

### **City Council Meeting**

December 3, 2018 6:00 p.m.

Cadillac Municipal Complex Council Chambers 200 N. Lake St. Cadillac, MI 49601



December 3, 2018 City Council Meeting Agenda 6 p.m. at City Hall – 200 N. Lake St. – Cadillac, MI 49601

#### We support each other in serving our community

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 November 19, 2018. Support Document III-A

#### IV. PUBLIC HEARINGS

A. Public Hearing for Community Development Block Grant Funding for Cadillac Lofts Demolition & Site Prep.

Support Document IV-A

#### V. CITY MANAGER'S REPORT

A. City Water Supply PFAS Update. Support Document V-A

#### Cadillac City Council Agenda

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#### VI. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

A. Adopt resolution to introduce Ordinance Amending Zoning Ordinance Regarding Combination Group/Family Shelters and set a public hearing for December 17, 2018. Support Document VI-A

#### VII. ADOPTION OF ORDINANCES AND RESOLUTIONS

 A. Adopt Resolution to Approve Agreement to Buy and Sell Real Estate (Near 44 Road, Cadillac, Michigan).
 Support Document VII-A

#### VIII. MINUTES AND REPORTS OF BOARDS AND COMMISSIONS

- A. Zoning Board of Appeals Support VIII-A
- B. Planning Commission Support Document VIII-B

#### IX. PUBLIC COMMENTS

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

#### X. GOOD OF THE ORDER

#### XI. 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.

#### XII. ADJOURNMENT

#### Cadillac City Council Agenda

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#### 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 – November 19, 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: Schippers, Engels, Spoelman, Mayor Filkins

Council Absent: King

Staff Present: Peccia, Dietlin, Roberts, Ottjepka, Wallace, Keway, Homier, Wasson

#### APPROVAL OF AGENDA

#### 2018-208 Approve agenda as presented.

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

Motion unanimously approved.

#### PUBLIC COMMENTS

Jay Richley noted in 2019 the Cadillac American Legion Post 94 will be celebrating 100 years. He stated a celebration will be held on July 27, 2019.

Randy Lindell commented on crime and the various development projects.

#### **CONSENT AGENDA**

#### 2018-209 Approve consent agenda as presented.

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

Motion unanimously approved.

#### **APPOINTMENTS**

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

#### 2018-210 Approve reappointment to the Zoning Board of Appeals.

Motion was made by Spoelman and supported by Engels to approve the reappointment of Troy Knight to the Zoning Board of Appeals for a 3-year term to expire on October 6, 2021.

Motion unanimously approved.

Mayor Filkins noted Troy Knight has served on the Zoning Board of Appeals since 2004.

B. Recommendation regarding appointment to the Zoning Board of Appeals.

#### 2018-211 Approve appointment to the Zoning Board of Appeals.

Motion was made by Spoelman and supported by Engels to approve the appointment of Carl Genzink to the Zoning Board of Appeals as a regular member for a partial term to expire on April 21, 2020.

Motion unanimously approved.

C. Recommendation regarding reappointment to the Planning Commission.

#### 2018-212 Approve reappointment to the Planning Commission.

Motion was made by Spoelman and supported by Engels to approve the reappointment of John Smith to the Planning Commission for a 3-year term to expire on October 2, 2021.

Schippers noted John Smith has been serving on the Planning Commission for ten (10) years.

Motion unanimously approved.

D. Recommendation regarding appointment to the Downtown Development Authority.

#### 2018-213 Approve appointment to the Downtown Development Authority.

Motion was made by Spoelman and supported by Engels to approve the appointment of Lisa Swanson to the Downtown Development Authority for a 4-year term to expire on November 19, 2022.

Motion unanimously approved.

Mayor Filkins thanked Lisa Swanson for her willingness to serve.

#### CITY MANAGER'S REPORT

A. Bids and recommendation regarding purchase of Self-Contained Breathing Apparatus for the Cadillac Fire Department.

Peccia stated three (3) bids were received. He noted the lowest bid was received from Douglass Safety Systems which distributes products manufactured by Avon Protection Systems. He stated the City had applied twice for a grant through FEMA but was unsuccessful. He noted it is critical equipment for the Fire Department and needs to be replaced.

