



City of Boyne City

Founded 1856

319 N. Lake Street

Boyne City, Michigan 49712
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BOYNE CITY
CITY COMMISSION REGULAR MEETING
Boyne City Hall
319 North Lake Street
Tuesday, September 10, 2019 at 7:00 p.m.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
2. ROLL CALL
 - A. Excuse Commissioner Dean Solomon from attending tonight's meeting
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 August 27, 2019 City Commission regular meeting minutes as presented
 - B. Approval to appoint Monica Kroondyk to the Planning Commission to fill the remaining term of James Kozlowski, with a term expiring May 31, 2020
 - C. Approval to the re-appointment of Bud Chipman as an Ex-Officio member of the Airport Advisory Board for a three year term expiring August 24, 2022
 - D. Approval of the re-appointment of Leon Jarema as an Ex-Officio member of the Airport Advisory Board for a three year term expiring August 24, 2022
 - E. Approval of the re-appointment of Leon Vercruysee to the Airport Advisory Board for a three year term expiring August 24, 2022
 - F. Approval to appoint John Van Etten as an Ex Officio member of the Airport Advisory Board with a term expiring August 24, 2022
 - G. Approval of the 5 year METRO Act renewal with ACD through 8/13/2024 and authorize the City Manager to execute the documents
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 August 1, 2019 Main Street Board Meeting
- B. Draft minutes of the August 8, 2019 Parks & Recreation Board Meeting
- C. Draft minutes of the August 19, 2019 Planning Commission Meeting
- D. Draft minutes of the August 29, 2019 Airport Board Meeting

8. OLD BUSINESS

9. NEW BUSINESS

- A. Fireworks Ordinance Update
Consideration of first reading of amendments to the Fireworks Ordinance and schedule a second reading for Tuesday, October 22, 2019
- B. Reschedule September 24, 2019 Meeting
Consideration to reschedule the Tuesday, September 24, 2019 regular Commission meeting to Monday, September 23, 2019 at noon
- C. City Commission, Historical Commission and Heritage Center Board Work Session
Consideration to schedule a joint work session with the Heritage Center Board and the Historical Commission on Tuesday, October 1 at 7:30 p.m. in the City Facilities Building
- D. Request of the City Manager to go into closed session regarding Attorney/Client Privilege document as provided in MCL 15.268 (h) 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 September 24, 2019 at noon.

12. ADJOURNMENT



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agenda packets & minutes for each board

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**AUGUST 27, 2019
REGULAR MEETING**

RECORD OF THE PROCEEDINGS OF THE REGULAR BOYNE CITY COMMISSION MEETING DULY CALLED AND HELD AT BOYNE CITY HALL, 319 NORTH LAKE STREET, ON TUESDAY AUGUST 27, 2019

CALL TO ORDER

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

Present: Mayor Tom Neidhamer, Commissioners Hugh Conklin, Sally Page and Dean Solomon

Absent: Mayor Pro-Tem Grunch

Staff: Jane Halstead, Scott McPherson, Michael Cain, Mark Fowler, Tim Faas, Jeff Gaither, John Lamont, Kevin Spate, John Lamont and Patrick Kilkenny

Others: There were 9 citizens in attendance, including a representative from the Petoskey News Review.

**Excuse Mayor Pro Tem
Grunch
MOTION**

2019-08-100
Moved by Neidhamer
Second by Solomon

To excuse Mayor Pro Tem Grunch from today's meeting

Ayes: 4
Nays: 0
Absent: 1
Motion carried

**CONSENT AGENDA
MOTION**

2019-08-101
Moved by Conklin
Second by Page

Approval of the August 13, 2019 City Commission regular meeting minutes as presented

Approval of the August 20, 2019 City Commission work session minutes as presented

Approval to purchase five sets of Fire Dec fire gear in the amount of \$11,580 and authorize the City Manager to execute the documents

Approval to award a purchase order contract for road deicing salt to Compass Minerals of 9900 West 10th Street, Suite 600 Overland, KS 66210 in an amount not-to-exceed \$47,766 per the State of Michigan bids and authorize the City Manager to execute the documents

Ayes: 4
Nays: 0
Absent: 1
Motion carried

CITIZENS COMMENTS

Michelle Cortright of 221 Water Street announced that Harbor House will be hosting an open house on September 20th from 1:00 to 6:00 p.m. to celebrate their 50th anniversary. They have been operating

in Boyne in since 1984.

CORRESPONDENCE

None.

CITY MANAGERS REPORT

City Manager Cain reported:

- Work on the Boyne Mountain - M-75 force main project continues. Pressure testing takes place this week.
- Work on the dental office across the street and on the surgery center on Moll Drive continues as anticipated.
- The road construction project on Cedar and Terrace Streets is progressing.
- Resurfacing of the tennis courts at Rotary Park has begun. Additional milling has slowed down the project. We are waiting to get the updated schedule.
- Great Lakes Energy has completed the demolition of the interior of the old Carters building. The remainder of the building will come down soon.
- The grant agreement with the MEDC for the Veterans Park Pavilion for \$408,415 was executed this week. We will meet with the architect and contractor to review the plans. The work will begin after Labor Day.
- The Michigan DNR and Urban Forestry Program awarded Boyne City a \$3000 DTE tree planting grant. We were one of 19 communities to get the maximum amount.
- The Planning Commission approved the site plan from Lake View Village for an additional 22 units. They still need to get approval from the State.
- At a City Commission Work Session last week a work group was set up to determine the options available to get community input on the Marijuana laws.
- Pavement marking began on Monday with parking space striping.
- The new picnic shelter at Avalanche has been completed by DPW staff.
- Tree trimming and removal throughout the City was completed this week by the contractor.
- An ad for the Chief of Police position will be placed this week.
- Brian O'Brien Council General of Ireland will visit Boyne City on September 4th. Details forthcoming. This is a follow-up to our twinning efforts.
- The fall rubbish collection begins tomorrow.
- September 13th and 14th is the Hazardous Waste Collection. The County will start taking reservations on September 5th.
- The fire suppression water line for the new wine bar on Water Street will be installed next week. The work will involve sidewalk and street removal.
- City Manager Cain is looking into an alternate and simpler method for hooking up media sources in the meeting rooms at City Hall.

Commissioner Conklin asked if there was any update on the Lofts on Lake Street. Cain responded that the developer is working on the utilities and getting plans finalized. It seems to moving forward as it

should. Conklin also asked if there would be a mobi-mat at the new pavilion at Avalanche. Cain answered no, not at this time. The Parks and Recreation Board will need to determine the next step – possibly a sidewalk.

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

The July, 2019 Financial Statement was received and filed.

OLD BUSINESS

None.

NEW BUSINESS

Edwin Street Vacation

Planning Director Scott McPherson discussed the application for the vacation of Edwin Street which was submitted by the Law Offices of Daniel Harris representing Charles Johnson of 410 Jefferson Street. Mr. Johnson is no longer represented by Mr. Harris.

Mr. Johnson is requesting the west 150.6' section of Edwin Street between be vacated. He is currently using this portion of Edwin Street for his driveway. The house was built in 1992 and it is significantly different from the plot plan which was submitted with the original approved zoning permit. Mr. Johnson purchased the home in 1994 and the survey from that time shows the house and driveway as it is currently configured. The existing structure is an illegal non-conforming structure and it encroaches the North lot line. The portion of the street that is proposed to be vacated borders two other properties and these owners have not signed the petition for the application. Approximately 200' of the east end of Edwin Street is developed which provides access to two homes and City infrastructure is located in the developed portion of the street. The street is plowed by the City. The proposal has been reviewed by City Department Heads, and given the potential future use of the street for access and utilities, the request is not supported by City Staff.

The Planning Commission also reviewed this request at their regular meeting on July 15, 2019 and they recommend the street vacation as requested be denied.

