Street
Parking Plan
Section 35, Town 33 North, Range 6 West
City of Boyne City, Charlevoix County, Michigan

PRELIMINARY

PAL: dm
DL: mm
CDL: dm
CREATED: 4.20.12
JOB NO: 12010
SHT 1 OF 1

14 ADDITIONAL EXTERIOR SPACES
ACROSS THE STREET



VIEW CORRIDOR ANALYSIS

The purpose of the viewshed requirement is to preserve approximately 30% of the lot width on the lake front properties as an unobstructed view corridor between the road frontage and the lake shore. While it is reasonable to correlate the view corridor to a corresponding setback, per the ordinance, this will not always produce a better come of vision. The ordinance revisors require the designer to strike perpendicular sections across the property, maintaining parallel and equal side yard setbacks of a total of 30% of the section width. However, view of the lake does not directly correlate to property lines. View corridor is a function of the relative orientation of the road, structures, and the lake shore. In this particular situation, the relative positioning of these elements conspires to create a view corridor that is actually worse when correlated to a property line setback (see example, top left, this sheet).

Fortunately, Boyne City has recognized the complexity of these situations and provided the Planning Commission with the authority to waive these setback standards where creativity in site layout can produce a design that preserves public views (Section 20.30g). It is our opinion that this is clearly a situation where strict application of setback requirement contained within section 20.30 does not provide any benefit to protecting a public viewshed, but would only serve as an unnecessary hardship to the developer. We have produced a site design that respects the public's interest in preserving lake view corridors by giving the best possible alignment for the come of vision and going the extra step of tying the view corridor of this site into preservation of a road and vista a block away (see Roy Street View Corridor Notes).

Calculated View Corridor, Per Strict Application of Ordinance
 The calculated viewshed dimensions are approximately 61' at the front (water side) property edge (205' x 0.30 = 61.5') and 90' at the right-of-way (298 x 0.30 = 89.4').

- To put this into real-life perspective:
- A person driving in a car along Front Street at 15 mph would experience a view for **4.1 seconds**.
 - A person walking along Front Street at 2 mph would experience the view for **30.5 seconds**.
 - The length of frontage in which someone could experience a lake view along Front Street is 89.4 feet, or **30% of the total road frontage along the property line**.

Calculated View Corridor, Per Proposed Site Plan
 The proposed site plan allows for small views and "breathing room" between the buildings in two corridors as seen from Front Street. Additionally, by positioning the structures as such, a large view corridor on the southern edge of the property is gained.

- View frontage along Front Street = 50' x 159' = 209'**
 To put this into real-life perspective:
- A person driving in a car along Front Street at 15 mph would experience a view for **9.5 seconds**.
 - A person walking along Front Street at 2 mph would experience the view for **71.25 seconds**.
 - The length of frontage in which someone could experience a lake view along Front Street is 209 feet, or **89% of the total road frontage along the property line**.
 - Of the possible views to be enjoyed between the existing Condominiums to the south and the existing retail/restaurant building to the north, the proposed development allows a view of the lake for 209' of the possible 238 feet of traveled way along Front Street.

We are requesting that the Planning Commission waive the strict application of the viewshed setback requirement at the building section, and grant the variance as shown here.

Roy Street View Corridor Notes

1. Although there are no specific requirements for preserving view corridors of road ends, there has been community-wide discussion regarding the issue. The proposed redevelopment plan has placed the structures to avoid blocking the Roy Street corridor.
2. This has been proposed to offset community impacts that may be perceived by the strict application of the viewshed calculations as a setback requirement.
3. The existing Roy Street view corridor is currently limited by a residential structure to the south and a restaurant building to the north. The proposed structures do not impact this viewshed at all.
4. The current Roy Street view corridor provides a view of approximately 77' of Lake Charlevoix shoreline. The proposed Roy Street view corridor will maintain the existing 77' viewshed.

The currently proposed Resort Cottage site plan provides significantly more view opportunity than the approved Hotel Concept. (see the viewshed graphic to the left)

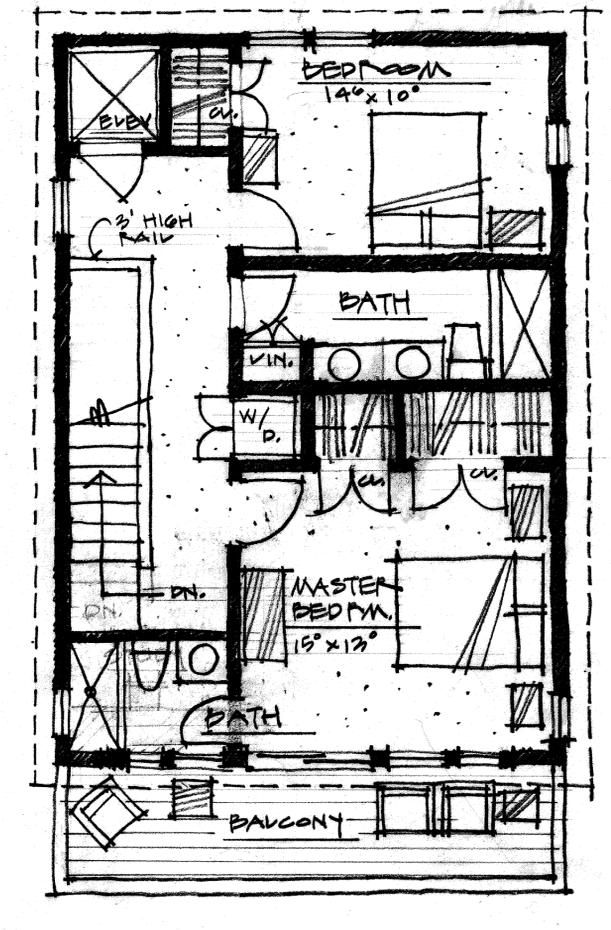
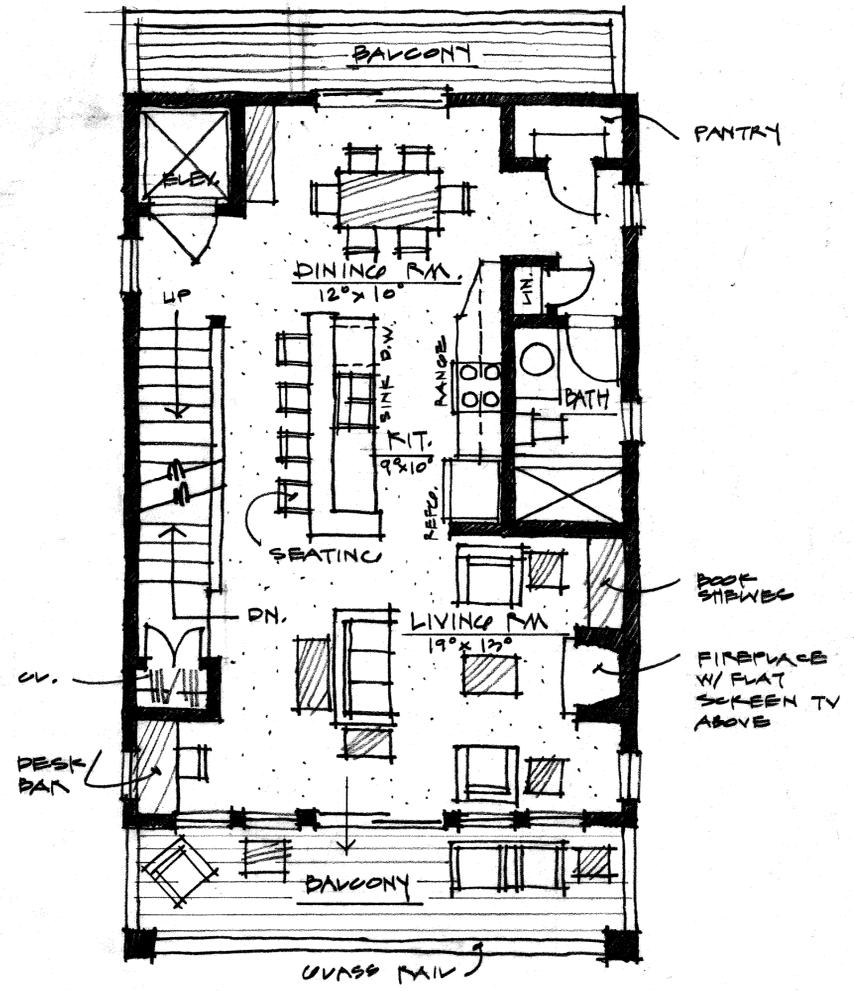
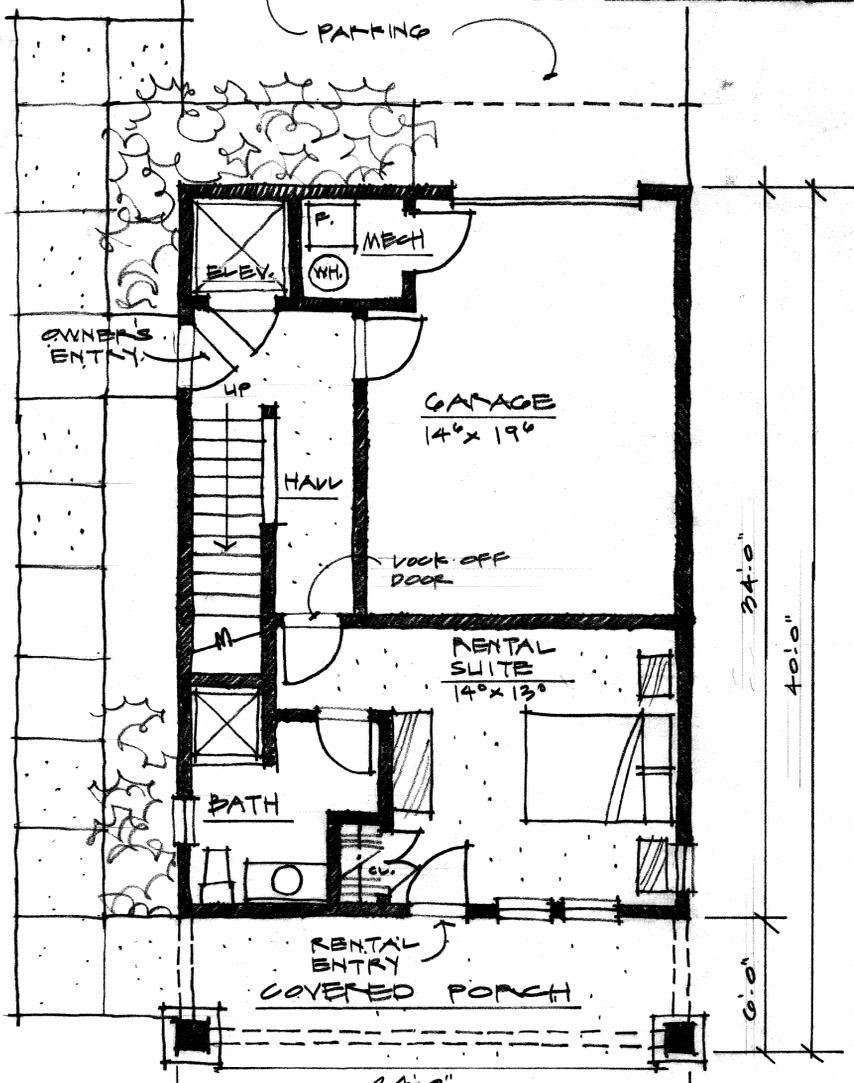
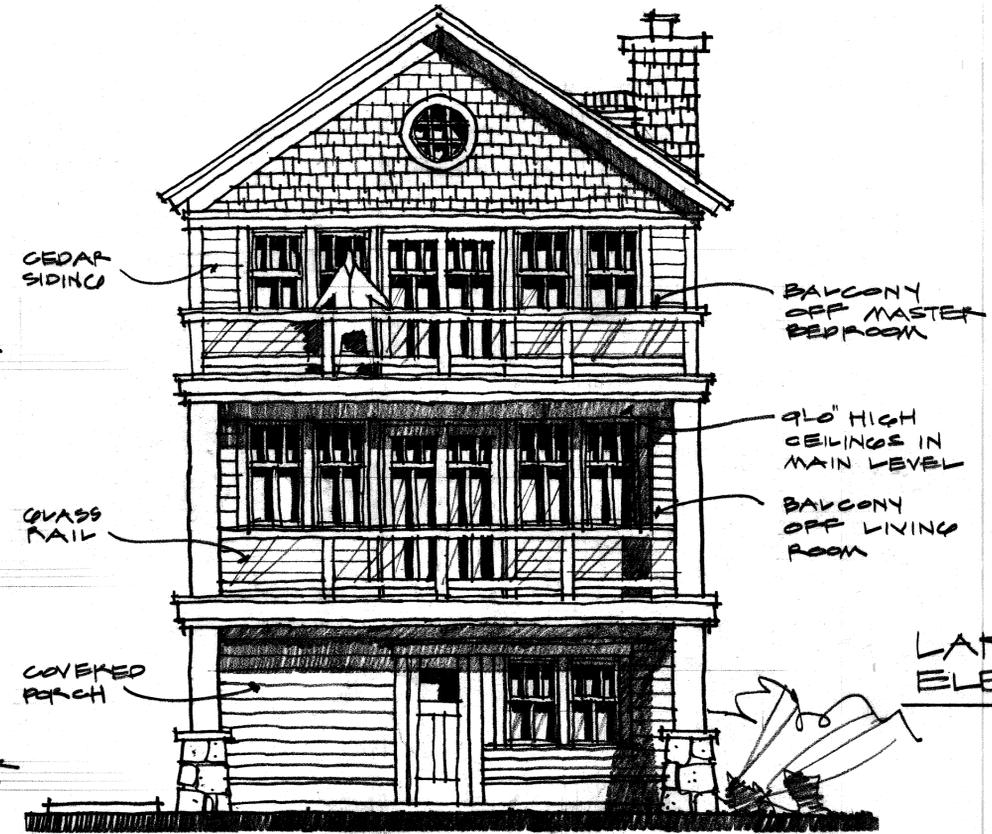
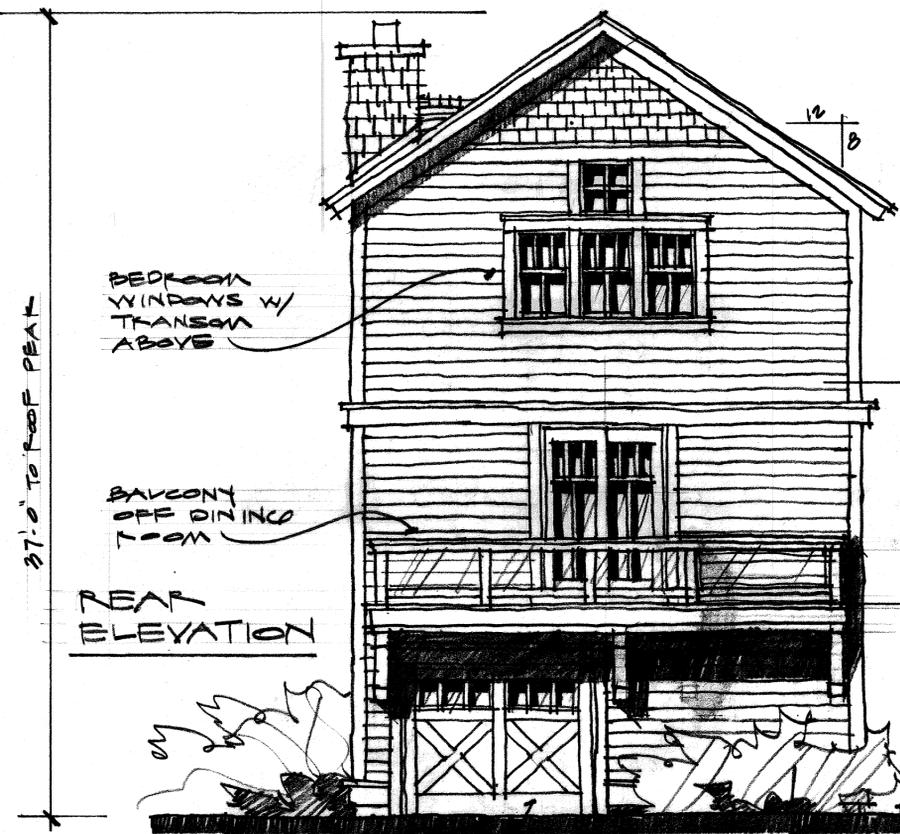
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1	5.4.12	H	H	dm	updated

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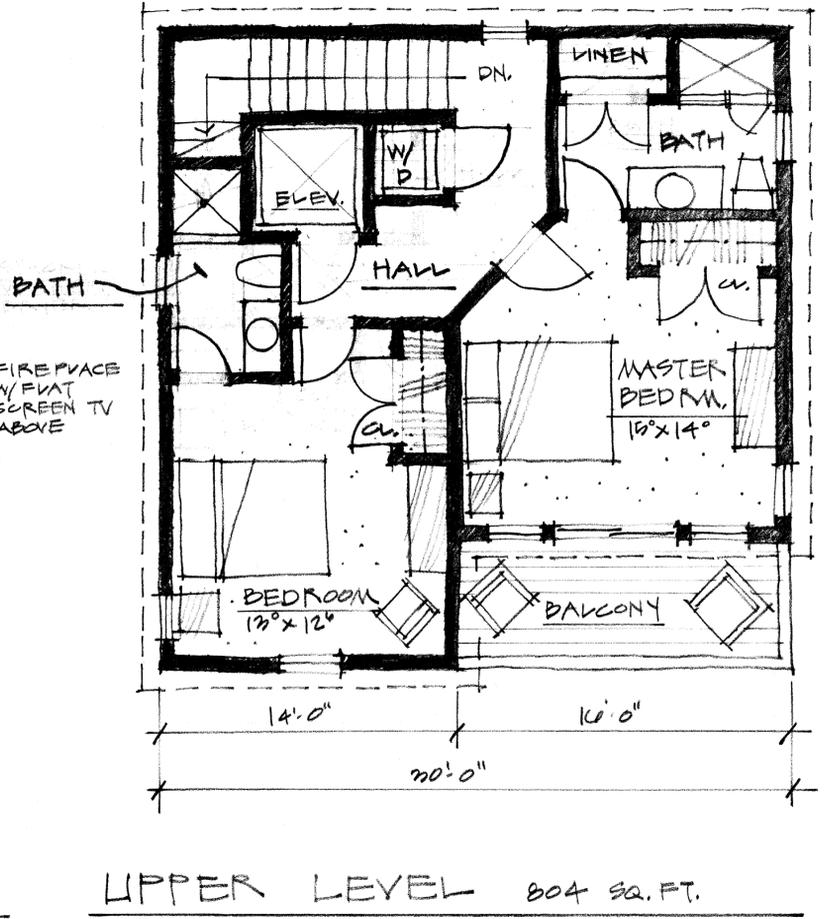
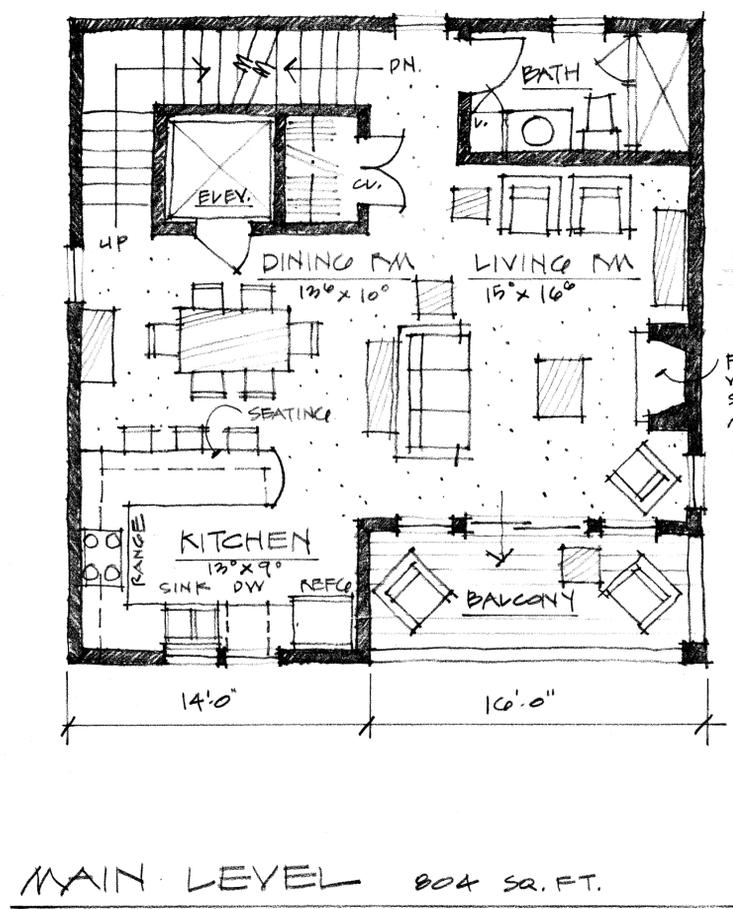
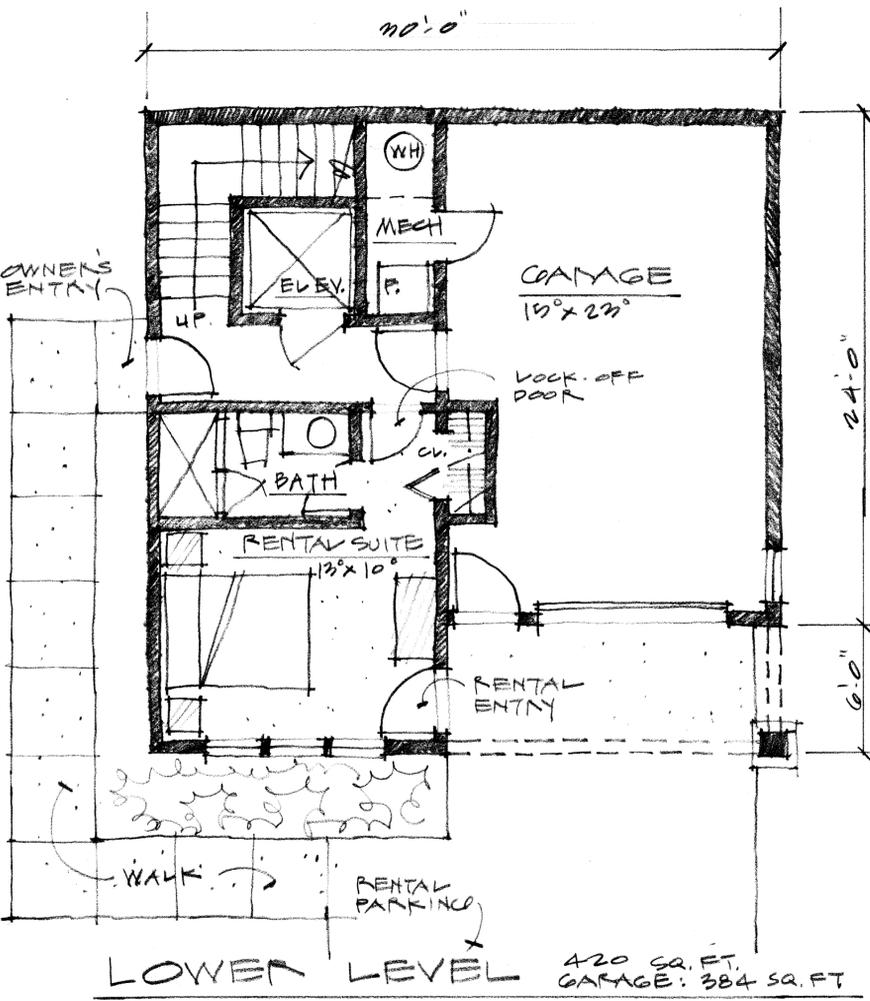
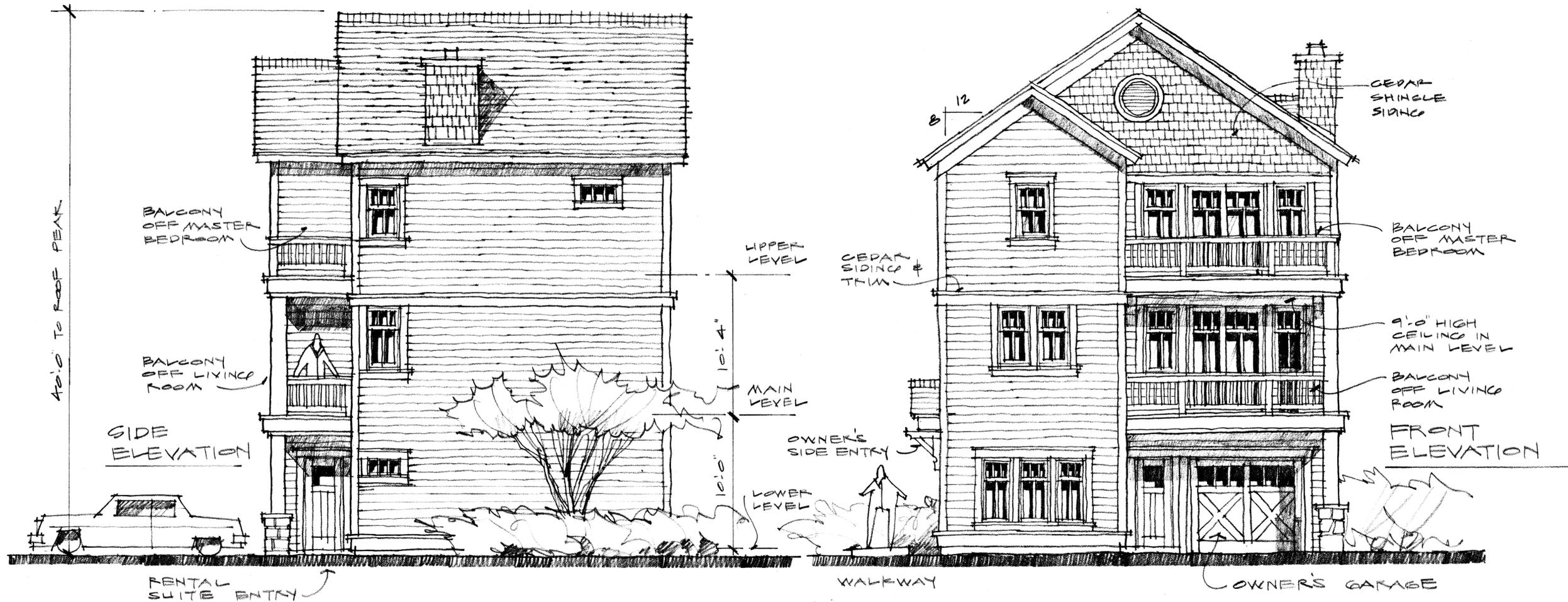
PRELIMINARY
 12010
 SHT 1 OF

Catt Development
One Water Street
View Shed Plan
 Section 35, Town 33 North, Range 4 West