Peccia stated it is being recommended that the purchase of the equipment be awarded to Douglass Safety Systems in the amount of \$92,349.12. He noted funds are available in the General Fund for this acquisition.

#### 2018-214 Award purchase of Self-Contained Breathing Apparatus.

Motion was made by Schippers and supported by Spoelman to award the purchase of Self-Contained Breathing Apparatus to Douglass Safety Systems in the amount of \$92,349.12.

Mayor Filkins asked if this equipment was discussed in the budget process.

Peccia noted the budget amendment later in the agenda includes the removal of the anticipated grant and the substitution of funds from the General Fund for this purchase.

Owen Roberts, Director of Finance, stated that in one of the work sessions it was discussed that the City was applying for a grant for this equipment. He noted the City had appropriated the funds both for the purchase and the grant. He stated it was discussed that if a grant was not received, the City would still need to purchase the equipment.

Adam Ottjepka, Director of Public Safety, stated the City is two cycles behind National Fire Protection Association (NFPA) standards regarding this equipment.

Spoelman asked if we know why the City did not receive the grant.

Peccia stated that obtaining a grant through FEMA can be difficult. He noted a FEMA grant was received a few years ago for radios.

Motion unanimously approved.

B. Recommendation regarding Professional Engineering Consulting Services.

Peccia stated the City utilizes several different engineering firms depending upon the type of project that is being worked on. He noted most of the daily operational needs are road projects that are being completed based on bond funds that were received a few years ago. He stated through that process the City entered into an agreement with Prein & Newhof. He noted those projects are coming to a close and the City is in need of finalizing the approach moving forward. Subsequently, the City released a Request for Qualifications (RFQ) for an engineering firm to provide professional engineering consulting services to the City. He stated the staff engineer retired so utilizing the firm for day-to-day engineering services has worked out quite well for the City.

Peccia noted seven (7) proposals were received and they were evaluated by various staff members. He stated Prein & Newhof received the most total points. He noted the areas analyzed included:

- Relevant Experience
- Demonstrated Ability
- Proximity to City
- Familiarity with Related Agencies
- References

Peccia stated the recommendation is to enter into a contract with Prein & Newhof through December 31, 2023 with the opportunity for the contract to automatically renew for an additional five (5) years through December 31, 2028. He noted there is language in the contract to allow the City or Prein & Newhof to sever the relationship if either party chooses to do so.

Peccia noted the City has a strong working relationship with Prein & Newhof. He stated the hourly rates for the various professionals that would be assigned to the City were compared with the other engineering firms. He noted it was determined the Prein & Newhof hourly rates were very favorable.

Spoelman asked how cost containment or cost comparison occurs within an RFQ as opposed to bidding the services out.

Peccia explained the RFQ's also included a price proposal by all of the firms. He noted the scoring was based on the qualifications not on prices. He stated that in reviewing the prices submitted, Prein & Newhof was the most favorable. He noted yearly fees will vary based on activity levels.

Mayor Filkins asked if there were comparisons done regarding the cost difference of having a staff engineer versus the utilization of an outside firm

Peccia stated that even when the City did employ a staff engineer, certain functions were still outsourced.

#### 2018-215 Award contract for Professional Engineering Consulting Services.

Motion was made by Schippers and supported by Engels to award the contract for Professional Engineering Consulting Services to Prein & Newhof of Cadillac, beginning immediately and ending December 31, 2023, with the opportunity for the contract to automatically renew for an additional five (5) years through December 31, 2028.

Motion unanimously approved.

#### C. Emergency Purchase – Disposal of Contaminated Soils.

Peccia stated it was discovered that the City-owned property located at 117 W. Cass Street, current home to The Market at Cadillac Commons, but formerly home to the building commonly known as the Forbes Building, contained a large, previously unknown underground storage tank. He noted that this discovery led to a need for the associated contaminated soils to be disposed of as part of the overall site preparations. He stated the contaminants consisted of various metals and chemicals

Peccia noted that due to timing variables outside of our control, such as the time for the environmental analysis and guidance from the Michigan Department of Environmental Quality (MDEQ) to be complete, once information was available, the City utilized Dunbar Excavating, which was the contractor already mobilized on-site, to haul the required soils and storage tank away without delay. He added the City hauled the waste to Republic's Landfill at a special negotiated rate of \$5.00 per ton, which was more economical that other disposal facility options.

