



Village of Mackinaw City

102 South Huron Avenue, P.O. Box 580, Mackinaw City, Michigan 49701

Telephone: (231) 436-5351 Fax: (231) 436-4166

www.mackinawcity.org village@mackinawcity.org

**VILLAGE OF MACKINAW CITY
COUNCIL AGENDA
JANUARY 15, 2015 - 7:00 P.M.
VILLAGE HALL**

I. CALL TO ORDER/TAKING OF ROLL/PLEDGE OF ALLEGIANCE

II. PRESENTATIONS AND RECOGNITIONS

Larry Fox, C2AE, Saw Grant Update

III. APPROVAL OF AGENDA

IV. COUNCIL MINUTES

A. Approval of the regular council meeting minutes from January 05, 2014

V. PUBLIC COMMENTS

Citizens wanting to address the Council can do so at this time. Persons addressing the Council are requested to give their name and address for the record when called on by the President.

VI. PUBLIC HEARING AND SUBSEQUENT COUNCIL ACTION

VII. COMMITTEE/DEPARTMENT REPORTS

A. SCHEDULING OF SUB COMMITTEE MEETINGS

B. Public Safety Subcommittee Report-Trustee Michalak, Chair

C. Department Reports

VIII. BUSINESS REPORTS AND RECOMMENDATION

A. MANAGER REPORT

B. Ordinance-Right of Way, First Reading and Approval [ACTION ITEM]

C. Downtown Development Authority-Amendment to Bylaws [ACTION ITEM]

D. Agenda Format

IX. ACCOUNTS PAYABLE

A. Accounts Payable for January 15, 2015 [ACTION ITEM]

CLOSED SESSION AND SUBSEQUENT COUNCIL ACTION

IX. ADJOURNMENT

**THURSDAY, JANUARY 15, 2015-6:45 PM
FINANCE AND HUMAN RESOURCE COMMITTEE-REVIEW BILLS**



*"Crossroads of the Great Lakes."
Equal Employment Opportunity and Service Provider*

UNAPPROVED

**MINUTES REGULAR COUNCIL MEETING
MACKINAW CITY**

7:00 P.M.

January 05, 2015

I. CALL TO ORDER/TAKING OF ROLL/PLEDGE OF ALLEGIANCE

President Robert R. Heilman called the meeting to order and with the following Trustees present – Tom Chastain, Scott Newman, Belinda Mollen, Robert Glenn, Paul Michalak. Absent excused-Trustee Richard Perlick. Also present, David White-Interim Manager, Patrick Wyman-Chief of Police, and Lana Jaggi-Clerk

Visitors – List Attached.

Pledge of Allegiance

II. PRESENTATIONS AND RECOGNITIONS

III. APPROVAL OF AGENDA

Motion Michalak seconded Chastain to approve the agenda amendment adding VIII. C. Planning Commission Appointment, D. Manager Search. Voice vote-motion carried unanimously.

IV. COUNCIL MINUTES

A. Motion Chastain seconded Mollen to approve the regular meeting minutes of December 18, 2014 as presented. Voice vote-motion carried unanimously.

V. PUBLIC COMMENTS Agenda or Non Agenda-None
Stephanie Macleod-Director, Cheboygan Roller Derby

VI. PUBLIC HEARING AND SUBSEQUENT ACTION

VII. COMMITTEE/DEPARTMENT REPORTS

VIII. BUSINESS REPORTS AND RECOMMENDATIONS

A. Mr. White submitted the Managers Report as presented with addition of request to schedule a Council, Committee of the Whole, Work Session, Budget 2015-2016.

B. MCKINNON PROPERTY-1423 W. CENTRAL AVE.

-Motion Chastain seconded Mollen to order demolition of 1423 W. Central Avenue for February 01, 2015 and to authorize manager to obtain bids from private demo contractors by January 15, 2015. Roll Call: Yeas-Mollen, Newman, Chastain, Heilman, Glenn, Michalak. Absent-Perlick. Motion carried.

-Motion Newman seconded Glenn to require 1423 W. Central Avenue property owners to have proof of environmental clearance by January 15, 2015. Voice vote-motion carried unanimously.

C. PLANNING COMMISSION APPOINTMENT

Motion Mollen seconded Michalak to approve appointment of Merlyn Vartanian to fill the Planning Commission vacancy unexpired term until October 2015.

Voice vote-motion carried unanimously.

UNAPPROVED
MINUTES REGULAR COUNCIL MEETING
MACKINAW CITY

7:00 PM

page 2

January 05, 2015

D. MANAGER SEARCH DISCUSSION

Council requested Clerk Jaggi email Kathie Grinzinger, MML Lead Executive Recruiter, to give her a choice between February 02, or 04, 2015 and time for scheduling of a Closed Session-Manager Resume Reviews

VIII. Accounts Payable

Motion Newman seconded Glenn to pay accounts payable for 01-05-15 in the amount of \$28,371.32. Roll Call: Yeas- Newman, Chastain, Heilman, Glenn, Michalak, Mollen. Absent-Perlick. Motion carried.