ONE WATER STREET DEVELOPMENT
 BOYNE CITY, MI
 GATT DEVELOPMENT
 UNIT A CONCEPT

TA TRAVERSE ARCHITECTURAL GROUP 7/12



ONE WATER STREET
DEVELOPMENT
BOYNE CITY, MI
CATT DEVELOPMENT
UNIT C CONCEPT

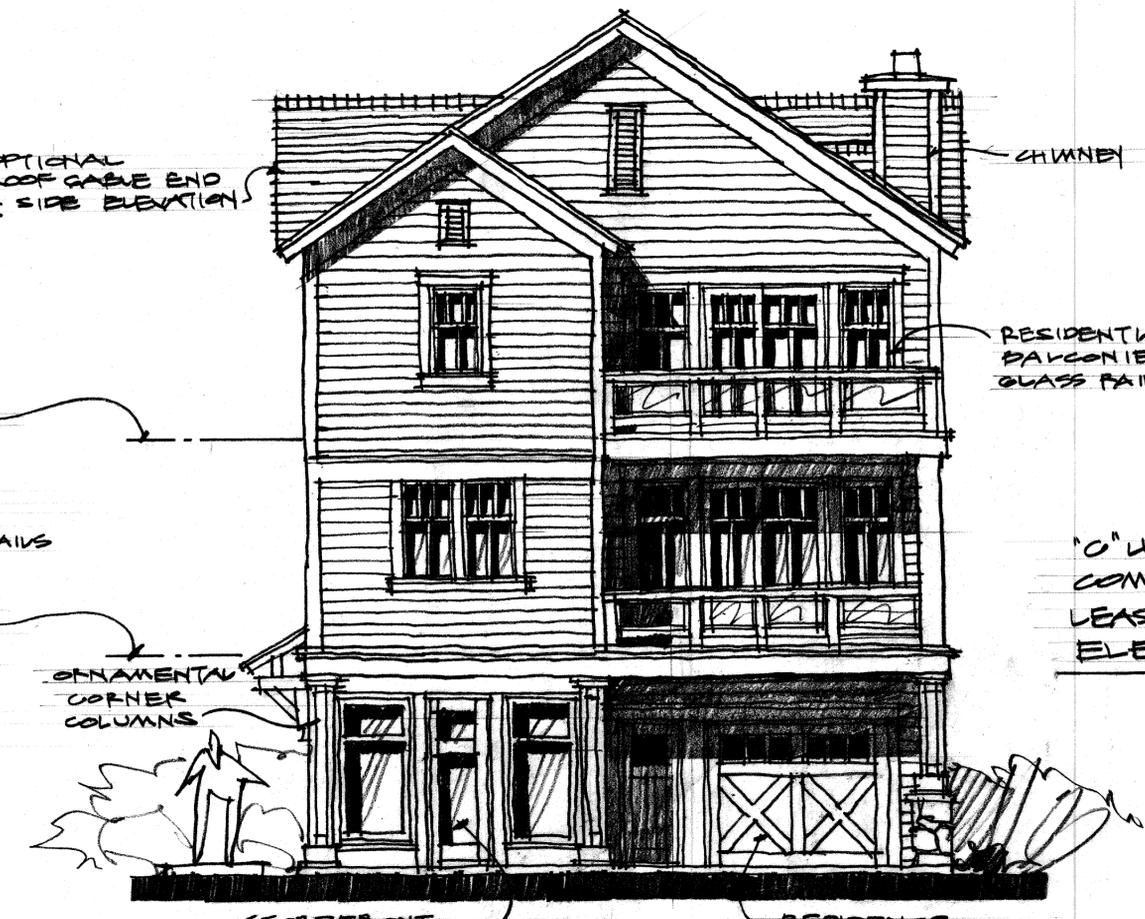
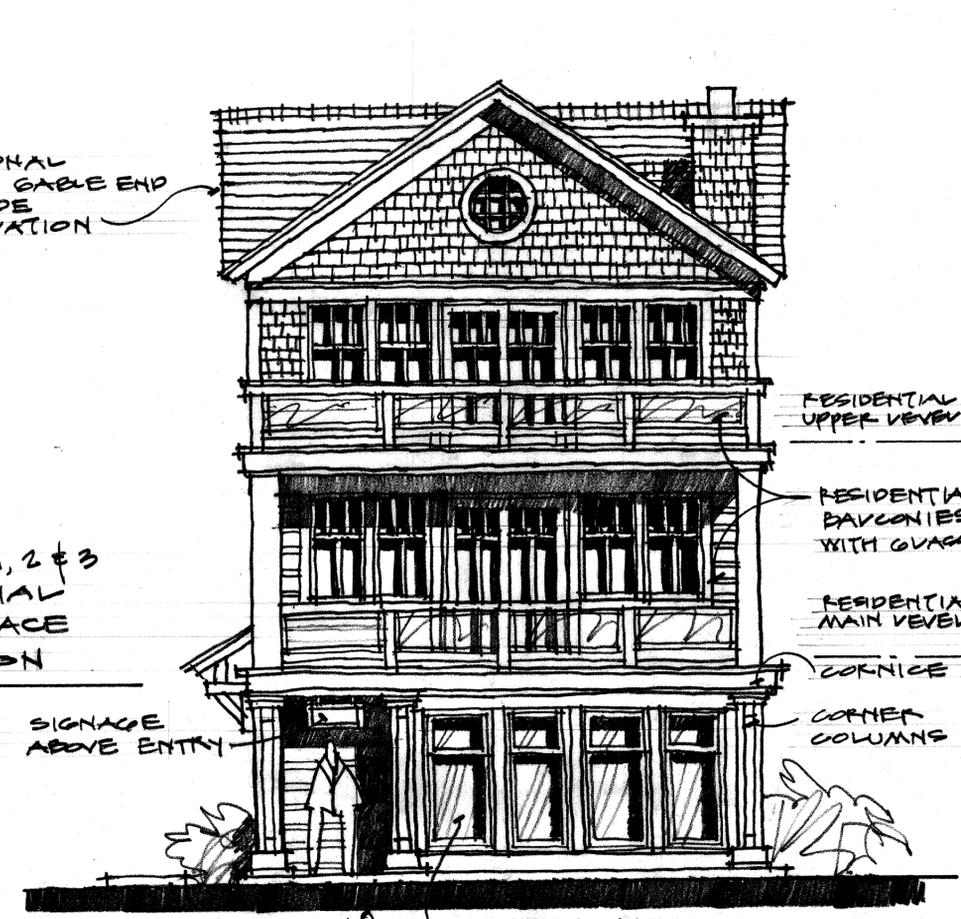
TRAVERSE
ARCHITECTURAL
GROUP 3/12

OPTIONAL ROOF GABLE END @ SIDE ELEVATION

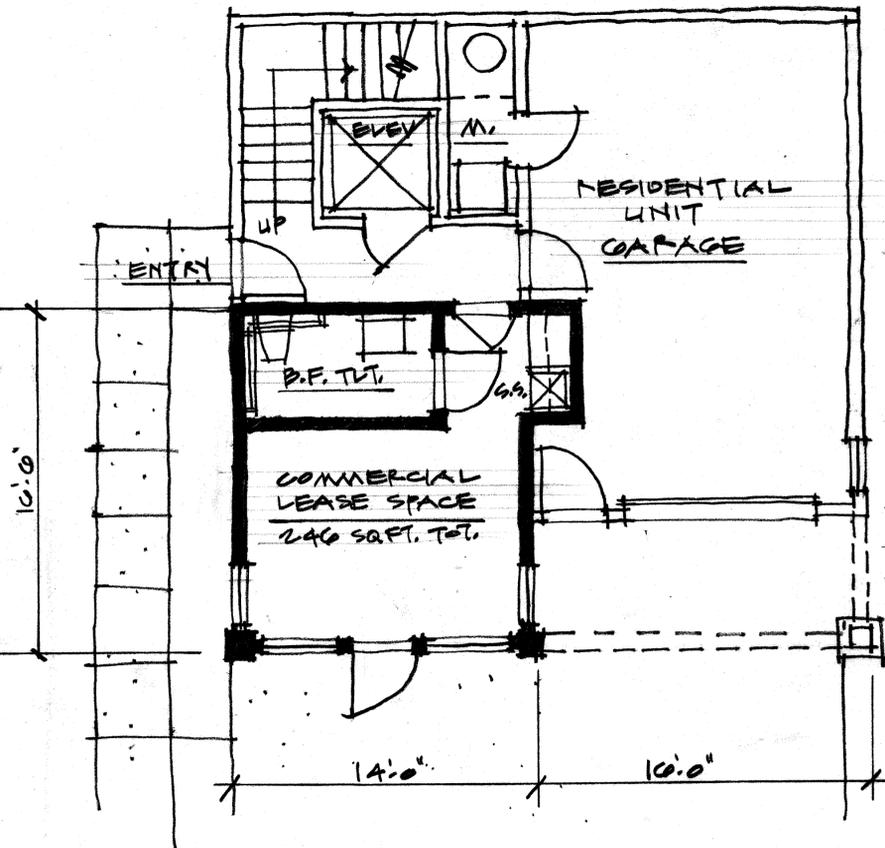
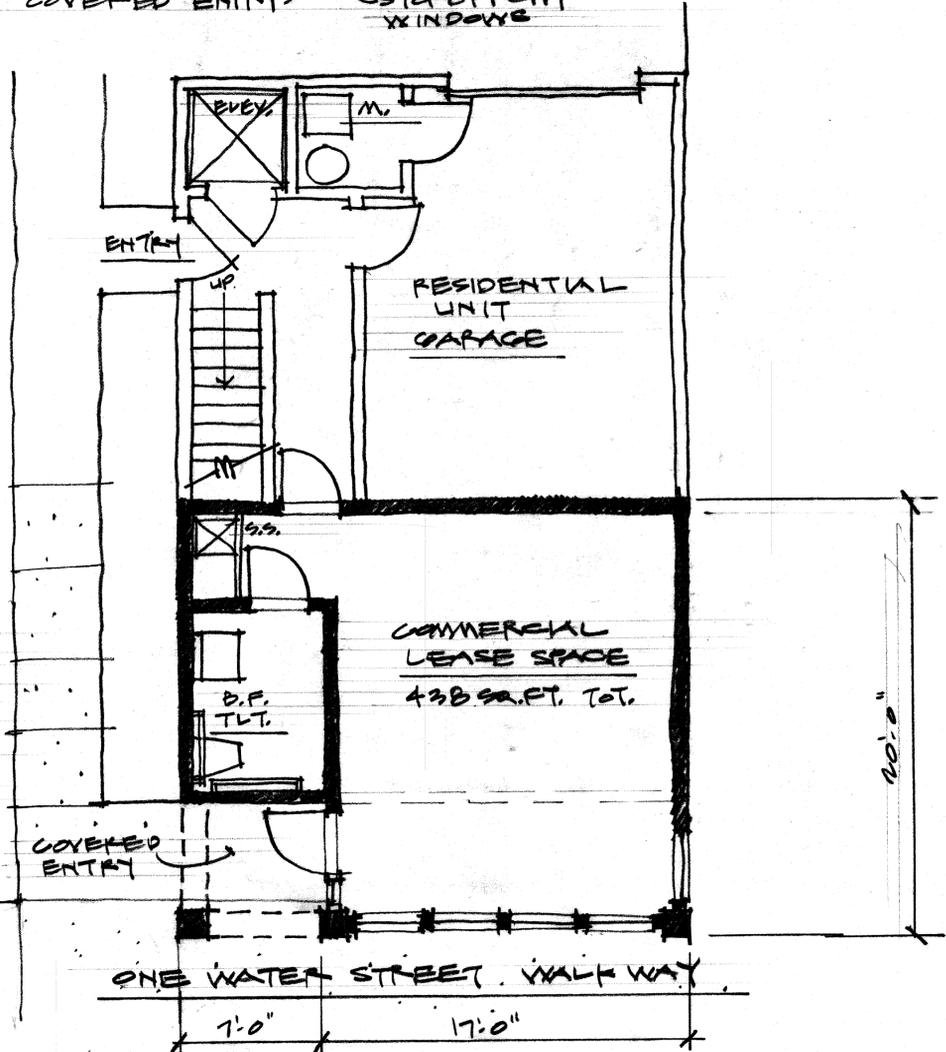
OPTIONAL ROOF GABLE END @ SIDE ELEVATION