Citizens Comments:

Charles Johnson of 410 Jefferson Street reviewed the history of his property. He was the first buyer of the house after it was built. He agrees there are two problems with the property - the driveway is placed in the middle of a platted road and a 2 car garage built almost to the property line which is a setback issue. These problems were visible 26 years ago and were not addressed. The building permit process is to ensure that the buyer gets a trouble free home. Mr. Johnson reviewed various building and zoning permits from the project. Some of the paperwork filed during construction was incomplete or incorrect. The people responsible for performing inspections on a new building did not do their job. There is no indication the building went through the inspection process. Mr. Johnson also stated that in 1992 Union and Edwin Street did not exist. He stressed that he is innocent victim in this situation and did not do a single thing wrong.

Staff Comments: City Manager Cain stated that we are here to discuss the vacation of Edwin Street. Much of the information Mr.

Johnson presented is not relevant. We have to look at the best long term interests of the community. There is potential for development or a thru street on Edwin Street. The Planning Commission and the Staff recommend this not go forward. The question today is whether to go forward with the vacation request.

Board Discussion:

Commissioner Conklin asked what the options are for Mr. Johnson and if there is a possible compromise.

City Manager Cain stated that that is a whole different discussion.

Commissioner Page asked if Mr. Johnson knew this was a street and Mr. Johnson indicated he had not seen a survey.

Commissioner Solomon said this does not meet the criteria to vacate a road right of way. Vacation is not the correct remedy.

Mayor Neidhamer concurred that vacating the street is not the way to go - explore other solutions.

Commissioner Page asked if Mr. Johnson would have to take out the driveway and City Manager indicated that there is no action the City is looking for Mr. Johnson to take at this time.

Mayor Neidhamer stated that we understand Mr. Johnson's situation but I am not for a vacation – we would land lock property. We are not going to solve this today.

The Commissioners agreed that vacation was not the right remedy for this situation.

MOTION

2019-08-102

Moved by Solomon

Second by Conklin

To not proceed with the street vacation request for Edwin Street.

Ayes: 4

Nays: 0

Absent: 1

Motion carried

Balsam Street Vacation

Consideration of a street vacation from Thomas Stockbridge requesting the entirety of Balsam Place be vacated from Woodland Drive to Shady Lane.

Planning Director Scott McPherson reviewed the application for the vacation of Balsam Street by Barron & Engstrom representing Thomas Stockbridge of 639 Woodland Drive. The application is requesting the entirety of Balsam Place be vacated from Woodland Drive to Shady Lane. All adjacent property owners have signed the application. It has been reviewed by Department Heads and given that there is City infrastructure there the City Staff did have some reservations about vacating this street. The Planning Commission reviewed the request at their July 15th, 2019 meeting and found that the street is a dead end, there is no future development potential, it will improve safety at the location and will eliminate maintenance costs. The Planning Commission recommended the City proceed with requested street vacation.

Citizens Comments: Edward Engstrom, the attorney for Mr. Stockbridge, stated that there is no public benefit for any people in the community other than the property owners adjacent to property. The street as it is creates a safety issue. All property owners on Balsam Place signed the application for vacation. No property owners within 300 feet objected. The five property owners paid to pave the road.

Staff Comments: City Manager Cain stated that this is the first time we have a vacation request for a paved street with utilities under it. It will be necessary to create easements for the water and sewer lines if we go forward. There will be potential savings. I recommend we go to the next step of having a public hearing.

Citizens Comments: Bill Bender of 631 Woodland has owned a home here for 22 years. We paved the road to reduce the gravel. There have been instances where safety is an issue – people speed along here.

Dick Sarchet of 645 Woodland state that the street is a boundary between the township and the City. There is a blind spot on the curve from Woodland to Glenwood Beach and there is brush on the edge that blocks the sightline.

Board Discussion: All are in agreement with the recommendation

MOTION

2019-08-103
 Moved by Conklin
 Second by Page

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

Ayes: 4
 Nays: 0
 Absent: 1
 Motion carried

TOMMBA Agreement

Consideration to approve entering into an agreement with TOMMBA for the development, maintenance and use of a portion of the city property on Old Horton Bay Road for the purpose of completing the Boyne Forest Trail System, and authorize the City Manager to execute the documents.

Tim Faas, the Director of Public Works, reviewed the agreement with TOMMBA. This agreement will complete the third of three parts required to build the Boyne Forest Trail System which is a collaboration between the City of Boyne City, the Walloon Lake Association and Conservancy and the Boyne City School Forest Trails. This would involve the use of 80 acres owned by the City located off of Old Horton Bay Road. The trails will be multi-use with some limitations. The Parks and Recreation Commission supported the request by TOMMBA to have the City Commission enter into an agreement for the development, maintenance and use of the trails and trail head property. There has been discussion with TOMMBA

regarding minimizing the environmental impact and the number of trees cut. TOMMBA requested a ten year term on the agreement but our City Charter limits us to a 3 year agreement. If the Commission decides to move forward, the agreement would be reviewed by TOMMBA and the City's legal counsel.

Citizens Comments: Michelle Cortright of 221 Water Street stated that the one kind of trail we are missing in the area are the miles and miles of expert level trail. This would give us that missing component. A second trail head off of Old Horton Bay Road would be very helpful.

Board Discussion: Commissioner Solomon had questions on some of the language in the agreement including the language regarding TOMMBAS role on informing and educating on the property rules. Solomon also wants to make sure we don't limit our opportunities for other recreational uses. We need to look at our resources. It would be worth our while to have a resource professional look at the property and sustainability of the long term for the property. We should develop a longer vision for the property.

Commission Conklin would like to specify multi use trails and not make the agreement specific to biking. If TOMMBA doesn't do the maintenance does it become the responsibility of the City? Has a timber harvest review been done? No according to City Manager Cain. Is the trail for advanced riders only? Mike Cortright answered no – most of the trail is accessible to 90 to 95% of the riders. The 30 day termination clause was discussed.

Commissioner Page is excited about the trails. Could there be a traffic problem if the trails are multi use?

Mayor Neidhamer: We should learn from history. We did not forest Avalanche because it was a preserve and now we have a lot of downed Ash trees which causes problems. Hope we could explore that, not hinder TOMMBA and keep a natural looking canopy. In full favor of moving forward.

Commission Solomon: We have brought up a number of concerns regarding the text of the agreement. Should we clarify before we move forward? We don't want to place too many boundaries on potential uses and opportunities. We need a stewardship plan to help us sustain our resources.

Staff Comments: City Manager Cain stated that we may need to get our own resource to look at the property and we may want them to look at all of properties including Avalanche.

Timber harvesting was discussed. If we decide to do that it needs to be done before the trails are built.

Mike Cortright indicated that it would be about one year before TOMMBA would be building trails on the City's property.

Rod Cortright agreed that the City should do an inventory of the property at some time. It does not need to be done immediately.

The Board discussed and agreed to postpone approving the agreement to clarify some of the issues and refine the agreement.

MOTION

2019-08-104
 Moved by Conklin
 Second by Solomon

To table the approval of the agreement with TOMMBA for the development, maintenance and use of a portion of the city property on Old Horton Bay Road for one month to clarify issues and have TOMMBA review.

Ayes: 4
 Nays: 0
 Absent: 1
 Motion carried

**Softball Field Material
 Purchase
 Recommendation**

Consideration to award a purchase order contract for 167 tons of Washington Ball Mix from Stonequest of 6245 State Street, Saginaw MI, 48603 in an amount not-to exceed \$17,200 and authorize the City Manager to execute the documents.

