



City Council Meeting

October 1, 2018

6:00 p.m.

Cadillac Municipal Complex

Council Chambers

200 N. Lake St.

Cadillac, MI 49601



October 1, 2018 City Council Meeting Agenda
6 p.m. at City Hall – 200 N. Lake St. – Cadillac, MI 49601

We are all accountable

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

I. APPROVAL OF AGENDA

II. PUBLIC COMMENTS

It is requested that comment time be limited to three (3) minutes.

III. CONSENT AGENDA

All items listed on the consent agenda are considered routine and will be enacted by one motion with roll call vote. There will be no separate discussion of these items unless a Council Member so requests it, in which event the items will be removed from the consent agenda and discussed separately.

A. Minutes from the regular meeting held on September 17, 2018.

Support Document III-A

B. Minutes from the closed session held on September 17, 2018.

IV. COMMUNICATIONS

A. Friends of the Library

Support Document IV-A

B. Cadillac Area Symphony Orchestra

Support Document IV-B

V. APPOINTMENTS

A. Recommendation regarding reappointment to the Zoning Board of Appeals.

Support Document V-A

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- B. Recommendation regarding reappointment to the Downtown Development Authority.
Support Document V-B

VI. MINUTES AND REPORTS OF BOARDS AND COMMISSIONS

- A. Zoning Board of Appeals
Support Document VI-A

- B. Downtown Development Authority
Support Document VI-B

VII. PUBLIC COMMENTS

It is requested that comment time be limited to three (3) minutes.

VIII. GOOD OF THE ORDER

IX. CLOSED SESSION

Adjourn to closed session to consult with the City Attorney regarding trial or settlement strategy in connection with Wexford County Circuit Court Consolidated Case Nos. 13-24803-CH and 17-27610-CZ, *TeriDee LLC et al. v Clam Lake Township and Haring Charter Township v City of Cadillac and HOP Family, LLC and City of Cadillac v Haring Charter Township and Clam Lake Township*; also *Heidi Hodek, as Next Friend of John Doe, a minor v City of Cadillac and Thomas Wade*, Wexford County Circuit Court Case No. 18-28116-NO; and to consider the purchase or lease of real property.

X. ADJOURNMENT

Core Values (R.I.T.E.)

Respect

Integrity

Trust

Excellence

Guiding Behaviors

We support each other in serving our community

We communicate openly, honestly, respectfully, and directly

We are fully present

We are all accountable

We trust and assume goodness in intentions

We are continuous learners

CITY COUNCIL MEETING MINUTES

6:00 PM – September 17, 2018
Cadillac City Hall – 200 N. Lake St. - Cadillac, Michigan 49601

CALL TO ORDER

Mayor Filkins called the City Council meeting to order at approximately 6:00 pm.

PLEDGE OF ALLEGIANCE

ROLL CALL

Council Present: Spoelman, Schippers, Engels, King, Mayor Filkins
Council Absent: None
Staff Present: Peccia, Dietlin, Ottjepka, Homier, Wasson

APPROVAL OF AGENDA

2018-190 Approve agenda as presented.

Motion was made by King and supported by Engels to approve the agenda as presented.

Motion unanimously approved.

PUBLIC COMMENTS

Jason Elmore expressed opposition to the recreational marihuana ballot proposal.

CONSENT AGENDA

2018-191 Approve consent agenda as presented.

Motion was made by Spoelman and supported by Schippers to approve the consent agenda as presented.

Motion unanimously approved.

PUBLIC HEARINGS

A. Public hearing to consider adoption of Non-Discrimination Ordinance.

Peccia stated Freedom of Information (FOIA) requests were sent to all of the communities on the list provided by the City Attorney. He noted approximately a dozen responses have been received. He stated most communities indicated they had not received any complaints and they did not have any cost information to share. He briefly discussed the information received from the communities that responded to the FOIA request.

Mayor Filkins opened the public hearing.

Pat McCurdy briefly discussed the results of a survey sent out by a local group and expressed support for the Non-Discrimination Ordinance.

Sheryl Mase expressed support for the Non-Discrimination Ordinance.

Karen Prieur proposed a clarification be added to Section 2-399 and expressed support for the Non-Discrimination Ordinance.

Bob LeVand expressed support for the Non-Discrimination Ordinance.

Joyce Petrakovitz expressed support for the Non-Discrimination Ordinance.

RuthAnn French expressed support for the Non-Discrimination Ordinance.

Katie Maynard expressed support for the Non-Discrimination Ordinance.

Phil Potvin expressed opposition to the Non-Discrimination Ordinance.

Gerald Olson expressed opposition to the Non-Discrimination Ordinance.

Mayor Filkins closed the public hearing.