"A" UNITS # 1, 2 & 3
COMMERCIAL LEASE SPACE
ELEVATION

"C" UNITS # 12 & 13
COMMERCIAL LEASE SPACE
ELEVATION



LOWER LEVEL FLOOR PLAN
"A" UNITS # 1, 2, & 3
COMMERCIAL LEASE SPACE



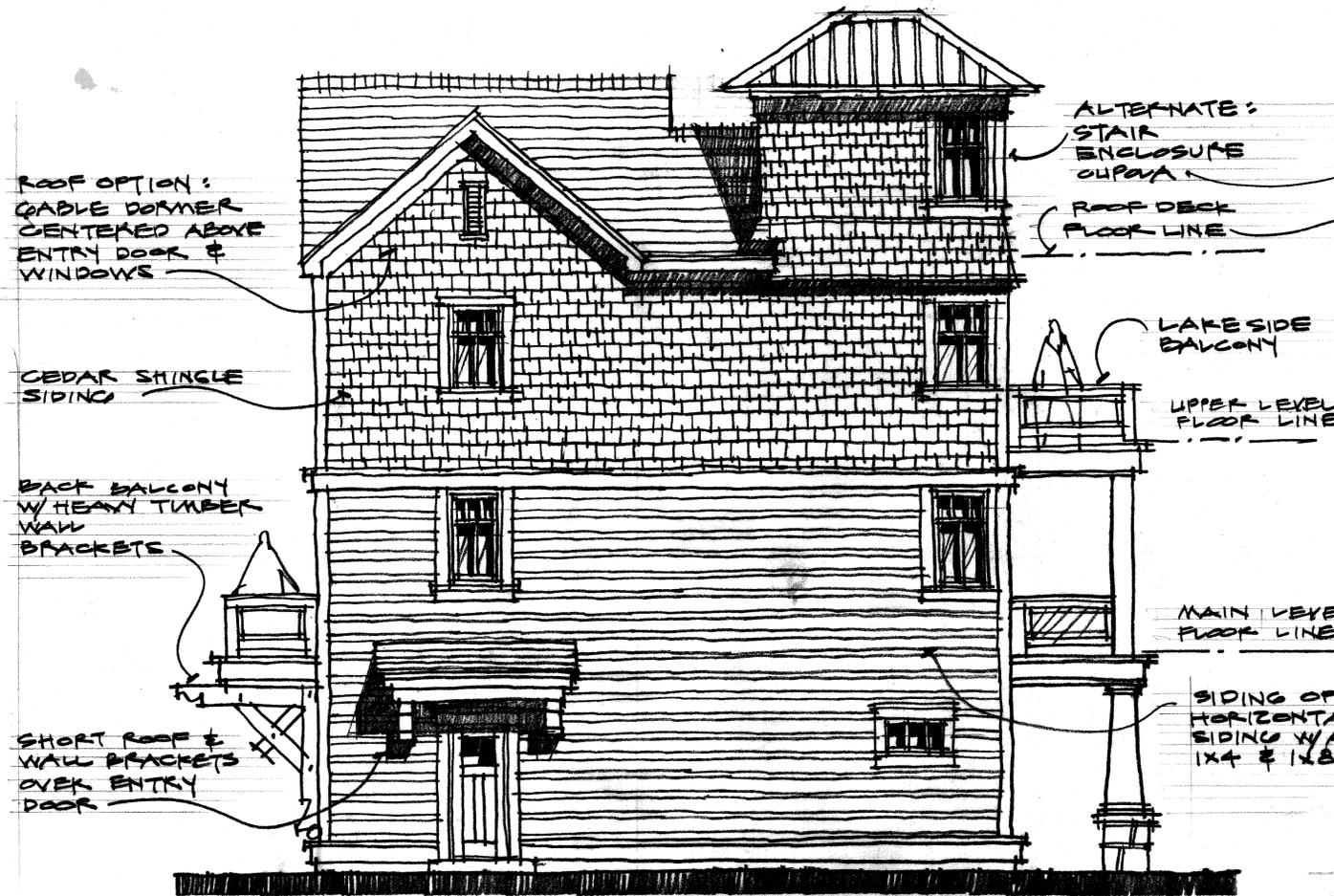
LOWER LEVEL FLOOR PLAN

"C" UNITS # 12 & 13
COMMERCIAL LEASE SPACE

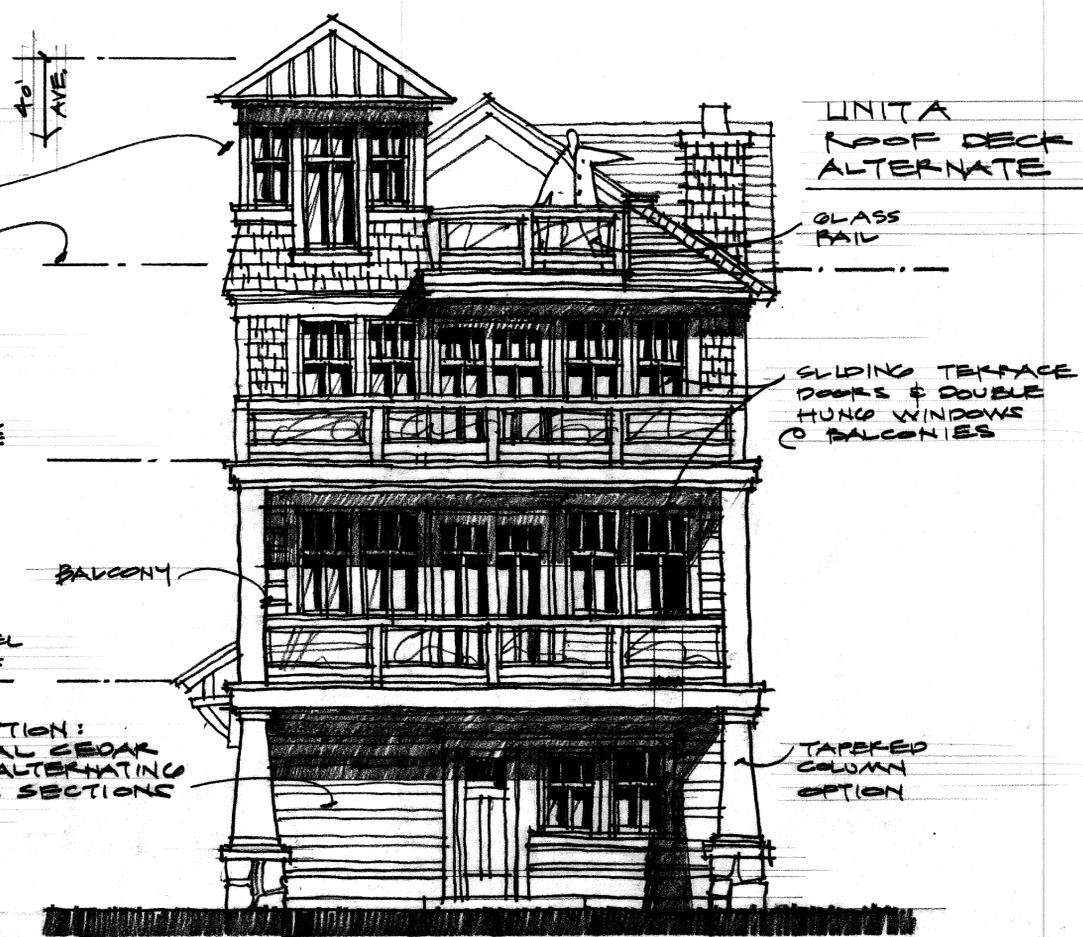
ONE WATER STREET DEVELOPMENT
BOYNE CITY, MI
CATT DEVELOPMENT



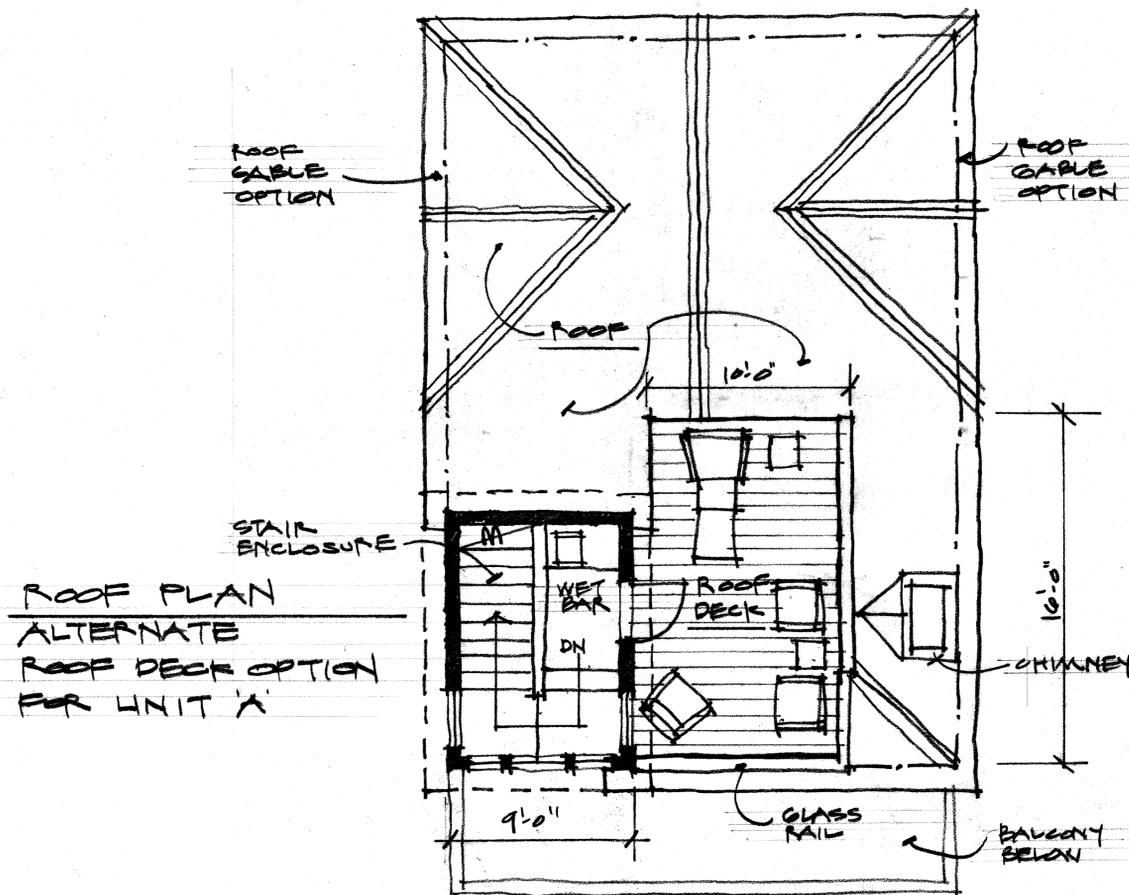
TRAVERSE ARCHITECTURAL GROUP
3/24/12



UNIT A ENTRY SIDE ELEVATION



UNIT A LAKE SIDE ELEVATION

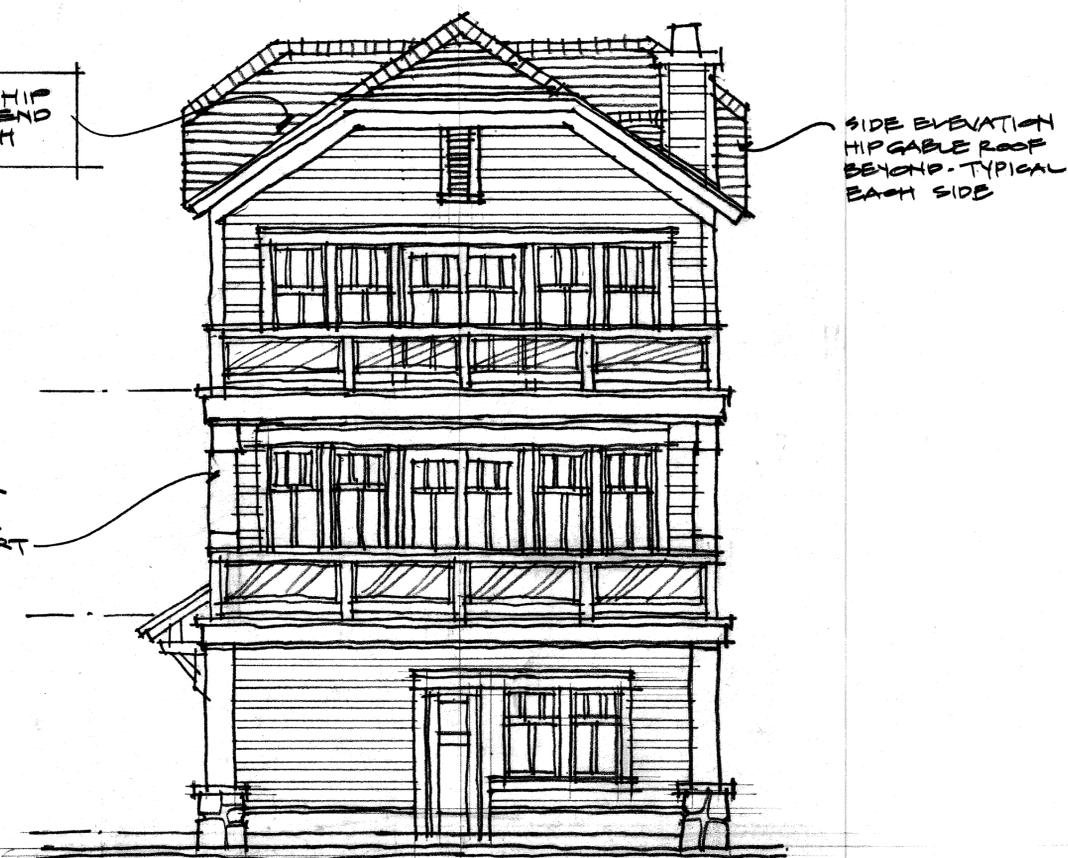


ROOF PLAN
ALTERNATE
ROOF DECK OPTION
FOR UNIT A

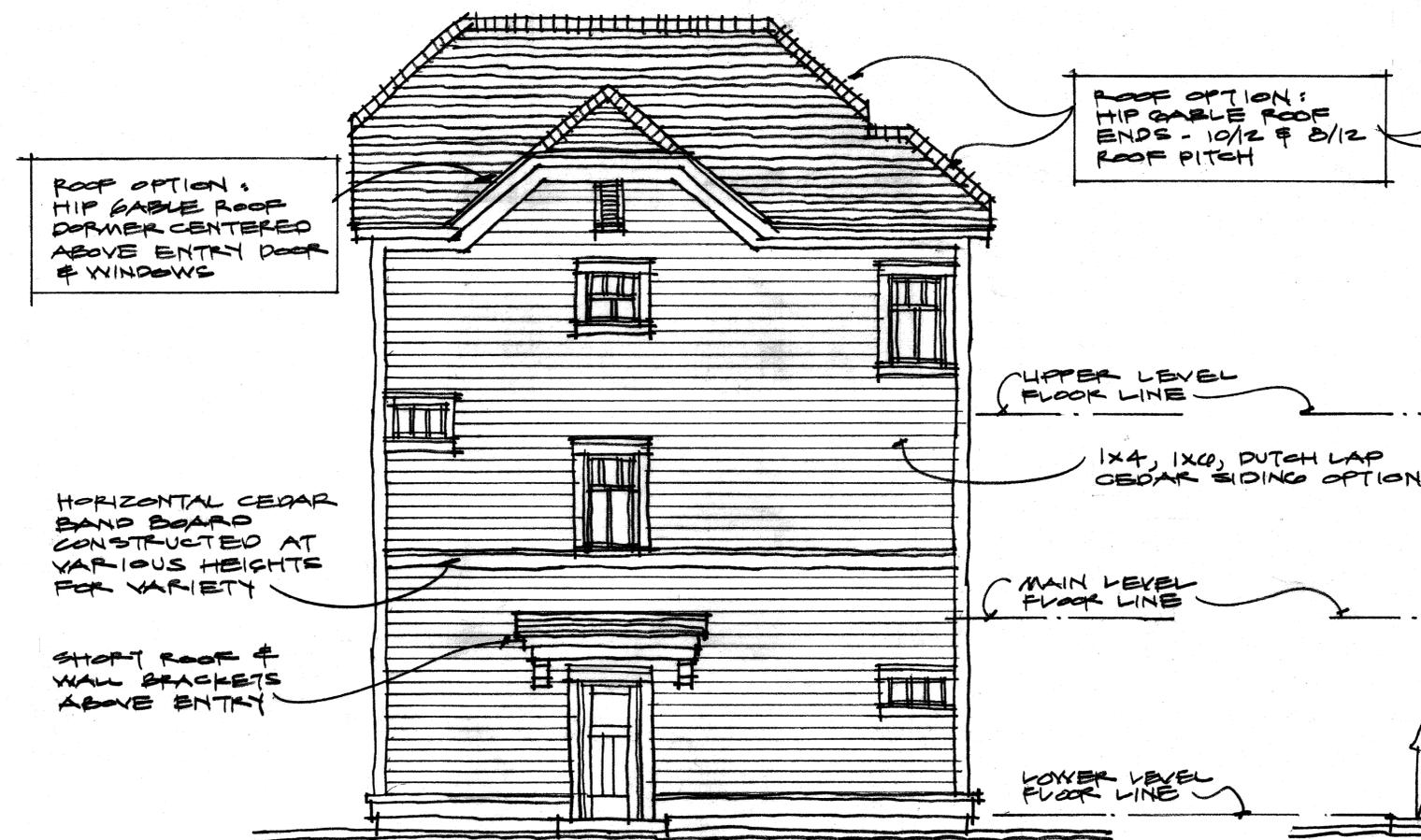
ONE WATER STREET
DEVELOPMENT
BOYNE CITY, MI
GATT DEVELOPMENT



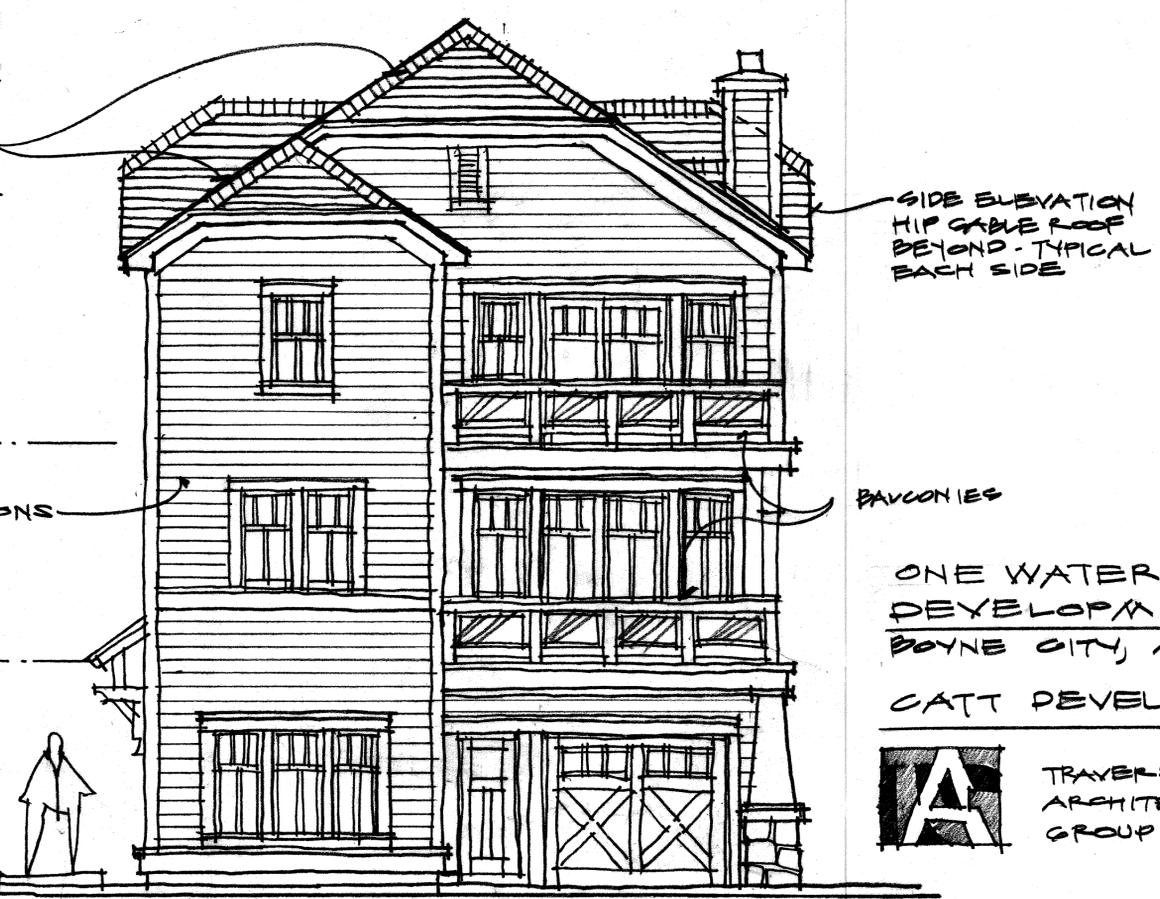
UNIT A ENTRY SIDE ELEVATION



UNIT A LAKESIDE ELEVATION



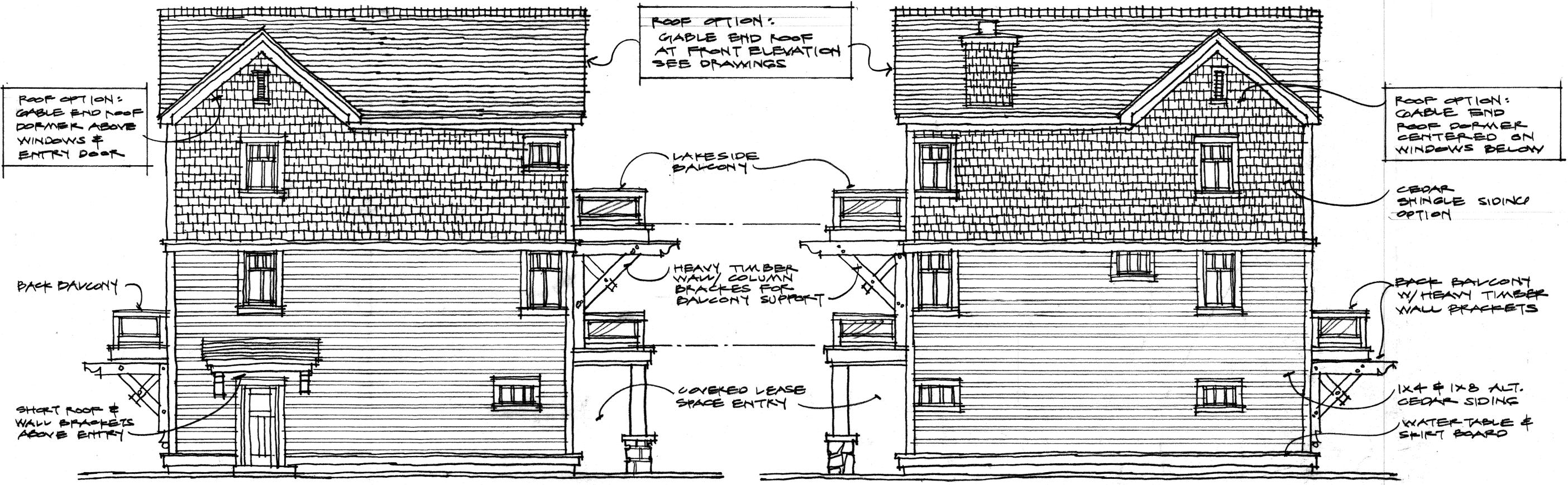
UNIT C ENTRY SIDE ELEVATION



UNIT C FRONT ELEVATION

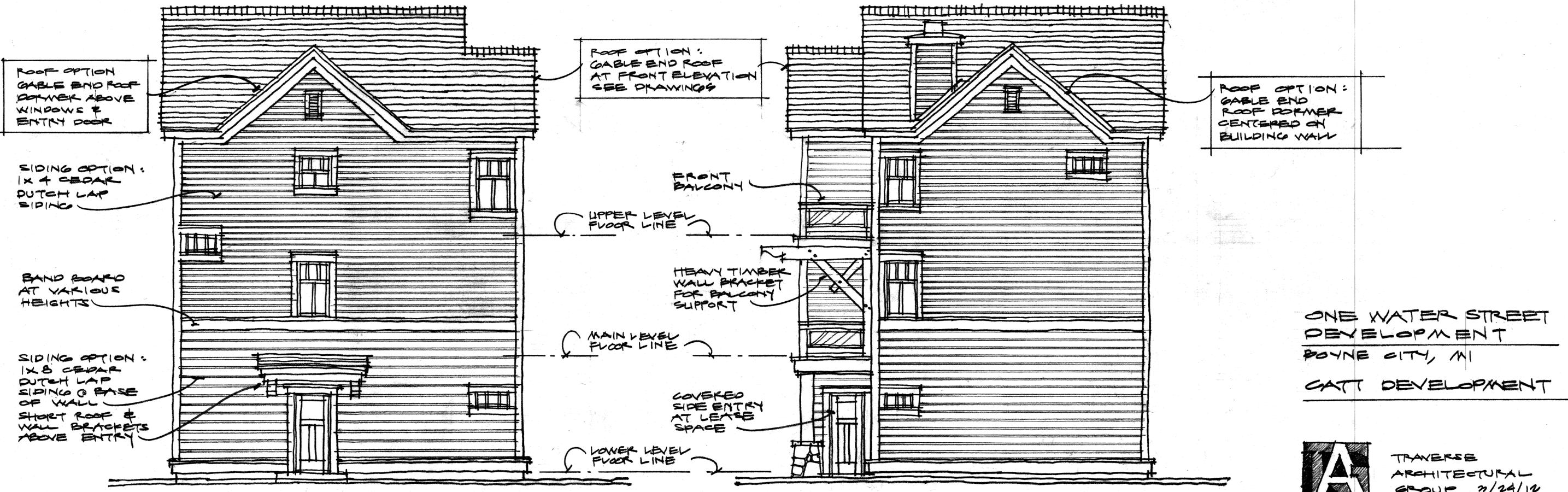
ONE WATER STREET
DEVELOPMENT
BOYNE CITY, MI
CATT DEVELOPMENT

 TRAVERSE
ARCHITECTURAL
GROUP 3/24/12



UNIT A ENTRY/LEFT SIDE ELEVATION

UNIT A RIGHT SIDE ELEVATION



UNIT C ENTRY/LEFT SIDE ELEVATION

UNIT C RIGHT SIDE ELEVATION

ONE WATER STREET
DEVELOPMENT
BOYNE CITY, MI
CATT DEVELOPMENT



TRAVERSE
ARCHITECTURAL
GROUP 7/24/12

FACT SHEET

Developer:

Catt Development
Glen Catt
829 W. Main St. Suite C
Gaylord, MI 49735
(989) 732-9722

Planning and Engineering:

Mansfield & Associates, Inc.
Doug Mansfield
1212 Veterans Drive
Traverse City, MI 49684
(231) 946-9310

Architect:

Traverse Architectural Group, LLC
Dave Spala
1222 Veterans Drive
Traverse City, MI, 49684
(231) 946-9940

General Contractor:

Integrity Construction Services
Ed Hunt
829 W. Main Street Suite C
Gaylord, MI 49735
(989) 705-1131

Site Location:

One Water Street
Boyne City, MI 49735

Tax ID:

15-051-445-082-10

Size:

1.91 acres

Zoning:

Currently zoned WMD
Zoned CBD prior to 2000
Master Planned as Downtown Core
Requesting zoning change back to CBD



One Water Street Phase I, Completed Multi-Use Building



One Water Street Phase I, Completed Pier and Boat Slips



One Water Street, Aerial View



Proposed Phase II, Completion of One Water Street

ARTICLE II
DISTRICT DESCRIPTIONS AND AMENDMENT PROCEDURES

Section 2.40 Amendment Procedures

C. *For amendment requests to change, create, extend or reduce a mapped zoning district, the Planning Commission and City Commission shall use the following as a guide:*

1. *The proposed zoning district is more appropriate than any other zoning district, or more appropriate than adding the desired use as a conditional land use in the existing zoning district.*

Around 2000-2001, this parcel was re-zoned from CBD to WMD. In order to pursue implementation of the currently proposed ‘Resort Cottage’ site plan submittal for the property, Catt Development is requesting the parcel zoning be reverted back to its original Central Business District designation. The chart below illustrates how the CBD zoning is more appropriate for both the current and proposed uses on the site.

**A Comparison of Allowable Land Uses
Waterfront Marina District / Central Business District**

- Principal Permitted Uses
- Conditional Uses

WMD	CBD		
<input checked="" type="checkbox"/>		private marina	existing pier
<input checked="" type="checkbox"/>		transient marina	existing pier
	<input checked="" type="checkbox"/>	quasi-public	proposed fishing pier
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	restaurant	existing Café Santé
<input type="checkbox"/>	<input checked="" type="checkbox"/>	mixed-use	existing structure
<input type="checkbox"/>	<input checked="" type="checkbox"/>	retail	existing ice cream shop
<input type="checkbox"/>	<input checked="" type="checkbox"/>	office	existing dental facility headquarters
<input type="checkbox"/>	<input checked="" type="checkbox"/>	hotel / motel	proposed resort cottages motel
	<input checked="" type="checkbox"/>	business	existing real-estate office

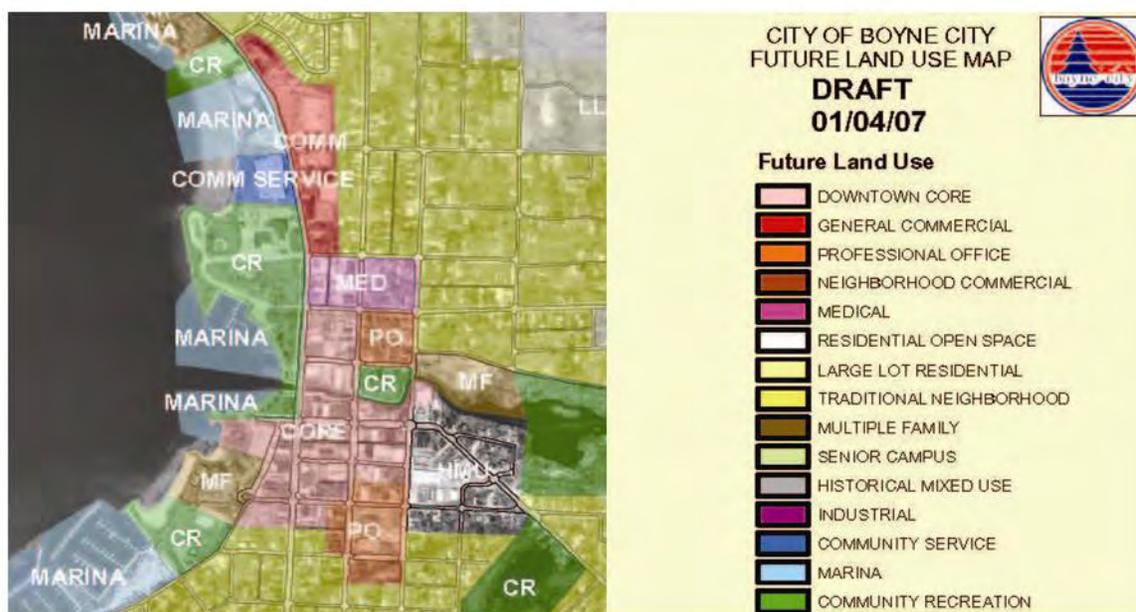
2. *The property cannot be reasonably used as zoned, and the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under current zoning at the time of purchase or at the time of securing legal control of the property.*

The current WMD zoning does not allow for a ‘resort cottage’ motel use. Obtaining financing for the currently approved hotel use (*or any other attached dwelling use*) is virtually impossible given the current state of the economy. (*please see the attached explanation of current financing criteria provided by Northwestern Bank*) The only reasonable option to finance the completion of this project is to construct individual

units. In addition to the benefit of more accessible financing options, the design team also feels that the scale of clustered individual units will provide a nice contrast to the large multi-family condominiums currently lining the lakefront, while still providing the user density to promote sustainability in the downtown core.

3. *The proposed zone change is supported by and consistent with the goals, policies and future land use map of the adopted City Comprehensive Plan, including any sub-area or corridor studies. If conditions have changed since the Comprehensive Plan was adopted, as determined by the Planning Commission, the consistency with recent development trends in the area shall be considered.*

“Nurturing Boyne City’s human scale, social character, and sense of place while encouraging future growth and development is the primary objective of the City through the implementation of this Plan.” –*Boyne City Master Plan*



The proposed Resort Cottages complement the intent of the Comprehensive Plan and will add a new and unique element to the Downtown Core. The design team feels that the scale of the proposed clustered individual motel cottage units will provide a nice contrast to the large multi-family condominiums currently lining the lakefront. The site plan provides an aesthetically interesting use of building, landscape, and paving materials, resulting in a pleasantly soft urban pedestrian scale.

4. *The proposed zone change is compatible with the established land use pattern, surrounding uses, and surrounding zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values, and is consistent with the needs of the community.*

The proposed zoning change is compatible with established land use patterns, surrounding uses, and surrounding zoning. The completed storefront commercial building is an extension of the downtown uses to the east, while the proposed resort cottage use is an extension of the existing lodging uses to the south. The completed multi-use building (containing Santé Restaurant, shops and offices), marina, and streetscape improvements are a great addition to the downtown area, extending the main street shopping district right down to the lakefront. The proposed resort cottages will complete the project, offering a new type of lodging option along the waterfront. The proposed cottages site plan (29-units) is slightly less dense than the previously approved hotel site plan (37-units), but the ratio of parking provided will remain similar. There are no environmental impacts to the site, as the site has been previously disturbed.

5. *All the potential uses allowed in the proposed zoning district are compatible with the site's physical, geological, hydrological and other environmental features.*

All of the potential uses within the CBD are compatible with the sites environmental features. The proposed cottage site plan complies with, and exceeds all setback requirements of waterfront property and the Central Business District. Building foundations will be engineered specifically for the soils along the lakefront.

6. *The change would not severely impact traffic, public facilities, utilities, and the natural characteristics of the area, or significantly change population density, and would not compromise the health, safety, and welfare of the City. The Planning Commission may require a general impact assessment in accordance with the requirements of this Ordinance if it determines the proposed zoning change could have a negative impact upon traffic, public facilities, utilities, natural characteristics, populations density, or other concerns. A traffic impact study in accordance with the requirements of this Ordinance shall be required if the proposed rezoning district permits uses that could generate one hundred (100) or more directional trips during the peak hour, or at least one thousand (1,000) trips per day more than the majority of the uses that could be developed under current zoning.*

The project site is less than two acres in size and is the last infill project along the lakefront in the core downtown area. The proposed resort cottage use is similar in use and density to the hotel use approved on the site by the Planning Commission in 2009. Although this project is small in size, and will not impact the local utilities, environment, traffic, etc., the design team is confident that this project will have a positive impact on the character of Boyne City's downtown area. Similar cottage developments have been very successful in other Michigan resort communities such as Crystal Mountain Resort (see attached exhibit photos) and Harbor Springs.

7. *The rezoning would constitute and create an isolated and unplanned "spot zone" granting a special privilege to one landowner not available to others.*

This request does not create a "spot zone." Similar and compatible lodging and commercial uses exist and/or are allowed within the surrounding downtown core area.

Section 2.70 Conditional Uses in Districts

E. Standards of Approval. For the purpose of this Ordinance these uses shall be known as conditional uses as set forth in the individual district and shall be allowed within that particular district subject to the development requirements for the district, provided the Planning Commission finds the conditional use affirmatively meets the following criteria deemed applicable in each case:

- 1. The conditional use will promote the use of land in a socially and economically desirable manner for persons who will use the proposed land use or activity, form landowners and residents who are adjacent thereto and for the City as a whole;*

The proposed clustered cottage development will provide an aesthetically pleasing human scale of structures, resulting in a pleasantly soft urban feel reminiscent of quaint motor courts of the past and taking architectural cues from the historic neighborhood homes of Boyne City. This project will provide a unique tourist lodging alternative along the waterfront in Boyne City. Each Resort Cottage will be sustainable onto itself in terms of economic viability including ground floor leasable space for complementary and compatible uses. The development will be conveyed through a condominium which will set standards of maintenance and operations. The City can be assured that the resort cottage development will be executed to the high degree of quality and commitment that is the standard of Catt Development projects.

- 2. The conditional use is compatible and in accordance with the goals, objectives and policies of the City's Comprehensive Plan;*

“Nurturing Boyne City’s human scale, social character, and sense of place while encouraging future growth and development is the primary objective of the City through the implementation of this Plan.” —*Boyne City Master Plan*

The design team feels that the scale of the proposed clustered individual motel cottage units will provide a nice contrast to the large multi-family condominiums currently lining the lakefront. The site plan provides an aesthetically interesting use of building, landscape, and paving materials, resulting in a pleasantly soft urban pedestrian scale.

- 3. The conditional use is necessary for the public convenience at that location;*

The conditional use of resort cottages will provide the public with the convenience of additional lodging alternatives within the downtown area. The freestanding structures each have their own garage, designated driveway parking spaces, a separate convertible commercial use area on the ground level, and a fully equipped extended stay suite on the second and third levels, with potential for a roof top patio.

- 4. The conditional use is compatible with adjacent uses of land, and can be constructed, operated and maintained so as to continue to be compatible with the existing or intended character of the general vicinity and so as not to change the essential*

character of the area in which it is proposed;

The proposed motel use is a principle permitted use within the CBD. The proposed use is similar in nature to the lodging uses directly adjacent to the south. Operation of the use will be monitored by off-site management located in Boyne City. The architectural style and elements of the cottages were inspired by Boyne City's historic neighborhoods. The resort cottage concept is a modern tribute to the lakefront cottage resorts of the past, honoring the character and heritage of Boyne City, and that nostalgic 'Up North' feeling.

5. *The conditional use shall be of such location, size and character, that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts;*

The design team feels that the cottage setting of the proposed structures will positively contribute to the character of Boyne City's downtown. The level of detail in the buildings, paving, landscape, the scale and massing of the buildings will create a human scale honoring the architectural heritage of Boyne City's historic neighborhoods.

6. *The conditional use is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;*

The proposed motel use is a principle permitted use within the CBD. The proposed use is similar in nature to the lodging uses directly adjacent to the south. Operation of the use will be monitored by off-site management located in Boyne City.

7. *The conditional use can be adequately served by public services and facilities without diminishing or adversely affecting public services and facilities to existing land uses in the area;*

The proposed motel use is 8 units less dense than the previously approved hotel and condominium use. Each freestanding unit will be individually served by public and private utilities, and will be equipped with fire suppression systems.

8. *The conditional use will not cause injury to the value of other property in the neighborhood in which it is to be located;*

The proposed motel and potential for complimentary compatible uses are a principal permitted use within the CBD. This lodging component would complete the One Water Street mixed-use development project initiated by Catt Development in 2009.

9. *The location and use and assembly of persons in connection with the proposed conditional use will not be hazardous to the district in which the use is located, hazardous to a specific use or life and property within the district, or be incongruous therewith or in conflict with the normal traffic of the district.*

The density and intensity of use proposed is appropriate to the CDB zoning district. The mixed-uses proposed at One Water Street will lend to the sustainability and vibrancy of Boyne City's downtown by offering a variety of services and activities contributing to the '24-hour life' of the downtown.

10. *The conditional use will protect the natural environment, help conserve natural resources and energy, and will not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to the natural environment, public health, safety or welfare by reason of excessive production of traffic, noise, smoke, odors or other such nuisance;*

The proposed use is appropriate to the Downtown Core area in both scale and density, and will not produce noise, smoke, odors or any other conditions that would be to the detriment of the environment or public welfare.

11. *The vehicular circulation for the proposed conditional use will be in the best interest of the public health, safety and welfare in relationship to egress/ingress to the site, vehicular turning movements related to street intersections and street gradient, site distance and potential hazards to the normal flow of traffic; and*

The proposed site plan will maintain the existing driveways as well as the 16 existing on-street parking spaces along Front Street and should therefore not impact vehicular circulation, turning movements, or ingress/egress onto public streets. Circulation within the site is designed to regulatory standards for dimensions and gradients.

Each individual structure has one garage parking space (14 spaces) and designated driveway parking spaces (25 spaces). Parking for the other shared uses at One Water Street is comprised of thirty-seven (37) parking spaces located within the site, sixteen (16) parking spaces along Front Street, and fourteen (14) parking spaces in a lot across the street owned by the developer. (see the parking plan for parking locations and required quantity calculations)

12. *The conditional use is within the provisions of uses requiring conditional use approval as set forth in the various zoning districts herein, is in harmony with the purposes and conforms to the applicable regulations of the zoning district in which it is to be located, and the proposed site layout is in compliance with the general standards of Article XIX, regarding site development and shall insure that:*

- a. *The use and associated activities on the property are so located as not to hinder the projected development of the adjacent properties or impair the existing uses of adjacent lands. This shall include all uses associated with the particular use such as parking, lighting, display signs, etc.*

The proposed uses at One Water Street have been designed in accordance to City of Boyne City, State and other applicable development standards. The proposed development is an infill of the last remaining vacant land in the

downtown core area. The uses proposed are similar and compatible with surrounding uses and will not impair existing uses of adjacent land. (See attached site plan)

- b. *Sufficient landscaping, fencing, walls and other means of buffering are provided to insure that operation of the use will not be objectionable to nearby uses or dwellings by reason of noise, fumes or flash of lights nor interfere with an adequate supply of light and air, nor increase the danger of fire or otherwise create the potential of endangering the public safety.*

The proposed uses at One Water Street have been designed in accordance to City of Boyne City, State and other applicable development standards. The uses proposed are similar and compatible with surrounding uses and will not impair existing uses of adjacent land. The structures will be protected by individual NFPA 13R fire suppression systems, and served with extensions of municipal sanitary sewer and water systems, private roads and other public and private utilities. (See attached site plan)

No conditional use approval shall be granted by the Planning Commission unless it finds the conditional use affirmatively meets the criteria listed herein which are deemed applicable in each case.