Scheduled following:

Marina Subcommittee, January 08, 2015 3:30 PM

1. Waterways Update
2. DNR Update
3. Marina Budget 15-16

Council-Committee of Whole-Work Session, January 29, 2015 5:00 PM

1. Budget 2015-2016

CLOSED SESSION AND SUBSEQUENT COUNCIL ACTION-None

X. ADJOURNMENT: 7:47 PM

Respectfully Submitted;

Robert R. Heilman, President

Lana Jaggi, Clerk

COMMITTEE REPORT

COMMITTEE: Public Safety DATE: January 6, 2015

AGENDA ITEMS: "Mini on the MACK" Event
"Trek the Mighty Mac" Event

PRESENT: Glenn, Michalak, White, Wyman ABSENT: Perlick

PUBLIC ATTENDES: M. Rutgers (St. Ignace Visitors Bureau), Neil Hill (St. Ignace Events Comm.)

REPORT:

Reviewed Two Proposed Special Events :

1.) Mini on the Mack: A Replay of the Mini-Cooper Event from 2013 (August 1, 2015)

2.) Trek the Mighty Mac: A New ATV Event Tying into the Area Trails (October 3, 2015)

Both Events Were Reviewed Relative to Timing, Logistics, Requirements, Restrictions,
and Coordination with Additional Events with Overlapping Dates.

COMMITTEE DATABASE SUMMARY INFORMATION

STATUS/RECOMMENDATION

St. Ignace Visitors Bureau Personnel to Coordinate the Events with Village Staff in Anticipation
of Submission of Special Event Applications to the Village Council for Consideration.

**TREASURER REPORT
3/14/14 TO 1/9/15**

	<u>REVENUE</u>	<u>%OF BUDGET</u>	<u>EXPENSE</u>	<u>% OF BUDGET</u>	<u>CASH BALANCE</u>
GENERAL	\$1,674,153.28	87%	\$1,329,921.58	71%	\$780,120.51
ADVERTISING/PROMOTION	\$47,709.20	96%	\$62,213.90	63%	THIS IS PART OF GENERAL FUND
STREETS	\$696,834.64	74%	\$691,761.50	67%	\$355,740.44
RECREATION CENTER	\$23,263.00	25%	\$58,260.28	62%	-\$44,982.39
CEMETERY	\$83,602.64	71%	\$65,933.46	56%	\$126,173.45
DDA	\$24,798.45	86%	\$26,821.87	72%	\$98,961.20
AMBULANCE	\$452,496.54	88%	\$456,472.97	90%	\$109,439.05
SEWER FUND	\$540,213.78	40%	\$480,817.10	35%	\$445,114.79
WATER FUND	\$307,111.11	70%	\$323,526.72	71%	\$160,261.19
MARINA FUND	\$406,416.58	126%	\$285,748.36	83%	\$128,346.92

THE CASH BALANCE IS WHAT IS ON HAND AT THE MOMENT. THIS BALANCE CHANGES CONSTANTLY.

**MACKINAW CITY EMERGENCY MEDICAL SERVICE
MACKINAW CITY FIRE DEPARTMENT
Activity Report**

EMS		<u>2011</u>	<u>2013</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
	Runs						
	January	29	21	17	38		
	February	18	26	26	23		
	March	28	18	22	30		
	April	28	33	26	26		
	May	31	36	40	36		
	June	28	51	43	47		
	July	66	50	67	64		
	August	66	69	59	68		
	September	42	37	47	55		
	October	25	23	39	47		
	November	24	23	25	24		
	December	25	19	25	44		
	TOTAL RUNS FOR YEAR	410	406	436	502	0	0
MCFD		<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
	Runs						
	January	7	5	3	9		
	February	4	3	4	5		
	March	3	5	3	2		
	April	3	4	2	5		
	May	7	7	6	8		
	June	3	8	14	7		
	July	9	10	8	5		
	August	12	10	11	5		
	September	9	9	7	6		
	October	11	3	9	7		
	November	7	6	5	6		
	December	4	2	2	5		
	TOTAL RUNS FOR YEAR	79	72	74	70	0	0
	Training						
	January	2	1	2	2		
	February	3	2	2	2		
	March	2	2	2	4		
	April	1	2	2	2		
	May	2	2	2	2		
	June	2	2	2	2		
	July	2	3	2	2		
	August	2	3	2	2		
	September	1	1	2	1		
	October	3	2	4	2		
	November	2	2	2	2		
	December	1	0	1	3		
	TOTAL TRAININGS FOR YEAR	23	22	25	26	0	0