Peccia noted letter (g) was added to Section 2-399 and reads “with respect to gender only, a group homeless shelter that shelters only persons of one gender”.

Schippers stated she appreciates all of the comments. She noted she has also heard comments from others regarding this ordinance. She referenced the comment made about the ordinance going to a public vote. She noted ordinances are put forth and passed by the City Council.

Schippers stated the overwhelming message she has heard is that the face we put forward and the statements we make as a community determine how the community views us. She noted we still have issues in the community. She explained this ordinance will not make speech illegal but will address discrimination in services, housing, and jobs. She stated the ordinance is about making a statement of who we want to be as a community. She noted she believes it is time to move forward with this ordinance.

Engels noted this ordinance protects people from discrimination in employment, housing, or public accommodations and services. He noted there is a section in the ordinance that states we will undertake an investigation on any complaint that is not covered by Michigan or federal anti-discrimination statutes. He added he doesn't believe it will create an undue burden on City resources. He stated he believes it is a good governmental service when people know they can call the City to connect them with the proper service.

King commended everyone in the public who has worked on this. He stated change comes through discussion. He noted people in society are afraid to have really tough discussions so he supports having these discussions. He stated it is important to make Cadillac a welcoming community. He stated he doesn't believe we should put laws in place just to feel good. He noted there are laws available that provide avenues of recourse for people and we should use

those laws not develop new laws. He briefly described the bullying process that has been implemented in the schools. He stated he is in favor of Cadillac being a welcoming community. He added he is also in favor of continuing all discussions because this ordinance is not going to change anything. He stated people who are willing to discuss these issues are going to cause the open environment to create change.

King stated he still has concerns about what training and resources will be in place for the person or persons in the City tasked with handling any complaints that may be received. He noted that based on the survey results most communities had not received any complaints. He added that although discrimination occurs it appears that other avenues are probably being followed. He noted most communities that responded to the survey indicated they don't have procedures in place.

King stated he is concerned about putting this ordinance in place without first implementing procedures. He noted he is very much in favor of Cadillac being an inclusive community, continuing the discussions, and making sure these issues are out in the open so that people do feel welcome. He stated he is not in favor of putting an ordinance in place to try to make us feel good. He added we don't do that with laws, we do that through our actions and through conversation.

Spoelman stated she appreciates everyone's comments and understands this is personal for many people. She believes that we as a community want to be inclusive. She noted she likes to believe that most people don't consider themselves to be prejudiced. She stated we all reflect what we know and how and where we were raised. She noted sometimes we are faced with fears and the fear is often fear of the unknown. She talked about federal and state laws. She noted the State of Michigan seems to be lagging behind the federal government in regards to protecting certain classes. She stated she is a strong believer that all of these classes need to be protected and she would like to ensure no one is discriminated against in the City of Cadillac. She mentioned there are a number of communities in the State of Michigan that have an ordinance protecting basic human rights.

Mayor Filkins stated she appreciates the thought regarding the training of staff members. She noted if this is something the Council feels is important enough for our community then we need to seek the correct training for our staff so they are comfortable knowing what resources are available and how to facilitate the process. She stated she appreciates those who shared their stories about coming to the community and also appreciates that they chose to stay. She noted she has had many discussions with members of the community.

Engels stated the concerns he has heard have been very practical. He noted he believes a very important part of the ordinance is Section 2-403 which states "This Non-Discrimination ordinance shall not be read to prohibit or interfere with a person's, or religious institution's, free exercise of religion as protected by the First Amendment to the United States Constitution and Article 1, Section 4, of the Michigan Constitution".

2018-192 Adopt Ordinance 2018-11.

Motion was made by Schippers and supported by Spoelman to approve the resolution to adopt Non-Discrimination Ordinance.

Ayes: Schippers, Spoelman, Engels, Mayor Filkins

Nays: King
Motion carried.

COMMUNITY SPOTLIGHT

A. City of Cadillac wins Best Tasting Water in Michigan 2018.

Peccia stated the City of Cadillac won the Best Tasting Water in Michigan 2018 award from the Michigan Section of the American Water Works Association (MI-AWWA).

Jeff Dietlin, Director of Utilities, noted refillable bottles will be provided to Council at every meeting rather than utilizing disposable water bottles as we have done in the past. He introduced Aaron Davenport from the MI-AWWA and who also works at Jones & Henry.

Aaron Davenport, Jones & Henry, stated he volunteers for the Conference and Recognition Council for the AWWA. He noted City of Cadillac water will be representing Michigan at the national competition in June in Denver. He briefly described the competition process.

COMMUNICATIONS

A. Zion Lutheran Church Craft Show

2018-193 Approve signs for Zion Lutheran Church Craft Show.

Motion was made by Spoelman and supported by King to approve the request from Zion Lutheran Church to place one (1) sign at the three (3) locations listed in the packet from October 17, 2018 through October 20, 2018 for the Craft Show.