Tim Fass, the Director of Public Works, reported that a newly formed user group recently evaluated the softball and baseball fields. There are 5 people in the user group including Faas and they are evaluating the condition of the softball and baseball fields in the City and prioritizing projects. It was determined that the 2 main softball fields, which are the most heavily used, lack a proper playing surface on the infield for a safe and enjoyable experience. The City has not replaced the infield material for the better part of a decade. There are sufficient funds remaining in the Parks and Recreation budget for purchasing this material. Faas has reached out other user groups such as the school district and the little league group for donations to help offset some of the cost. We would like to get this installed prior to the fall ball season.

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Conklin asked who the primary users of the fields are and Faas stated the schools and leagues were the main users. It seems normal that the school would provide a contribution. Faas stated that the school district does do much of the physical maintenance of the fields.

Commissioner Solomon likes that user groups are involved and the ideas of groups making financial contributions. We are successful when we have partners.

Mayor Neidhamer likes that an inventory of the fields and a comprehensive study is being done. It is a good collaboration.

All are in agreement with the recommendation.

MOTION

2019-08-105
 Moved by Page
 Second by Solomon

To approve a purchase order contract for 167 tons of Washington Ball Mix from Stonequest of 6245 State Street, Saginaw MI, 48603 in an amount not-to exceed \$17,200 and authorize the City Manager to execute the documents

Ayes: 4
 Nays: 0
 Absent: 1
 Motion carried

Tub Grinder Rental

Consideration to award a purchase order contract for rental of a tub grinder to Vermeer Midwest of 1098 Franklin Street, Marne MI 49943 in an amount not-to-exceed \$59,000 and authorize the City Manager to execute the documents.

Department of Public Works Director Tim Faas reported that the yard waste program at the North Boyne Compost Facility has been very successful. That has resulted in a large amount of debris at the site. Last year Team Elmers was hired to grind up the brush. Staff recommends that this year we rent a grinder and take care of the brush ourselves. We also need to figure out what to do with the wood chips as we already have a considerable amount of chips. We have to get them off site within 3 years per DEQ regulations.

Staff Comments: None

Citizens Comments: None

Board Discussion: Commissioner Page says it saves money overall, she is for it.

Commissioner Solomon asked if we want to think about our policy options to reduce the amount of waste we have to process. Faas stated that there is no gate and disposal is not policed. He is thinking about options for next year.

Commissioner Conklin asked if the change would save money and Faas indicated that last year Elmers did not process everything on site because of the dollar amount. This should save money.

Commissioners are in agreement with the recommendation,

MOTION

2019-08-106
 Moved by Conklin
 Second by Solomon

To approve to award a purchase order contract for rental of a tub grinder to Vermeer Midwest of 1098 Franklin Street, Marne MI 49943 in an amount not-to-exceed \$59,000 and authorize the City Manager to execute the documents.

Ayes: 4
 Nays: 0
 Absent: 1
 Motion carried

Memorial Bench Policy

Consideration to adopt the City Commission adopt Public Works Policy & Procedure PW_001 entitled "Memorial Benches, Trees & Landscape Rock" as presented.

Department of Public Works Director Tim Faas reported that the Parks and Recreation Commission reviewed a draft of this policy to lay out what kind of memorials the city will accept for memorials. This was done for two reasons – to establish a process for handling requests and to address the fact that we have a lot of benches throughout our parks. We would like to encourage donations other than benches such as trees and rocks. Currently we have six requests for memorials pending.

Staff Comments: Police Chief Jeff Gaither agreed it is prudent to have a policy so that we don't end up with individual tributes taking up public space.

Citizens Comments: None

Board Discussion: Commissioner Solomon thinks the policy is a good idea. Do we have a policy about memorializing existing structures in the City? Cain indicated no we don't have a policy. Commission Conklin asked how the process works. Faas indicated that the policy will give us some discretion on what we accept for donations. Conklin also asked if we have a site plan. Faas stated that is a task to be completed. Commissioner Page asked if people requested specific locations for their donation. Sometimes, yes according to Faas. Mayor Neidhamer is in full support.

Commissioners are in agreement with the recommendation,

2019-08-107
 Moved by Solomon
 Second by Page

MOTION

To adopt Public Works Policy & Procedure PW_001 entitled "Memorial Benches, Trees & Landscape Rock" as presented.

Ayes: 4
 Nays: 0
 Absent: 1
 Motion carried

Good Of The Order

None.

**CLOSED SESSION
MOTION**

2019-08-108
 Moved by Neidhamer
 Second by Conklin

To approve the request of the City Manager to go into closed session with our attorney regarding Attorney/Client Privilege document as provided in MCL 15.268 (h) of the Michigan Open Meetings Act (PA 267 of 1976) at 2:25 p.m.

Ayes: 4
 Nays: 0
 Absent: 1
 Motion carried

**RETURN TO OPEN
SESSION
MOTION**

2019-08-109
 Moved by Neidhamer
 Second by Conklin

To return to Open Session at 3:49 p.m.

Ayes: 4
 Nays: 0
 Absent: 1
 Motion carried

ADJOURNMENT

Motion by Mayor Neidhamer, second by Commissioner Conklin to adjourn the Regular City Commission meeting of Tuesday, August 27, 2019 at 3:50 p.m.

Tom Neidhamer
 Mayor

Jane Halstead
 Recording Secretary

CITY OF BOYNE CITY

To: Michael Cain, City Manager
From: Scott McPherson, Planning Director *SM*
Date: September 10, 2019
Subject: Planning Commission Appointment



Background Information

At the August 19, 2019 Planning Commission meeting the Commission recommended Planning Commission candidate Monica Kroondyk to fill the remaining term of James Kozlowski.

Process

The procedures for the appointments to the Planning Commission are regulated by Ordinance A - 21. The ordinance stipulates that Planning Commissioners are appointed by the Mayor subject to the majority vote of the City Commission. The appointment would fill the seat vacated by James Kozlowski which was a 3 year term expiring May 31, 2020.

Recommendation

Appoint Monica Kroondyk to the Boyne City Planning Commission for the remainder of the term vacated by James Kozlowski expiring on May 31, 2020.



City of Boyne City

MEMO

To: Michael Cain, City Manager *MC*

From: Jane Halstead, Secretary *JH*

Date: September 6, 2019

Subject: Re-Appointment of Leon Vercruysee, Bud Chipman and Leon Jarema to the Airport Advisory Board

At the Airport Advisory Board meeting held on August 29, 2019 a motion was passed to recommend the City Commission approve the re-appointment of Leon Vercruysee as a member and Bud Chipman and Leon Jarema as Ex Officio members to the Airport Advisory Board, all for three-year terms expiring 8/24/2022.



City of Boyne City

MEMO

To: Michael Cain, City Manager 

From: Jane Halstead, Secretary 

Date: September 6, 2019

Subject: Appointment of John Van Etten to the Airport Advisory Board

At the Airport Advisory Board meeting held on July 25, 2019 a motion was passed to recommend the City Commission approve the appointment of John Van Etten as an Ex Officio member of the Airport Advisory Board with a term ending 8/24/2022.



City of Boyne City

MEMO

Date: September 6, 2019

To: Mayor Neidhamer and the Boyne City City Commission

From: Michael Cain, City Manager 

Subject: ACD METRO Act Renewal

Attached please find a request from ACD.net to renew their expired METRO Act permit for 5 years until August 13, 2024. We approved their original METRO Act permit in 2014. The original permit is on file and is available for review if desired.

The METRO Act permit was created by the State of Michigan to provide a common way for telecommunication companies to get permission to use the public right of ways to install their infrastructure, usually cables. The State's procedures allow very few options for communities such as ours. We have had a pretty good working relationship with ACD and there are no outstanding issues.

RECOMMENDATION: That the City Commission approve the 5 year METRO Act renewal through August 13, 2024, as requested by ACD.net and authorize the City Manager to execute the necessary documents.