**ARRESTS MADE BY THE MACKINAW CITY POLICE DEPARTMENT
YEAR ENDING**

CRIME TYPE	2009	2010	2011	2012	2013	2014
CRIMES AGAINST PERSON	9	11	17	6	5	13
PROPERTY CRIMES	18	23	16	17	11	30
MORALS/DECENCY CRIMES	20	29	24	10	11	24
PUBLIC ORDER CRIMES	84	111	79	96	131	73
TOTAL	131	174	136	129	158	140

Citations Issued Year To Date 2014: **183**

Citations Issued Year To Date 2013: **184**

Citations Issued Year To Date 2012: **205**

**COMPLAINTS RECEIVED BY THE MACKINAW CITY POLICE DEPARTMENT
YEAR ENDING**

	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
Traffic Crash:						
Public Roadway	59	52	57	44	60	55
Private Property	42	42	34	49	40	46
Personal Injury Crash:	3	1	8	4	4	3
TOTAL	104	95	99	97	104	104
Breaking and Entering:						
Business	4	5	0	2	2	1
Residence	0	0	2	0	1	3
Other	0	2	2	0	0	0
TOTAL	4	7	4	2	3	4
Larceny:						
From Bldg./Veh./Pub. Place	55	60	43	46	24	39
Fail to Pay for Services	14	5	5	5	18	6
Bad Check/Fraud	4	3	0	2	3	1
TOTAL	73	68	48	53	45	46
Malicious Destruction of Property:	15	9	15	11	7	18
Domestic/Civil:	47	51	52	77	72	60
Assault:	17	18	28	26	11	11
Stolen Vehicle:	3	0	0	1	0	4
Reports Taken to Date:	985	1015	995	1210	1126	1264

**Village of Mackinaw City
Monthly Report – Water & Wastewater For December 2014**

Routine Maintenance and Usage: Date Submitted 01-09-15

<u>WATER FLOW</u>		<u>WASTEWATER FLOW</u>	
MAXIMUM	.229 MG	MAXIMUM	.289 MG
MINIMUM	.129 MG	MINIMUM	.135 MG
AVERAGE	.161MG	AVERAGE	.196 MG
TOTAL	5.008 MG	TOTAL	6.089 MG

- Number of water shutoffs during the month: 16
- Number of water turn-ons during the month: 2
- Number of new water service connections during the month 0
- Number of new sewer service connections during the month: 0
- Continue to maintain plant operation to efficiently treat wastewater
- Submit wastewater report to the state of Michigan DEQ & EPA
- Continue to conduct operation to meet the village's national pollution discharge permit
- Continue lab operations that efficiently and accurately measure wastewater operation parameters
- Conduct daily monitoring of the village's eight wastewater lift stations to maintain efficiency and reliable pumping operations
- Continue to operate our water system to meet state and federal drinking water standards
- Perform daily monitoring of the village's four municipal water wells
- Coordinate and perform water analysis for quality and to maintain safety of drinking water
- Conduct routine maintenance to our water system
- Continue performing monthly checks and required testing of necessary safety equipment
- Exercise emergency backup equipment to ensure reliability

New and Continued Projects:

- Bridgeway Power has completed yearly maintenance on all emergency generators.
- Continue to perform snow removal at our wells, lift station, water tower and our wastewater treatment plant.
- The Water department continue work on commercial and residential water service shut offs
- Continue working on budgets as well as capital improvements for the upcoming fiscal year, working in coordination with the clerk, treasurer.
- Leon LaHaie completed a basic Electrical training course as required by the DEQ for continuing education credit.
- Quarterly water and sewer meter readings have been completed.
- Received a letter of termination on water tower space by MI-SPOT (Agri-Valley Communications Company).
- Continue to work on Union contact negotiation.
- AT&T has completed moving their communication equipment back to our water tower.
- The DEQ conducted an inspection of our water department during the month.
- The Water and Sewer department, DPW, and C2AE continue to work on the SAW program. Work continues on locating and marking water main valves, sewer manholes and storm drain manholes.

Notable Events Affecting Water & Wastewater Department:

Callouts: The water and sewer department experienced 4 system alarm call outs. And two additional tower calls (AT&T)

DPW/Facilities Progress for December 2014

The DPW has been working on many things over the month of December. The work completed is as follows but not limited to.

Roads

- Cold patching of roads has been done on an as needed basis.
- Snow removal and salting/sanding has been done as needed, which luckily has not been much.

Sidewalks

- Snow removal has been done as needed.

Parks

- Some tree trimming is being evaluated to be done as weather permits.

Equipment

- Routine maintenance continues to be done on vehicles and equipment.
- We have begun a cleaning and reorganizing project in our storage buildings to sort out what's useful and what garbage.
-

Water/Sewer

- Miss Dig locating has been done as locate tickets come in for work being done in the area.
- We continue to do work associated with the SAW grant the village was awarded. This has been done as time and weather permits.