Motion unanimously approved.

CITY MANAGER'S REPORT

A. Medical Marihuana Update

Peccia explained that earlier this summer the City of Cadillac hosted a public forum on medical marihuana. The forum provided the public with an opportunity to hear from a panel of experts from the Michigan Municipal League (MML), Wexford County Prosecutor's Office and Weedmaps Policy division about medical marihuana in addition to providing attendees with the opportunity to ask questions. He noted that there were approximately 20-25 people in attendance most of which were not from the City of Cadillac. He stated a number of questions were asked and the packet includes a transcript of those questions along with the answers provided by the Wexford County Prosecutor and the MML. He noted the City did not receive any responses from Weedmaps Policy group. He added many of the questions were not appropriate for Weedmaps to comment on.

Peccia stated a notice was placed into the approximately 4,000 utility bills that are mailed monthly, which included information on this topic and a web address to take an online survey. He noted only 294 responses were received.

Peccia summarized the results of the survey as follows:

- Respondents that live in the City of Cadillac – 86.05%
- Respondents Not Worried if the City allows growing, testing, process, or the selling of medical marihuana in the City – 45.67%
- Respondents Extremely Worried if the City allows growing, testing, process, or the selling of medical marihuana in the City – 28.03%
- Approximately 50-60% of respondents are in favor of allowing growing, testing, processing or selling medical marihuana facilities in the City of Cadillac, and nearly 60% believe there should be a 1,000 foot zone between the facilities and schools, churches, daycares and residential areas, with nearly 70% wanting a limitation of the number of permits/licenses issued.

Peccia noted the packet also includes a new report from the University of Michigan's Center for Local, State, and Urban Policy (CLOSUP), which contains survey data from Michigan local government leaders across the state related to medical and recreational marihuana.

Peccia summarized the data from the report as follows: Their data states that 8% of cities, villages, and townships statewide report “opting in” to allow medical marihuana facilities in their jurisdictions, while 75% report they have chosen to prohibit medical marihuana facilities.

Peccia noted other key findings of the University of Michigan CLOSUP report and additional information from the survey conducted by the City can be found in the packet.

Peccia stated the City had originally considered having another public forum but he is uncertain another public forum is necessary. He noted there is an upcoming November referendum regarding recreational marihuana and, if approved by the voters, it will impact the medical marihuana law. He recommended waiting until after the vote in November to take any further action.

City Attorney Homier noted any action taken on the medical side may need to be adjusted for the recreational side depending on what happens with the ballot proposal.

Spoelman noted if the recreational marihuana proposal passes it doesn't undo what has occurred with medical marihuana.

Homier noted the City may want to regulate the uses in a similar fashion with respect to zoning and land use.

Peccia discussed various options should the Council decide to move forward with medical marihuana.

Mayor Filkins stated the City held the public forum to find out how the community felt about medical marihuana. She noted she doesn't believe the public forum and the survey provide enough information to determine how community members feel about medical marihuana.

Spoelman recommended the City wait until after the vote in November on recreational marihuana before taking any further action on medical marihuana.

B. Fluoride Discussion

Peccia stated at the City Council's last meeting in September, a local dentist inquired about having the City explore adding fluoride into our potable water systems. He noted that in 2012 a similar request came forward and information both in support of and not in support of fluoride was compiled for Council review. He stated the packet includes the information provided in 2012 along with the 2018 information provided by the local dentist.

Peccia noted the following information was compiled by Jeff Dietlin, Director of Utilities:

- 599 communities out of 1457 communities in Michigan produce or buy fluoridated water
- Cadillac has a naturally occurring fluoride level at a concentration up to 0.21 mg/l
- For drinking water, 0.70 mg/l is the targeted dose
- For every dollar spent on fluoride injection into the water supply, an average of \$38 of dental work is saved
- Cost annually is between \$0.50 to \$3.00 per person
- Cadillac was listed as Michigan's largest City that does not fluoridate the water in the early 1990's. No recent data can be found.

Peccia stated there is an opportunity to receive a grant to help offset the cost of acquiring the necessary equipment to add fluoride into the municipal water supply. He noted the local dentist suggested the City take advantage of this outside funding opportunity.

Peccia stated in 2012 the City Council chose not to take any action.

Peccia outlined various options available to the Council including discussion of the topic during the Fiscal Year 2020 budget work session.

Mayor Filkins noted this topic gets very personal for people very fast. She stated concerns she has heard include the financial impact and placing a prescription substance in the water. She noted, as government, determining what everyone has to participate in makes her uncomfortable. She added she is open to a discussion if Council decides to do so but doesn't believe it should occur at this meeting. She stated there was a lot of information provided and she isn't sure Council has had the opportunity to read all of it.