April 19, 2012

Wally Kidd
Kidd & Leavy Real Estate
325 E Lake St.
Petoskey, MI 49770

RE: Conventional financing on condo projects

Dear Wally,

I am writing as a follow up to our previous discussions regarding conventional financing on condominium projects. Conventional financing sources, particularly Fannie Mae and Freddie Mac, have placed some stringent requirements on the financing of attached condominiums. Fannie Mae and Freddie Mac recognize condo projects as either "attached" or "detached". They do not differentiate between the two by the amount of shared walled. If they share a wall, they are considered "attached".

Attached condominium projects have the most financing restrictions under conventional guidelines, particularly new projects. Following is a **partial** list of these restrictions:

- Hotel/condo projects are ineligible with no exceptions.
- New projects have a requirement for 70% presale of units for primary and second homes prior to being eligible for conventional financing.
- No entity, other than the developer, can own more than 10% of the units.
- All units in the subject legal phase and prior phases must be substantially complete. "substantially complete" means occupancy permit(s) have been issued .
- If all units are in one building, it is automatically considered 1 phase regardless of the condo documents.
- No more than 20% of the square footage can be used for commercial purpose.

This is by no means a complete list; however, this generally lays out some of the major hurdles when first looking at conventional financing in a new project.

Detached condominium projects have much less restrictive requirements when it comes to financing in a new project. They are considered more similarly to a single family dwelling. In Michigan we refer to units that are detached, and where the homeowner will actually own the land they set on, as site condos. For new projects the following are the basic restrictions:



- Hotel/Condo projects are ineligible with no exceptions
- If the condo project is new, the appraiser used as a comparable sale at least one detached condo unit, which may be located either in a competing project or in the subject project, if the condo unit is offered by a builder other than the one that built the subject unit.

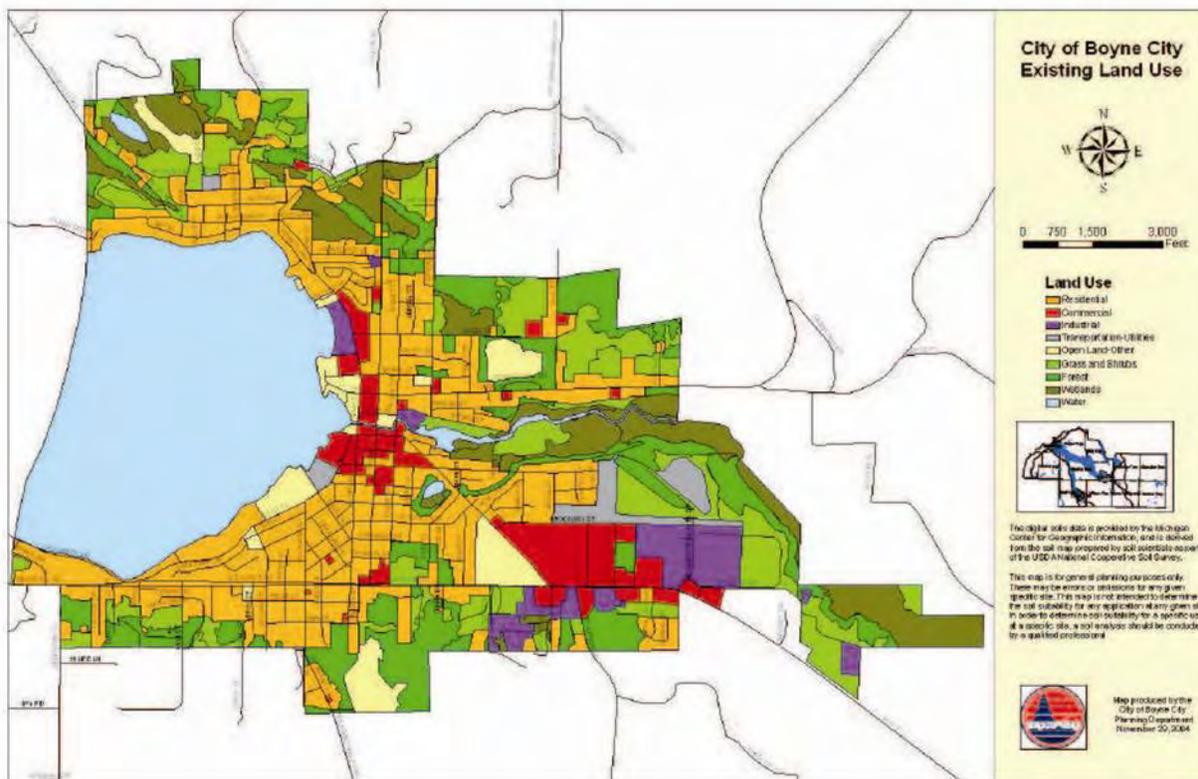
Condominium financing has gone thru some major changes in the last few years when it comes to conventional loan availability. I hope this helps explain some of the basic changes and differences than in years past. Please let me know if you have further questions.

Best Regards,

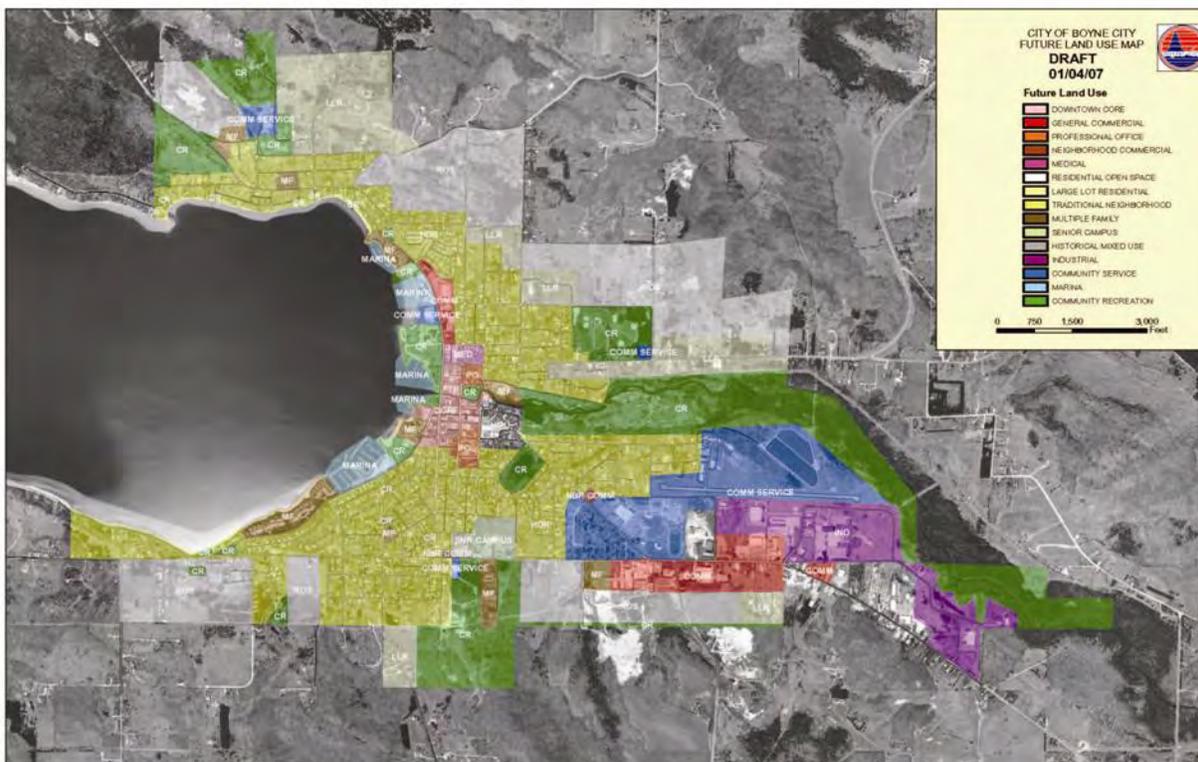
A handwritten signature in cursive script that reads 'Tracey M Grose'.

Tracey M Grose

Vice President/Mortgage Lending



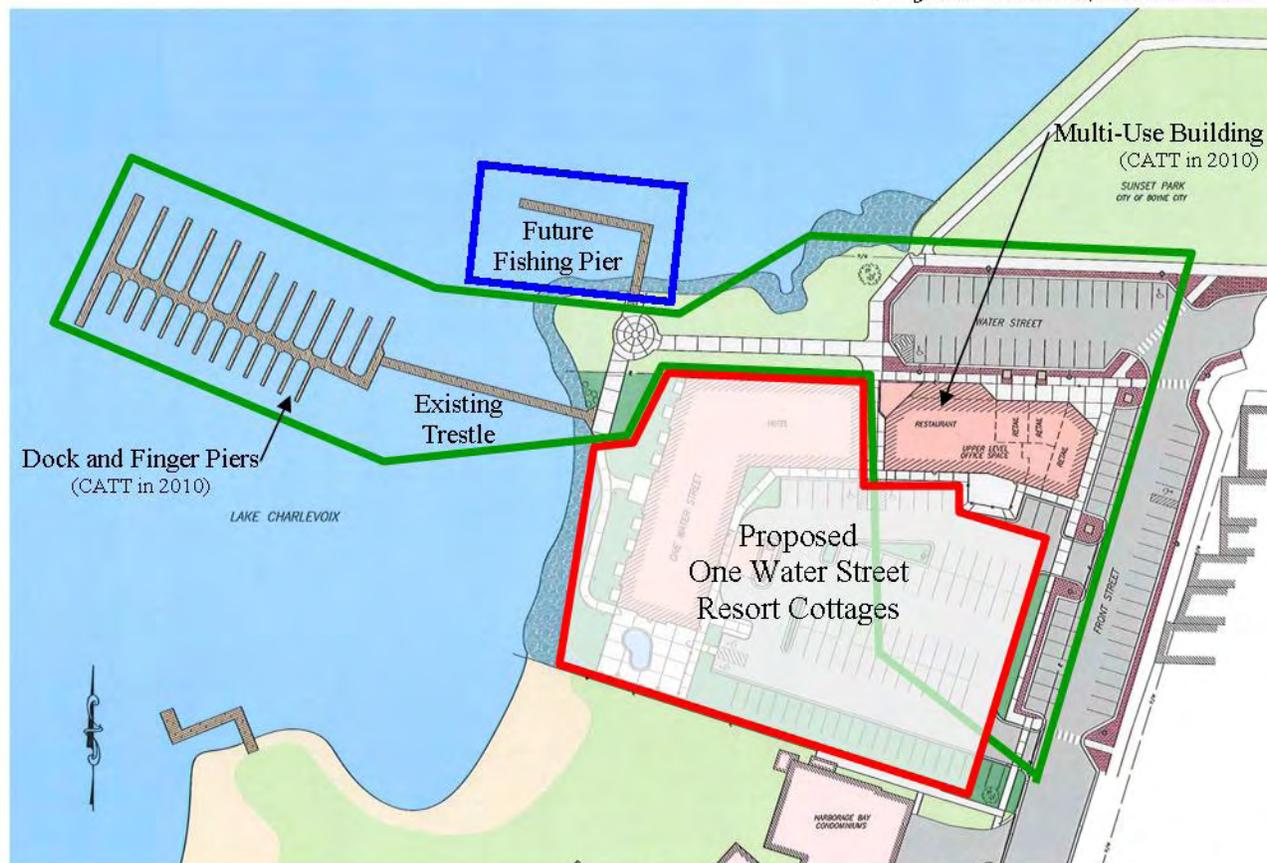
Existing Land Use Map



Future land Use Map



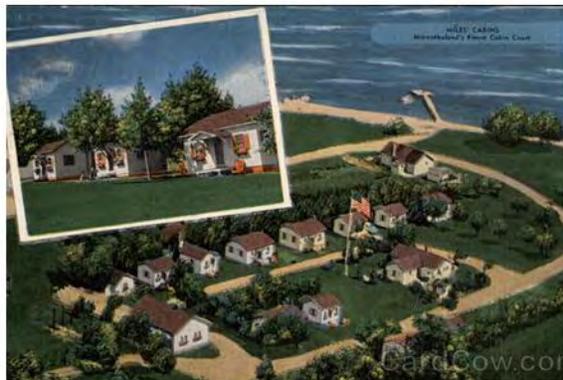
Project Location, Aerial View



One Water Street, Proposed Phase II Project Area

PROPOSED ARCHITECTURE

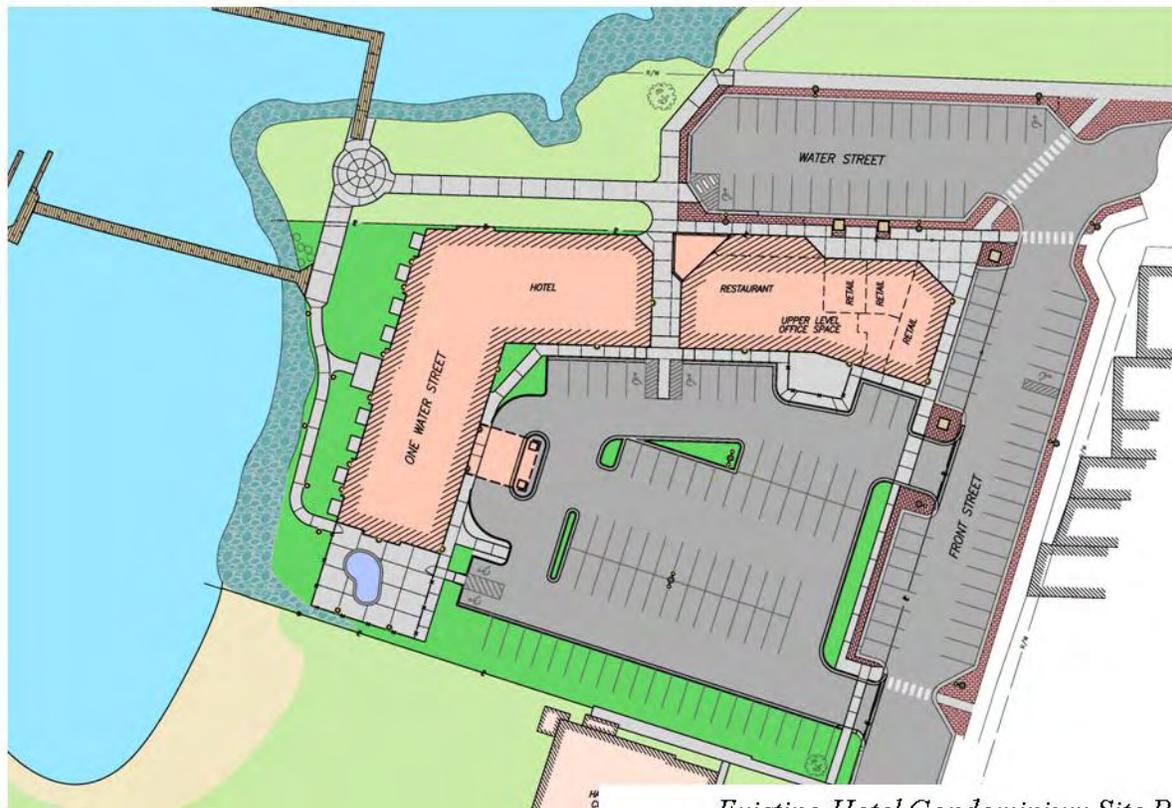




Historic Resort Cottages



Modern Resort Cottages



Existing Hotel Condominium Site Plan



Proposed Resort Cottage Site Plan

RESORT COTTAGES
AT ONE WATER STREET
Pattern Book of Architectural Guidelines

May 14, 2012



One Water Street Boyne City, MI 49735



Catt Development



(989) 732-9722

DEVELOPMENT TEAM

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Architect:

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General Contractor:

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829 W. Main Street Suite C
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Planning and Engineering:

Mansfield & Associates, Inc.
Doug Mansfield
1212 Veterans Drive
Traverse City, MI 49684
(231) 946-9310

The One Water Street Resort Cottage Pattern Book has been prepared specifically for the One Water Street Resort Cottage development. This document is not suitable for use on other projects or other locations without the prior approval of Catt Development, Mansfield, Inc., and Traverse Architectural Group, L.L.C. Reproduction, in whole or in part, is prohibited.

RESORT COTTAGES at ONE WATER STREET

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RESORT COTTAGES at ONE WATER STREET

INTENT OF PATTERN BOOK

INTENT OF PATTERN BOOK:

This Pattern Book describes guidelines that have been established to help future residents, builders and developers create structures that reflect the architectural, site, and landscaping principles that will compliment each other within the entire development.

These guidelines are in compliance with the following municipal authorities development requirements executed on date.

list municipalities, site plan review #, permit # here

The regulations found within the One Water Street Resort Cottage Pattern Book are binding upon Catt Development, successor developers, their agents, and all future owners of properties within the One Water Street Resort Cottage project, including unit owners.

The intent of this Pattern Book is to provide guidelines for the One Water Street Resort Cottage Architectural Control Committee (RACC) to ensure consistent reviews of proposed structures, site plans and details for the development of the One Water Street Resort Cottage project.

These development guidelines are illustrative examples of the architectural controls for the project as referred to in the Declaration of Covenants, Conditions and Restrictions for the One Water Street Resort Cottage Project. All buildings illustrated in this Pattern Book are conceptual. Detailed designs must be prepared following these guidelines for each structure to obtain approval for construction.

This Pattern Book will also secure investments by requiring a level of quality and detail from beginning to the end of the development process.

DEVELOPMENT INTENT

DEVELOPMENT INTENT:

Create a new, unique, mixed-use neighborhood at the One Water Street property in Boyne City, Michigan, following the design principals of Traditional and Modern Cottage Development patterns.

Take advantage of the natural features of the site and establish a well-planned mixed use neighborhood that is based on the opportunities and limitations of the site.

The Water Street Resort Cottage Project will be consistent with the existing community Master Plan, responsible to the natural features of the site, and it will be sustainable with its variety of proposed land uses.

Encourage the use of creative architectural and landscape detail.

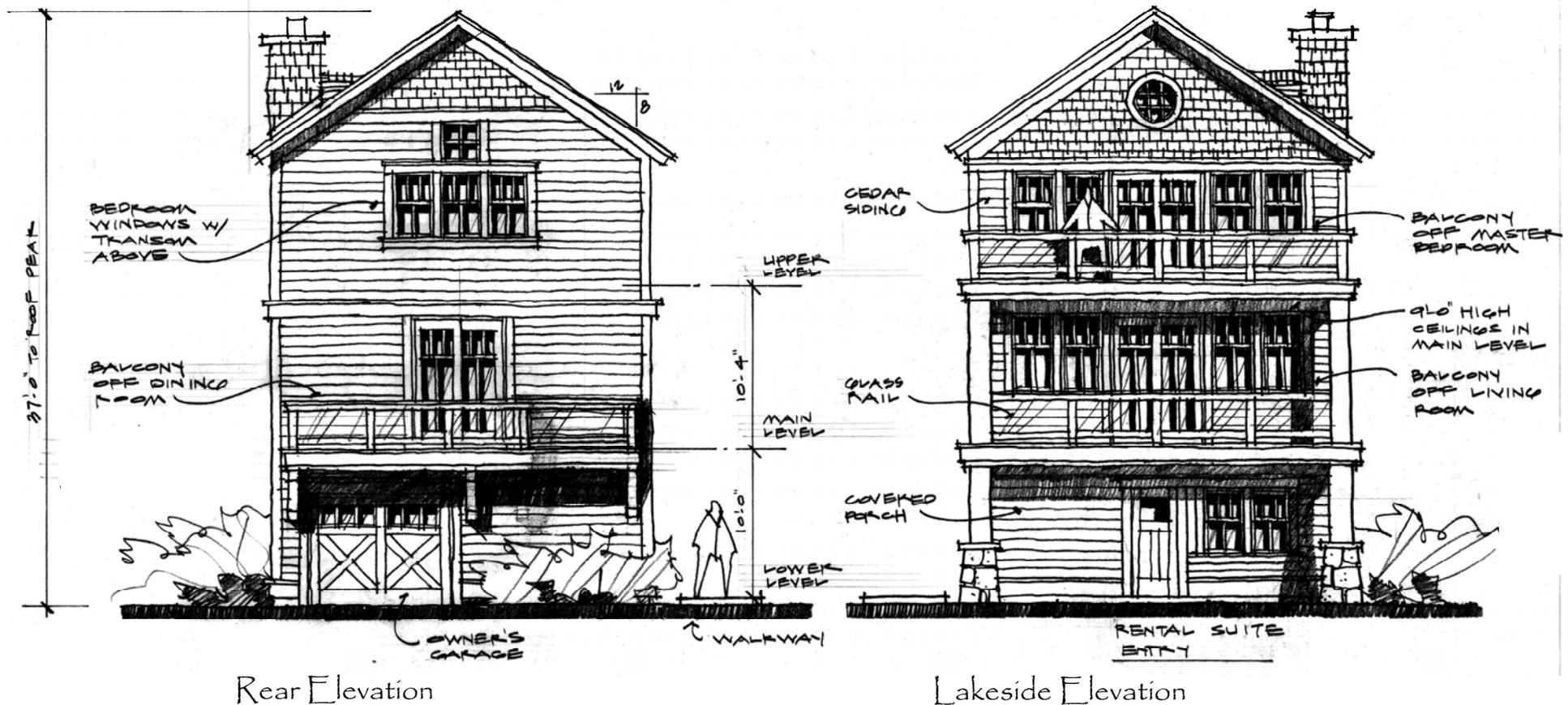
ANTI-MONOTONY CODE:

The intent of this code is to ensure sufficient variety in residential homes and commercial architecture to prevent monotony within the One Water Street Resort Cottage Development, and to foster the quality and character of construction traditionally found in the historic City of Boyne City. These guidelines are designed to provide freedom for homeowners to design homes that meet their needs and to encourage creativity.

Our goal is to achieve a creative mix of traditional architectural styles, color packages, and elevation themes within the community. The following guidelines are provided:

- The same elevations theme or color package cannot be built next to each other, or directly across from one another, or built back to back
- Optional roof designs and orientation shall be varied in relation to surrounding structures
- Rotation or orientation of floor plans shall vary in relation to surrounding structures
- Architectural details and features may vary in relation to surrounding structures. Utilize different details for the siding, column design and base materials at porches, heavy timber bracket detailing, and overall roof deck forms.

TYPE-A-COTTAGE-ELEVATIONS

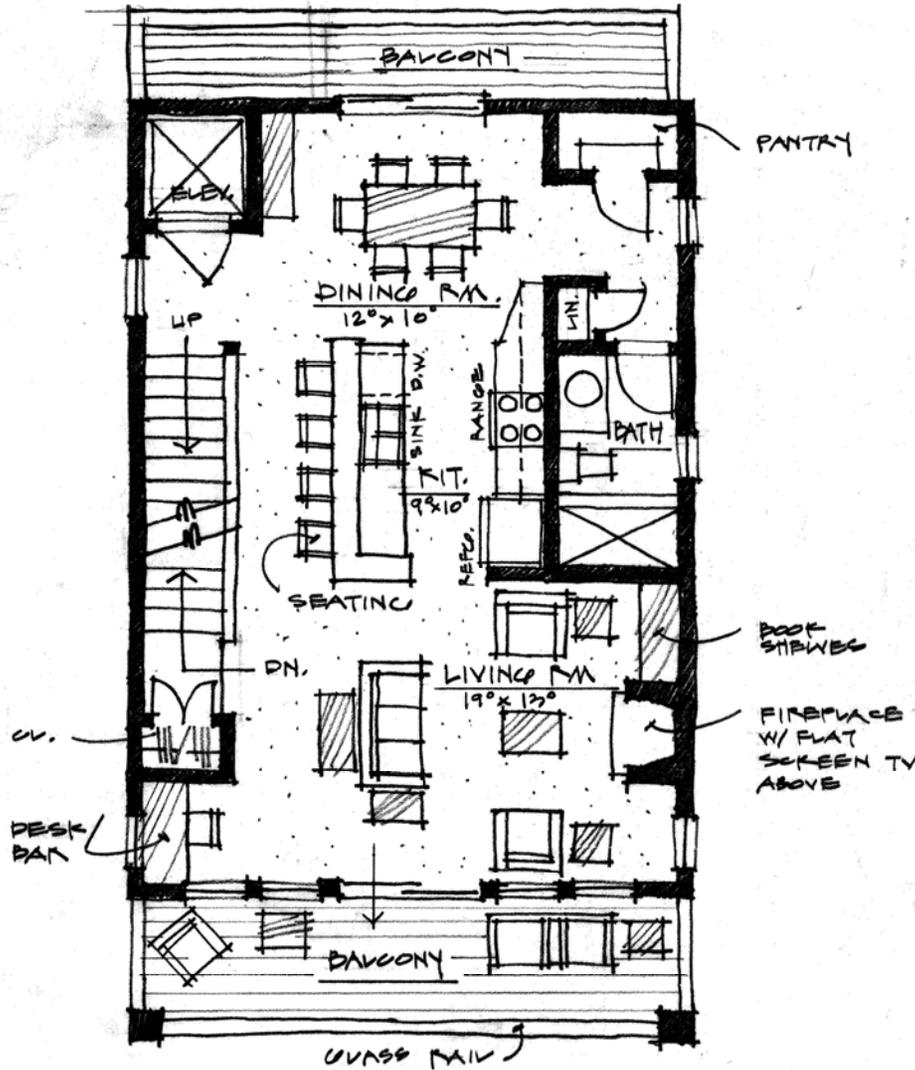


Rear Elevation

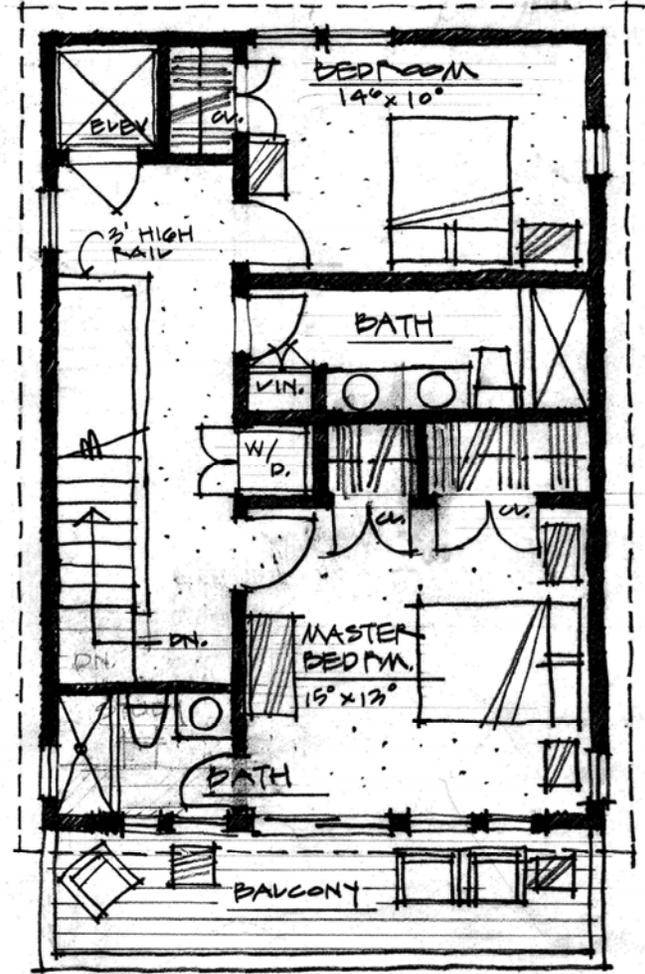
Lakeside Elevation

The architecture of the proposed cottage units are designed in the historic craftsman style period of the early twentieth century. Simple "Mission Style" detailing of roof edges, cornice, fascia, trim boards and siding, using natural honest materials of cedar and stone, convey the "on the beach" cottage theme. Gable roofs with round "porthole" windows and cedar shingle siding recalls the New England nautical style. Clean white cedar trim, with various siding materials and roof designs will provide alternative characteristics to each cottage unit. The double hung windows with traditional mutin bars, and rail and stile glass patio doors open up to the multi-level deck areas. Cedar railing systems with double strength glass inserts will provide unobstructed views of the lake, city, and countryside.