Marina

- Bubblers are working and being monitored
- Building in winterized and being checked periodically.

To: Mackinaw City Council
From: David M. White, Interim Village Manager
Date: December 29, 2014
Re: Manager Report for January 15, 2015, Council Meeting

VII, Business Reports and Recommendations

B. Right of Way Ordinance, An Ordinance to add sections 34.001 through 34.008 to the Compiled Code of the Village of Mackinaw City, to Regulate work conducted in the Public Rights-Of- Way.

This would require a permit for any construction, development, landscaping or providing utility service within the Public Rights-Of-Way. The ordinance outlines the Permit and the Application for the Permit and what is required for both. This ordinance also allows the Village Council to set designated periods of time each calendar year when no permits may be issued. It also states the Penalties and when the Permit can be revoked by the DPW and the appeal procedure to the Village Council. I would recommend approval of this very important Ordinance so the Village can have better control of its Public Rights-of-Way.

C. The DDA is recommending to the Village Council a change to the DDA By- Laws which address members who miss meetings and the procedure for their removal from the DDA board. I would recommend to the Council approval of the DDA's By-Law change.

Other Items not on the Agenda:

1. Larry Fox from C2AE will be at the January 15th meeting to give an update on the SAW Grant.
2. I have been in contact with Andy Hayes, President of the Northern Lakes Economic Alliance regarding the expansion of the DDA. Expansion of the DDA has been in discussion for some time and I would like to get the process started. The NLEA has a new Community Development Coordinator starting January 19th. Mr. Hayes and I agree that the Mackinaw DDA district expansion would be a great first project for this individual. At the last DDA meeting I presented this plan of action and they concurred, if any Trustee have any thoughts on this issue please let me know so that I can incorporate them into the discussion. After our first meeting I will provide an update to the Council at each meeting.

-
-
3. I will provide a verbal report regarding any items that come forward after the writing of this report and before the January 15th Council meeting.



PROGRESS REPORT #3

Client:	Village of Mackinaw City	Date:	1/08/2015
Project No.:	130240	Project Manager:	LMF
Project Name:	Mackinaw City WAMP & SAMP	Lead Designer:	
Project Phase:		Director:	LMF
Client Approved Revised Completion Date:		Project Start Date:	9/2014
Client Project No.:		Project Completion Date:	10/28/2017
Client Sponsor:	LMF	Period Covered:	12/4/14 to 1/8/15

THE WORK ACCOMPLISHED IN THE DEFINED PERIOD CONSISTED OF: Manhole inventories have been continuing on the sanitary system as weather has allowed, with approximately 45% of the sanitary system completed to date. C2AE assisted with the completion of Disbursement Request #3 and Village budgeting.

THE ANTICIPATED WORK ELEMENTS IN THE NEXT PERIOD: Continue with GPS asset surveys as weather conditions allow (we are now likely shut down until spring 2015). Continue manhole inventories and GIS data entry of manhole and pipe information as weather conditions allow (likely spring 2015). Complete ground control survey work for aerial mapping (likely spring 2015).

SCOPE CHANGES MADE DURING DEFINED PERIOD: None current.

BUDGET STATUS (% COMPLETE): As of disbursement request #3, the project engineering budget is 20% used.

SCHEDULE STATUS:

Task	Milestone Date	Status
GPS Survey	12/31/14 Weather Dependent	On going
Manhole Inventories	2/28/15 Weather Dependent	On going
Televising Contract Development	3/15/15	Start after inventories
Sewer Televising	6/15/15	
Remainder	TBD	
Final Completion Required	10/28/2017	

INPUT NEEDED FROM CLIENT: Assistance with manhole inventories as needed.

CLIENT INPUT, DECISIONS AND DIRECTIVES: None current.

REALIZED OR ANTICIPATED CONCERNS: Schedule for televising is dependent on weather allowing completion of GPS work and manhole inventories prior to spring 2015. Televising will likely occur in fall 2015.

VALUE ADDED: None current

Cc: David White, Interim Manager
 Pat Rivera, Water and Wastewater Superintendent
 Mike Karl, DPW Superintendent
 KEB, MJK, MSS, ALP

VILLAGE COUNCIL
VILLAGE OF MACKINAW CITY
Cheboygan and Emmet Counties, Michigan

Trustee _____ supported by Trustee _____, moved the adoption of the following Ordinance:

ORDINANCE NO. ____

AN ORDINANCE TO ADD SECTIONS 34.001 THROUGH 34.008, TO THE COMPILED CODE OF THE VILLAGE OF MACKINAW CITY, TO REGULATE WORK CONDUCTED IN THE PUBLIC RIGHTS-OF-WAY

The Village of Mackinaw City Ordains:

Section 1. Amendment. Part 34, Sections 34.001 through 34.008, are added to the Compiled Code of the Village of Mackinaw City to read as follows:

Part 34. Permits for Work Conducted in Public Rights-of-Way

Sec. 34.001. Franchise or permit required.