Spoelman agreed and noted there are people who feel very strongly that they don't want anything added to the water other than what is required to maintain the system. She stated she understands the public health situation related to fluoride but it has to be weighed against adding something to the water.

PUBLIC COMMENTS

Billie Ritzema asked if the articles regarding fluoride are available online.

Peccia stated they are available in the packet online.

Sheryl Mase commented on utilizing refillable bottles and the medical marihuana survey.

Bob LeVand commented on the Non-Discrimination Ordinance.

Randy Lindell commented on the award received by the City, the Non-Discrimination Ordinance, adding fluoride to the water, and the senior housing facility.

GOOD OF THE ORDER

King encouraged continuing discussions. He stated Council needs to receive feedback from the public.

Schippers thanked the group that brought the idea for the ordinance forward. She noted the Cadillac Mayor's Youth Council provides a wonderful opportunity to become involved in the community and in local government. She noted the next meeting of the Cadillac Mayor's Youth Council is September 19, 2018 at 4:00 pm. She thanked Foster Swift and Munson Healthcare Cadillac Hospital for sponsoring the two (2) different Movies in the Park.

Spoelman stated the group of individuals from the community that brought the human rights ordinance forward needs to be recognized and commended.

Mayor Filkins thanked and congratulated Jeff Dietlin, Director of Utilities, and his team for bringing the prestigious award to the City. She noted past proceeds from the Craft Beer Festival, sponsored by the Downtown Cadillac Association, included a \$5,000 donation to the Cadillac Commons and the twinkle lights on the lampposts. She stated this year they purchased a garland lighted drape to decorate the Downtown Area.

Peccia noted there is statewide labor lockout occurring that may have an impact on a couple of the road projects, specifically Leeson Avenue.

CLOSED SESSION

Adjourn to closed session to consult with the City Attorney regarding trial or settlement strategy in connection with Wexford County Circuit Court Consolidated Case Nos. 13-24803-CH and 17-27610-CZ, *TeriDee LLC et al. v Clam Lake Township and Haring Charter Township v City of Cadillac and HOP Family, LLC and City of Cadillac v Haring Charter Township and Clam Lake Township* and to consider the purchase or lease of real property.

2018-194 Adjourn to closed session.

Motion was made by Spoelman and supported by Schippers to adjourn to closed session to consult with the City Attorney regarding trial or settlement strategy in connection with Wexford County Circuit Court Consolidated Case Nos. 13-24803-CH and 17-27610-CZ, *TeriDee LLC et al. v Clam Lake Township and Haring Charter Township v City of Cadillac and HOP Family, LLC and City of Cadillac*

v Haring Charter Township and Clam Lake Township and to consider the purchase or lease of real property; invite Jeff Dietlin, Director of Utilities.

Motion unanimously approved.

2018-195 Return to open session.

Motion was made by Engels and supported by Spoelman to return to open session.

Motion unanimously approved.

ADJOURNMENT

Respectfully submitted,

Carla J. Filkins, Mayor

Sandra L. Wasson, City Clerk

DRAFT



200 N. Lake Street
Cadillac MI 49601
Phone (231) 775-0181
www.cadillac-mi.net

Today's Date 10-23-2017

City Received Date **RECEIVED**
OCT 23 2017
BY: [Signature]

Banner Request Form

Monday Banner Start Date 10/22/2018 **Monday Banner End Date** 10/29/2018

(Banners are installed and removed on Mondays unless it is a Holiday, then it will be the following day)
(Banners may only be requested for one week at a time per form)

Reason for Banner NAT'l Friends of the Library week
Organization Friends of the Cadillac Library Contact Person Vickie Essenmacher
Contact Email _____

City of Cadillac & State of Michigan Guidelines:

- Banner requested date is a minimum of 2 months prior to display date requested.
- I understand the City reserves the right to determine when the banner is hung during inclement weather.
- I understand the City is not responsible for any damages to the banner.
- Banner requested is for a reasonable and public purpose.
- Banner does not display any legend or symbol which may be construed to advertise, promote the sale of, or publicize any merchandise or commodity, or be political in nature.
- The legend may contain the name of the sponsor paying for the banner if such is not an obvious advertising of and promotion of the sale of the sponsor's goods or services.
- The lettering of the sponsor's name or a logo does not exceed three inches if on a single line or two-inches if on more than one line.
- Banner does not contain an address or directions to location.
- Banner meets all the design specifications on the back of this form.
- Banner picture or a design proof is attached with this request form. on file @ city
- The banner will be delivered to City Garage a minimum of 1 week before banner is to be displayed.
- City Garage is located at 1001 6th Street and hours. Call Street Supervisor at (231)920-7800 to schedule time.
- Banner will be picked up within 1 week after being displayed; if it is not picked up, the banner will be disposed of.
- I understand and agree to these requirements and understand if these are not met the request will be denied.
- Form must be mailed or brought to: **(Email or Fax will not be accepted)**