OPTIONS:

- a) Postpone for further information and/or consideration.
- b) Some other action as determined as appropriate by the City Commission.



August 6, 2019

City of Boyne City
319 North Lake Street
Boyne City, MI 49712

METRO ACT RIGHT OF WAY PERMIT EXTENSION

Dear City of Boyne City:

We, KEPS Technologies, Inc. dba ACD.net; would like to extend the existing METRO Act we have with your municipality. Our current agreement expires on 8/13/2019. We would like to extend the agreement to 8/13/2024.

If you agree with this extension, please sign both copies of this agreement on the lines provided below and return within 30 days to KEPS Technologies, Inc. dba ACD.net at the address listed on the letterhead. ACD will countersign both and return one copy for your files.

Additional information regarding this renewal request and other METRO Act information, may be found at <http://www.michigan.gov/mpsc/>.

If you have any questions, please contact the Permitting Department at 517-999-9999.

Thank you for your time and cooperation in this matter that both benefits you and your constituents.

**Agreed to on behalf of
City of Boyne City:**

Name: _____

Signature: _____

Date: _____

**KEPS Technologies, Inc. dba ACD.net
acknowledges receipt of this Permit
Extension**

Name: DAVID H. SPINDEN CPA

Signature: [Handwritten Signature] CPA

Date: 8.9.19



Approved: _____

Meeting of
August 1, 2019

MINUTES OF THE BOYNE CITY MAIN STREET BOARD REGULAR MEETING
HELD ON THURSDAY, AUGUST 1, 2019 at 8:30 AM CITY HALL, 319 NORTH
LAKE STREET

Call to Order

Chair Chris Bandy called the meeting to order at 8:32 a.m.

Roll Call

Present: Jodie Adams, Chris Bandy, Michael Cain, Michelle Cortright, Patrick Little, Pat O'Brien and Rob Swartz

Meeting Attendance

Absent: Patti Gabos and Becky Harris

City Staff: Main Street Director Kelsie King-Duff, Recording Secretary Jane Halstead, Assistant Planner Patrick Kilkenny, Main Street Assistant Ingrid Day

Public: Three

Excused Absences
MOTION

Cain moved, Cortright seconded, PASSED UNANIMOUSLY to excuse Becky Harris.

Approval of Minutes
MOTION

Adams moved, Cortright seconded, to approve the June 6, 2019 minutes as presented.

Citizens Comments

Miriam Hollar addressed the Board regarding concerns with the Farmers' Market. She does not think the new layout is working. It is too far to walk around to comparison shop and the mixture of crafts and farm products does not work. The layout is not conducive to socialization.

The Board thanked Miriam for her comments. Kelsie indicated that the plan is to try the new layout thru the summer and get feedback from vendors and customers at the end of the season.

Lori Seibert of the Lake Charlevoix Association asked if they could have recycle bins for their Poker Run Porker scheduled for August 16th. Kelsie directed her to contact the County – they will bring in recycle containers for events.

Correspondence

None.

Committee Reports

Design

The Design Committee discussed the Clock Tower on the Kilwin’s building. It needs some repairs. The building’s owners are working on it. Bruce Janssens is working on a design for recycling containers.

Director’s Report

Received and filed.

Unfinished Business

None.

New Business

Michigan Main Street Agreement

Michigan Main Street Agreement

Consideration to approve the Michigan Main Street Program Community Requirements and Expectations Agreement as proposed.

In January, the Main Street Board had approved a Michigan Main Street Program Community Requirement and Expectation Agreement which was to take us to December 2020. An updated agreement was received from the MEDC which now requires that Main Street Communities participate in the Redevelopment Ready Community Program. Boyne City currently is a Redevelopment Ready Community. There are also changes in the agreement regarding the program services provided to Main Street Communities and in the language relating to Design Services. The agreement needs to be approved by the board by September 23, 2109 or participation with Michigan Main Street will be terminated.

The Boyne City Main Street Board does not feel comfortable adopting this agreement until they can get some more information. Patrick Little suggested, and the Board agreed, that Kelsie articulate the Board’s questions and concerns in a memo to MEDC.

Michigan Main Street Agreement MOTION

Cain moved, O’Brien seconded, PASSED UNANIMOUSLY to table the approval of the Michigan Main Street Program Community Requirements and Expectations Agreement pending further information.

Financial Report Review

The Financial Report was received and filed.

Good Of The Order

- The winner of the Local Hero Award will be announced at Stroll the Streets on Friday. Over 1300 votes were received.
- Plans for the upcoming Triathlon are going well.
- There is a dead tree on Lake Street near the coffee shop that needs to be removed and the trees downtown need trimming. Tree trimming is scheduled for the fall.
- A huge thank you to all the volunteers who have made this summer’s events a success.
- On September 20th from 1:00 to 7:00 pm, Harbor House will host an open house to celebrate their 50th anniversary.

- The log cabin (former Chamber Building) is being used as a part-time visitor center on Fridays at Stroll the Streets.
- The twinning with Boyne Valley Ireland was very successful. The visitors had a wonderful time here.
- Tractor Supply Company on M-75 is slated to open in September.
- The non-motorized trail between the airport and Boyne Falls is out for bid.
- The dentist office located on Lake Street across from City Hall is now under construction.
- We continue to monitor the high lake levels.
- There are 3 remaining phases for the bike trail between Boyne City and Charlevoix – waiting on the funding to come through.
- We are waiting from funds from MEDC to complete the project at Veterans Pavilion.
- Sidewalk sales are this weekend.
- The Chamber of Commerce golf outing is September 12th.
- New playground equipment was installed at Peninsula Beach and new stairs were installed at Glenwood Beach Park.
- Kudos to all involved in getting the GAMSAs application completed.

Adjournment

Swartz moved, Cain seconded, PASSED UNANIMOUSLY to adjourn the August 1, 2019 of the Boyne City Main Street Board at 9:36 a.m.

Jane Halstead, Recording Secretary



Approved:

**Meeting of
August 8, 2019**

RECORD OF THE PROCEEDINGS OF THE **REGULAR BOYNE CITY PARKS AND RECREATION COMMISSION MEETING** HELD AT 5:00 P.M. AT CITY HALL ON THURSDAY, AUGUST 8, 2019.

Call to Order

Meeting was called to order by Chair Mike Sheean at 5:00 p.m.

Roll Call

Present: Mike Sheean, Diane Sterling, Lisa Alexander, Greg Vadnais, and Gow Litzenburger

Meeting Attendance

Absent: Jo Bowman, Hugh Conklin and Rob Weick

City Staff: DPW director Tim Faas and recording secretary Barb Brooks

Public Present: Eight

Excused Absences

Alexander moved, Sterling seconded, **PASSED UNANIMOUSLY** to excuse the absences of Hugh Conklin, Rob Weick and Jo Bowman

**Approval of Minutes
MOTION

Alexander moved, Litzenburger seconded, PASSED UNANIMOUSLY a motion approving the June 13, 2019 meeting minutes as presented

**Citizens Comments
(on non-agenda items)**

- Eric Leaman a representative from the soccer program thanked the board and staff for taking action and placing the posts that provide separation from parking and the fields.
 - Char Weiner from the Boyne Valley Garden Club inquired about the timing of the rivermouth restroom renovations and timing. Faas indicated the project was being combined with the lift station renovation project and work would not take place prior to fall of 2020 or spring of 2021.
-

Director's Report

Faas provided a written update in the agenda packet

Correspondence

None

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

Park Inspection Reports –

- Avalanche is looking good; one tree down on the trail and trash has been full at the base but the area is getting a lot of use, especially the bike trail.
- Boyne River Nature Trail – treated boards on the trail have an anti-slip on them and is now much safer to traverse.
- Sunset Park – there are a few issues with the natural landscape gardens that were installed, mostly due to the high water levels.
- Dog Park – grass is long but park is still getting lots of use
- Peninsula Beach looks good except the section of mobi-mat with the

tear is still there.