No person shall occupy or utilize a public right-of-way or access the public right-of-way for use in any type of development, landscaping or construction, or in providing a utility service of any kind, unless that person has a permit issued under this ordinance, and, as applicable, a franchise issued under sections 12.150, 12.300, 12.350 or 13.360 of the Village Code, or a right-of-way permit issued in accordance with the Metropolitan Extension Telecommunication Rights-of-Way Oversight Act, 2002 PA 48, as amended.

Sec. 34.002. Definitions.

The following definitions apply to this ordinance:

- (a) *Construction OR Development* means the act or process of building, maintaining, repairing, improving or assembling a structure or facility, including a building, dwelling, road, sidewalk, utility or similar object.
- (b) *Department of Public Works* means the Village of Mackinaw City Department of Public Works.
- (c) *Facility* means the cables, conduits, lines, pipes, poles, equipment and related appurtenances which use or occupy the public right-of-way to facilitate the delivery of utility services.
- (d) *Landscaping* means activity that modifies the visible features of an area of land, including the planting of living elements, such as flora or fauna, or the installation of human elements such as structures, buildings, fences or similar material objects.
- (e) *Permit* means a permit issued by the department of public works under this ordinance for the use or access of the public right-of-way.
- (f) *Person* means an individual, corporation, association, partnership, governmental entity, utility service provider, franchisee or any other legal entity.
- (g) *Public Right-of-Way* means the area on, below, or above a public roadway, highway, street, public sidewalk, bikeway, alley or waterway, or a utility easement, from property line to property line, dedicated for compatible uses, or any real estate, platted or unplatted, owned by the Village located within the Village.

(h) *Utility Service* means the provision of water, water treatment, sanitary sewage disposal, sanitary sewage treatment, storm drains, electric light and power, gas, steam, heat, telecommunications services, cable services, video services and any future utilities that develop, or any combination of them, to the Village and its inhabitants.

(i) *Utility Service Provider* and *Provider* means a provider or supplier of a utility service.

Sec. 34.003. Permit required.

(a) No person shall perform any construction or landscaping (as defined in section 34.002 above), nor erect, hang, lay, bury, draw, emplace, construct, maintain or repair any new or pre-existing facility used to provide a utility service, upon, across, beneath, or over any public right-of-way in the Village without first obtaining a permit from the department of public works.

(b) The department of public works shall issue or cause to be issued all permits under this ordinance and will inspect or cause inspection of the work under each permit to the extent the department deems appropriate.

(c) The department of public works may impose conditions on the issuance of a permit, which conditions shall be limited to the access and usage of the public right-of-way.

(d) A person and/or utility service provider undertaking construction, landscaping, an excavation or constructing or installing facilities under a permit shall promptly repair all damage done to the street surface and all installations on, over, below, or within the public right-of-way and shall promptly restore the public right-of-way to its pre-existing condition.

(e) The department of public works shall be responsible for the continuing enforcement of all terms and conditions of permits, leases, and other such instruments authorizing the use or employment of public rights-of-way of the Village.

Sec. 34.004. Application for permit.

(a) Permit applications.

(1) Applications for a permit under this ordinance shall be made on a form provided by the department of public works and accompanied by a one-time non-refundable application fee in an amount established from time to time by resolution of the Village Council.

(2) As determined by the department of public works, applicants shall supply detailed construction plans and specifications, landscaping diagrams, route maps, drawings and photographs to be used for any proposed construction, landscaping or facility installation, maintenance or improvement. If deemed confidential in nature, these documents shall bear the stamp "Confidential" and shall be treated as confidential by the Village.

(3) Requests for approval of above-ground facility installations will be accompanied by specific explanation of the need for each above ground installation, options considered, and reasons a below ground installation is not feasible.

(4) Applicants shall supply a complete pedestrian and traffic safety plan to be followed, at the applicant's sole cost and expense, during construction, landscaping or facility installation, maintenance or improvement. The plan shall include a complete explanation of all activities that may cause interruption of pedestrian, bicycle, vehicular or other traffic flow and their expected duration. Plans shall include detour signing, barricade installation and all other necessary precautions to ensure the protection of the public's safety.

(5) Applicants shall include in the permit application a complete explanation of any potential for conflict with any existing use of the public right-of-way.

(6) Applicants shall supply or have on file with the Village Clerk a current certificate of insurance providing for the following minimum coverages, or establishing that any contractor hired by the applicant has the minimum coverages: a) Commercial General Liability Insurance including Completed Operations Liability, Independent Contractors Liability, Contractual Liability coverage, and XCU coverage; b) Liability insurance for sudden and accidental environmental contamination; and c) Automobile Liability insurance. The Village shall be named additional insured on all policies, other than Workers' Compensation and Employer's Liability, and all policies shall not be canceled, modified or not renewed unless the insurance carrier provides 30 days written notice.