Peccia stated the cost for this unforeseen, required environmental clean-up was \$94,077.93 that includes the landfill fees, hauling fees, and environmental consulting and testing costs. He added funds received form the State of Michigan for Personal Property Tax Reimbursement, which came in significantly higher than budgeted, are being utilized for this

expense.

Peccia noted there is no Council action required but he is required to report the expenses in this setting, accordingly.

#### D. Amendments to the Non-Union Employees Benefits Schedule.

Peccia stated utilization of benefits was higher that past trends. He noted staff analyzed options for renewals and negotiated with our provider, which is Blue Cross/Blue Shield of Michigan. He stated the plan being utilized is the Blue Care Network Plan. He noted copays will increase rather significantly on a percentage basis to remain compliant with the hard cap provisions of Public Act 152.

Peccia stated it is being recommended to make the necessary amendments to the Non-Union Employees Benefits Schedule, as presented.

Spoelman noted the information provided does not include monthly contribution amounts.

Todd Keway, Human Resources Generalist, noted the new monthly contributions are \$25 single, \$55 two-person, and \$75 family. He noted previous monthly contributions were \$15 single, \$25 two-person, and \$35 family. He stated the reason monthly contribution amounts are not listed in the benefits schedule is because the City is trying to remain flexible and more reactive to changes.

#### 2018-216 Accept changes to the Non-Union Employees Benefits Schedule.

Motion was made by Schippers and supported by Engels to accept the changes in Section 3.0 of the Non-Union Employees Benefits Schedule as presented.

Motion unanimously approved.

#### E. Update regarding Marihuana.

Peccia noted the City Attorney will be providing information regarding recreational marihuana as a result of the recent passage of Proposal 1. He stated Council is not being asked to take any action at this time.

Mike Homier, City Attorney, stated Proposal 1 is expected to take effect December 6, 2018. He briefly explained the options municipalities will have moving forward. The first option is to do nothing, in which case the City may get facilities licensed and permitted by the State of Michigan. The second option is to regulate the use, which includes two components, completely prohibit the land use (commercial sales) or to regulate the time, manner, and place. He noted that when he refers to "use" he is referring to land use not the use of marihuana itself which will be lawful once Proposal 1 takes effect in December.

Peccia stated there will be a more thorough presentation in the future to allow the Council to have a discussion as to how to move this forward. He noted the discussion should include both medical and recreational marihuana.

Homier noted another issue that will occur for the City and other employers is how they will regulate use of marihuana by their employees.

Engels stated he has heard concerns about the smell resulting from growing marihuana.

Homier stated Proposal 1, absent any other action from the City determining where that use can or cannot be permitted, will allow medical facilities to be combined with recreational facilities. He noted there are specific provisions under Proposal 1 that would allow people to grow and use marihuana. He stated there are still many unanswered questions.

#### INTRODUCTION OF ORDINANCES AND RESOLUTIONS

A. Adopt resolution to introduce Ordinance Amending Ordinance Approving a Lease Agreement with Wexford Genealogy Organization and set a public hearing for December 17, 2018.

Peccia stated the next two items involve the Community Center which is commonly known as the Naval Reserve Center located on Chestnut Street. He noted the uses for the property are very restricted and the tenants of the facility must meet the qualifications. He added the tenants must be a non-profit and/or a religious organization.

Peccia stated the three (3) current tenants have put in a tremendous amount of effort into improving the facility. The current tenants are the Cadillac Area Senior Center, Wexford Genealogy Organization (WGO), and Up North Arts, Inc.

Peccia stated in 2012, the City provided the WGO with any incubator type of lease. He noted that due to the age and condition of the facility and the fact that WGO only utilizes the space approximately four hours per week, the City is proposing to reduce the base rent to \$250 per month retroactively, hold the lease flat through the end of 2019, then apply the contractual Consumer Price Index increases beginning January 1, 2020.