Cadillac City Hall
Attn: Public Works Department-Events
200 N. Lake Street
Cadillac, MI 49601

Print Name Vickie Essenmacher Signature Vickie Essenmacher Date 10/23/2017

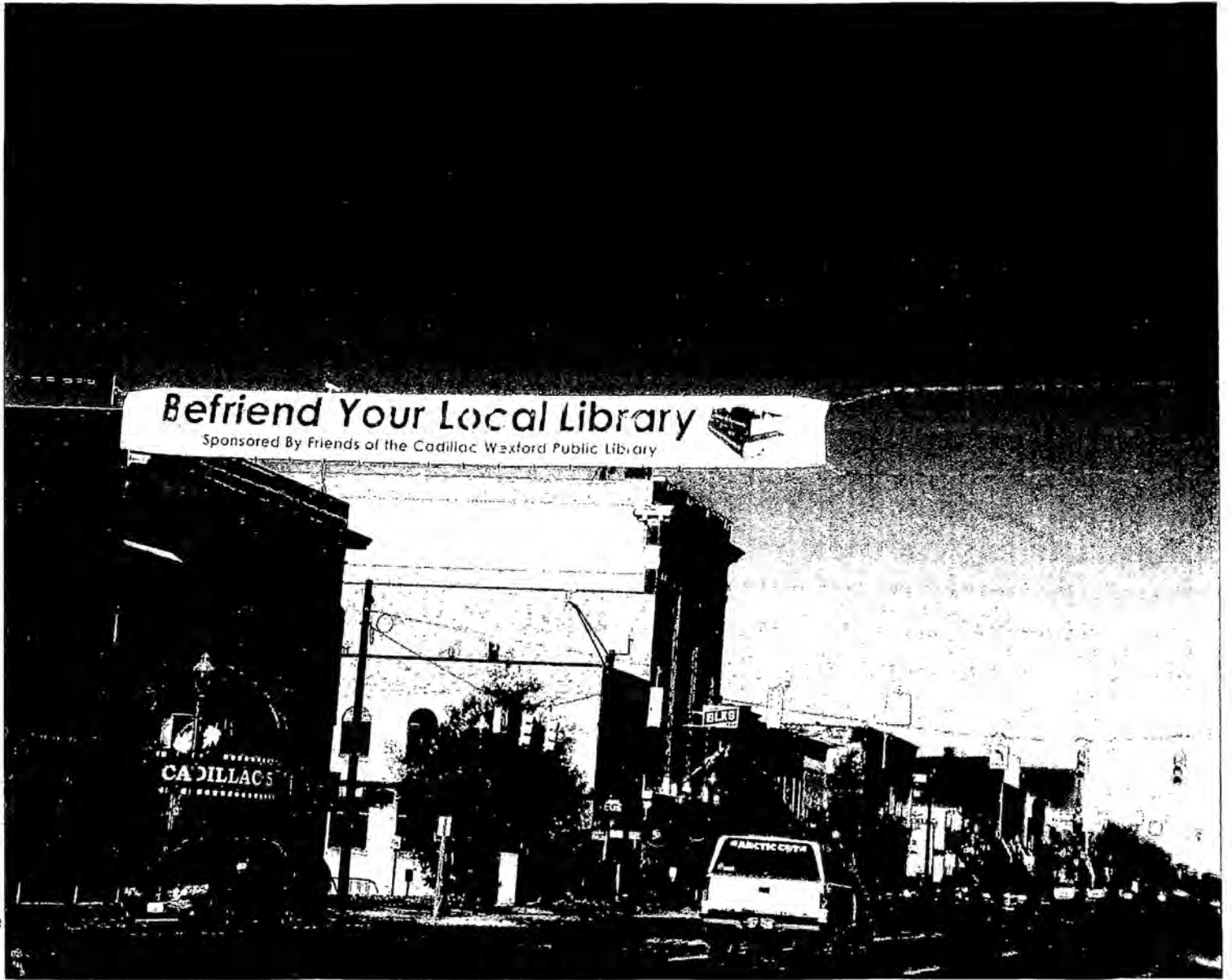
Request will be reviewed & you will be notified if additional information is needed and/or if request is approved or denied.