(7) The department of public works may require that a payment or performance bond be posted by the applicant as a condition of the permit.

(8) In evaluating a permit application, the department of public works shall consider:

(i) Whether the applicant has a franchise or other instrument of authority allowed by law issued by the Village.

(ii) The nature and time of the proposed project or work.

(iii) The applicant's recent performance record of compliance with previous permit requirements.

(iv) The effects of granting a permit on the present and future use of the public rights-of-way, including any foreclosure of future uses of the public rights-of-way.

(v) The benefit or detriment to the public of the applicant's proposed use.

(vi) Any factors arising from the applicant's specific proposed use that affect the health, safety and welfare of the public.

(9) The department of public works may require additional information it deems necessary because of an applicant's specific proposed use. Applicants shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the department of public works.

(10) If the application is incomplete or if the proposed use is inconsistent with the requirements of this ordinance or other applicable Village ordinance, the application may be denied by the department of public works or returned as unacceptable for filing.

(b) Permit conditions.

(1) The Village's utility lines, pipes, poles, cables, conductors, appurtenances and equipment shall have absolute right-of-way over all other utility service provider equipment and facilities in the public rights-of-way. All equipment and facilities which may in any manner obstruct any proposed route for Village utility lines, pipes, poles, cables, conductors, appurtenances and equipment shall be immediately removed by the provider at the provider's own cost and the work of removal shall be done in a manner satisfactory to the Village.

(2) Permit holders shall notify the department of public works five business days in advance of mobilization for installation of the permitted use.

(3) Permit holders, at their sole cost and expense, shall institute the pedestrian and traffic safety plan submitted with the permit application during construction, landscaping or facility installation, maintenance or improvement.

(4) Permit holders shall notify the Village Manager three business day in advance of proposed final pouring of concrete, placing of asphalt or placement of any permanent installation. Preparations must be inspected and approved by the department of public works before final application of materials.

(5) The Village shall have the right to sever, disrupt, dig up, or otherwise destroy facilities of providers without any prior notice, if such action is deemed necessary by the Village Manager, the Fire Chief, or the department of public works because of a public emergency. Providers shall be responsible for repair, at their sole expense, of any facilities damaged pursuant to any such emergency action taken by the Village.

(6) Permit holders shall relocate their facilities at their own expense within 120 days of written notice from the Village to accommodate realignment, construction or closing of public streets, sidewalks, curbs, drains, sewers, or public improvements of any sort. Failure to do so will be deemed a violation of permit conditions and subject to penalties as specified in section 34.008 of this ordinance.

(7) No person receiving approval of a permit within the public rights-of-way shall dig, trench, or otherwise excavate in rights-of-way without complying with the "Miss Dig" program.

(8) A permit holder shall, upon completion of the approved construction, landscaping or facility installation, maintenance or improvement, within 10 business days repair at its own expense, and in a manner approved by the Village, all damage done to the right-of-way surface and all installations under, over, below, or within the public right-of-way, and shall promptly restore the public right-of-way to a condition equivalent to its preexisting condition. If deemed necessary by the department of public works, the permit holder shall replace and restore all paving, sidewalks, driveways, or surface of any street or alley disturbed, in as good condition as before the work was commenced and shall maintain the restoration in an improved condition for a period of one year. Failure of the provider to comply with this subsection shall authorize the department of public works to cause the proper restoration to be made at the permit holder's expense.

(9) Within 30 days of completion of construction, a provider shall provide "as built" drawings of the completed construction to the department of public works. If deemed confidential in nature, the documents shall bear the stamp "Confidential" and shall be treated as confidential by the Village.

(10) Every permit holder ceasing operation of facilities in a public right-of-way, upon written request from the Village, shall remove such facilities within 180 days of the Village's request to do so. Should the permit holder fail or refuse to remove such facilities, the Village may remove the facilities at the permit holder's expense. The obligation to remove shall survive the termination of the permit for a period of 2 years and shall be bonded.

(11) No permit issued under the authority of this ordinance shall estop or limit the Village in the full exercise of its governmental powers to protect the health and safety of the public, and all other governmental powers may be fully exercised except as expressly provided herein.

(12) The Village Council may by resolution designate periods of time each calendar year when no permit may be issued by the Village under this ordinance. Such periods shall generally be associated with high pedestrian and traffic volumes (*i.e.*, holiday weekends, community events). During such periods, no construction, landscaping or utility service work shall occur within the public rights-of-way, except with the written permission of the Village Manager to address a demonstrated emergency. Additionally during such periods, no commercial or unlicensed motor vehicles or trailers used in conjunction with any construction, landscaping or utility service shall be allowed within the public rights-of-way.