TYPE-A-COTTAGE-FLOOR PLANS

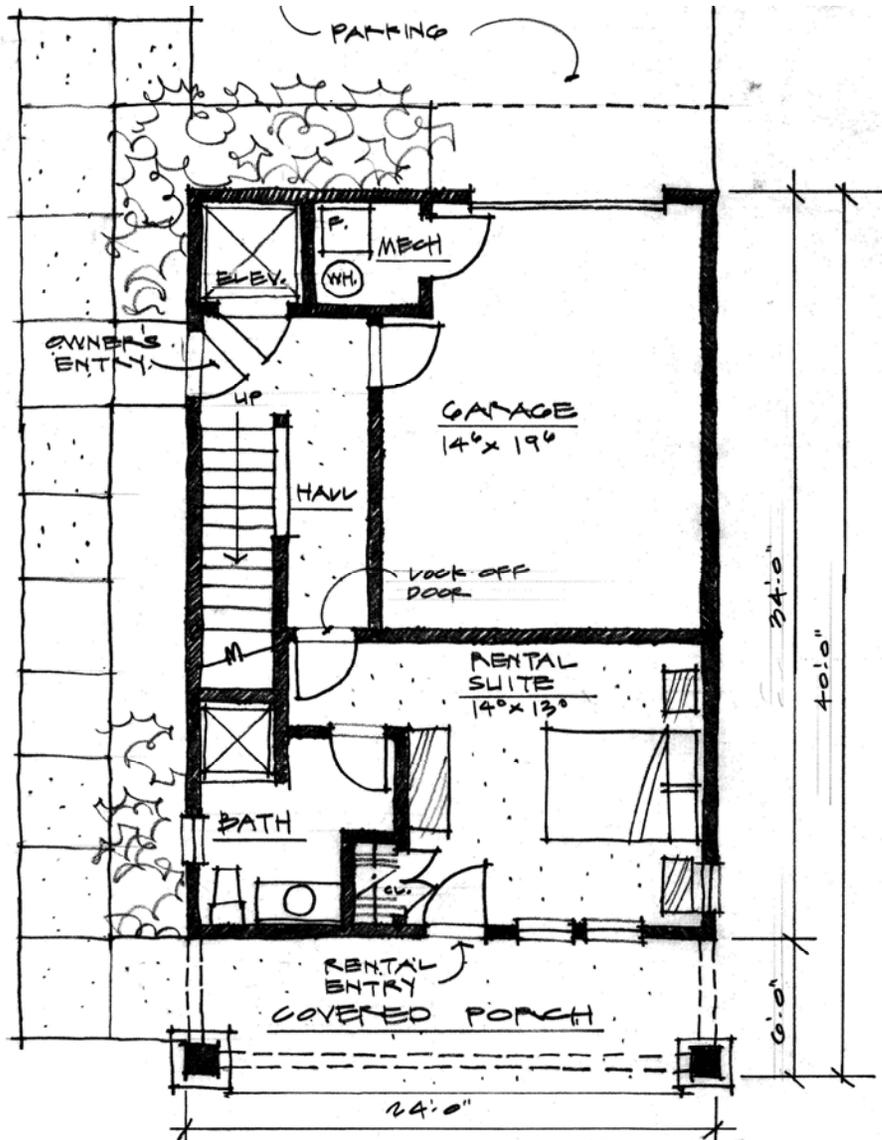


MAIN LEVEL 816 SQ. FT.



UPPER LEVEL 816 SQ. FT.

UNIT -A- GROUND FLOOR OPTIONS



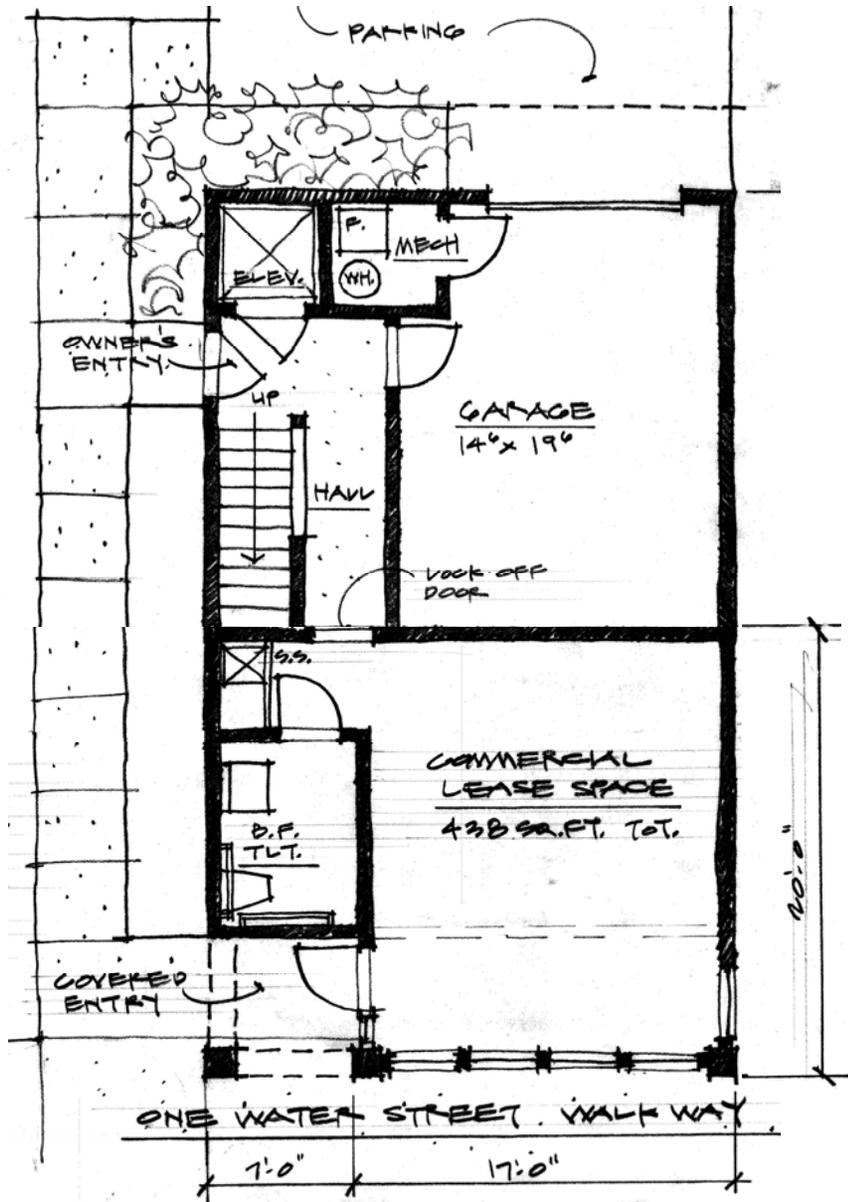
STANDARD GUEST RENTAL SUITE

- 336 square foot total
- 196 square foot room
- 72 square foot full bathroom w/ guest suite amenities
- Closet, rod & shelving unit
- 144 square foot covered outside patio
- Lock-off door to main unit
- Separate covered entry

POTENTIAL USES

- A 3rd bedroom
- A 'motel' rental suite with private entrance
- A home office
- Storage
- Commercial lease space

UNIT-A- GROUND FLOOR OPTIONS

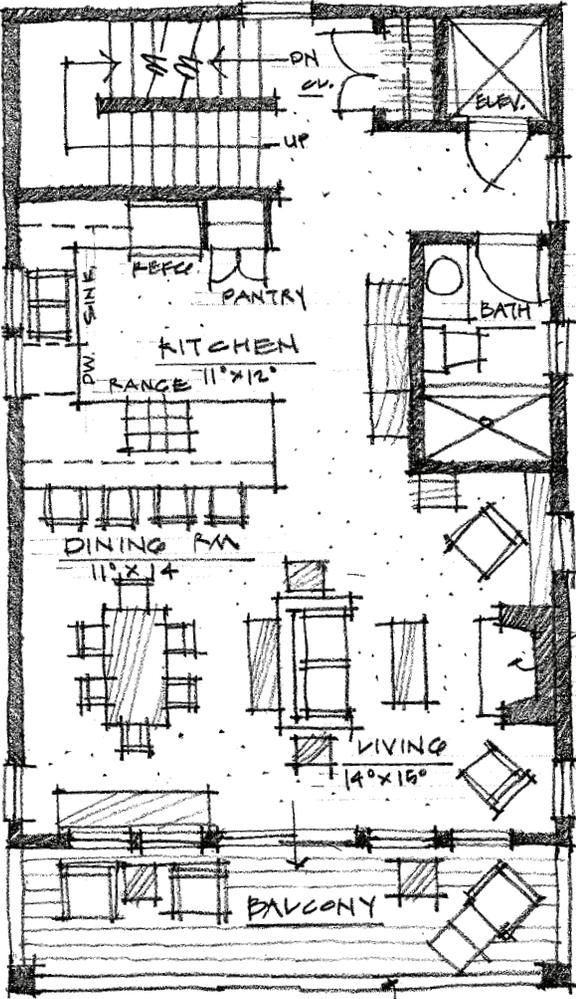


COMMERCIAL LEASE SPACE

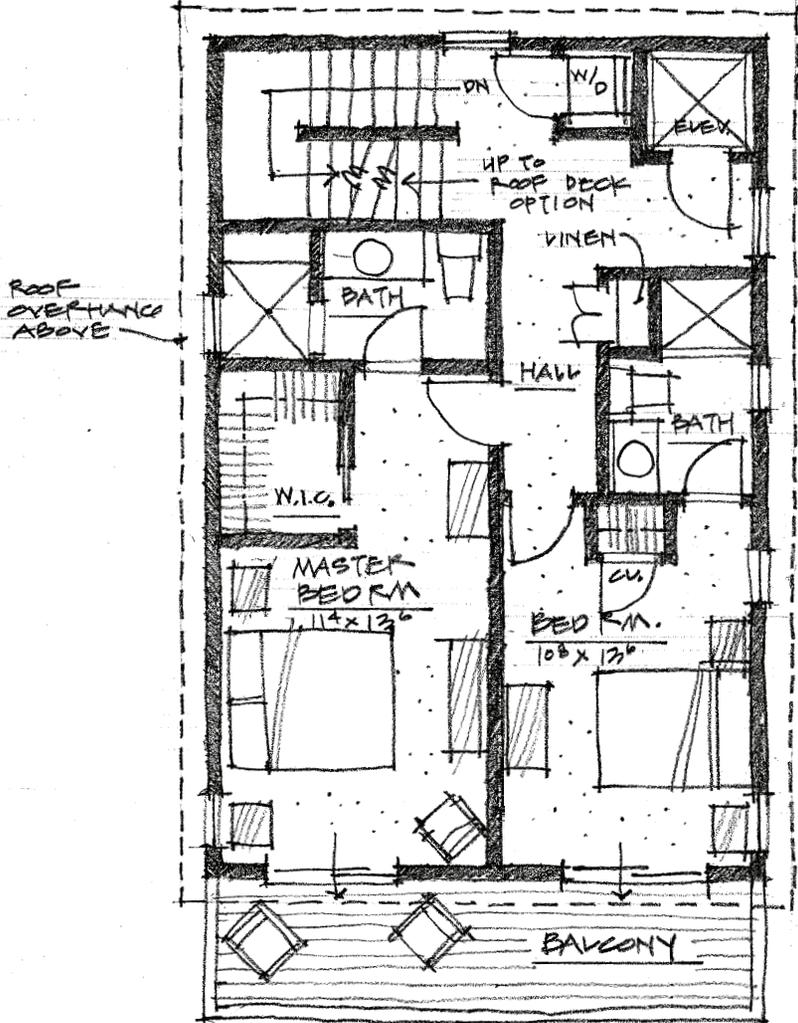
- Building frontage along the One Water Street pedestrian promenade with large display windows opening to street and views. Historic architectural detailing in ornamental corner columns with cap & base detailing to echo commercial storefront façade.
- Rail & stile glass entry doors with wall light sconces above.
- 438 square foot total.
- 340 square foot room.
- 60 square foot powder room, barrier free accessible.
- Kitchenette w/ bar sink.
- Lock-off to main unit.
- Covered side entry alcove with ceiling mounted signage above to focus on entry.



TYPE -B- COTTAGE -FLOOR PLANS

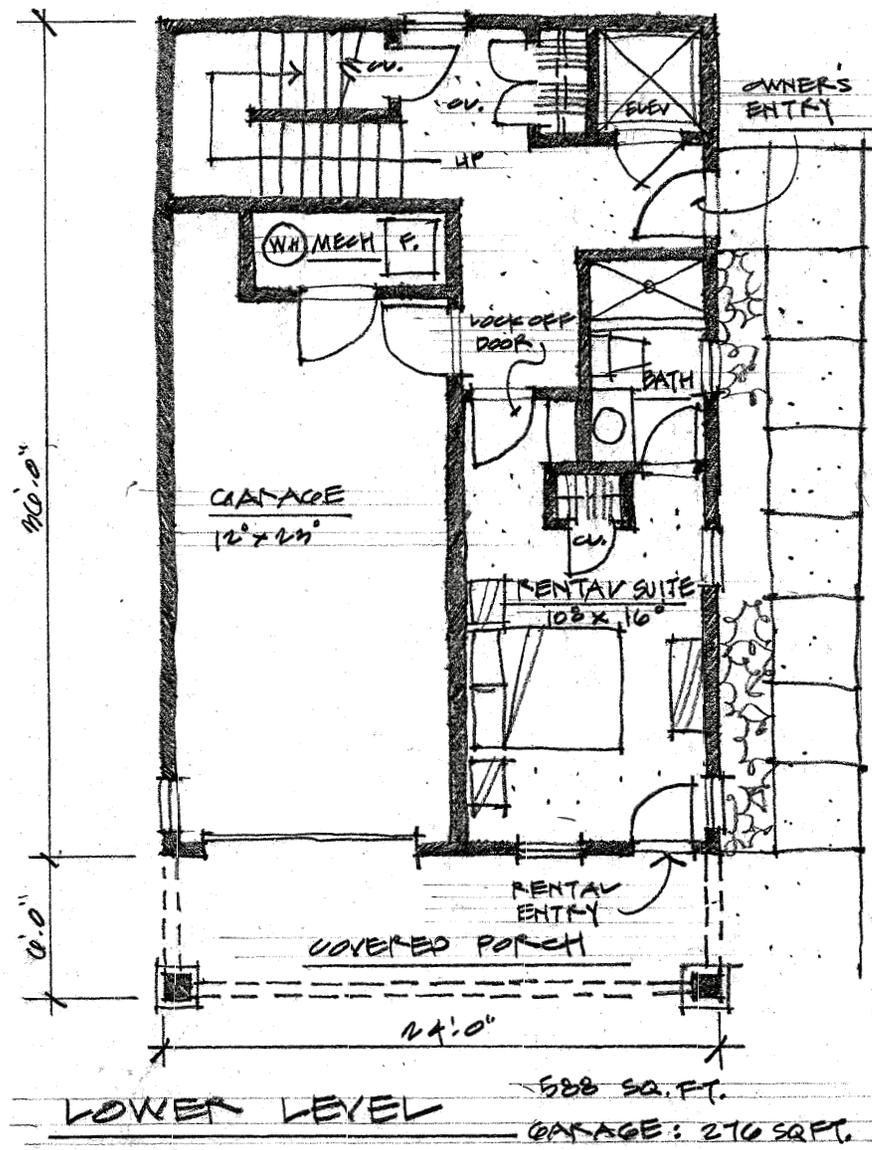


MAIN LEVEL 864 SQ.FT.



UPPER LEVEL 864 SQ.FT.

UNIT -B- GROUND FLOOR OPTIONS



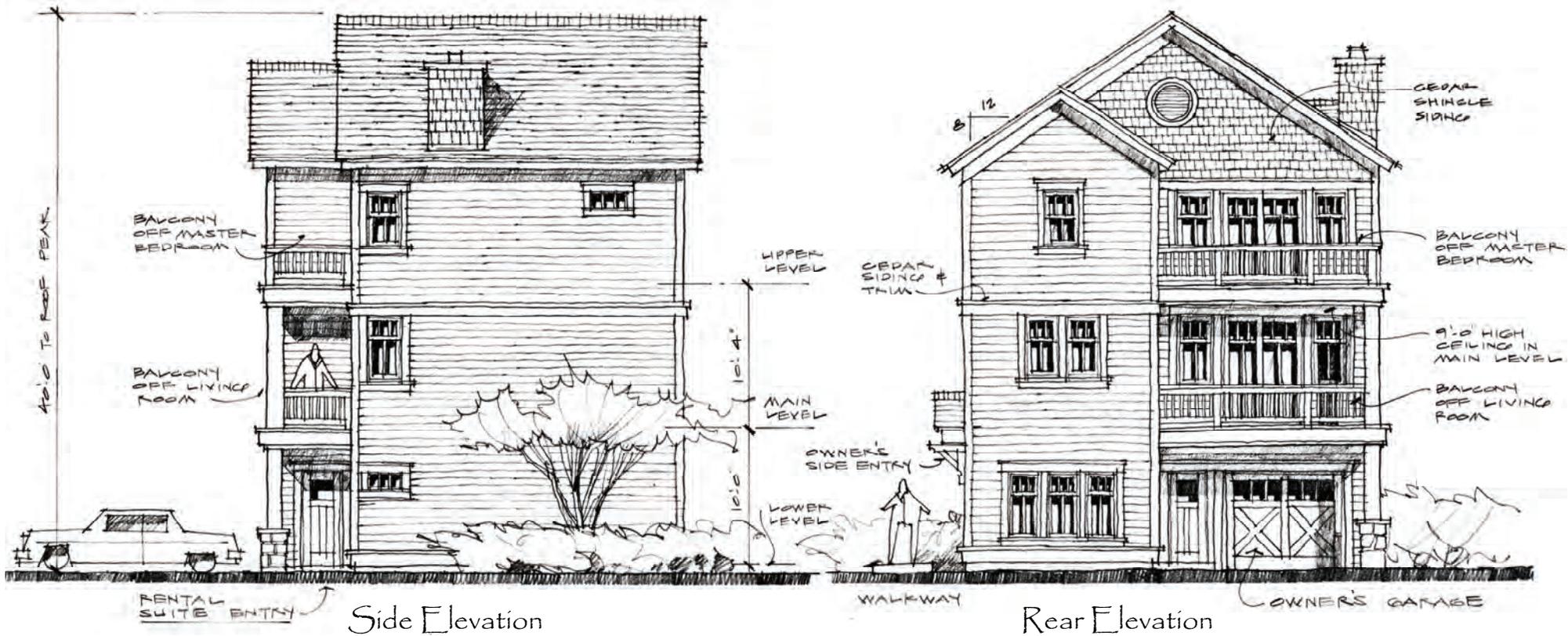
STANDARD GUEST RENTAL SUITE

- 256 square foot total
- 176 square foot room
- 54 square foot full bathroom w/ guest suite amenities
- Closet, rod & shelving unit
- 144 square foot covered outside patio
- Lock-off door to main unit
- Separate covered entry

POTENTIAL USES

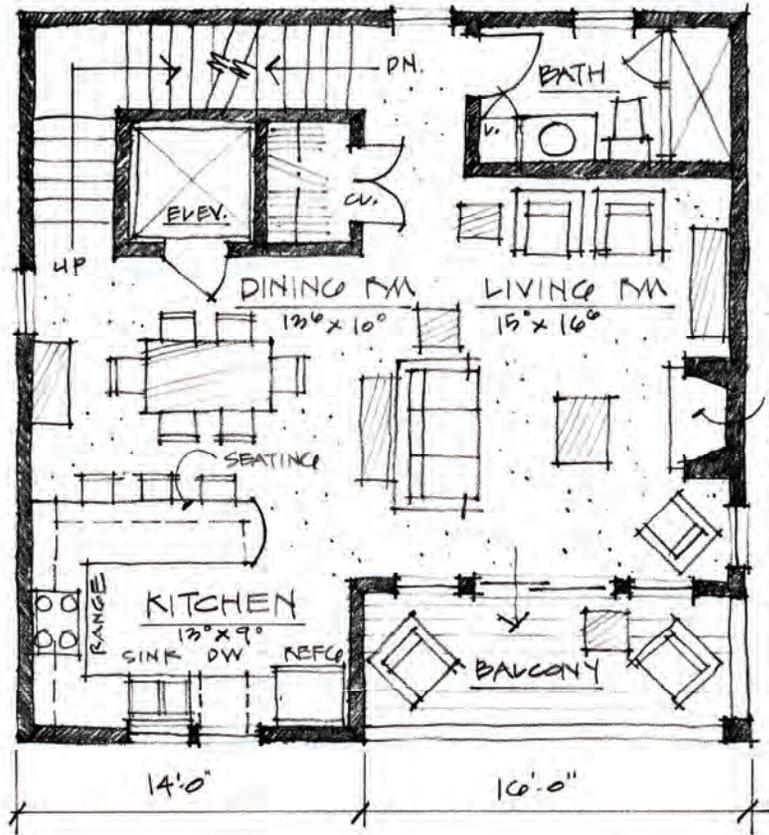
- A 3rd bedroom
- A 'motel' rental suite with private entrance
- A home office
- Storage
- Commercial lease space

TYPE -C- COTTAGE -ELEVATIONS

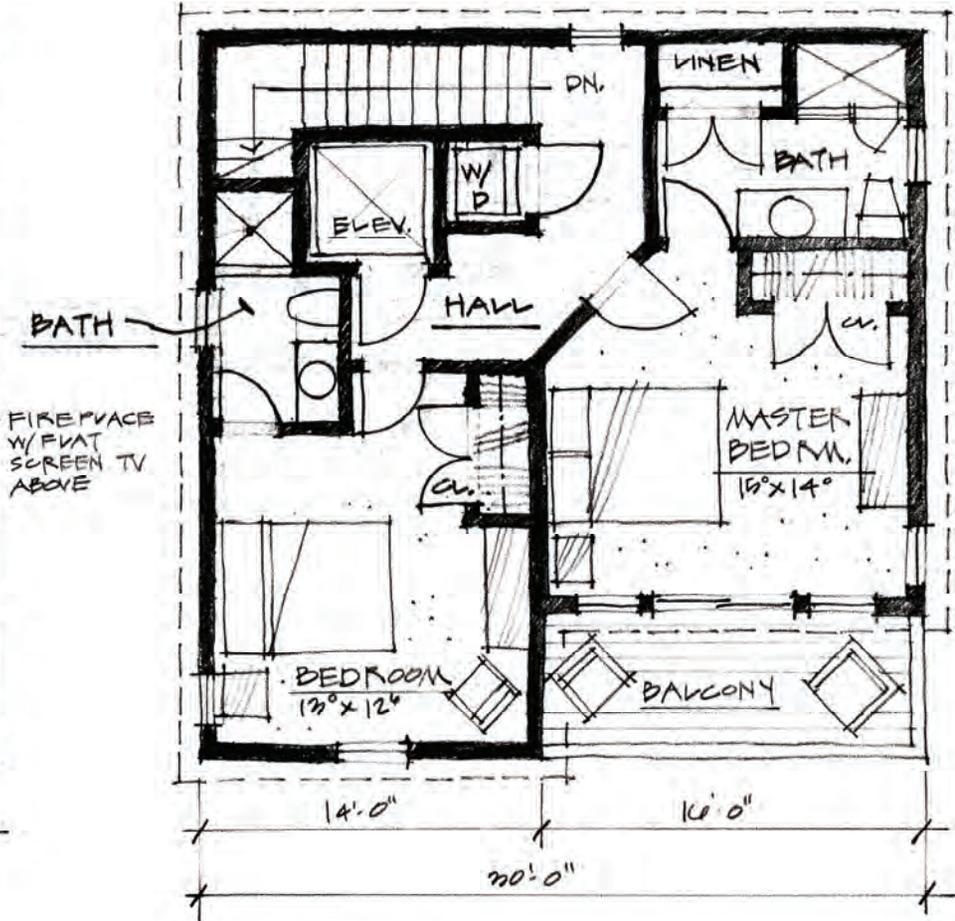


The architecture of the proposed cottage units are designed in the historic craftsman style period of the early twentieth century. Simple “Mission Style” detailing of roof edges, cornice, fascia, trim boards and siding, using natural honest materials of cedar and stone, convey the “on the beach” cottage theme. Gable roofs with round “porthole” windows and cedar shingle siding recalls the New England nautical style. Clean white cedar trim, with various siding materials and roof designs will provide alternative characteristics to each cottage unit. The double hung windows with traditional mutin bars, and rail and stile glass patio doors open up to the multi-level deck areas. Cedar railing systems with double strength glass inserts will provide unobstructed views of the lake, city, and countryside.

TYPE -C- COTTAGE -FLOOR PLANS



MAIN LEVEL 804 SQ. FT.



UPPER LEVEL 804 SQ. FT.