For Office Use Only

Public Works _____	Comments _____	Date Approved _____
City Clerk _____	Comments _____	Date Approved _____
City Council _____	Comments _____	Date Approved _____
State of Michigan _____	Comments _____	Date Approved _____

Befriend Your Local Library

Sponsored By Friends of the Cadillac Wexford Public Library





200 N. Lake Street
Cadillac MI 49601
Phone (231) 775-0181
www.cadillac-mi.net

RECEIVED
JAN 26 2018
BY: JW

Today's Date

City Received Date

MUST BE OFFICIALLY CITY DATE STAMP

Banner Request Form

Monday Banner Start Date 11/12/2018

Monday Banner End Date 11/19/2018

(Banners are installed and removed on Mondays unless it is a Holiday, then it will be the following day)
(Banners may only be requested for one week at a time per form)

Reason for Banner Advertising of upcoming Concert
Organization Cadillac Area Symphony Orch Contact Person Liz MacLeod, Pres.
Contact Email [Redacted]

City of Cadillac & State of Michigan Guidelines:

- Banner requested date is a minimum of 2 months prior to display date requested.
- Banner picture or a design proof is attached with this request form or it will not be approved.
- The City reserves the right to determine when the banner is hung during inclement weather.
- The City is not responsible for any damages to the banner.
- Banner requested is for a reasonable and public purpose.
- Banner does not display any legend or symbol which may be construed to advertise, promote the sale of, or publicize any merchandise or commodity, or be political in nature.
- The legend may contain the name of the sponsor paying for the banner if such is not an obvious advertising of and promotion of the sale of the sponsor's goods or services.
- The lettering of the sponsor's name or a logo does not exceed three inches if on a single line or two-inches if on more than one line.
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- Banner meets all the design specifications on the back of this form.
- The banner will be delivered to City Garage a minimum of 1 week before banner is to be displayed.
City Garage is located at 1001 6th Street and hours. Call Street Supervisor at (231)920 -7800 to schedule time.
- Banner will be picked up within 1 week after being displayed; if it is not picked up, the banner will be disposed of.

Form must be mailed or delivered to the above address or emailed to: javila@cadillac-mi.net (No Faxes accepted)

I understand and agree to these requirements & understand if these are not met the request will be denied.

Print Name Liz MacLeod Signature [Signature] Date 1/26/2018

Request will be reviewed & you will be notified if additional information is needed and/or if request is approved or denied.

For Office Use Only

Streets _____	Date Approved _____	Comments _____
City Manager _____	Date Approved _____	Comments _____
State of Michigan _____	Date Approved _____	Comments _____
City Council _____	Date Approved _____	Comments _____



October 1, 2018

COUNCIL COMMUNICATION

Re: Reappointment to Zoning Board of Appeals – Renee Walkley

Renee Walkley has indicated her interest in being reappointed to serve on the Zoning Board of Appeals. She has served on the Zoning Board of Appeals since 2003.

Recommended Council Action:

Motion to reappoint Renee Walkley to a three-year term on the Zoning Board of Appeals, which will expire on 10/06/2021.

October 1, 2018

COUNCIL COMMUNICATION

Re: Reappointment of Chris Crawley to a Four-Year Term on the Downtown Development Authority (DDA)

Chris Crawley has expressed his interest in continuing his service to the Downtown Development Authority (DDA) for another four year term. He was originally appointed in 2016.

Recommended Council Action:

Motion to reappoint Chris Crawley to a four-year term on the Downtown Development Authority (DDA), which will expire on 10/05/2022.



MEETING MINUTES
Cadillac Zoning Board of Appeals
5:30 P.M.
August 16, 2018

CONVENE MEETING

Chairperson Nichols called to order a meeting of the Cadillac Zoning Board of Appeals at 5:32 p.m. on August 16, 2018.

ROLL CALL

MEMBERS PRESENT: Allen, Nichols, Paveglio, and Genzink,
MEMBER ABSENT: Knight, Bontrager, Ault, Walkley
STAFF PRESENT: Coy

APPROVAL OF MEETING AGENDA

Motion by Genzink to approve the August 16, 2018 agenda. Supported by Paveglio. The motion was unanimously approved on a roll call vote.

APPROVE THE FEBRUARY 15, 2018 MEETING MINUTES

Motion by Genzink to approve the February 15, 2018 meeting minutes as presented. Support by Allen. The motion was unanimously approved on a roll call vote.

Nichols turned the meeting over to Coy.

PUBLIC HEARINGS

A Variance Application from Cynthia Kanitz for the property located at 520 Whaley Street. Ms. Kanitz is asking for a variance to increase the depth to width ratio up to 4 to 1 for a lot split. The current City Ordinance allows for a 3 to 1 depth to width ratio on a lot split for non-platted sites. Her intent is to be able to split the site into three lots on the 3.62 acre site. She has a purchase agreement for the property that is dependent on both Zoning Board of Appeals and Planning Commission review and approval. Planning Commission approval will be needed for her to construct two duplexes on two of the lots.

APPLICANT

Cynthia Kanitz
715 Cobb St.
Cadillac, MI 49601

Ms. Kanitz was in attendance along with the owner of the property Peter Buehler.