(13) Nothing contained within this ordinance or within any permit issued by the Village shall be construed to relieve a person of any duties or obligations imposed under applicable Village ordinances, including, but not limited to, the Village traffic code (Part 19 of the Village Code of Ordinances), state or federal laws.

34.005. Applicability to Parks, Cemeteries, and other Public Spaces.

All requirements under this ordinance, including permit requirements, permit conditions, technical and construction standards, shall apply to utility services and provider facilities located in or upon, or proposed to be located in or upon, any public park, cemetery or other public property.

34.006. Exemption.

Construction or landscaping performed by the Village, or public water, sanitary sewer and storm sewer utilities provided by the Village, shall be exempt from the requirements of this ordinance, including, but not limited to, the provisions of section 34.004 (b) (12) above.

Sec. 34.007. Indemnification.

Any permit holder hereunder shall assume all risk and responsibility for, and agrees to indemnify and hold harmless, the Village, and its elected and appointed officials, against any and all claims or losses, damages, injuries, liabilities, costs and expenses of any kind or nature, caused by, resulting from or arising out of the use, occupation or access of the public right-of-way pursuant to permit issued under this ordinance. The indemnification language within this section shall be included on every permit issued under this ordinance.

Sec. 34.008. Penalties/Revocation.

(a) Any violation of this ordinance shall be a municipal civil infraction punishable by a fine in an amount set from time to time by resolution of the Village Council. Each violation shall be separate for purposes of penalties, and in the case of a continuing violation, each day shall be deemed a separate violation.

(b) The department of public works may revoke a permit issued under this ordinance if any action by a permit holder, its agents, employees or contractors, violates a provision of this ordinance or if factual inaccuracies are discovered in a permit application or any supporting documents. Within 10 days of the receipt of a notice of revocation, an aggrieved party may appeal a revocation to the Village Council. Any decision on such appeal by the Village Council shall be final.

(c) In addition to the foregoing remedies, the Village may apply to the circuit court for an injunction to mitigate or terminate violation of this ordinance. The Village may also sue to recover its damages for the violation.

Sec. 2. Effective Date. This ordinance shall take effect 20 days after its adoption or upon publication, whichever occurs later.

Yeas: Trustees _____

Nays: Trustees _____

Abstain: Trustees _____

Absent: Trustees _____

Ordinance declared adopted.

Robert Heilman , Village President
_____, 2015

Lana Jaggi, Clerk
_____, 2015

CERTIFICATION

As the Clerk of the Village of Mackinaw City, Michigan, I certify this is a true and complete copy of an ordinance adopted at a meeting of the Village Council held on _____, 2015, with notice provided as required by law.

_____, 2015

Lana Jaggi, Clerk

DOWNTOWN DEVELOPMENT AUTHORITY
of the
VILLAGE OF MACKINAW CITY
BY-LAWS

ARTICLE I – GENERAL STATEMENT

Section 1 – Organizational Structure

The Mackinaw City Downtown Development Authority (DDA) is a nonprofit public body corporate duly formed by Ordinance No. 107 of the Village of Mackinaw City in accordance with Public Act 197, “The Downtown Development Act” of the Public Acts of the 1975, as amended.

Section 2 – Purpose

The purpose of the DDA is to create and implement a development plan for the central business district of the Village as to correct and prevent deterioration, promote economic growth, increase property valuation, and upgrade the appearance by stimulating commercial development/redevelopment coupled with public improvements while encouraging the preservation and enhancement of the District’s character and heritage.

Section 3 – Accounting

The fiscal year shall follow that of the Village and shall begin on March 1 of each year and end on the last day of February of the following year.

Section 4 – Budget

The Board shall annually prepare a budget and shall submit it to the Village Manager for submission to and approval of the Village Council.

ARTICLE II – BOARD MEMBERSHIP

Section 1 – Tenure

The DDA shall be under the supervision and control of a Board consisting of the Village President and eight (8) members. The members shall be appointed by the Village President, subject to the approval by the Council. Each member shall serve for a term of four years. Terms shall expire on or about April 18. All members shall hold office until the member’s successor is appointed. An appointment to fill a vacancy shall be made by the Village President for the unexpired term only. Pursuant to notice and after having been given an opportunity to be heard, a member of the Board may be removed for cause by the Council.

Section 2 – Compensation

Officers and members of the Board shall serve without compensation, but may be reimbursed for actual and necessary expenses.

Section 3 – Election

Officers of the DDA shall be Chairperson, Vice-Chairperson, Secretary, and Treasurer, each of whom shall be elected from the members of the Board each year by majority vote of the board. The election shall take place during the regularly scheduled meeting in April with terms beginning May 1.

