

CITY OF CHARLEVOIX
SPECIAL CITY COUNCIL MEETING MINUTES
Monday, August 10, 2009 — 12:00 Noon
210 State Street, City Hall, Council Chambers, Charlevoix, MI

The meeting was called to order at 12:00 noon by Mayor Norman L. Carlson, Jr.

I. Pledge of Allegiance

II. Roll Call of Members Present

Mayor: Norman L. Carlson, Jr.
City Manager: Rob Straebel
City Clerk: Carol A. Ochs
Members Present: Council members Greg Stevens, Gabe Campbell, Shane Cole, Lyle Gennett, Dennis Kusina, Jill Picha
Absent: None

III. Inquiry Regarding Possible Conflicts of Interest

None.

IV. Public Hearings

A. Proposed Amendment to City Code to Require Reporting FAA Enplanement Data

The Mayor reviewed the item. The City needs a reporting of this information in order to continue receiving federal grant money. The Mayor opened the public hearing at 12:00 p.m.

Chuck Shering asked that Council consider amending item 2.195(c) to make allowances for activities such as aircraft detailing, a possible gift shop or fundraising for a flying club.

The Mayor closed the public hearing at 12:05 p.m.

Council discussed the proposed suggestion from Mr. Shering. Council generally agreed to add the phrase "unless otherwise approved by the Airport Manager, City Manager, and/or City Council" to the end of item 2.195(c).

V. Ordinances

A. Proposed Amendment to City Code to Require Reporting FAA Enplanement Data

CITY OF CHARLEVOIX
Ordinance No.741 of 2009

AN ORDINANCE TO AMEND THE CITY CODE BY REPEALING THE CURRENT WORDING IN **SECTION 2.195 in TITLE II, CHAPTER 26** AND BY ADDING A NEW **SECTION 2.195 to TITLE II, CHAPTER 26** FOR THE PURPOSE OF PERMITTING AND REGULATING AERONAUTICAL COMMERCIAL ACTIVITIES AT THE AIRPORT

LEGISLATIVE FINDINGS:

THE CITY COUNCIL FINDS THAT IT IS IN THE BEST INTERESTS OF THE CITY TO OPERATE THE CITY-OWNED AIRPORT AS EFFICIENTLY AS POSSIBLE AND TO PROMOTE ACTIVITIES THAT HELP MINIMIZE FINANCIAL SUBSIDIES BY THE CITY FOR THE AIRPORT. TO IMPLEMENT THAT INTENT, THE CITY COUNCIL FINDS THAT IT IS NECESSARY TO ALLOW AND REGULATE AERONAUTICAL COMMERCIAL ACTIVITIES AT THE AIRPORT AND TO REQUIRE CERTAIN AREONAUTICAL COMMERCIAL ACTIVITES TO PROVIDE TO THE FEDERAL AVIATION ADMINISTRATION AND THE CITY INFORMATION WHICH THE CITY HAS DETERMINED TO BE RELEVANT TO THE ELIGIBILITY FOR FEDERAL FUNDS FOR THE AIRPORT, ASSISTS THE CITY IN EVALUATING AIRPORT USEAGE OR OTHERWISE WILL ASSIST THE CITY IN AIRPORT PLANNING.

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Repeal and rewording of Section 2.195.

Section 2.195 in Article IV of Title II, Chapter 26 of the City Code is repealed and a new section 2.195 is adopted and shall read as follows:

2.195. Commercial uses.

- (a) No person shall engage in an aeronautical commercial activity, the sale or rental of any commodities supplies, services or any other type of commercial activity on the airport without a license from the city. The city council shall establish fees for such license permits and such fees may be imposed on an annual basis.

- (b) Any person engaging in an aeronautical commercial activity at the airport which involves the operation of a scheduled or unscheduled commercial airline and ticket-purchasing passengers, who enplane at the airport, shall accurately complete and timely file with the Federal Aviation Administration form 1800-31 and other forms or reports as required by this ordinance for each calendar year within which the person's aeronautical commercial activity operates at the city airport. In addition to the filing of form 1800-31, the requirement that other forms or reports must be filed in a timely manner with the Federal Aviation Administration shall apply to:
 - (i) any other document of the Federal Aviation Administration regarding the enplanement of passengers, take-offs and landings or any other aspect of the person's aeronautical commercial activity which is conducted in whole or in part at the airport and which is required by the Federal Aviation Administration to be filed and
 - (ii) any other document of the Federal Aviation Administration regarding the enplanement of passengers, take-offs and landings or any other aspect of the person's aeronautical commercial activity which is conducted in whole or in part at the airport and which is not required by the Federal Aviation Administration to be filed, but which the city requests in writing be filed with the Federal Aviation Administration. Such request shall be deemed served on the person by personal service on the person or on an employee of the person or by the date on which the request is deposited by first class mailing with the US Postal Service.
- A copy of any form or document filed with the Federal Aviation Administration pursuant to this section shall be provided to the city manager or a designee of the city manager within seven (7) days after it has been filed with the Federal Aviation Administration.
- (c) No person shall solicit money or anything of value on the airport for any non-aeronautical commercial activity, unless otherwise approved by the Airport Manager, City Manager, and/or City Council.

Section 2. Severability.

No other portion, sentence, paragraph or phase of the Code of the City of Charlevoix, Michigan shall be affected by this Ordinance except as to the above sections, and in the event any portion, sentence, phrase, section or subsection of this Ordinance shall be held in valid for any reason, such invalidation shall not be construed to affect the validity of any other part of portion of this Ordinance or of the Code of the City of Charlevoix, Michigan.

ADOPTED this 10th day of August, A.D. 2009

Ordinance No. 741-2009 was adopted on the 10th day of August, 2009, by the Charlevoix City Council as follows:

Motion by: Councilmember Gabe Campbell
Second by: Councilmember Jill Picha

Yeas: Stevens, Campbell, Cole, Gennett, Kusina, Picha
Nays: None
Absent: None

STATE OF MICHIGAN)
) ss
CITY OF CHARLEVOIX)

VI. Audience - Non-agenda Input (written requests take precedent)

The Mayor called for public comment. There were no comments from the audience.

VII. Adjourn

The Mayor stated if there were no objections, the meeting would adjourn.
There were no objections.
Meeting adjourned at 12:06 p.m.