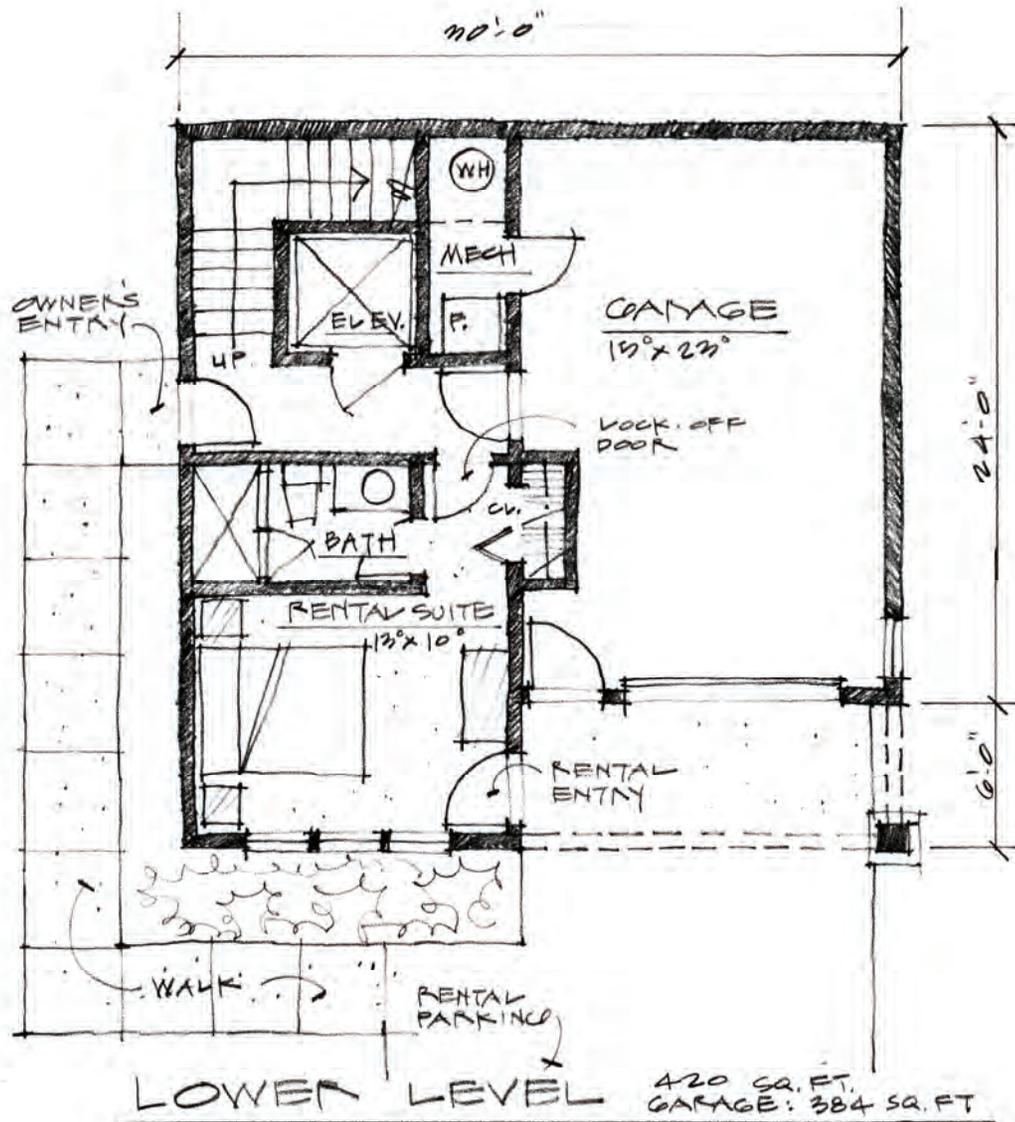
UNIT -C- GROUND FLOOR OPTIONS

STANDARD GUEST RENTAL SUITE

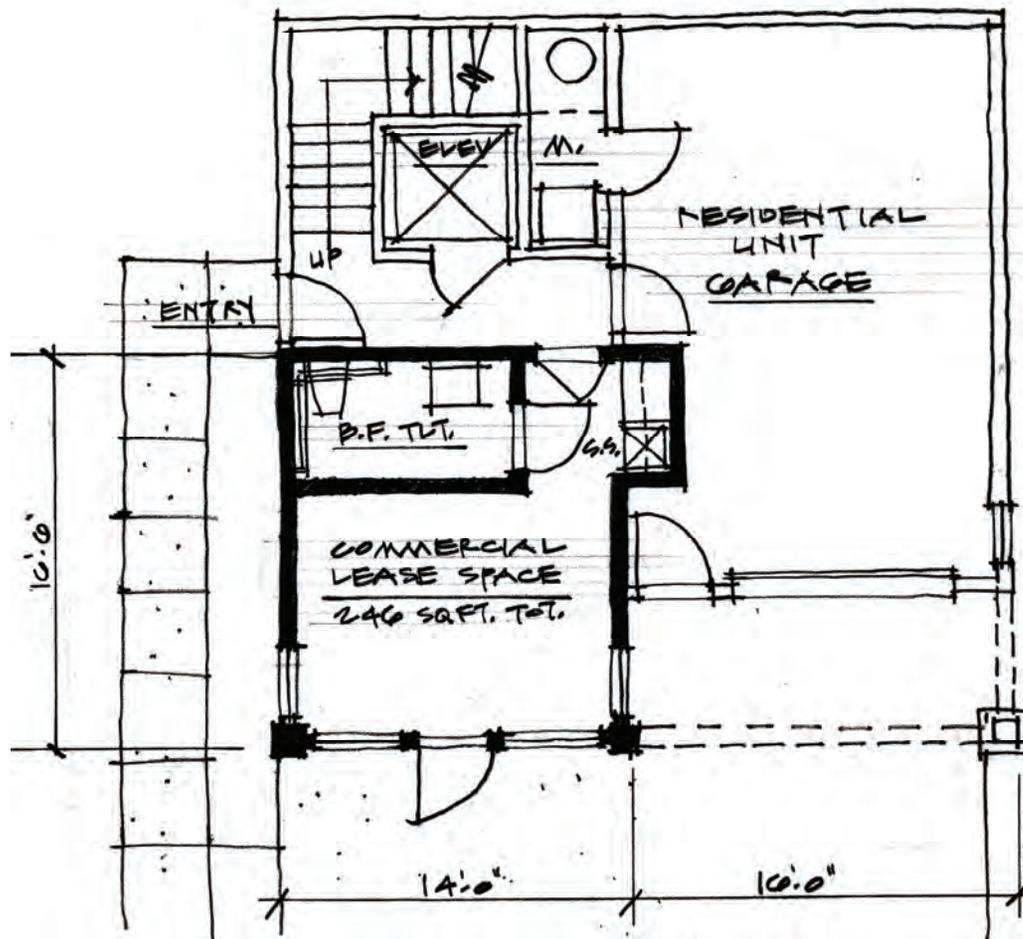
- Fully furnished 236 square foot rental suite with queen sized bed, end tables and dresser.
- 143 square foot room .
- 45 square foot full bathroom.
- Cottage style interiors.
- Flat screen TV.
- Hotel amenities with closet storage.
- Full tile bathroom.
- Solid surface counter tops .
- Individual rental suite with covered entry.

POTENTIAL USES

- A 3rd bedroom
- A 'motel' rental suite with private entrance
- A home office
- Storage
- Commercial lease space



UNIT -C- GROUND FLOOR OPTIONS



COMMERCIAL LEASE SPACE

- Positioned within the One Water Street Development adjacent to public parking areas with large display windows opening to street and views. Historic architectural detailing in ornamental corner columns with cap & base detailing to echo commercial storefront façade.
- Rail & stile glass entry doors with wall light sconces above.
- 246 square foot total
- 154 square foot room
- 60 square foot powder room, barrier free accessible. Kitchenette w/ bar sink.
- Lock-off to main unit
- Optional signage above or perpendicular to storefront with ornamental wall brackets.



RESORT COTTAGES at ONE WATER STREET

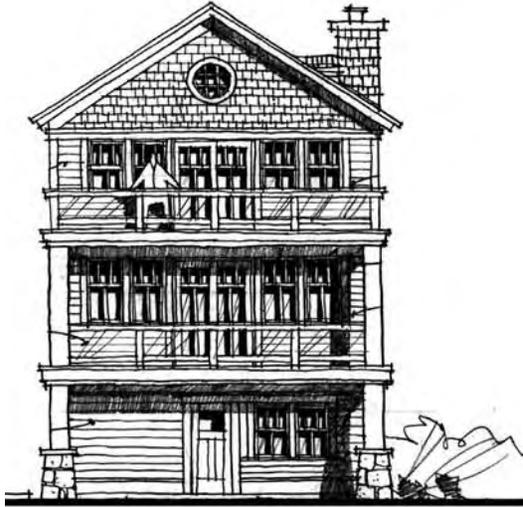
ARCHITECTURAL OPTIONS-ROOF FORM OPTIONS



Back View - Unit A



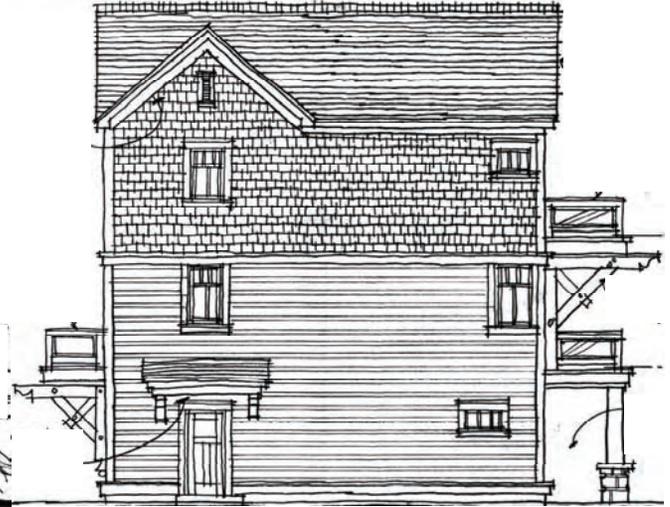
Front View - Unit A



Front View - Unit A



Front View - Unit A



Side View - Unit A

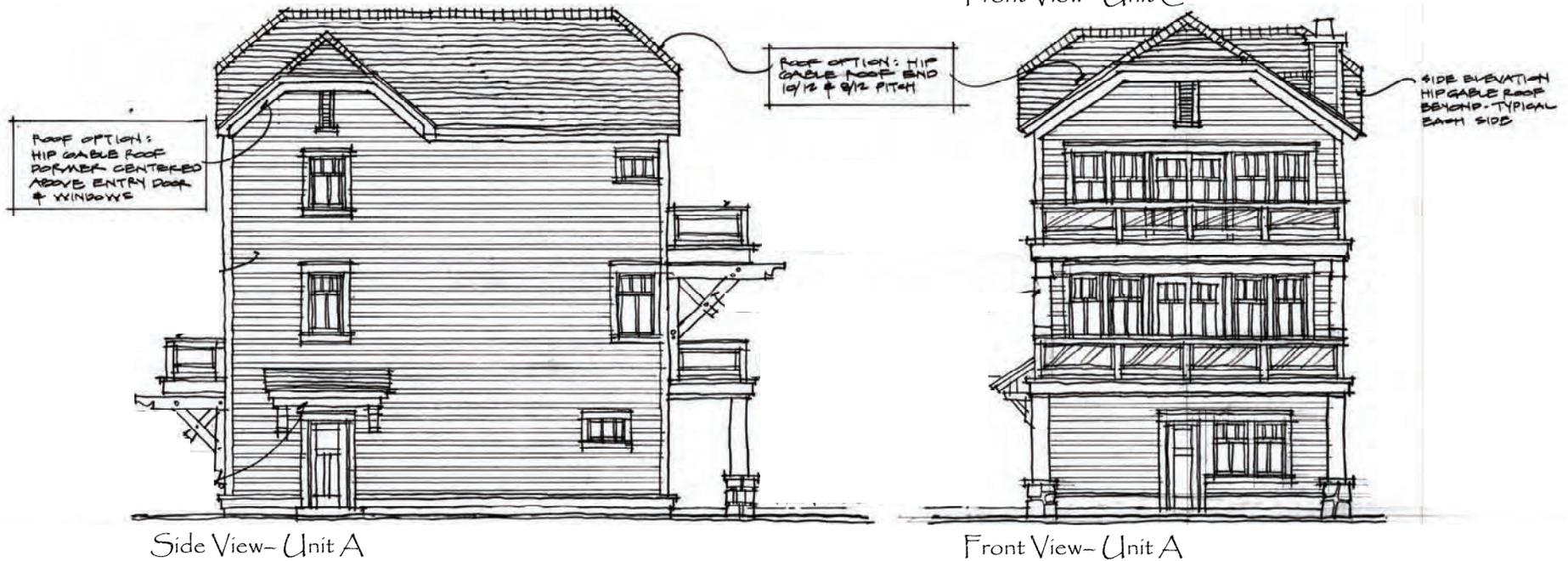
SIMPLE ROOF GABLE

- Major 8/12 gable end roof for simple, craftsman style architectural form.
- Simple metal drip & fascia roof edge with deep rake board band for a defined historical appearance.

SIDE ROOF GABLE ALTERNATE

- Major 8/12 gable end roof pitch with added 10/12 side wall gable end roof forms for added variety.
- Side gables are positioned central on entry below to divert rain and snow away from entry.
- Short roof positioned over entry with heavy timber wall brackets. Roof element defines entrance and provides protection in inclement weather.

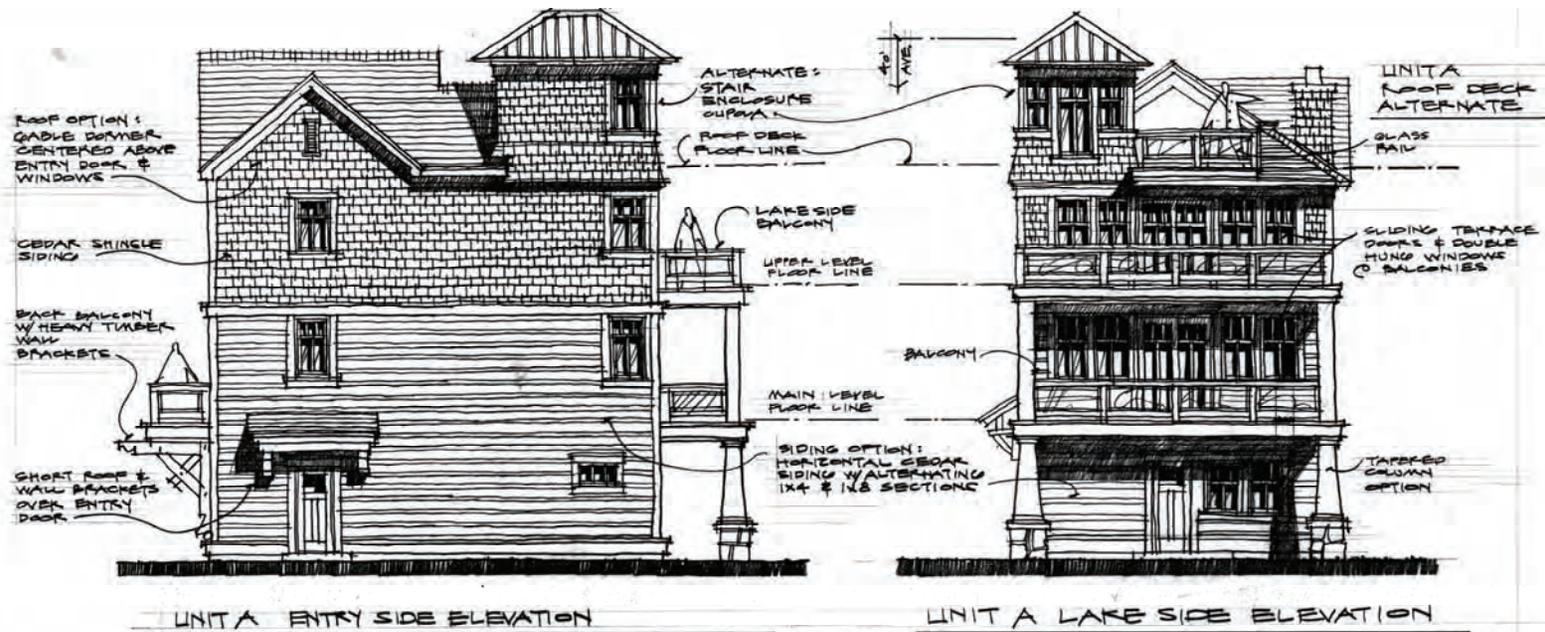
ARCHITECTURAL OPTIONS-ROOF FORM OPTIONS



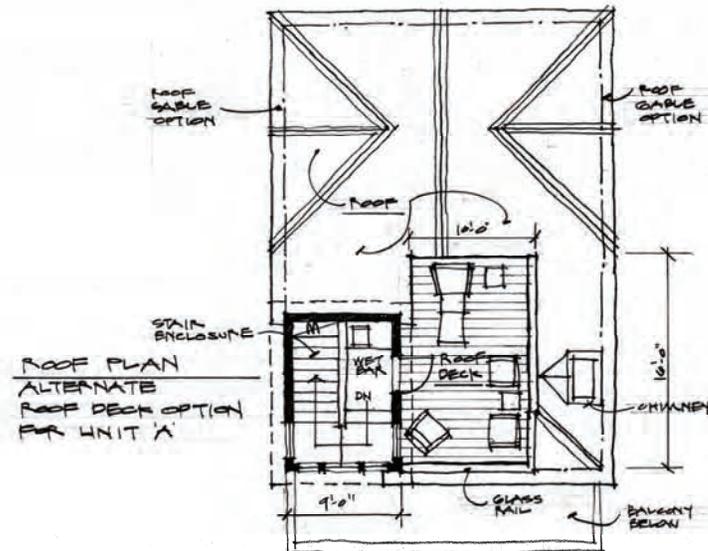
HIP GABLE ROOF ALTERNATE

- Major 8/12 hip gable end roof pitch with added 10/12 side wall hip gable end roof forms for added variety.
- Side hip gables are positioned central on entry below to divert rain and snow away from entry.
- Short roof positioned over entry with heavy timber wall brackets. Roof element defines entrance and provides protection in inclement weather.

ARCHITECTURAL OPTIONS - ROOF TOP DECK



- Alternate roof top deck designed to provide optimum views out to Lake Charlevoix, town and countryside. Designed into the existing roof form to lower building height.
- Stair enclosure creates metal roof cupola form reminiscent of lighthouse vernacular architecture. Traditional wood detailing of crown mold, band trim, & cedar shingle siding. Interior wet bar amenity.
- Deck railings of cedar with double strength glass inserts for unobstructed views. Composite roof deck over waterproof membrane and sub structure.



ARCHITECTURAL OPTIONS - SIDING & BANDING

A combination of siding materials used on the building elevation will reduce the height of the building and create a base to the earth. A strong horizontal trim band board between siding options, along with watertable and skirt board base, define the simple craftsman style character of the building.



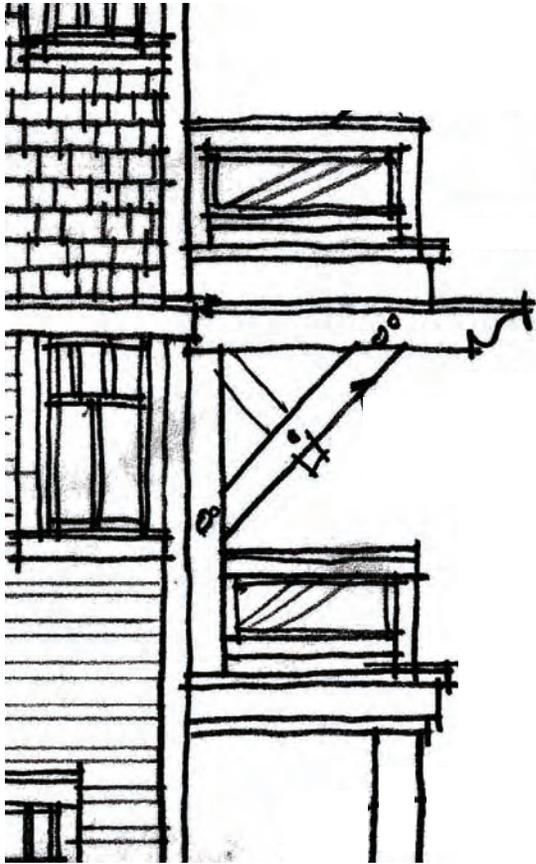
CEDAR SIDING ALTERNATES:

- A. 1x4 horizontal cedar bevel siding.
Combining with a 1x8 siding used below the band board as a defined base material.
- B. 1x4 dutch lap siding in character with historic homes in the area.

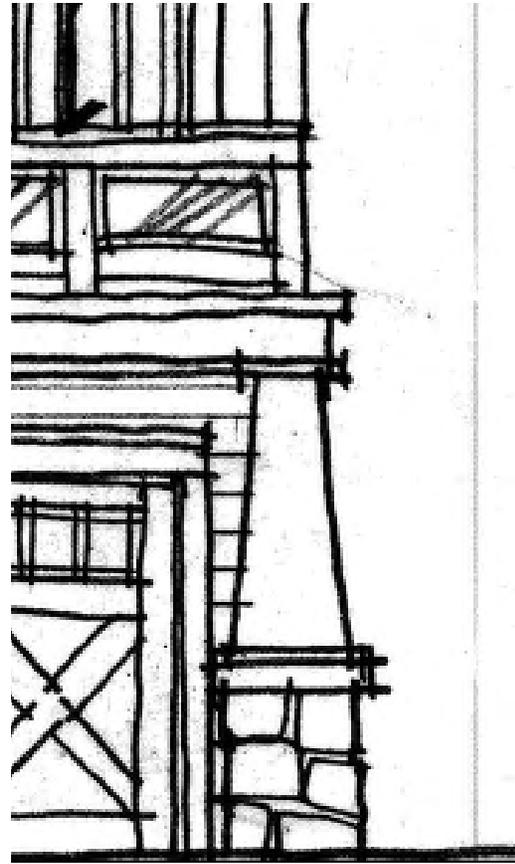
- C. A combination of alternating 1x4 and 1x8 horizontal cedar bevel siding to create a strong horizontal expression which will reduce the perceived height of the

Cedar shingle siding used at gable end roof forms as a "cap" material. Shingle siding echoes historic nautical structures of old.

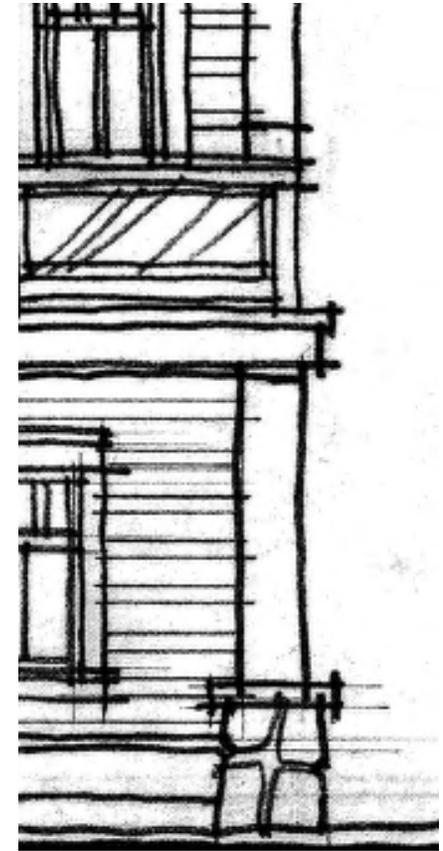
ARCHITECTURAL OPTIONS - DECK SUPPORTS



Heavy timber wall and column brackets used for balcony support will add variety of elements within the development. The brackets are reminiscent of timber era homes and barn structures. Nautical themes in boat construction are conveyed as well.

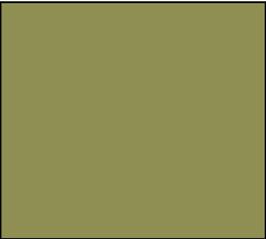


Ornamental tapered column alternate finished with cedar trim with cornice capital and 2x4 wood base trim. Base of column to be faced with stone veneer in a rubble stone pattern to echo historic buildings of Boyne City. Additional stone veneer wainscot along building base will be an alternate siding material as well.



Ornamental "straight" column blocked out to a 12"x12" dimension for added proportional depth and stability. Base of column to be faced with stone for a defined base material anchored to the earth.

ARCHITECTURAL OPTIONS-COLOR

<p>Option One</p>	<p>Siding: Cabot Stains; "Sea Gull Grey", Semi-Transparent Trim: Standard Semi-Gloss Paint: White Deck: Cabot Stains; "Cordovan Brown", Semi-Transparent</p>	
<p>Option Two</p>	<p>Siding: Cabot Stains; "Dry Sage", Semi-Transparent Trim: Standard Semi-Gloss Paint: White Deck: Cabot Stains; "Mahogany", Semi-Transparent</p>	
<p>Option Three</p>	<p>Siding: Cabot Stains; "Richmond Bisque", Semi-Transparent Trim: Standard Semi-Gloss Paint: White Deck: Cabot Stains; "Natural Cedartone", Semi-Transparent</p>	
<p>Option Four</p>	<p>Siding: Cabot Stains; "Spanish Moss", Semi-Transparent Trim: Standard Semi-Gloss Paint: White Deck: Cabot Stains; "New Pilgram Red", Semi-Transparent</p>	

CITY OF BOYNE CITY

To: Michael Cain/City Manager *MC*
 From: Cindy Grice, City Clerk/Treasurer *CG*
 Date: June 7, 2012
 Subject: Cemetery Maintenance Contract



In 2009, the City of Boyne City signed an agreement with John Tousley of John's Snow and Lawn for cemetery maintenance for three years at a cost of \$21,000 per year. This agreement is set to expire on November 30, 2012. One of the stipulations in the agreement is that either party could terminate the agreement upon 60 day notification.

On May 22, 2012, I received an email from John Tousley requesting to terminate the agreement effective on June 10, 2012. After consideration I am recommending that the City terminate this contract and waive the 60 day termination notification. John has been paid on a December 1 – November 30 monthly schedule and has received \$10,500 thus far. The termination agreement stipulates no further payments.

We still have over five months left for cemetery maintenance needs for 2012. In 2009, I received three bids for cemetery maintenance, the lowest from B & W Nature's Maintenance at \$20,000 per year. I contacted them and asked for a revised bid proposal for the remainder of this year. We were given a quote of \$18,000 which is within our FYE 2013 budget. We also received a quote from Joe Shear Services for \$16,000 however Mr. Shear was unable to start until July 1 and asked for a waiver of the North Boyne permit fee.

I contacted references provided by B & W Nature's Maintenance and received favorable responses.

SUMMARY/ RECOMMENDATION

I am recommending that the contract with John's Snow and Lawn Maintenance be terminated effective June 10, 2012, that the 60 day termination notification of that contract be waived, and the City Commission approve the proposed Cemetery Maintenance Contract with B & W Nature's Maintenance to complete the remainder of the 2012 Cemetery Maintenance for a cost of \$18,000 and authorize the City Manager and Clerk / Treasurer to execute the documents

Cindy Grice

From: john tousley [jrtousley@gmail.com]

Sent: Tuesday, May 22, 2012 1:13 PM

To: Cindy Grice

Subject: Cemetery Maintenance

Cindy

I would like to quit my contract with the City of Boyne City, for cemetery maintenance, effective June 10th 2012, reason being,

I have always tried my best to maintain the cemetery at exact cost, for last year, my book keeper informed me,

it cost me almost \$700.00 to maintain the cemetery. This year it will cost me more, due the fuel prices,

and rising costs of everything else. The reason I used the June 10th 2012 date is to give you enough time to bid it out to

some one else. It has been a fun hobby for almost the last 15 years, but I can't afford to continue it. Please let me know if this is exceptable.

I want to Thank You, and everyone else that had a hand in making it possible, for me to continue as long as we did.