User Groups –

- Ridge Run Dog Park: Michele Carter requested watering bags for the newly planted trees. DPW staff will pour concrete around the drinking fountain in the big dog park.
- Travel Baseball – John Bush reported that the fields at Rotary are in pretty good shape and tournaments have been successful.

Unfinished Business

New Business

None

Proposed TOMMBA agreement

****MOTION**

Evangeline Township Trustee Michelle Cortright gave a brief summary of the proposed trail project and background information regarding the land acquisition by the Walloon Lake Trust & Conservancy and how the City's property as it is would really enhance the trail opportunities for the area and the overall economic impact of the proposed trails would have on the area. Litzenburger moved, **Alexander seconded, PASSED UNANIMOUSLY** a recommendation to move forward with an agreement with TOMMBA to have trails built and maintained on the City's property in Evangeline Township.

Baseball / Softball User Group Update and Mission Statement

****MOTION**

The user group visited the fields and has begun taking inventory of current and future needs and will divide them into either maintenance or capital improvement projects. Christensen stated that DPW Director Faas has been good to work with and the group's goal is to continue to improve communication and come up with a plan to start tackling some of the items. The group inquired about grants and also discussed some fund-raising to help tackle projects. The group will continue to work with Faas and staff. **Alexander moved, Sterling seconded, PASSED UNANIMOUSLY** a motion to recommend adoption of the user group mission statement.

Board Member Applications

Election of Officers

Two applications were submitted to fill the future vacancy left by Jo Bowman. Both applicants have merit and bring a lot to the table. The board will discuss further at the September meeting.

Election of officers was postponed in May due to low board attendance at the meeting. It was not placed on the June agenda due to the parks tours. Due to low board attendance, it is being postponed again until the September meeting.

Adjournment

The August 8, 2019 meeting of the Parks and Recreation Board was adjourned at 5:50 p.m.

Barb Brooks, Recording Secretary

Approved:

**Meeting of
August 19, 2019**

Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday August 19, 2019 at 5:00 pm.

Call to Order

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

Roll Call

Present: George Ellwanger, Skylar MacNaughton, Tom Neidhamer, Rose Newton, Aaron Place and Jeff Ross
Absent: Larry Chute, Joe St. Dennis
Vacancy: One

2019-8-19-02

Neidhamer moved, Ross seconded, PASSED UNANIMOUSLY, a motion to excuse the absence of Chute and St. Dennis

Meeting Attendance

City Officials/Staff: Planning and Zoning Administrator Scott McPherson and Recording Secretary Jane Halstead
Public Present: Seven

2019-8-19-03

Consent Agenda

****Motion**

Ross moved, Neidhamer seconded, PASSED UNANIMOUSLY, a motion to approve the consent agenda, the Planning Commission minutes from July 15, 2019 as presented.

**Citizen comments on
Non-Agenda Items**

None

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

Unfinished Business

New Business

**Lakeview Village
Development Plan
Review**

Northern Properties Mobile Home Park is planning an expansion of Lakeview Village located at 526 N Lake. In May the Planning Commission did a preliminary review of the project. Planning Director Scott McPherson summarized the plans which will increase the park by 22 units. There will be an additional 11 double wide sites off of Lake Street and an additional 11 single wide sites off of Park Street. These sites will be accessed by interior roads. This property is zoned for this use. The Planning Commission needs to review the design criteria. Kathy Johnson and Jennifer Wilcox of Northern Properties and Bryan Nolan of Benchmark Engineering were on hand to answer questions. Kathy Johnson wants feedback and if there are any concerns they would like to address them.

Chair Aaron Place opened up the meeting to public comments.

Terry Rosch and Lee Snyder of Lakeview Village #106 - Terry was disappointed about the lack of communication regarding the project. She learned of the project when a contractor began digging on the property near her home. The management at the park indicated to her that they did not know what the plan was. This is not the way to deal with a community. It is a meticulous community and she and her husband take care or their property. What will their sight line be? They want to know the delineation of their lot line - will they lose trees? This project will impact some people more than others. They want better communication on what is happening.

Steve Roote of 214 State Street - Steve asked if there should be a public hearing so people can voice their opinions. .

McPherson - The ordinance identifies this as a principle permitted use by right. A public hearing is not required.

Rosch - So the project can proceed without any response to my concerns?

McPherson - If the applicant submits a plan that meets all ordinance criteria the Planning Commission has no choice other than to approve it. Concerns need to be addressed with the property owner.

Rosch - This is the first we've seen of the property owner. There has been nothing in writing.

Place - We don't have control of the property in that sense. This meets all zoning requirements.

Jane MacKenzie of 847 W Division St - It looks like the developer responded to the input at the preliminary review. I appreciate the developer doing this - the community needs housing. I also appreciate that there are different price ranges.

Kathy Johnson - In April we sent out a letter for annual rent review and notified residents of our project plans. There were also signs that were posted on the property prior to the last meeting. We want to address her concerns (Mrs. Rosch). We are not going to change site 106. We are not going to change your lawn or your trees. You will have a few homes to look at - that will be true.

Bryan Nolan - We are not touching anything on site 106. Your lake view will not be there anymore essentially.

Board Discussion

MacNaughton - will they be adding landscaping between houses and the roads?

McPherson - Plans did show minimal street trees which could be added to. The ordinance requires 1 per 40 feet. They don't quite have that on Lake Street side. What are the plans for the well? Any opportunity to make that a water feature?

Bryan Nolan - We plan on leaving it - let the storm drain run into the retention area.

Kathy Johnson - I want to do that - perhaps make it a drinking fountain, I'm not sure exactly. We don't want to disturb it. If the Board wants us to do something with it we will.

McPherson - the intent would be to enhance it and make it visually attractive and useful in some way.

Place - so that would be an option in the future not necessarily right away.

Kathy Johnson - that would be at your discretion.

McPherson - they are required to have a greenbelt and maybe that could be incorporated as a feature in the greenbelt.

Newton - I want to reinforce that this is a very visual space on the road for pedestrians and other traffic and I would like to see an expansion of landscaping. I would like to see shrubs and deciduous trees - particularly on Lake Street.

Neidhamer - does the well flow all winter? Yes.

The Planning Commission reviewed the development requirements of BCZO section 7.40 point by point to determine if the development plan meets the set standards. To meet the requirements of a safe sight distance for D.4.a.4 the landscaping will need to be reduced at the Meadow Lane intersection to provide an adequate sight distance.

Streets will also need to be identified and the road names will need to be approved by the Boyne City Planning Director Scott McPherson to avoid duplicates.

The Board feels that more landscaping is needed on Lake Street - a mixture of shrubs and deciduous trees. McPherson stated that there are greenbelt guideline specifications

the developer should follow. Kathy Johnson stated that they want it to look attractive as well.

Ross asked what kind of fencing the developer was planning on using on the Southeast section. Johnson and Nolan stated the fence would be a 6 foot white vinyl/composite material.

Neidhamer did not see the value of requiring the developer to add a basketball court just to meet the 10,000 square for active recreation facilities requirement. It was decided there is adequate recreational options in close proximity to the park and that this requirement could be waived. The community also allows residents to have a basketball courts in their driveway.

Motion by Newton, seconded by Ross to approve the development plan for Lakeview Village as submitted by Northern Properties Mobile Home Park LLC with the following conditions identified in the fact finding provided by 7.40: reduce landscaping on Meadow Lane to provide adequate sight distance, increase screening and landscaping on Lake Street per the greenbelt ordinance requirements, utilize the existing artisan well in an attractive manner and in addition waive the requirement for the 10,000 square foot active recreation facility.