SITE AND ZONING

The property site is described as; A PAR COM AT INT OF N&S 1/4 LINE SEC 3-21-9 & S LINE WHALEY ST, S TO AARR S 56DEG 31MIN E 264 FT, N 37DEG 42MIN E 360 FT, N 32DEG 51MIN W 203.12 FT, N 60DEG 34MIN W 379.29 FT TO BEG EX, COM S 60 DEG 34MIN E 37.89FT FROM IRON MARKING S LINE WHALEY ST & N&S 1/4 LINE SEC 3-21-9, S 60DEG 34MIN E 106.42 FT, S 29DEG 26MIN W 100 FT, N 60DEG 34MIN W 50 FT, N PARA WITH & 33 FT FROM SAID N&S 1/4 LINE 114.82 FT TO BEG & EX, A PAR COM S 60DEG 34MIN E 144.31 FT FROM ABOVE IRON MARKING S 60DEG 34MIN E 100 FT S 29DEG 26MIN W 100 FT: N 60DEG 34MIN W 100 FT N 29DEG 26MIN E 100 FT. TO BEG, CITY OF CADILLAC (Tax Identification Number 10-100-00-029-00)

The site is over 157,000 square feet (3.62 acres) and is an odd shaped parcel with limited access because of both railroad tracks and topography. The property is zoned R-3 One-family residential.

Using a power point he showed pictures of the current view from Whaley Street on the north and from the southeast at the corner of Whaley Street and Whaley Road along the railroad tracks.

Coy discussed the City Ordinance and Section 20-38 which allows for lot splits up to a 3 to 1 depth to width ratio. He then explained his interpretation of the Michigan Land Division Act 288. Section 560.109 allows for municipalities to have the authority to review and may allow a greater depth to width ratio than the local ordinance allows. Section 560.109(b) specifically refers to a 4 to 1 ratio allowance.

Coy next went over the standard in Section 46.69(2) from the City Code of Ordinances that reads “To authorize, upon an appeal, a variance from the strict application of the provisions of this chapter where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this chapter or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter.”

Coy added that he feels there are exceptional conditions causing the need for a variance. Neither Ms. Kanitz or the property owner created any of the exceptional conditions. These include railroad tracks, the size and shape of the parcel, and the topography.

Next Coy went over the standards in Section 46-69(4) of the Cadillac City Code. The standards state that in consideration of a variance, the Zoning Board of Appeals shall first determine that the proposed variance will not result in conditions which:

Standard – *The variance will not impair an adequate supply of light and air to adjacent property.*

Finding – The requested variance is not anticipated to impair an adequate supply of light and air to adjacent properties.

Standard - *The requested variance will not unreasonably increase congestion in public streets.*

Finding – The variance request is not anticipated to impact traffic volumes.

Standard – *The requested variance will not increase the danger of fire or endanger the public safety.*

Finding – The requested variance is not anticipated to increase the danger of fire or endanger the public safety.

Standard – *The requested variance will not unreasonably diminish or impair established property values within the surrounding area.*

Finding – The requested variance is not anticipated to diminish surrounding property values.

Standard – *The requested variance will not impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city.*

Finding – The requested variance is not anticipated to impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city.

Coy said that notification of the public hearing on this application was given via first-class mail to all property owners and residents within 300 feet of the subject site and a notice of the hearing was placed in the Cadillac News. These notices were provided not less than 15 days prior to the hearing date. He added that there were no public comments on the application either for or against.

Coy concluded his presentation with “based on a finding of compliance or non-compliance with the standards of the ordinance, the Board shall approve, approve with conditions, or deny the variance application.” Reasonable conditions may be attached to an approval in order to achieve compliance with the standards of the ordinance.

Nichols opened the meeting for questions.

Paveglio asked Coy if the size of the parcel were shallower, specifically the depth from Whaley Street to the railroad tracks then a variance may not even be needed by Ms. Kanitz. Coy answered a variance would not have been required.

Genzink asked Ms. Kanitz what the two duplexes she is hoping to build would look like. She did not bring any concepts or designs to this meeting. Coy said that when the exterior concepts are finalized he would email a copy to the ZBA.

With no other questions or public comments, Nichols closed the public comment portion of the meeting.

Genzink made a motion to approve the variance request as presented. Support by Paveglio. The motion was unanimously approved on a roll call vote.

PUBLIC COMMENTS - NONE

BOARD MEMBER COMMENTS –

Coy told the ZBA members that the city has received a Variance Application for the proposed construction of senior apartments on South Mitchell Street which is currently called the Cadillac Castle development and to plan on meeting in September. The Variance Application includes a request for a building height variance to exceed 40 feet.