Mayor Filkins asked if they have been paying their rent as scheduled since January 1, 2012.

Roberts stated they have been paying their rent.

#### 2018-217 Set public hearing for Ordinance 2018-12.

Motion was made by Engels and supported by Spoelman to adopt the resolution to introduce Ordinance Amending Ordinance Approving a Lease Agreement with Wexford Genealogy Organization and set a public hearing for December 17, 2018.

Motion unanimously approved.

B. Adopt resolution to introduce Ordinance Amending Ordinance Approving a Lease Agreement with Up North Arts, Inc. and set a public hearing for December 17, 2018. Peccia stated the City entered into a lease with Up North Arts, Inc. (UNA) on June 27, 2017. He noted the original lease offered reduced rent as an" incubator" type incentive to help UNA get established. He stated over the past fifteen (15) months, UNA has invested thousands of dollars and hundreds of hours in improving the facility to make it useable.

Peccia noted UNA has been unable to meet their leasing requirements to the City. He stated the proposed amendment to the lease takes into consideration the money that has been invested by UNA in improvements to the facility.

Spoelman asked how much rent has not been paid and the value of that rental amount.

Peccia stated UNA has not paid rent since the inception of the lease. He noted UNA has invested \$33,497 in the facility and the rent value is approximately \$9,000.

#### 2018-218 Set public hearing for Ordinance 2018-13.

Motion was made by Schippers and supported by Spoelman to adopt the resolution to introduce Ordinance Amending Ordinance Approving a Lease Agreement with Up North Arts, Inc. and set a public hearing for December 17, 2018.

Motion unanimously approved.

#### ADOPTION OF ORDINANCES AND RESOLUTIONS

A. Adopt Resolution to Support Environmental Clean-Up Activities and Create a Renewable Energy Resource for the City of Cadillac at the Property Commonly Known as the Mitchell-Bentley Property.

Peccia stated there has been ongoing discussion between City staff, the Cadillac Industrial Fund, and the Cadillac Area Industrial Group regarding the Mitchell-Bentley Property.

Peccia stated Craig Hewett, B&P Manufacturing, and Mike Hamner, Avon Protection Systems, are in attendance.

Peccia read the proposed resolution in its entirety. (see attachment)

He noted this would not be possible if not for the Cadillac Industrial Fund, specifically Craig Hewett, Mike Hamner and other members such as Brian Warner, Wolverine Power.

Spoelman stated she is happy to see the utilization of renewable energy.

Mike Hamner stated the solar portion is approximately two and a half  $(2\frac{1}{2})$  to three (3) acres of the thirteen (13) acres so there is opportunity for a new industry or for an existing industry to expand on the property. He noted this is an opportunity to clean-up the blighted property and receive some benefit from it while the remainder of the property is being marketed.

#### 2018-219 Adopt resolution regarding Mitchell-Bentley Property.

Motion was made by Schippers and supported by Engels to adopt the Resolution to Support Environmental Clean-Up Activities and Create a Renewable Energy Resource for the City of Cadillac at the Property Commonly Known as the Mitchell-Bentley Property.

Motion unanimously approved.

B. Adopt Resolution Approving Cadillac Lofts Final Site Plan With Conditions.

John Wallace, Community Development Director, presented information regarding the Cadillac Lofts Development Project. (see attachment) He noted the Planning Commission approved the final site plan by a unanimous vote on October 22, 2018 and is recommending approval by the City Council.

Spoelman asked how people will access the retail portion of the buildings if the parking lot is gated and there is limited access from Mitchell Street.

Wallace stated there is a gateway in the center of the block and they are considering an access point on both corners. He noted other access points may be added depending on what businesses occupy the site.

Spoelman asked if there will be any parking for the businesses.

Wallace stated there will be street parking available around the development project and a parking lot on the east side of Shelby Street.

Spoelman asked about parking for the apartments.

Wallace stated the gated lot is designed for at least one (1) space per unit.