****Motion**

2019-8-19-7A

Roll Call:

Aye: Ellwanger, MacNaughton, Neidhamer, Newton, Place and Ross

Nay: None

Absent: Chute and St. Dennis

Vacancy: One

Motion Carries

The Planning Commission reviewed the plan to see if it meets all standards indicated in the 19.40 Development Plan Approval Criteria. The plan still must meet approval from the State.

Board Discussion

Neidhamer – Housing is much needed and this addresses that issue. It is a well-run community and loved by the people who live there.

Motion by Neidhamer, seconded by MacNaughton to find that the development plan for Lakeview Village meets the standards as identified in article 19.40 Development Plan Approval Criteria with the following conditions as stated: reduce landscaping on Meadow Lane to provide adequate sight distance, increase screening and landscaping on Lake Street per the greenbelt ordinance requirements and obtain required approval and permits from the State of Michigan.

****Motion**

2019-8-19-7A1

Roll Call:

Aye: Ellwanger, MacNaughton, Neidhamer, Newton, Place and Ross

Nay: None

Absent: Chute and St. Dennis

Vacancy: One

Motion Carries

**Parking Ordinance
Review
Recommendations**

The City contracted with Annaka Norris of Cambourne Consulting to provide professional services which included refresher training for the 2018 parking study performed by Rich & Associates, a review of the Lofts on Lake Street site plan and an assessment and recommendation on the Boyne City Zoning Ordinance parking standards. It is recommended that the parking generation ratio be adopted for the downtown core area which will lessen the amount of required parking in the downtown and determine what exactly the downtown core is. It was also recommended that the City implement a plan which will give a developer the ability to purchase parking if they cannot meet the minimum standard at a cost of \$4,000 per space.

McPherson noted that if we do collect funds we will need to implement a plan on how we use them. The initial parking study did include recommendations that we have not implemented as of yet. The funds could be used for some of those items. A more specific plan may be necessary.

McPherson reviewed and explained the parking ratio table provided. In general the ratios provide for a reduction in the required spaces. There is walkability and proximity to public parking in the downtown core. There is the opportunity to share parking with multiple users.

Board Discussion

Neidhamer – so generally speaking it is an across the board reduction for the core area.

McPherson - Yes, a 30 to 40% reduction in required parking in the downtown core area.

Neidhamer – would we still have the right to waiver?

McPherson - Yes, that is still a tool you have but with these more realistic numbers you probably won't have to consider waivers as often.

Newton – We need another option like the in lieu parking fee – should that be renewed every 5 years? That space will become more valuable.

McPherson - Typically any value included in an ordinance is reviewed and renewed annually in the budget by the City Commission. It could be changed at that time.

Place – In the ordinance it there already an established parking fund?

McPherson - There is a parking improvement fund tied to a specific district which has never been identified. This is a different tool to allow the City to take that money and develop parking.

Ross - According to the consultant, the more the city has control of parking downtown, the better.

Neidhamer - There are a lot of recommendations we haven't implemented like better signage, better lighting and enforcement. There are more things we can do.

Place – There is the question of where does downtown start and end?

McPherson - It has always been the vision to expand the downtown core along Lake Street. It makes sense to include it in part of the core district.

Place – I think including the transitional district would be smart.

Neidhamer - would it be advantageous to include Family Fare?

McPherson - That is the general business district.

McPherson - If you endorse moving forward, I will draft language to implement the recommendations for review.

Place – I think we need to have a public hearing regarding parking specifically because people are so passionate about it.

Neidhamer - We have had three or four meetings.

Place – We have to keep on trying.

McPherson – The study was done through the MML with no cost to us. They would like feedback.

MacNaughton – Would the City need to find someone to enforce the parking rules?
McPherson - That was one of the recommendations. Right now the police department does enforcement – it works pretty well.
Place – will in lieu parking be included?
McPherson – I can include it in the language and bring back a draft map for our next discussion.
Ross - The in-lieu feature gives developer an alternative. Are there plans for developing parking at the Open space?
McPherson – That is not an option. There are restrictions on that property put on by the seller of the property. There is limited parking allowed.
Place - There should be a cap on the number of in lieu parking.
Newton – Anika did a great job –she tailored a recommendation for our community and made it tangible.
Ross – City needs to have more signage and way finding. It should be a high priority.
Place – Where does it fit in our budget? I agree signage is good.

Scott McPherson will work on a draft to implement the changes.

Recommendation for Planning Commission Appointment

Monica Kroondyk has applied for the vacant position on the Planning Commission Board. She has served on the Evangeline Township Planning Board and is currently the Director of the Boyne District Library. Scott McPherson recommends her appointment.

Board Discussion

Place – Monica will be an asset to the Board.

****Motion**

Motion by Ross, seconded by Ellwanger to recommend to the City Commission the appointment of Monica Kroondyk to the Planning Commission.

2019-8-19-7C

Roll Call:

Aye: Ellwanger, MacNaughton, Neidhamer, Place and Ross

Nay: None

Abstain: Newton

Absent: Chute and St. Dennis

Vacancy: One

Motion Carries

Staff Report

- Scott McPherson suggested members of the Planning Commission attend the free training provided by MEDC/RRC scheduled for September 30th in Petoskey. The deadline for signing up is September 6th.

None.

Good of the Order

The next regular meeting of the Boyne City Planning Commission is scheduled for Monday, September 16, 2019 at 5:00 p.m.

Adjournment
****Motion**

2019-8-19-10

Ross moved, Newton seconded, PASSED UNANIMOUSLY a motion to adjourn the August 19, 2019 meeting at 6:24 pm

Chair Aaron Place

Recording Secretary Jane Halstead

Draft



Approved: _____

**MEETING OF
August 29th, 2019**

**RECORD OF THE PROCEEDINGS OF THE MEETING OF THE BOYNE
CITY AIRPORT ADVISORY BOARD** held August 29th, 2019.

CALL TO ORDER

Chair Richard Bouters called the meeting to order at 5:30 PM followed by the Pledge of Allegiance.

ROLL CALL

Present: Richard Bouters, Leon Vercruysee, Brian Harrington, Richard Wright, Leon Jarema*, Rod Cortright*, Jerry Schmidt*, Allen Struza*

Absences: Doug Brubaker (excused), Bud Chipman*

**Ex Officio Members*

Staff: Michael Cain – Airport/City Manager

Citizens: John Van Etten

**READING AND
APPROVAL OF
MINUTES**

Motion by Brian Harrington, seconded by Leon Vercruysee, to approve the July 25th, 2019 minutes as amended. Unanimously passed.

CORRESPONDENCE

Information letter dated July 2, 2019 from the State of Michigan, DEPARTMENT OF TRANSPORTATION, Lansing

As ...technical advancement [has] continued, demand for the Michigan Aeronautical Chart has declined and cost associated with the production continue to rise. With this in mind, MDOT has made the difficult decision to cease production of the Michigan Aeronautical Chart beginning in 2020.

No response required and no implied or expressed action required by the Airport Advisory Board.

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

None

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

None

UNFINISHED BUSINESS

Distance Remaining Signs Installation

Richard Wright expressed that currently the signs are positioned in the ground 50 feet from the runway edge in accordance with FAA Advisory Circular 15/5340-18F. They are not, however, permanently installed according to the manufacturer's installation recommendations.

Airport Patron Event

On August 5th the day after the final call for RSVPs Richard Wright's recommendation to the Airport/City Manager was to cancel the Airport Patron Event. *Will Attend* responses fell far short of the go-no go count needed to reach the vendor's breakeven point. Of the 166 invitations mailed only 12 responses were returned. Of those 12, eight responses were *Will Attend*, four expressing their regrets. The Airport/City Manager agreed to cancel the event. All *Will Attend* responders were notified on August 5th of the cancellation. Further, on August 17th, the planned Patron Event planned day, an *Event Cancelled* temporary sign was posted at the event location to further notify anyone who, at the last minute, decided to attend the event.