Thank You
John Tousley

On December 7, 2009, an AGREEMENT was made between the City of Boyne City (CITY) and John Tousley, dba John's Snow and Lawn Service, 80 North Addis Road, Boyne City, MI 49712 (CONTRACTOR) whereas the CONTRACTOR agreed to provide the CITY with Cemetery Maintenance Service for three years in accordance with the CITY's specifications for the amount of \$21,000 annually and,

WHEREAS, the CITY and the CONTRACTOR agreed that either party may terminate this AGREEMENT at anytime upon giving 60 days notice and,

WHEREAS, on Tuesday, May 22, 2012 the CONTRACTOR notified the CITY via electronic mail, that the CONTRACTOR wishes to terminate the AGREEMENT with the CITY effective June 10, 2012, thereby waiving the 60 day termination notification requirement,

WHEREAS, the CITY agrees to waive the 60 day termination notification and accepts said resignation of the CONTRACTOR effective June 10, 2012 and,

WHEREAS, the CONTRACTOR agrees that the CITY's financial obligation for said AGREEMENT has been fulfilled to this date and no further payments are to be made to the CONTRACTOR from the CITY.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands on this _____ day of _____, 2012.

CITY OF BOYNE CITY:

Michael Cain, City Manager

Witness

Cindy Grice, City Clerk / Treasurer

Witness

CONTRACTOR

John Tousley, Contractor

Witness

CITY OF BOYNE CITY

CEMETERY MAINTENANCE AGREEMENT

THIS AGREEMENT, made this 7th day of December, 2009 by and between the City of Boyne City, a Michigan Municipal Corporation, 319 North Lake Street, Boyne City, MI 49712 (CITY) and John Tousley, dba John's Snow and Lawn Service, 80 North Addis Road, Boyne City, MI 49712, (CONTRACTOR) with reference to the following:

WHEREAS, CONTRACTOR has bid to provide the CITY with Cemetery Maintenance Service for three years in accordance with the CITY'S specifications, for the amount of \$21,000.00 annually; and,

WHEREAS, CITY has agreed to compensate CONTRACTOR in said amount, in thirty-six monthly payments beginning December 10, 2009 (payments one through thirty-six = \$1,750.00) in consideration of the performance of the functions and duties specified below. All work must be inspected jointly by the contractor and an authorized representative of the city once a month before payment is made, payment will be withheld for work considered not completed;

NOW, THEREFORE, in consideration of the mutual promises herein contained, it is agreed by the parties as follows:

1. CONTRACTOR shall, according to specifications hereinafter set forth, perform such listed work under the direction of the Boyne City Clerk/Treasurer, her designee, or another person designated by the City Manager. CONTRACTOR shall operate in a professional manner at all times while under this contract with the City.

ACTIVITIES INCLUDED ARE:

Regular Routine Maintenance Work:

Regular weekly routine maintenance work shall include the mowing and trimming of grounds, around the headstones, monuments, markers, trees and shrubs, curbs, posts, bushes, fences, and along sidewalks; trimming as close as possible along these objects without damaging them using hand and power tools. Grass shall not be allowed to reach more than three (3) inches in height before mowing. Papers, tree limbs, sticks and other debris shall be picked up before each mowing so that they will not be chopped up and scattered around the premises. In addition, CONTRACTOR shall conduct weed control and remove dead plants as necessary to maintain grounds in a neat and attractive condition.

Other Occasional Work:

Maintains sprinkler systems and sees that cemetery grounds are watered as needed.

Clean (with broom or blower) sidewalk adjacent to cemetery along Boyne Avenue.

Straightens or resets markers and headstones.

Fills graves sites as settling occurs, spreads black dirt and seeds, fertilizes and waters.

Trim low hanging or obstructive tree limbs out of road/walkway.

Trim all spirea bushes on an as needed basis, approximately three times a year.

Fall Cleanup:

After Labor Day and before October 1, all grave site flags will be removed and stored in the cemetery maintenance building in a container and labeled.

During October/November fall clean up, but no later than December 1, leaves, debris, trash, dead and plastic flowers, and floral arrangements shall be picked up and disposed of as outlined.

Spring Cleanup:

As soon as weather permits, winter debris such as tree limbs, paper, trash, leaves, etc. shall be picked up and/or raked up and disposed of as indicated below. All spring cleanup work must be completed prior to May 15.

Debris and Trash Disposal:

Responsible for setting the barrel trash receptacles throughout the cemetery in the spring of the year, prior to May 1, and removal of the receptacles in the fall of the year, prior to November 15. Receptacles may be stored in or near cemetery maintenance building.

All papers, trash, dead and plastic flowers, and floral arrangements shall be placed in dumpster or trash receptacle, furnished by the City. Trash receptacles will be emptied to the larger dumpster on a regular basis.

Leaves, Grass, and Other Yard Clippings:

Branches, limbs, leaves, grass and other compostable yard clippings must be placed in compost pile on site or hauled by Contractor to the City's North Boyne Compost Site and disposed of in a manner meeting the requirements of Michigan Act 264 of 1990 and/or other Acts that may now or later apply.

2. CONTRACTOR shall provide all maintenance equipment, tools and hoses. Grass seed, black dirt, fertilizer and all such non routine supplies will be provided by the City.
3. CONTRACTOR shall perform this work within the specified period per this contract, and shall not assign, subcontract or otherwise transfer its duties and/or obligations under the contract, without the prior written consent of the City. Such consent does not release the contractor from any of his obligations and liabilities under the contract.
4. CONTRACTOR shall conduct activities related to contracted work to conform with all laws related to MI O.S.H.A., safety, right to know, and blood borne pathogens.
5. CONTRACTOR shall provide to the CITY and maintain proof of BONDING in the amount of \$100,000.
6. The parties acknowledge and agree that the CONTRACTOR is an Independent Contractor and is not an employee or agent of the CITY, and the CITY is not liable for the misfeasances, malfeasances or non-feasances of the CONTRACTOR. CONTRACTOR agrees to pay his/her/its own applicable social security taxes; withholding income taxes; state and federal unemployment taxes, if necessary; and to carry worker's compensation insurance, all as CONTRACTOR deems

to be required by law or in his/her/its best interest. CONTRACTOR agrees to INDEMNIFY AND HOLD THE CITY HARMLESS from any claims for damages arising out of any accident or injury occurring during the performance of this agreement.

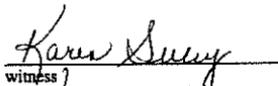
7. All work by CONTRACTOR shall be accomplished during a period of one year, beginning December 1, 2009 The term of the AGREEMENT shall be for a period of three (3) years, December 1, 2009 until November 30, 2012. If the CONTRACTOR should persistently or repeatedly refuse to disregard or violate any provisions of this contract, the City may, terminate the agreement immediately. However, either party may terminate this AGREEMENT at any time upon giving 60 days notice.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands on this 7th day of December, 2009

CITY OF BOYNE CITY:


Michael Cain, Boyne City Manager

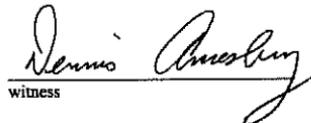

Cindy Grice, City Clerk/Treasurer


witness


witness

CONTRACTOR:


John Tousley, Contractor


witness

clerk/contracts/cemetery 2009

Revised Mowing Bid for Boyne City Cemetery
June 11, 2012 to November 30, 2012

\$18000.00 payable by choice of

\$6000.00 due at signing, with monthly payments of
\$2000.00 for the next 6 months

OR

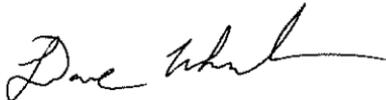
✓ Six monthly payments of \$3000.00 each, due by the first of
each month, starting June 1st, 2012

We are taking \$3000.00 off the original bid, and thank you
for the opportunity to serve your mowing needs.

Respectively



Nick Bolser



Dave Wheeler



Hastings Mutual Insurance Company

GENERAL LIABILITY DECLARATION

CORRECTED
RENEWAL DECLARATION * * EFFECTIVE 06/04/11

02

POLICY NUMBER	FROM	POLICY PERIOD	TO	AGENCY	P
GL 9765567	06/04/11	06/04/12		0001312	00
NAMED INSURED AND ADDRESS				AGENCY	
B & W NATURES MAINTENANCE NICHOLAS BOLSER ETAL DBA 3400 ROBERTS RD EAST JORDAN MI 49727				ACCT#659765567	
INSURED SINCE: 06/2009				TEL. NO. 517-627-3245	
THIS POLICY IS BILLED BY THE COMPANY-I				DOTY AGENCY INC	
				850 E SAGINAW HWY, PO BOX 158	
				GRAND LEDGE, MI 48837	

POLICY INCEPTION: 12:01 A.M. STANDARD TIME AT THE ADDRESS STATED ABOVE

THE INSURED IS PARTNERSHIP

IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF THIS
POLICY, WE AGREE WITH YOU TO PROVIDE THE INSURANCE AS STATED IN THIS POLICY.

LIMITS OF INSURANCE:

GENERAL AGGREGATE LIMIT - PREMISES/OPERATIONS	\$2,000,000
PRODUCTS - COMPLETED OPERATIONS AGGREGATE LIMIT	\$2,000,000
EACH OCCURRENCE LIMIT	\$1,000,000
PERSONAL AND ADVERTISING INJURY LIMIT	\$1,000,000
MEDICAL EXPENSE LIMIT, ANY ONE PERSON	\$5,000
DAMAGE TO PREMISES YOU RENT LIMIT	\$100,000

AUDIT FREQUENCY: ANNUAL

TOTAL PREMIUM: 

FORMS AND ENDORSEMENTS:	CG 21 65 1204	CG 03 00 0196	IL 00 17 1198
	CG 21 47 0798	IL 02 86 0702	CG 21 50 0989
	CG 01 68 1204	IL 00 21 0702	CG 00 01 1204
	CG 00 67 0305	2-653 08/99	PD 00 35 1101
	PD 01 55 0503N	CG 20 10 0704	CG 22 94 1001
	PD 02 16 1109N	PD 02 12 0610N	CG 24 26 0704
		CG 21 73 0108	CG 22 93 0798
		PD 02 40 0510N	

"N" DENOTES SPECIAL POLICYHOLDER NOTICE

MONTHLY
06/15/11

INSURED COPY

REF. NO. GLIA 07/91

CITY OF BOYNE CITY

CEMETERY MAINTENANCE AGREEMENT

THIS AGREEMENT, made this _____ day of June, 2012 by and between the City of Boyne City, a Michigan Municipal Corporation, 319 North Lake Street, Boyne City, MI 49712 (CITY) and B & W Natures Maintenance. 3400 Roberts Road, East Jordan, MI 49727 (CONTRACTOR) with reference to the following:

WHEREAS, CONTRACTOR has bid to provide the CITY with Cemetery Maintenance Service from June 11, 2012 thru November 30, 2012 in accordance with the CITY'S specifications, for the amount of \$18,000 and,

WHEREAS, CITY has agreed to compensate CONTRACTOR in said amount, in six monthly payments of \$3,000 each beginning June 14, 2012 in consideration of the performance of the functions and duties specified below. All work must be inspected jointly by the contractor and an authorized representative of the city once a month before payment is made, payment will be withheld for work considered not completed;

NOW, THEREFORE, in consideration of the mutual promises herein contained, it is agreed by the parties as follows:

1. CONTRACTOR shall, according to specifications hereinafter set forth, perform such listed work under the direction of the Boyne City Clerk/Treasurer, her designee, or another person designated by the City Manager. CONTRACTOR shall operate in a professional manner at all times while under this contract with the City.

ACTIVITIES INCLUDED ARE:

Regular Routine Maintenance Work:

Regular weekly routine maintenance work shall include the mowing and trimming of grounds, around the headstones, monuments, markers, trees and shrubs, curbs, posts, bushes, fences, and along sidewalks; trimming as close as possible along these objects without damaging them using hand and power tools. Grass shall not be allowed to reach more than three (3) inches in height before mowing. Papers, tree limbs, sticks and other debris shall be picked up before each mowing so that they will not be chopped up and scattered around the premises. In addition, CONTRACTOR shall conduct weed control and remove dead plants as necessary to maintain grounds in a neat and attractive condition.

Other Occasional Work:

Maintains sprinkler systems and sees that cemetery grounds are watered as needed.

Clean (with broom or blower) sidewalk adjacent to cemetery along Boyne Avenue.

Straightens or resets markers and headstones.

Fills graves sites as settling occurs, spreads black dirt and seeds, fertilizes and waters.

Trim low hanging or obstructive tree limbs out of road/walkway.

Trim all spirea bushes on an as needed basis, approximately three times a year.

Fall Cleanup:

After Labor Day and before October 1, all grave site flags will be removed and stored in the cemetery maintenance building in a container and labeled.

During October/November fall clean up, but no later than December 1, leaves, debris, trash, dead and plastic flowers, and floral arrangements shall be picked up and disposed of as outlined.

Debris and Trash Disposal:

Responsible for and removal of the trash barrel receptacles in the fall of the year, prior to November 15. Receptacles may be stored in or near cemetery maintenance building.

All papers, trash, dead and plastic flowers, and floral arrangements shall be placed in dumpster or trash receptacle, furnished by the City. Trash receptacles will be emptied to the larger dumpster on a regular basis.

Leaves, Grass, and Other Yard Clippings:

Branches, limbs, leaves, grass and other compostable yard clippings must be placed in compost pile on site or hauled by Contractor and disposed of in a manner meeting the requirements of Michigan Act 264 of 1990 and/or other Acts that may now or later apply.

2. CONTRACTOR shall provide all maintenance equipment, tools and hoses. Grass seed, black dirt, fertilizer and all such non routine supplies will be provided by the City.
3. CONTRACTOR shall perform this work within the specified period per this contract, and shall not assign, subcontract or otherwise transfer its duties and/or obligations under the contract, without the prior written consent of the City. Such consent does not release the contractor from any of his obligations and liabilities under the contract.
4. CONTRACTOR shall conduct activities related to contracted work to conform with all laws related to MI O.S.H.A., safety, right to know, and blood borne pathogens.
5. CONTRACTOR shall provide to the CITY and maintain proof of BONDING in the amount of \$100,000.
6. The parties acknowledge and agree that the CONTRACTOR is an Independent Contractor and is not an employee or agent of the CITY, and the CITY is not liable for the misfeasances, malfeasances or non-feasances of the CONTRACTOR. CONTRACTOR agrees to pay his/her/its own applicable social security taxes; withholding income taxes; state and federal unemployment taxes, if necessary; and to carry worker's compensation insurance, all as CONTRACTOR deems to be required by law or in his/her/its best interest. CONTRACTOR agrees to INDEMNIFY AND HOLD THE CITY HARMLESS from any claims for damages arising out of any accident or injury occurring during the performance of this agreement.
7. All work by CONTRACTOR shall be accomplished during the period beginning June 14, 2012 and

the term of the AGREEMENT shall be until November 30, 2012. If the CONTRACTOR should persistently or repeatedly refuse to disregard or violate any provisions of this contract, the City may, terminate the agreement immediately. However, either party may terminate this AGREEMENT at any time upon giving 60 days notice.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands on this _____ day of June, 2012

CITY OF BOYNE CITY:

Michael Cain, Boyne City Manager

witness

Cindy Grice, City Clerk/Treasurer

witness

CONTRACTOR:

Dave Wheeler

witness

Nick Bolser

witness

clerk/contracts/cemetery maint contract 2012 partial



City of Boyne City

Agenda Item 9C
MEMO

Date: June 8, 2012
To: Mayor Grunch and the Boyne City City Commission
From: Michael Cain, City Manager *Mc*
Subject: Liquor License Transfer Request. - 5 West Main Street

Attached for the City Commission's review and consideration are materials regarding the request of Y & T Properties LLC to transfer the currently escrowed liquor license for a business at the Water Street Center which is located at 5 West Main Street. Prior to going into escrow the license was most recently used by the Sunset Grill at that location although the official license holder was Sammich n Sudz Corp. The license, due to the way it was issued years ago, can only be used at that complex and can not be transferred to another location in or out of the City.

The request before us today is coming from the owner of the building, Y & T Properties. Y & T Properties is owned and operated by Gale Neff of Charlevoix. Some background information regarding Y & T and Mr. Neff has been provided by him and is attached.

To the best of my knowledge, up to this point the license has been held by each of the restaurant owners that have had businesses at that location. That has, and apparently is, creating issues, mainly delays, when it comes time to transfer it to a new party. Mr. Neff is seeking to streamline that process by tying the license to the building. While he and Y & T currently have no plans to operate a business that would use the license directly under this arrangement he would be able to enter into a management agreement with a new business operator to use the license at that location while a separate formal transfer through the LCC was being pursued. The City would be consulted in any future transfers, just as we are now.

The idea is to hopefully put a system in place that would avoid the licensing issues and confusion that has recently surfaced and now leaves Sunset Grill without a liquor license.

Mr. Neff has been fingerprinted by our Police Department as part of the required background check and everything has come back fine so far. It will be further investigated by the state.

This matter was reviewed at last Thursday's Main Street Board meeting which met with Mr. Neff and recommends City Commission support of his transfer request. Staff has no problems with the request, contingent upon a clean final background review.

RECOMMENDATION: That the City Commission approve the attached resolution supporting the transfer of the escrowed liquor license to Y & T Properties LLC as requested, subject to a clear background check.

Options:

- Postpone the request for additional information or review
- Some other action as determined as appropriate by the City Commission.



Date: June 8, 2012

To: City Manager Michael Cain

Boyne City Commissioners

From: Hugh Conklin, program manager

RE: Water Street Center Liquor License Transfer Request

The Main Street board considered a request from Gale Neff, owner of the Water Street Center, to transfer the liquor license which is now in escrow, to his company. Mr. Neff explained to the board the reasons for his request and the problems that have occurred in recent years with the restaurant businesses in his building.

Based on the information provided by Mr. Neff, the Main Street board was in unanimous support to recommend to the city commission approval of the liquor license transfer to Mr. Neff's company.



Local Government Approval

(Authorized by MCL 436.1501)

Instructions for Applicants:

- Provide a copy of your Application for New Licenses, Permits, or Transfer of Ownership or Interest in License (form LCC-3011 for Retail or form LCC-3015 for Manufacturers and Wholesalers) to the local unit of government.

Instructions for Local Legislative Body:

- Complete this resolution, or provide a resolution, a letter of certification from the clerk, or minutes from the meeting at which this request was considered.

At a _____ meeting of the _____ council/board
(regular or special) (township, city, village)
 called to order by _____ on _____ at _____
(date) (time)
 the following resolution was offered:

Moved by _____ and supported by _____

that the application from Y&T PROPERTIES LLC

for the following license(s): CLASS C RESORT (202787-2011) SDM 202788-2011
(name of applicant)
(e.g. Class C, Tavern, B-Hotel, Micro Brewer)

and the following permits, if applied for: Dance Permit Entertainment Permit Topless Activity Permit

Extended Hours Dance Permit Hours Required: _____

Extended Hours Entertainment Permit Hours Required: _____

to be located at 5 W MAIN ST, BOYNE CITY MI 49712
U.S.A.

be considered for _____
(approval or disapproval)

Approval

Yeas: _____

Nays: _____

Absent: _____

Disapproval

Yeas: _____

Nays: _____

Absent: _____

It is the consensus of this body that it _____ this application be considered for
(recommends/does not recommend)

approval by the Michigan Liquor Control Commission.

I hereby certify that the foregoing is true and is a complete copy of th resolution offered and adopted by the
 council/board at a _____ meeting held on _____
(regular or special) (date) (township, city, village)

Name and title of authorized officer (please print): _____

Signature and date of authorized clerk: _____

Phone number and e-mail of authorized officer: _____



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505
Toll Free (866) 813-0011 - www.michigan.gov/lcc

Business ID: _____

Request ID: _____

(For MLCC use only)

Application for New Licenses, Permits, or Transfer of Ownership or Interest in License

(Retail License Applicants)

Part 1 - Please answer both questions below (if you are requesting a license as a part of your application)

Are you requesting a new license as a part of your application? Yes No (If yes, cashier is instructed to use fee code 4012)

Are you transferring an existing license as a part of your application? Yes No (If yes, cashier is instructed to use fee code 4034)

If you answer yes to both questions, which type of license is to be transferred? Transfer for Record

Part 2 - Definitions

Off-premise licenses - Licenses that are issued for the type of business where alcoholic beverages are sold for consumption elsewhere, and where consumption on the premises is not allowed. There are two main types: SDD (spirits and mixed drink spirits) and SDM (beer and wine). Please check the appropriate box for your request. Note: Any additional transfer or license fees may be calculated and collected at a later date.

On-premise licenses - Licenses that are issued to allow alcoholic beverages to be sold, served and consumed on the premises. Note: Any additional transfer or license fees may be calculated and collected at a later date.

Part 3 - License Types (Check boxes applicable to your application)

MCL 436.1525(1) provides that license fees shall be paid at the time of filing applications. (All checks/money orders should be made payable to the State of Michigan)

Off Premise License Type:	Base Fee:	On Premise License Type:	Base Fee:	On Premise License Type:	Base Fee:
<input checked="" type="checkbox"/> SDM License	\$100.00	<input type="checkbox"/> B-Hotel License	\$600.00	<input type="checkbox"/> Tavern License	\$250.00
<input type="checkbox"/> SDD License	\$150.00	<input type="checkbox"/> A-Hotel License	\$250.00	<input type="checkbox"/> G-1 License	\$1,000.00
<input type="checkbox"/> Resort SDD License	Upon Licensure	<input type="checkbox"/> Brewpub license	\$100.00	<input type="checkbox"/> G-2 License	\$500.00
<input type="checkbox"/> Transfer Resort SDD license	\$150.00	<input checked="" type="checkbox"/> Class C License	\$600.00	<input type="checkbox"/> Aircraft License	\$600.00
		<input type="checkbox"/> Club License	\$300.00	<input type="checkbox"/> Watercraft License	\$100.00
		<input type="checkbox"/> Resort License	Upon Licensure	<input type="checkbox"/> Train	\$100.00
		<input type="checkbox"/> Redevelopment License	Upon Licensure		

Part 4 - Permit Types (Check boxes applicable to your application)

ON Premise Permits:	Base Fee:	On Premise Permits:	Base Fee:
<input type="checkbox"/> Sunday Sales Permit (AM)	\$160.00	<input type="checkbox"/> New Banquet Facility Permit	\$600.00
<input type="checkbox"/> Sunday Sales Permit (PM) (Held with SDD licenses)	\$22.50	<input type="checkbox"/> Sunday Sales Permit (AM)	\$160.00
<input type="checkbox"/> Catering Permit	\$100.00	<input type="checkbox"/> Sunday Sales Permit (PM)	15% of license fee
<input type="checkbox"/> Beer and Wine Sampling	No charge *	<input type="checkbox"/> Catering Permit	\$100.00
		<input type="checkbox"/> New Additional Bar Permit (s)*	\$350.00 Indicate #: _____
		*Note: \$350.00 is due for each additional bar requested. This fee must also be included when calculating the total amount due for Sunday Sales Permit (PM).	
		<input checked="" type="checkbox"/> Outdoor Service	No charge *
		<input checked="" type="checkbox"/> Entertainment Permit	No charge *
		<input type="checkbox"/> Dance Permit	No charge *
		<input type="checkbox"/> Topless Activity Permit	No charge *
		<input type="checkbox"/> Banquet Facility Permit	No charge *
		<input type="checkbox"/> Specific Purpose Permit	No charge * Activity: _____

*Note: MCL 436.1525(3)(b) provides that an inspection fee shall not be required for the issuance of a new permit, or the transfer of an existing permit, if the permit is issued or transferred simultaneously with the issuance or transfer of a license or an interest in a license.



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
2750 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505
Toll Free (866) 813-0011 - www.michigan.gov/lcc

Business ID: _____

Request ID: _____

(For MLCC use only)

Application for New Licenses, Permits, or Transfer of Ownership or Interest in License
(Retail License Applicants)

Part 5 - Permissions (Check boxes applicable to your application)

Off Premise Permission(s):	Base Fee:	On Premise Permission(s):	Base Fee:
<input type="checkbox"/> Off-premise Storage	No charge	<input type="checkbox"/> Off-premise Storage	No charge
<input type="checkbox"/> Direct Connection(s)	No charge	<input type="checkbox"/> Direct Connection(s)	No charge
<input type="checkbox"/> On-Premise Seating	No charge	<input type="checkbox"/> Living Quarters	No charge
<input type="checkbox"/> Living Quarters	No charge	<input type="checkbox"/> Gas Pumps	No charge
<input type="checkbox"/> Gas Pumps	No charge		

Part 6 - Inspection Fees (Check box applicable to your application)

Inspection fee - 1 license (4036) \$70.00 Inspection fee - 2 licenses (4036) \$140.00 Inspection fee - 3 licenses (4036) \$210.00

Part 7 - Transaction Information (Check boxes applicable to your application)

New license Transfer stock/interest Add/Drop space Transfer location Transfer classification Change status (self incorporation)
 New permit Transfer ownership Add/Drop partner Transfer limited partnership interest Other

Name(s) of current licensee: Somnich n Sudz Corp, a Michigan Corp
 Current licensed address: SW Main St., Unit 1, Boyne City, MI 49712

Part 8 - Applicant Information

Name of entity/person that will hold the license: Y+T Properties, LLC
 Corporations/Limited Liability Company(s) - State the name as it is filed with the State of Michigan Corporation Division and provide a copy of your articles.
 Corporations/Limited Liability Company(s) must provide a list of stockholders/members in Part 10 of this form.
 If your company has not filed with the State of Michigan, you must submit a copy of a filed certificate of authority to transact business in Michigan along with your application.

Street address of proposed licensed establishment: SW Main St., Unit 1 Zip Code: 49712
 City/Township: Boyne City Township: _____ County: Charlevoix
 Contact person for your company: Gate E Neff
 Business Phone: 231 547-1117 Cell Phone: _____ E-mail address: gkn@charter.net
 Do you have an attorney that you would like us to contact? Yes - See below No
 Attorney name and address: Richard E. Joseph 203 Mason St,
Charlevoix, MI 49720
 Office Phone: 231 547- Call Phone: _____ E-mail address: rjoseph@freeway.net
0792



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505
Toll Free (866) 813-0011 - www.mlcc.com

Business ID: _____

Request ID: _____

(For MLCC use only)

Application for New License, Permits, or Transfer of Ownership or Interest in License
(Retail License Applicants)

Part 9a - Name and Address

Each stockholder/member/partner must complete Part 9b of the application.

(For companies with multiple stockholders/members/partners, please make copies of this section for each individual to complete)

Name: Gale E Neff
Home address: 221 West Huribout St., Charlevoix, MI 49720
Business Phone: 231 547-1117 Cell Phone: _____ E-mail address: gkn@Charter.net

Part 9b - Personal Information (Individuals)Date of Birth: 4-25-46 Social Security Number: 376-44-7957

Are you a citizen of the United States of America? Yes No (If you answered 'no', you will be asked to provide documentation to verify citizenship)
Have you ever legally changed your name? Yes No (If you are/were married remember to list your prior name(s) or during naturalization or court process.)

If you answered yes, please state your prior name(s) (including maiden): _____

Have you ever been arrested? Yes No If yes, list below (attach additional pages if necessary)

Date	City/State	Charge	Disposition

If you are currently married, what is your spouse's full name?