#### 2018-220 Adopt Resolution Approving Cadillac Lofts Final Site Plan With Conditions.

Motion was made by Engels and supported by Schippers to adopt the Resolution Approving Cadillac Lofts Final Site Plan With Conditions.

Motion unanimously approved.

C. Adopt resolution regarding contract with MDOT for the installation of eleven (11) flag poles along Highway M-115.

Peccia stated the eleven (11) flag poles have already been installed so the resolution regarding MDOT Contract #18-5445 is being approved retroactively.

#### 2018-221 Adopt resolution regarding MDOT Contract #18-5445.

Motion was made by Spoelman and supported by Engels to adopt the resolution regarding Contract #18-5445 with MDOT for the installation of eleven (11) flag poles along Highway M-115.

Motion unanimously approved.

D. Adopt Resolution Amending General Appropriations Act for Fiscal Year 2019.

Roberts summarized the details of the budget amendment.

#### 2018-222 Adopt Resolution Amending General Appropriations Act for Fiscal Year 2019.

Motion was made by Spoelman and supported by Engels to adopt the Resolution Amending General Appropriations Act for Fiscal Year 2019.

Motion unanimously approved.

#### MINUTES AND REPORTS OF BOARDS AND COMMISSIONS

- A. Zoning Board of Appeals
- B. Planning Commission
- C. Downtown Development Authority
- D. Local Development Finance Authority

#### PUBLIC COMMENTS

There were no public comments.

#### **GOOD OF THE ORDER**

Peccia noted the community Christmas tree will be ready for the tree lighting ceremony. He stated that because of concerns about the underground pumps for the Splash Pad, the tree will be placed in the crossover area between the two parking lots.

Spoelman commented on a recent Letter to the Editor regarding the health of Lake Cadillac. She stated the letter mentioned not to use fertilizers that contain phosphorus. She noted that even though a fertilizer may not contain phosphorus, she recommends not using a lot of fertilizer because other ingredients, such as nitrogen, can contribute to algal growth in a lake.

Schippers wished everyone a Happy Thanksgiving.

#### ADJOURNMENT

Respectfully submitted,

Carla J. Filkins, Mayor

Sandra L. Wasson, City Clerk

#### **City Council**

200 North Lake Street Cadillac, Michigan 49601 Phone (231) 775-0181 Fax (231) 775-8755



**Mayor** Carla J. Filkins

**Mayor Pro-Tem** Shari Spoelman

Councilmembers
Tiyi Schippers
Robert Engels
Stephen King

#### **RESOLUTION NO. 2018-XXXX**

### RESOLUTION TO SUPPORT ENVIRONMENTAL CLEAN-UP ACTIVITIES AND CREATE A RENEWABLE ENERGY RESOURCE FOR THE CITY OF CADILLAC AT THE PROPERTY COMMONLY KNOWN AS THE MITCHELL-BENTLEY PROPERTY

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held in the Council Chambers, Cadillac Municipal Complex, 200 North Lake Street, Cadillac, Michigan, on the 19<sup>th</sup> day of November, 2018 at 6:00 p.m.

PRESENT: COUNCIL MEMBERS:

ABSENT:

Whereas the vacant Cadillac industrial property commonly known as the "Mitchell-Bentley Property", is an abandoned site with significant environmental contamination from past industrial users; and

Whereas it is in the best interest of the Cadillac community to clean up and redevelop the Mitchell-Bentley Property; and

Whereas the City of Cadillac has obtained the Mitchell-Bentley Property through the property tax delinquency process in an effort to take over the control of the site with the objective of revitalizing this property so that the environmental contamination can be mitigated and the rubble removed; and

Whereas the City of Cadillac, working in collaboration with the Cadillac Industrial Fund, has negotiated the removal of a State of Michigan environment lien of \$356,050.12 and has secured a grant from the Michigan Department of Environmental Quality (MDEQ) to complete an assessment of the environmental conditions of the Mitchell-Bentley Property; and

Whereas the results of the environmental assessment have confirmed a response activity cost associated with the Mitchell-Bentley Property of approximately \$1,000,000; and

City of Cadillac Resolution No. 2018-XXXX Page 2 of 3

Whereas it is recognized by the City of Cadillac that without outside funding from sources like the MDEQ Brownfield Grant Program that the Mitchell-Bentley Property will not be redeveloped; and