Consolidation of Airport Policies, Guides and Procedures

Richard Bouters relayed current progress focused on adding meaningful links and streamlined information on the Airport tab of the City of Boyne City web site. Additionally Richard will ensure a notation regarding the airport's distance remaining signs is included in the Airport Facility Directory.

Emergency Plan Status

Richard Wright reported The Boyne City Airport Emergency plan was updated in August to reflect comments received from Boyne City Emergency Medical Service Chief John Fulton:

I have two concerns; when outlining response it is indicated [the] first action is to render care; First action should be to make the scene safe, my other concern is the listing of emergency phone numbers; Our stations Police, Fire or EMS are not continuously staffed. Those numbers should be listed as 911.

Other

Terminal Grounds Landscaping

Allan Sturza presented information regarding Boyne City Garden Club purchased flowers formally intended for city grounds were planted along the base of the airport terminal. M. Cain agreed the City will reimburse The Boyne City Garden Club approximately \$50 for the flowers.

Further terminal improvements in August was the installation of a trellis on the street side of the terminal to screen unsightly utility meters on the building wall. Mr. Sturza also stated that the building internet cable is now underground and the pole formally supporting the cable can now be removed.

NEW BUSINESS

A motion was made by Brian Harrington for the Reappointment of Bud Chipman, Leon Jarema and Leon Vercruysee to the Boyne City Airport Advisory Board. Motion seconded by R. Wright – carried.

Michael Cain stated, "...currently all airport hangars are full [rented] and there are five persons on the waiting list. On tenant may terminate her lease in the coming months."

According to Rod Cortright on August 10th six aircraft at the Boyne City Airport were used to provide 82 free airplane rides to young citizens interested in aviation.

GOOD OF THE ORDER

Boyne City Airport 100 Low Lead aviation fuel price decreased to \$4.50 per gallon on August 12th, 2019.

ANNOUNCEMENTS

The next regular Airport Advisory Board meeting is scheduled for Thursday, September 26th, 2019 at 5:30 PM.

ADJOURNMENT

The meeting was adjourned at 6:30 P.M. by meeting chair, Richard Bouters.

Richard K. Wright
Boyne City Airport Advisory Board Secretary



BOYNE CITY POLICE

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

To: Michael Cain, City Manager *Me*

From: Jeff Gaither, Police Chief *JG*

Date: September 6, 2019

Subject: Fireworks Ordinance

In 2011, the state legalized the sale and use of consumer-grade fireworks. Since then, the legislature has added updates to the law to allow municipalities more control of when fireworks may be used. In December 2018, again new more restrictive laws were passed and signed. The new state laws reduce the number of days that people can shoot off fireworks. Previously, by state law and by City Ordinance, people were allowed to use them around federal holidays, including the day before, the day of and the day after.

The new law, House Bill 5939, has significantly reduced the number of days people can shoot off unrestricted fireworks, from 30 to 12. However, again the bill states that local governments cannot regulate consumer fireworks certain days.

The new state law also mandates that those who violate any ordinance created by a community will receive a fine of \$1,000 for each offense. The ordinance must provide for the remittance of \$500 of the fine collected under the ordinance to the local law enforcement agency responsible for enforcement. While I do not agree with the mandated fine schedule, there appears to be no way around it.

To clean up our current ordinances and be compliant with state law, we could amend the current City Ordinance by removing the following:

Sec. 34-112. - Fireworks defined.

(f) "National holiday" means the following legal public holidays (1-10)

Also, the following sections should be rescinded as they currently conflict with the new state law:

34-113. - Ignition, discharge, and use of consumer fireworks. A person shall not ignite, discharge or use consumer fireworks except for the day preceding, the day of, or the day after a national holiday, or by permit from the city commission.

The new language for section 34-113 should read:

A person shall not ignite, discharge or use consumer fireworks except after 11 a.m. on the following days:

(a) December 31 until 1 a.m. on January 1.

(b) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.

Jeff Gaither, Chief of Police

- (c) June 29 to July 4 until 11:45 p.m. on each of those days.*
- (d) July 5, if that date is a Friday or Saturday, until 11:45 p.m.*
- (e) The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.*

The first two subsections of the penalty section should be rescinded and replaced with the newly mandated penalty. It currently reads:

Sec. 34-116. - Penalty.

- (a) Any person who violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine pursuant to section 1-7.*
- (b) Repeat offenses under this article shall be subject to increased fines as provided by section 1-7.*
- (c) Each day in which any violation of this article occurs or continues constitutes a separate offence, subject to separate sanctions. The paying of a fine or sanctions under this article shall not exempt the offender from meeting the requirements of this article.*
- (d) Following final disposition of a finding of responsibility for violating this division, the city may dispose of or destroy any fireworks that were retained as evidence in that prosecution.*

Subsections (a) and (b) should be replaced with:

Any person who violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine of \$1,000.00 for each violation of the ordinance and no other fine or sanction. \$500.00 of the fine collected under the ordinance will be remitted to the Boyne City Police Department, as they are the law enforcement agency responsible for enforcing the ordinance.

I recommend the new Fireworks Ordinance language outlined above and as allowed/mandated by the state law, to be proposed as a first reading by the City Commission.

Other Options

Rescind the entire fireworks ordinance

Allow additional days for fireworks

Consider age requirements (prohibiting use under 18)

Other options as determined by the Commission

Proposed New Ordinance Language

DIVISION 2. - FIREWORKS¹¹

Footnotes:

--- (1) ---

Editor's note—Ord. of 4-23-2013 repealed the former Div. 2, §§ 34-112—34-121, and enacted a new Div. 2 as set out herein. The former Div. 2 pertained to similar subject matter. For prior history, see Code Comparative Table.

Sec. 34-112. - Fireworks defined.

- (a) "APA standard 87-1" means 2001 APA standard 87-1, standard for construction and approval for transportation of fireworks, novelties and theatrical pyrotechnics published by the American Pyrotechnics Association of Bethesda, Maryland.
- (b) "Consumer fireworks" mean firework devices that are designated to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks do not include low-impact fireworks.
- (c) "Display fireworks" mean large firework devices that are explosive materials intended for use in firework displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172 and APA standard 87-1, 4.1.
- (d) "Fireworks" means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visual or audible effect by combustion, deflagration, or detonation.
- (e) "Low-impact fireworks" means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

(Ord. of 4-23-2013)

Sec. 34-113. - Ignition, discharge, and use of consumer fireworks.

A person shall not ignite, discharge or use consumer fireworks except after 11 a.m. on the following days:

- (a) December 31 until 1 a.m. on January 1.***
- (b) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.***
- (c) June 29 to July 4 until 11:45 p.m. on each of those days.***
- (d) July 5, if that date is a Friday or Saturday, until 11:45 p.m.***
- (e) The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.***

(Ord. of 4-23-2013)

Sec. 34-114. - Ignition, discharge, and use of display fireworks.

Display fireworks shall only be allowed by permit from the city commission.

(Ord. of 4-23-2013)

Sec. 34-115. - Determination of violation; seizure.

If a police officer determines that a violation of this division has occurred, the officer may seize the fireworks as evidence of the violation.

(Ord. of 4-23-2013)

Sec. 34-116. - Penalty.

- (a) ***Any person who violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine of \$1,000.00 for each violation of the ordinance and no other fine or sanction. \$500.00 of the fine collected under the ordinance will be remitted to the Boyne City Police Department, as they are the law enforcement agency responsible for enforcing the ordinance***
- (b) Each day in which any violation of this article occurs or continues constitutes a separate offence, subject to separate sanctions. The paying of a fine or sanctions under this article shall not exempt the offender from meeting the requirements of this article.
- (c) Following final disposition of a finding of responsibility for violating this division, the city may dispose of or destroy any fireworks that were retained as evidence in that prosecution.