ADJOURN

Chairperson Nichols adjourned the meeting at 5:55.

Minutes
Downtown Development Authority (DDA)
Business Improvement District (BID) Board
SPECIAL Meeting
August 15, 2018

A SPECIAL meeting of the Cadillac Downtown Development Authority (DDA) and Business Improvement District (BID) Board was held on Wednesday, August 15, 2018 at 7:30 a.m. in the Municipal Complex Conference Room, 200 N. Lake St., Cadillac, Michigan.

MEMBERS PRESENT: Cinco, Coffey, Crawley, Huckle, LeVand, Peccia
STAFF PRESENT: Wallace, Coy, Cornell

CALL TO ORDER Meeting was called to order by Chairman LeVand at 7:30 a.m.

MINUTES/REPORTS

Motion by Huckle, seconded by Coffey to approve the minutes of the May 2, 2018 special meeting. Unanimously approved. The regular meetings of May, June and July were cancelled.

TREASURER'S REPORT

Peccia gave the Treasurer's Report. Motion by Coffey, seconded by Cinco to approve the report. Unanimously approved.

COMMITTEE REPORT/UPDATES

Wallace stated that included in the packet was information on the progress being made with brick paver leveling along Mitchell Street, which is being done by a part-time worker. Huckle stated that there are still places where the concrete seams are chipping away causing big gaps. Improvements in the sidewalk in front of the theater were discussed. This would tie into the streetscape project. LeVand suggested that a meeting be scheduled for the Streetscape subcommittee to develop a concept and decide on a project to use as a template.

NEW BUSINESS: Discussion and possible action regarding Christmas decorations.

In the packet was a contract from Home Town Decorations. Their proposal has increased from 60 to 65 pole decorations with the extra 5 for the poles along Elk Avenue. Also received was a quote from LeClerc Display Company who proposed a mixture of decorations opposed to just one decoration for the entire corridor. LeClerc is also a Michigan based company (near Ann Arbor). The Visitor's Bureau has donated LED lights, which have a warmer hue that would match the LED lights in the wreaths, if we should decide to use them again. If we want greenery around the poles, it would be another \$20.00 per pole. LeVand stated that the lights looked good in the daytime, but at night they looked terrible and suggested that a little more be spent to place garland around the poles to complement what the Visitor's Bureau is doing. Then possibly a bow could be put on the top.

It was the consensus of the Board to go with Home Town Decorations to wrap the poles and have a bow on the top. Huckle referred to the part of their proposal for 8 bows with pole wrap for the gazebo. Wallace said that he will confirm with Hometown that they have enough wrap. He did not get a price for the bows, but will talk further with Hometown. We could look at getting a lit bow or plain bow. Wallace will look into the cost of leasing their unlit bows versus purchasing bows.

Motion by Huckle to spend up to \$5,425.00 for Christmas lighting with pole wrap and bows and to expand that as much as possible in common areas until we reach that amount. Motion was seconded by Cinco and passed unanimously.

DDA BOUNDARY EXPANSION ANALYSIS

Owen gave an overview of the two impacts, capture and levy sides, of expanding the DDA boundary.

A list pulled from GIS includes 264 parcels, 226 of which have a taxable value (the difference primarily owned by tax exempt organizations). Taxable value is about \$12.3 million. Taxable value in the current DDA is \$13.7 million. His assumption would be bringing these parcels into the DDA district would automatically subject them to the levy of the DDA (1.9548 mils). Currently, our levy is about \$26,800 for operating levy and the addition would be just over \$24,000 to add all 264 parcels. On the capture side, because we do not capture school millage in the DDA, we capture just over 26 mils. The assumption would be that the base value for the new parcels would be what they are as of the December 31st before they are brought into the DDA. Having an impact on the capture is also whether there are other TIFs that come into play. The base value of the DDA was set in 1996 and it was \$11,654,550; currently, 22 years later, it is slightly over \$13 million.

Peccia said that to move forward, we would need to develop a marketing plan that explains what our intentions are in the way of improvements in the expanded boundary.

LeVand asked if the Administrative subcommittee should meet to come up with selling points. Wallace agreed and a meeting will be set.

LeVand suggested that we set the December meeting as our goal to make a decision on the expansion.

DISCUSSION ON AMENDMENTS TO FAÇADE LOAN PROGRAM RULES

There was discussion on whether to amend the rules to allow participation of a bank that is not a part of the façade program in the event that no local banks will contribute. Crawley said he could follow up with Huntington Bank to see if they are still participating in the program,

It was the consensus of the Board that if none of the local banks wanted to work the applicant that it may be considered to have an outside bank involved. This would be on a case-by-case basis. This will be tabled for a vote until the next meeting as a quorum was no longer present.

Meeting adjourned at 9:17 a.m.