Section 4 – Chairperson

The Chairperson shall preside at all meetings of the Board. He/She may sign, with the Secretary (or any officer duly authorized by the Board) deeds, mortgages, contracts of other instruments which the Board has authorized to be executed, and in general, shall perform all duties incident to the office of the Chairperson as may be prescribed by the Board from time to time.

Section 5 – Vice-Chairperson

In the absence of the Chairperson or in the event of his/her inability to act, the Vice-Chairperson shall perform the duties of the Chairperson. He/she shall attend the meetings of and shall act as liaison to the Village of Mackinaw City Planning Commission.

Section 6 – Secretary

The Secretary shall keep minutes of the Board's meetings and have custody of the records of the DDA, and shall see that notices of the meetings are duly given; shall act as parliamentarian of all meetings of the Board and in general, shall perform all duties incident to the office of secretary and such other duties as may from time to time be assigned to the Secretary by the Chairperson or the Board.

Section 7 – Treasurer

The Treasurer shall submit a proposed annual budget for Board review and Council approval. The Treasurer shall be responsible for the monthly treasurer's report including income and expense transactions. The Treasurer shall be bonded in an amount and at such time as the Board deems necessary. The Treasurer, unless a DDA member is appointed to the position, shall be the same as the Treasurer for the Village of Mackinaw City.

Section 8 – Absenteeism

Attendance at all regular and special meetings is expected. Any member of the Board, during any twelve month period, who shall incur three (3) absences ~~without prior notification to either the Executive Director or Secretary~~ may have said membership recommended for termination, provided two-thirds (2/3) of those members present at a regularly scheduled meeting so move. Upon such action, the Chairperson shall notify the village President, and the affected individual, of said action and request replacement.

Formatted: Font: Bold, Strikethrough

ARTICLE III – MEETINGS

Section 1 – Regular Meetings

Regular Meeting of the Board shall be held on the first Wednesday of every other month at such time as the Chairperson may determine.

Section 2 – Special Meetings

Special meetings of the Board may be called by the Chairperson or by any three members of the Board.

Section 3 – Notice of Meetings

All meetings of the Board shall be properly noticed. The DDA, being a public body corporate, is subject to and must comply with all provisions of the Open Meetings Act, unless specifically exempted therein.

Section 4 – Quorum

A simple majority of the members of the Board shall constitute a quorum for the transaction of business. In the event that the effective membership of the Board is reduced because of a conflict of interest, or otherwise, a majority of those remaining members that are eligible to vote shall constitute the action of the Board.

Section 5 – Conflict of Interest

Board members shall disclose any potential conflict of interest prior to discussion of any matter requiring action of the Board. The remaining members of the Board shall determine by majority vote whether said interest constitutes a sufficient cause of abstain from voting on said matter.

Section 6 – Rules of Order

Robert’s Rules of Order, as amended, shall govern the conduct of all meetings.

ARTICLE IV – STAFF

Section 1 – Executive Director

The Board may name an individual to serve as Executive Director of the DDA. Village employees may serve with the approval of the Council. Any compensation to be paid to the Executive Director shall be first approved by the

council. The Executive Director shall be responsible to carry out the orders and directives of the Board. A member of the Board is not eligible to hold the position of the Executive Director.

Section 2 – Other Personnel

The Board may appoint such other staff as deemed necessary by the Board, subject to the approval of the council for payment of any compensation thereto.

ARTICLE V – AMENDMENTS

Section 1 – By-Law Revision

The DDA By-Laws may be amended, modified, or repealed with the approval of five (5) members of the Board, subject to approval of same by the Village Council.

ARTICLE VI – TERMINATION

Section 1 – Dissolution

Upon completion of its purpose; the DDA may be dissolved by an ordinance duly adopted by the Village Council. The property and assets of the DDA, after dissolution and satisfaction of its obligation, shall revert to the Village of Mackinaw City.

DRAFT
NOTICE OF PUBLIC MEETING
COUNCIL CHAMBERS-VILLAGE HALL
102 South Huron Avenue
Phone: 231-436-5351

7:00 PM

DATE:

ZONING BOARD OF APPEALS OR PUBLIC HEARING
(If needed)

AGENDA-REGULAR MEETING
MACKINAW CITY VILLAGE COUNCIL

- I. Roll Call
- II. Pledge of Allegiance
- III. Agenda Approval
- IV. Correction and Approval of Minutes
- V. Public Comments
- VI. Presentations and Recognitions
- VII. Manager Report
- VIII. Department Reports
- IX. Committee Reports
- X. Old Business
- XI. New Business
- XII. President's Report
- XIII. Communications/Petitions
- XIV. Accounts Payable
- XV. Adjourn

THURSDAY, DATE:, 2015-6:45 pm
FINANCE AND HUMAN RESOURCE SUBCOMMITTEE-REVIEW
BILLS