(Ord. of 4-23-2013)

Secs. 34-117—34-140. - Reserved.

Current Fireworks Ordinance Language

DIVISION 2. - FIREWORKS¹¹

Footnotes:

--- (1) ---

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- (d) "Fireworks" means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visual or audible effect by combustion, deflagration, or detonation.
- (e) "Low-impact fireworks" means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.
- (f) **"National holiday" means the following legal public holidays:**
 - (1) New Years' Day, January 1;**
 - (2) Birthday of Martin Luther King, Jr., the third Monday in January;**
 - (3) President's Day, the third Monday in February;**
 - (4) Memorial Day, the last Monday in May;**
 - (5) Independence Day, July 4;**
 - (6) Labor Day, the first Monday in September;**
 - (7) Columbus Day, the second Monday in October;**
 - (8) Veteran's Day, November 11;**
 - (9) Thanksgiving Day, the fourth Thursday in November;**
 - (10) Christmas Day, December 25.**

(Ord. of 4-23-2013)

Sec. 34-113. - Ignition, discharge, and use of consumer fireworks.

A person shall not ignite, discharge or use consumer fireworks except for the day preceding, the day of, or the day after a national holiday, or by permit from the city commission.

(Ord. of 4-23-2013)

Sec. 34-114. - Ignition, discharge, and use of display fireworks.

Display fireworks shall only be allowed by permit from the city commission.

(Ord. of 4-23-2013)

Sec. 34-115. - Determination of violation; seizure.

If a police officer determines that a violation of this division has occurred, the officer may seize the fireworks as evidence of the violation.

(Ord. of 4-23-2013)

Sec. 34-116. - Penalty.

- (a) **Any person who violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine pursuant to section 1-7.**
- (b) **Repeat offenses under this article shall be subject to increased fines as provided by section 1-7.**
- (c) Each day in which any violation of this article occurs or continues constitutes a separate offence, subject to separate sanctions. The paying of a fine or sanctions under this article shall not exempt the offender from meeting the requirements of this article.
- (d) Following final disposition of a finding of responsibility for violating this division, the city may dispose of or destroy any fireworks that were retained as evidence in that prosecution.

(Ord. of 4-23-2013)

Secs. 34-117—34-140. - Reserved.

CURRENT STATE
LAW

MICHIGAN FIREWORKS SAFETY ACT (EXCERPT)
Act 256 of 2011

28.457 Local ordinances.

Sec. 7.

(1) Except as provided in this act, a local unit of government shall not enact or enforce an ordinance, code, or regulation pertaining to or in any manner regulating the sale, display, storage, transportation, or distribution of fireworks regulated under this act.

(2) A local unit of government may enact an ordinance regulating the ignition, discharge, and use of consumer fireworks, including, but not limited to, an ordinance prescribing the hours of the day or night during which a person may ignite, discharge, or use consumer fireworks. If a local unit of government enacts an ordinance under this subsection, the ordinance shall not regulate the ignition, discharge, or use of consumer fireworks on the following days after 11 a.m.:

(a) December 31 until 1 a.m. on January 1.

(b) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.

(c) June 29 to July 4 until 11:45 p.m. on each of those days.

(d) July 5, if that date is a Friday or Saturday, until 11:45 p.m.

(e) The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

(3) An ordinance under subsection (2) shall impose a civil fine of \$1,000.00 for each violation of the ordinance and no other fine or sanction. The ordinance must provide for the remittance of \$500.00 of the fine collected under the ordinance to the local law enforcement agency responsible for enforcing the ordinance.

(4) Beginning August 1, 2019, a local unit of government with a population of 100,000 or more or a local unit of government located in a county with a population of 750,000 or more may enact or enforce an ordinance that regulates the use of a temporary structure. An ordinance established under this subsection may include, but is not limited to, a restriction on the number of permits issued for a temporary structure, regulation of the distance required between 2 or more temporary structures, or a zoning ordinance that regulates the use of a temporary structure. An ordinance established under this subsection may not prohibit the temporary storage, transportation, or distribution of fireworks by a consumer fireworks certificate holder at a retail location that is a permanent building or structure. As used in this subsection, "temporary structure" means a movable structure that is used in the sale, display, storage, transportation, or distribution of fireworks, including, but not limited to, a tent or a stand.

History: 2011, Act 256, Eff. Jan. 1, 2012 ;-- Am. 2013, Act 65, Imd. Eff. June 19, 2013 ;-- Am. 2018, Act 635, Imd. Eff. Dec. 28, 2018



City of Boyne City

MEMO

Date: September 6, 2019
To: Mayor Neidhamer and the Boyne City City Commission
From: Michael Cain, City Manager *Mc*
Subject: Reschedule September 24th meeting

I will be traveling to Detroit for a 3:00 p.m. MML Board of Trustees meeting at the time of our next meeting on September 24th at noon. The MML Convention follows in Detroit for the rest of that week.

I would propose that we reschedule our next meeting to Monday, September 23rd at noon so I can attend both meetings.

RECOMMENDATION: That the City Commission reschedule our Tuesday, September 24th meeting to Monday, September 23rd, keeping the noon time.

OPTIONS:

- a) Leave the meeting as originally scheduled.
- b) Schedule another date or time.
- c) Some other action as determined as appropriate by the City Commission.

City of Boyne City

MEMO



Date: September 6, 2019
To: Mayor Neidhamer and the Boyne City City Commission
From: Michael Cain, City Manager *Mc*
Subject: Heritage Center Work Session

The Heritage Center board is proposing holding a joint work session with the City Commission and the Historical Commission for an update and discussion on their progress to date and possible future steps.

The meeting is proposed to be held here in the City Facilities building on Tuesday, October 1st at 7:30 p.m.

RECOMMENDATION: That the City Commission schedule a joint work session with the Heritage Center Board and the Historical Commission on Tuesday, October 1st at 7:30 p.m. in the City Facilities building,

OPTIONS:

- a) Postpone further action for additional information or review.
- b) Scheduled another date, time or location.
- c) Decline the invitation.
- d) Some other action as determined as appropriate by the City Commission.

September 2019

September 2019							October 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7			1	2	3	4	5
8	9	10	11	12	13	14	6	7	8	9	10	11	12
15	16	17	18	19	20	21	13	14	15	16	17	18	19
22	23	24	25	26	27	28	20	21	22	23	24	25	26
29	30						27	28	29	30	31		

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Sep 1	2 Labor Day (United States)	3 5:00pm ZBA	4	5 8:30am Main Street Board mtg.	6	7
8	9	10 7:00pm City Commission	11	12 5:00pm Parks & Rec	13	14 Summer Taxes due
15	16 5:00pm Planning Commission 7:00pm Historical Commission	17	18	19	20	21
22	23	24 12:00pm City Commission	25	26 5:30pm Airport Advisory Board	27	28
29	30	Oct 1	2	3	4	5

October 2019

October 2019							November 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
6	7	1	2	3	4	5	3	4	5	6	7	1	2
13	14	8	9	10	11	12	10	11	12	13	14	8	9
20	21	15	16	17	18	19	17	18	19	20	21	22	23
27	28	22	23	24	25	26	24	25	26	27	28	29	30

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Sep 29	30	Oct 1 5:00pm ZBA	2	3 8:30am Main Street Board mtg.	4	5
6	7	8 7:00pm City Commission	9	10 5:00pm Parks & Rec	11	12
13	14	15 Marina Closes	16	17	18	19
20	21 5:00pm Planning Commission	22 12:00pm City Commission	23	24 5:30pm Airport Advisory Board	25	26
27	28	29	30	31 5:00pm Trick or Treat	Nov 1	2