Whereas the City of Cadillac is working in collaboration with the Cadillac Industrial Fund to prepare an initial Brownfield grant proposal for submittal to the MDEQ; and

Whereas the Cadillac Industrial Fund has secured a commitment from Spartan Renewable Energy, a subsidiary of Wolverine Power Cooperative and active member of the Cadillac Industrial Fund, to develop a solar energy project at the Mitchell-Bentley Property; and

Whereas the City of Cadillac's Vision Statements reference "where and when applicable, environmentally 'green' practices will be utilized"; and

Whereas this investment in the solar energy project will provide an estimate of approximately 450,000 kilowatt hours of renewable energy to the City of Cadillac and qualifies the City of Cadillac to for Brownfield grant and loan funding; and

Whereas the MDEQ has provided an initial positive assessment of the City of Cadillac's preliminary Brownfield grant and loan proposal that would provide up to a \$500,000 grant plus up to a \$500,000 loan; and

Whereas the Cadillac Industrial Fund supports the concept of the City of Cadillac entering into a development agreement that would: clean-up the Mitchell-Bentley Property; utilize significant outside grant and loan funding; put the property back on the property tax roll and create a renewable energy source; the Cadillac Industrial Fund has committed up to \$50,000 in funding to fund the clean-up and future MDEQ Brownfield Grant and Loan match; and

Whereas The City of Cadillac recognizes the time, talent and monetary resource contribution the Cadillac Industrial Fund has given towards the objective of revitalizing the Mitchell-Bentley Property for the benefit of the entire Cadillac area community.

Now, therefore be it resolved that the City of Cadillac, Michigan, does hereby support the concept of entering into a development agreement to clean-up the Mitchell-Bentley site and obtain renewable energy under the following, but not by way of limitation, terms:

- 1. Upon invitation from the MDEQ, the City of Cadillac will prepare a final Brownfield Grant and Loan Application for the Mitchell-Bentley Property that may result in receiving a \$500,000 grant and \$500,000 loan.
- 2. In support of the grant application the City of Cadillac will consider and execute agreements that will be necessary, including but not limited to a potential:

City of Cadillac Resolution No. 2018-XXXX Page 3 of 3

- a. Property transfer agreement of the Mitchell-Bentley Property to the Cadillac Industrial Fund
- b. DEQ required Development Agreement with Spartan Renewable Energy and/or other parties such as Consumers Energy that will require an estimated \$2,000 monthly renewable energy premium over a twenty-year timeframe
- c. Property Lease Agreement with Spartan Renewable Energy and/or other parties
- 3. Contribute \$50,000 from the Cadillac Brownfield Tax Increment Financing Program and/or other City Funding source to match the Cadillac Industrial Fund's \$50,000 commitment to fund the clean-up and future MDEQ Brownfield Grant and Loan match
- 4. Council support, if necessary, for special land use requests

Be it further resolved that the City of Cadillac recognizes that while the negotiated green energy rate is expected to be at a premium compared to standard Consumers Energy electricity rates, the value the purchase of the solar, renewable energy by:

- 1. securing an MDEQ Brownfield grant and loan that will facilitate the completion of response activities for the environmental benefit of the City of Cadillac;
- 2. revitalizing an abandoned, blighted City of Cadillac industrial property;
- 3. providing a portion of the City of Cadillac energy needs with a clean, renewable energy source;

far outweighs the additional premium cost of the renewable energy.