Spouse's date of birth: 8-17-54 Kim Cheryl Neff (first, middle, last)Is your spouse a citizen of the United States of America? Yes No (If you answered 'no', you will be asked to provide documentation to verify your spouse's citizenship)Has your spouse ever been arrested? Yes No If yes, list below (attach additional pages if necessary)

Date	City/State	Charge	Disposition
<u>1987</u>	<u>Charlevoix MI</u>	<u>DUI</u>	<u>Pay fine</u>

Do you or your spouse hold any position, either by appointment or election, which involves the duty to enforce any penal law of the United States of America, or the penal laws of the State of Michigan, or any penal ordinance or resolution of any municipal subdivisions of the State of Michigan (civil defense volunteer policeman, mayors, village presidents, and members of city councils are not considered to be law enforcement officers).

 Yes No

Do you or your spouse hold any class of license for the manufacture or sale of alcoholic beverages at wholesale in Michigan?

 Yes No

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing false or fraudulent information is a violation of the Liquor Control Code pursuant to MCL 436.2003.

6-1-2012 Gale E. Neff [Signature]
Date Individual, print name Individual signature



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
7150 Harris Drive, P.O. Box 30005 • Lansing, Michigan 48909-7505
Toll Free (866) 813-0011 • www.michigan.gov/lcc

Business ID: _____

Request ID: _____

(For MLCC use only)

Application for New Licenses, Permits, or Transfer of Ownership or Interest in License

(Retail License Applicants)

Part 10 - Report of Stockholders/Members/Limited Partners

Corporations - Please complete this section and attach more copies of this page if more room is needed.

Name and Address of all Stockholders: Total Number of Shares Held:

Name and Address of all Stockholders:	Total Number of Shares Held:

Name and address of Corporate Officers and Directors, pursuant to administrative rule R 436.1109

What is the total number of shares that the corporation has issued to its stockholders? _____

Limited Liability Companies - Please complete this section and attach more copies of this page if more room is needed.

Name and address of all members: Total Percent (%) of Interest held

Gale E Neff 221 W. Hurlbut St, 100%
Charlevoix, MI 49720

Name and address of Managers and Assignees, pursuant to administrative rule R 436.1109

Gale E Neff 221 W. Hurlbut St, Charlevoix, MI
49720



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505
Toll Free (866) 813-0011 • www.michigan.gov/lcc

Business ID: _____
Request ID: _____
(For MLCC use only)

Application for New Licenses, Permits, or Transfer of Ownership or Interest in License
(Retail License Applicants)

Part 10 Continued - Report of Stockholders/Members/Limited Partners

Limited Partnerships - Please complete this section and attach more copies of this page if more room is needed.

Name and address of all partners:	Total Percent (%) of Interest held

Name and address of Managers, pursuant to administrative rule R 436.1109

Signature of Applicant:

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing false or fraudulent information is a violation of the Liquor Control Code pursuant to MCL 436.2003.

10/1/2012 Gale E. Neff
Date Print name of applicant/licensee and title

[Signature]
Signature of applicant/licensee

To check the status of your request, visit www.michigan.gov/lcc and click on "Online Services." Scroll down to Liquor Control Commission and click on "Online Status Check." Enter your request id number (RID) to check on your application 24 hours a day.

5

Identification Number

B36721

Limited Liability Company name

Y & T PROPERTIES, LC

1. Resident agent name and mailing address of the registered office

GALE NEFF
221 W HURLBUT ST
CHARLEVOIX MI 49720

If different from 1, change resident agent and mailing address of registered office in MICHIGAN.

2. The address of the registered office

221 W HURLBUT ST
CHARLEVOIX MI 49720

If different from 2, change address of registered office (number, street, city, state, zip) in MICHIGAN.

3. Signature of authorized member, manager or agent.

Title

Date

Phone (Optional)

MEMBER

11-14-11

Filing Fee: **\$25.00**

Annual Statement must be received by agency on or before February 15, 2012.

Annual Statement Must Be Signed

Domestic: Signature of a manager if management is vested in managers, by at least 1 member if management remains in the members or by an authorized agent of the domestic limited liability company.

Foreign: Signature of a person with authority to do so under the laws of the foreign limited liability company's jurisdiction of organization.

Make your check or money order payable to the State of Michigan. Include payment with completed annual statement in the same envelope.

Return to: Department of Licensing and Regulatory Affairs
Bureau of Commercial Services
Corporation Division
P.O. Box 30768
Lansing MI 48909
(517) 241-6470

Required by Section 207, Act 23, Public Acts of 1993

Do not staple any items to this statement

YT
4194

BAT770LLC NOV

DO NOT DETACH THIS STUB



Department of Licensing and Regulatory Affairs

Lansing, Michigan

This is to Certify That

Y & T PROPERTIES, LC

was validly organized on November 16, 1998 as a Limited Liability Company. Said Limited Liability Company is validly in existence under the laws of this state and has satisfied its annual filing obligations.

This certificate is issued pursuant to the provisions of 1993 PA 23, as amended, to attest to the fact that the company is in good standing in Michigan as of this date.

This certificate is in due form, made by me as the proper officer, and is entitled to have full faith and credit given it in every court and office within the United States.

*In testimony whereof, I have hereunto set my hand,
in the City of Lansing, this 7th day of September, 2011*

Director

Bureau of Commercial Services

Gale Earl Neff

- - DOB 4-25-1946 -
██

Through 1964:

- * Lived and worked on the family dairy farm in Rosebush, Mich.
- * Graduated from Mt. Pleasant High School. 1964.

1964-1969:

- * Attended General Motors Management and Engineering Institute in Flint, Mich.
- * Earned a B.S. Degree in Industrial Engineering.
- * Worked five years in co-op with Buick Motor Division, G.M.C., Flint, Mich.

1969-1975:

- * Served in the U.S. Army Reserve, Field Artillery, E-6 Staff Sgt., supply.

1968-1990:

- * Married 12-21-68. had a son, Doug, in 1971 and a daughter, Becky, in 1973.

1969-1982:

- * Various engineering, manufacturing, purchasing and supervisory positions within the Buick complex in Flint, Mich., which included Senior Engineer and General Supervisor.
- * Earned an M.S. degree in business management at Central Michigan University in 1975.
- * Became a licensed Michigan real estate salesperson in 1981.
- * Owned and operated several residential real estate rental properties in the Traverse City, Mich. area from 1977-1994.

1982:

- * Purchased Montrose Nursing Home, a 71-bed long term care facility in Montrose, Mich. *licensed Nursing Home ADMINISTRATOR by STATE of MICH.*
- * Resigned from position at Buick.

1983-1990:

- * Formed Michigan Health Care Professionals Inc., a home health nursing and durable medical equipment company. *licensed Home Health ADMINISTRATOR (MEDICARE)*

1984:

- * Purchased Montrose Drug Store and formed Montrose Family Pharmacy in Montrose, Mich. *BECAUSE WINE RETAIL + CONTROLLED SUBSTANCE (DER)*

1985:

- * Purchased, operated and managed several residential and commercial rental properties in Montrose, Mich.

* Formed Professional People, Inc., to provide services and support to several companies, which include:

- Adult foster care and assisted living businesses.
- Business equipment purchase and lease back.
- Airplane and boat rental.
- Staffing employees for health care.
- Accounting and payroll services.
- Maintenance services.

1986:

- * Received a commercial multi-engine airplane license.
- * Formed and operated an air charter passenger service company.

*3000 hrs
logged flight time*

1990:

* Sold Michigan Healthcare Professionals, Inc., to a national home health care company, ABC, in Brunswick, Ga.

*2000
Sold Montrose Nursing Home*

*2004
Sold Montrose Family Planning*

1992 Remarried and moved to Charlotte, NC



Michigan Department of Energy, Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INVESTIGATION REQUEST

[Authorized by MCL 436.1201(4)]

OCTOBER 7, 2010

AMENDED 1/26/11 – SEE NOTE

BOYNE CITY POLICE DEPARTMENT
CHIEF RANDALL C HOWARD
319 NORTH LAKE ST
BOYNE CITY MI 49712

REQUEST ID #: 570269

NOTE: AMENDED TO CORRECT BUSINESS ADDRESS TO 5 W MAIN AND INCLUDE UNIT #1.

APPLICANT:

SAMMICH N SUDZ CORP. REQUESTS TO TRANSFER OWNERSHIP OF AN ESCROWED 2010 RESORT CLASS C ISSUED UNDER MCL 436.1531(3) & SDM LICENSED BUSINESS WITH OFFICIAL PERMIT (FOOD), LOCATED AT 5 W MAIN, UNIT 1, BOYNE CITY, MI 49712. CHARLEVOIX COUNTY, FROM RENNIE'S RESTAURANT, INC.

Please make an investigation of the application. If you do not believe that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.

Forward your report, along with fingerprint cards (if requested) and \$30.00 for each card to the Michigan Liquor Control Commission. ****Please ensure that section D of the card has been completed prior to submission.****

If you have any questions, please contact Unit 3 of the Retail Licensing Division at (517) 636-0204.

dl

LC-1972(Rev. 0605)
Authority: MCL 436.1201(4)
Companion: Mandatory
Penalty: No License

DELEG is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities. Michigan Liquor Control Commission 7150 Harris Drive • P.O. Box 30005 • Lansing, Michigan 48909-7505 www.michigan.gov/licc • (517) 322-1345 Lansing Office



Michigan Department of Energy, Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
 7150 Harris Drive, P.O. Box 30005
 Lansing, Michigan 48909-7505

FOR MLCC USE ONLY
 Request ID # 570269
 Business ID # 224835
AMENDED 1/25/11

LAW ENFORCEMENT RECOMMENDATION

[Authorized by MCL 436.1916, R 436.1105(2)(d) and R 436.1403]

OCTOBER 7, 2010 – AMENDED – SEE NOTE

TO: BOYNE CITY POLICE DEPARTMENT

Re: SAMMICH N SUDZ CORP.

NOTE: AMENDED TO CORRECT BUSINESS ADDRESS TO 5 W MAIN AND INCLUDE UNIT #1

We have received a request from the above licensee for the type of permit indicated below. Please make an investigation and submit your recommendation to the offices of the MLCC at the above address. Questions about this request should be directed to Unit 3 of the Retail Licensing Division at (517) 636-0204.

OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: FOOD

Weekdays _____ A.M. to _____ A.M.

Sundays 7:00 A.M. to 12:00 P.M.

Recommended Recommended, subject to final inspection Not Recommended

NOTE: If the applicant is requesting two separate extended hours permits and the permits are for **different hours** you must complete the box below. If additional space is needed please use reverse side of this form.

OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR:

Weekdays _____ A.M. to _____ A.M.

Sundays _____ A.M. to _____ A.M./P.M.

Recommended Recommended, subject to final inspection Not Recommended

DANCE PERMIT

Recommended Recommended, subject to final inspection Not Recommended

ENTERTAINMENT PERMIT

Recommended Recommended, subject to final inspection Not Recommended

January 26, 2011

<input type="checkbox"/> TOPLESS ACTIVITY PERMIT
<input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> OUTDOOR SERVICE
<input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> PARTICIPATION PERMIT
<input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> ADDITIONAL BAR PERMIT
<input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/>
<input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended

Signed:

Randall C. Howard Chief of Police
Signature and Title

RANDALL C. HOWARD Chief of Police
Print Name and Title

BOYNE CITY POLICE DEPARTMENT

Date: *Jan. 31, 2011*

dl



CITY OF BOYNE CITY

MEMO

To: Michael Cain, City Manager *Mc*

From: Barb Brooks, Executive Assistant *BB*

Date: June 8, 2012

Subject: Veterans Memorial Monument

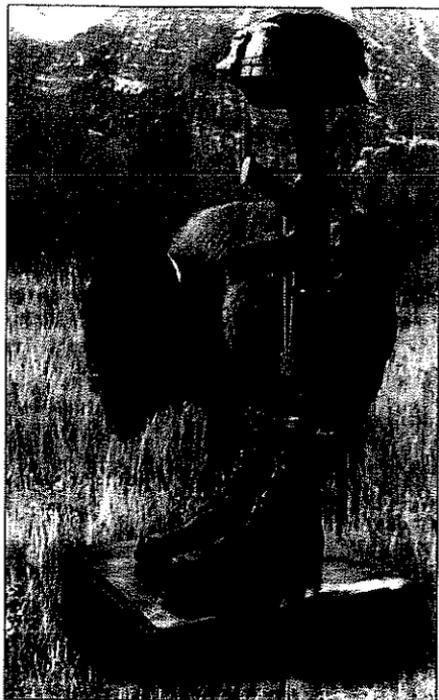
At the Parks and Recreation Advisory Board meeting of June 8, 2012, the board discussed a proposal from the Veterans Memorial Committee to place an additional monument for local fallen soldiers at the site. Ron Crozier presented to the board the proposal and stated that this is monument will be dedicated as a tribute to all fallen soldiers and a plaque/name plate would be placed on it for local soldiers. Mr. Crozier indicated that they are looking at two different locations within the memorial site but the committee would like the flexibility to determine which of the two locations to go with.

After board discussion, the general consensus was that the board thinks the proposed monument would be a nice addition; however questioned how much more should be added to the site and when is it enough so that it maintains its integrity and does not look cluttered. Crozier assured the board that it is their intent to maintain its integrity and they are very particular about how the memorial looks. This monument was not part of the original plan; however the committee feels they have adequate space for it and that it will be a nice addition and tribute. Crozier also added that they will be accepting donations to defer the over \$6,000 cost and George Lasater has offered to match personal donations that come in.

Kuhn moved, Wehner seconded, PASSED UNANIMOUSLY a motion to recommend the City Commission allow the placement of the Fallen Soldiers monument at one of the two proposed location on the Veterans' Memorial site.

Mike
42" high
BASE 24" x 24"

NOTE
WE'LL HAVE Bucks
GRAZE in the GRASS!
Ka. Ha!



Ron

231-675-6414

PAID JUN 04 2012

RECEIVED
JUN 04 2012



MEMORANDUM**TO: MICHAEL CAIN; CITY MANAGER** **FROM: ANDREW KOVOLSKI; PUBLIC WORKS SUPERINTENDENT** **DATE: 6/8/2012****RE: HANNAH STREET RECONSTRUCTION**

As you are aware our engineering consultant C2AE has been working on the design engineering for this project. Conceptual plans have been completed with the following design elements:

- 22 feet wide asphalt road cross section with concrete curb and gutter bringing the total back of curb width to 26 feet wide.
- Installation of storm sewer system
- Installation of sub grade drainage to protect the roadway from the high water table in the area.
- Replacement of the existing transite water main with service leads to the right of way line.
- Installation of a 5 foot wide concrete sidewalk on the west side of the road.

We conducted a public information meeting on Wednesday June 6th at City Hall for the resident's of Hannah Street to view the preliminary design and offer their input and voice any concerns they may have. The meeting was attended by 10 residents. Overall the project meets with their approval. There was some concern noted regarding the sidewalk location at house numbers 509 and 515. There are some grade issues here that may require moving the sidewalk closer to the road way or possibly installing a small retaining wall there. Also at house number 515 there is a garage located very close to the right of way line that may cause a parking issue. Larry Fox and I will be meeting with these property owners before the June 12th City Commission meeting to determine what can be done to rectify these issues. He will discuss these options during his presentation of the project to the City Commission at this meeting

RECOMENDATION:

It is my recommendation that the City Commission approve the preliminary design of the Hannah Street reconstruction project as presented with the flexibility to adjust the sidewalk location within the right of way based on obstacles, grades or other factors.

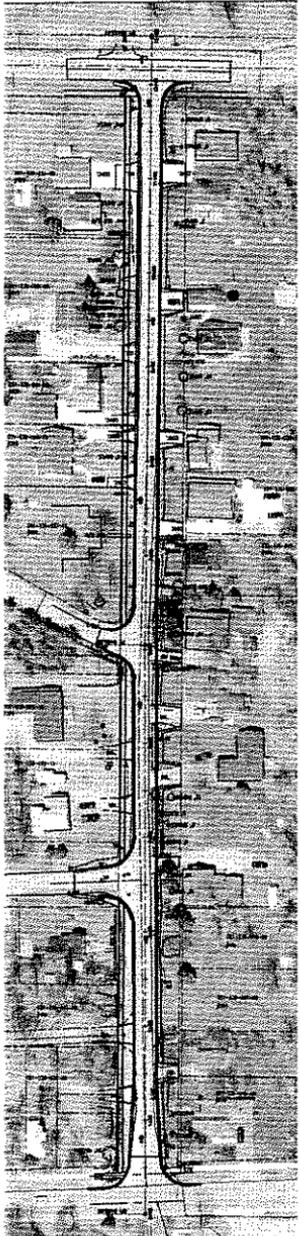
NORTH ↑

WOLF STREET

WOLF STREET

WOLF STREET

WOLF STREET



CITY OF BOYNE CITY

To: Michael Cain, City Manager *Mc*

From: Scott McPherson, Planning Director *SM*

Date: June 12, 2012

Subject: Magnum Hospitality Outdoor Alcohol Request

**Background**

Magnum Hospitality has submitted to the City a request for the City to consider changing the existing ordinance to allow the serving of alcohol in outdoor eating areas which are located on the public sidewalk. Prior to this request Mary Palmer submitted an application to the City Planning Department for a permit to have an outdoor eating area with alcohol at Café Santé. Outdoor eating areas, without alcoholic beverages, are allowed in the Central Business District as per the Boyne City Zoning Ordinance section 10.20(Q) which is follows:

Q. *Outdoor cafés, outdoor eating areas, carry-out, and open front restaurants, (without alcoholic beverages) subject to the following site design standards:*

1. *Outdoor cafés may be permitted on a public right-of-way, on a building roof top, as part of a patio or deck, or within the boundaries of a parcel or lot. Those proposed for use of the public right-of-way must secure an annual permit from the City for temporary use of the right-of-way. However, no use of the right-of-way will be permitted on July 4th.*
2. *A minimum of four (4) feet of public sidewalk along the curb and leading to the entrance to the establishment must be maintained free of tables and other encumbrances. The pedestrian area shall also be free from benches, waste receptacles, fire hydrants, and similar structure. If the sidewalk is not wide enough to allow for a four (4) foot wide clearance for circulation, the outdoor café shall not be permitted on a public sidewalk.*
3. *Pedestrian circulation and access to building entrances shall not be impaired. A boundary (maximum encroachment width and length) into the public sidewalk shall be established with an accessible aisle being maintained between this line and the curb, in accordance with the provisions of all state and federal regulations.*
4. *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. Written procedures for cleaning and waste containment and removal responsibilities must be included with all applications and approved by the City staff.*
5. *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. When not in use, all tables, chairs, umbrellas, and other furniture and fixtures must be stored inside the building or in an alternate location other than a public sidewalk.*
6. *Other additional signs are not permitted beyond those permitted for the existing restaurant.*
7. *Such areas are permitted seasonally between April 1 and October 31, except July 4th. The hours of operation for the outdoor café shall be established and noted with the application.*

8. *Preparation of food and beverages may be prohibited by the Planning Commission in the outdoor café.*
9. *The outdoor café or its operation shall not damage, stain, or discolor any part of the sidewalk or public right-of-way.*
10. *The outdoor café shall comply with any policies and/or regulations adopted by the City Commission for private use of public right-of-way. Liability issues for use of the public sidewalk may be addressed and reviewed by the City Attorney.*
11. *The outdoor café shall provide evidence of insurance coverage naming the City as an additional insured party in an amount acceptable to the City.*

A permit could not be issued to Café' Santé because they requested to serve alcohol in a public area and because the property is located in the Waterfront Marina District and outdoor eating areas on the public sidewalk are only allowed Central Business District.

Discussion

The City ordinance that allows outdoor eating areas on the public sidewalk has been in place since the ordinance rewrite in 2001. An annual \$10 permit is required and in the spring of each year the Planning Department mails permit application forms that contain all of the ordinance requirements to the restaurants in the Central Business District. While I do recall previous informal inquiry's about the ordinance prohibition of alcohol, this is the first formal request that has been made asking the City to consider changing the Ordinance.

City staff has done some preliminary research on communities that do allow alcohol in the outdoor eating areas and found that there area several ways this can be regulated. The use can be regulated as a use under the zoning ordinance or it can be regulated by adopting a stand alone ordinance.

Recommendation

The City Commission should review the issue and make a determination if changes to the existing policy should be explored.

Options

1. Determine that the issue should be further explored and direct staff to obtain input from staff and all applicable boards and commissions and report back to the City Commission.
2. Determine that the policy should not be changed and take no action.
3. Other action as the Commission deems appropriate.



M A G N U M H O S P I T A L I T Y

1616 CARR STREET, SUITE D TRAVERSE CITY, MICHIGAN 49684 231 932 1833 TEL 231 932 1819 FAX MAGNUMHOSPITALITY.COM

Boyne City, City Commission
Boyne City, Michigan 49712

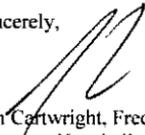
May 29, 2012

Dear Commission Members,

We would like to request that a resolution be approved authorizing City Manager Mike Cain and the appropriate committee(s) to revisit the city ordinance forbidding service of alcohol on city sidewalks, research ordinances in other cities, and return to the Commission with a recommendation as to changes (if any) to the existing ordinance.

We thank you for your consideration of this matter.

Sincerely,


Jim Cartwright, Fred L. Moore, Mary Palmer
Magnum Hospitality, Inc.



117 WATER STREET
BOYNE CITY
MICHIGAN 49712
231 582 0049 TEL
231 582 0152 FAX

1544 US 31 NORTH
TRAVERSE CITY
MICHIGAN 49686
231 938 2773 TEL
231 938 2774 FAX
REDMEAGRILL.COM



617 ANKA STREET
ELE RAPIDS
MICHIGAN 49829
231 264 0530 TEL
231 264 0532 FAX
PEARLSNEWORLEANS
KITCHEN.COM



Date: June 8, 2012

To: City Manager Michael Cain *Mc*
Boyne City Commissioners

From: Hugh Conklin, program manager

RE: Request for ordinance change to allow serving alcohol on sidewalks

The Main Street board considered a request from Magnum Hospitality at its June 7 meeting that asks the city commission to allow city staff and the appropriate city boards and commissions to review the ordinance prohibiting the serving of alcohol on sidewalks. Mary Palmer, one of owners of Magnum, attended the meeting, and explained her reasons for the request.

After some discussion by the board, a motion was unanimously passed to recommend to the city commission that it allow city staff, boards and commissions to review the ordinance and recommend possible changes.

City of Boyne City

MEMO



Date: June 8, 2012

To: Mayor Grunch and the Boyne City City Commission

From: Michael Cain, City Manager *Mc*

Subject: City Facilities

One of the City's top goals for some time has been to improve the City complex that currently contains the City Offices, Police Department, Fire Department, and Department of Public Works. The Water/Wastewater Department, Ambulance/EMS Department and our seasonal Marina operations are currently offsite.

Over time, between studies and discussions, the general consensus has been to consolidate our operations here on our existing site while adding some off season equipment storage facilities mainly for public works equipment at the existing North Boyne Yard site.

Last fall we conducted soil borings around this site. The results of these samples confirm that it is possible to build or expand onsite, although some soil stabilization efforts may be necessary.

This spring in our new budget one million dollars was set aside out of City reserves (fund balance) to be used towards improvements on this site.

The area I have struggled with most on this matter is financial. To replace all of the facilities currently located on this site was estimated to exceed five million dollars in 2007. Without going into debt or adding a new millage on our tax payers, we do not have the funds available to do all that some would like to see done. I have not detected from our citizens a desire for either the additional debt or a new millage to fund this project; other projects maybe, but not for new City facilities. That is why I have proposed moving forward in a phased approach reusing our existing facilities as much as possible.

Based on our discussions up to this point I believe it makes the most sense to look at an expansion that brings our ambulance/EMS operations back to this site and also reuses existing space in City Hall to better meet the current needs of our City Office, Police Department and EMS/Ambulance staffs while positioning ourselves to better meet the needs of our Fire Department and Department of Public Works personnel.

In order to do this I would like to go out for bids to retain professional services that can assist us in fleshing out our concepts and options and developing realistic cost and payback analysis. I would expect such a bidding process to realistically take between 60 and 90 days given all the other activities and projects the City is currently undertaking.

The Commission has previously discussed having further discussions with the public on this matter as we went along. While that was done to some degree with the January Goal Setting Session and the February Joint Board and Commission meeting I continue to believe that further public input would be helpful. I would suggest that we schedule a public hearing on this matter to take place at the same time the design service bids are presented to the City Commission. That would provide for timely public input with more specifics prior to any additional significant dollars being spent on this matter.

RECOMMEDNATION: That the City Commission authorize City staff to secure bids for city facility design services as outlined above and coordinate a public hearing to be held on the matter of City Facilities at the time of the bids presentation to the City Commission, estimated to be in 60 to 90 days.

Options:

-Postpone for further consideration or information.

-Other action or details as determined as appropriate by the City Commission.

June 2012

June 2012							July 2012						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
					1	2	1	2	3	4	5	6	7
3	4	5	6	7	8	9	8	9	10	11	12	13	14
10	11	12	13	14	15	16	15	16	17	18	19	20	21
17	18	19	20	21	22	23	22	23	24	25	26	27	28
24	25	26	27	28	29	30	29	30	31				

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
				June 1	2 8:00am Farmers Market
					3
4	5:00pm ZBA	8:00am Farmers Market 6:00pm Hannah St. Public Info (City Hall)	8:30am Main Street Board mtg. 6:00pm Parks & Rec	7	8 Mark Madness Michigan Mountain Mayhem 8:00am Farmers Market
					10 Mark Madness
11	7:00pm City Commission	12 8:00am Farmers Market	13 Flag Day (United States)	14 6:00pm Stroll the Streets	15 16 Pink Ribbon Ride Young Americans 8:00am Farmers Market
					17 Father's Day (United States)
18 5:00pm Planning Commission 7:00pm Historical Commission		19 Evenings @ the Gazebo 8:00am Farmers Market	20	21 6:00pm Stroll the Streets	22 23 8:00am Farmers Market
					24
25	12:00pm City Commission	26 Evenings @ the Gazebo 8:00am Farmers Market	27 5:30pm Airport Advisory Board 6:30pm Housing Commission	28	29 30 SOBO Arts Fest 8:00am Farmers Market

July 2012

July 2012

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

August 2012

S	M	T	W	T	F	S
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					July 1
2	5:00pm ZBA	Evenings @ the Gazebo Independence Day (United States) 8:00am Farmers Market	6:00pm Parks & Rec	6:00pm Stroll the Streets	8:00am Farmers Market
9	7:00pm City Commission	Evenings @ the Gazebo 8:00am Farmers Market		6:00pm Stroll the Streets	8:00am Farmers Market
16	5:00pm Planning Commission	Evenings @ the Gazebo 8:00am Farmers Market		6:00pm Stroll the Streets	Pooch Fest 8:00am Farmers Market
23	12:00pm City Commission	Evenings @ the Gazebo 8:00am Farmers Market	5:30pm Airport Advisory Board 6:30pm Dancin in the Streets 6:30pm Housing Commission	6:00pm Stroll the Streets	8:00am Farmers Market Antique Flywheelers
30					