Resolved this 19th day of November, 2018 by the Cadillac City Council

YEAS: COUNCIL MEMBERS:

NAYS: COUNCIL MEMBERS:

# Final Site Plan Review Cadillac Lofts LLC.

Applicant: Dean DeKryger (DK Design Group)

Eric Hanna (Michigan Community Capital)

Requested Use: Mixed Use Planned Unit Development

# Background

- Planning Commission approved
   Cadillac Lofts LLC site plan on April
   23, 2018
- Cadillac City Council approved sketch plan and rezoning into the Mixed Use Planned Unit Development District for Cadillac Lofts LLC on May 21, 2018

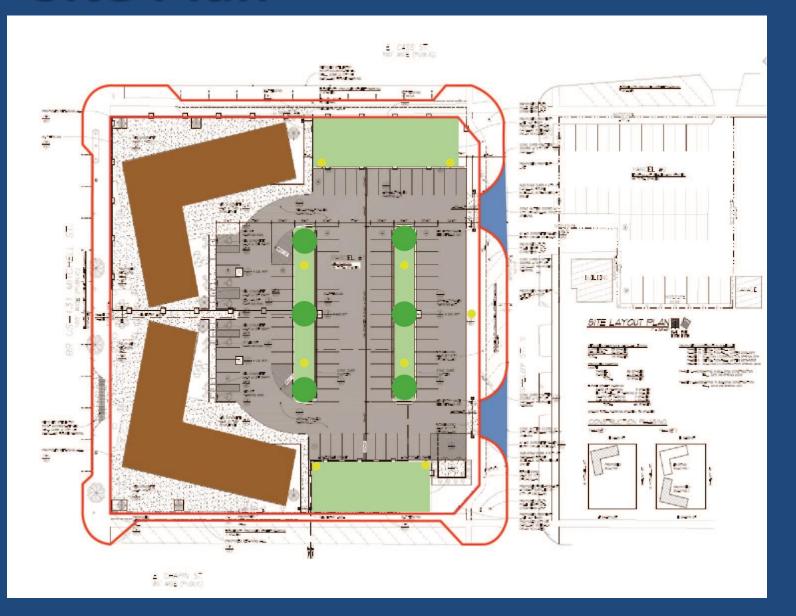
# Background

 Planning Commission approved Cadillac Lofts LLC final site plan on October 22, 2018 by a unanimous vote.

# **Proposed Use**

- Cadillac Lofts LLC is a mixed use project which will consist of two four-story L-shaped buildings (each building will have 9,090 square feet per floor).
- The project will be constructed in two phases with the northern building to be in Phase 1 and the southern building to be in Phase 2
- The first floor of each building will be used for commercial purposes and the upper three floors of each building will be apartments.
- 84 total apartments: 12 two-bedroom, 48 one-bedroom, and 24 efficiency apartments.

### Site Plan



# Parking

- Required Parking
  - 55 spaces for commercial uses
  - 84 spaces for residential use
  - 139 total spaces
- Provided Parking: 132 spaces
- Street Parking: 46 spaces
- Total Parking: 178 spaces



### Recommended Action:

To approve the RESOLUTION APPROVING CADILLAC LOFTS FINAL SITE PLAN WITH CONDITIONS



#### **MEMORANDUM**

November 27, 2018

To: Cadillac City Council Members

From: Sara Christensen, CDBG Certified Grant Administrator

The City of Cadillac is submitting the enclosed Community Development Block Grant (CDBG) in the amount of \$907,100 for demolition and site prep activities at 201, 207 and 215 South Mitchell Street and 208 East Cass Street, in downtown Cadillac. The grant funds will be used for demolition to remove two blighted buildings, public infrastructure architecture and engineering, lead and asbestos abatement, pre-demolition services, and grant administration.

CDBG money is U.S. Department of Housing and Urban Development funding that is allocated to each state.

The national objective supported by this project; is elimination of spot blight.

No local funds are to be paid by the City of Cadillac for this project.

No people will be displaced as a result of this project.

Eric Hanna, President & CEO, of Michigan Community Capital should be in attendance to answer any questions specific to the project and potential future phases.

#### **Next Steps**

- City Clerk must provide a brief description of the public hearing including the date of hearing, number of citizens attending the hearing and a summary description of substantive comments made at the hearing.
- City Council must pass a Resolution, as outlined in the CDBG Application, after completion of the public participation requirements.
- City Council must adopt a Community Development Plan, as outlined in the CDBG Application.

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#### **UGLG Application Summary**

Complete Applicant Information Municipality Name : City of Cadillac

Street: 200 North Lake Street

City: Cadillac County: Wexford State : MI Zip Code : 49601-1864 DUNS: 088869367 FEIN: 38-6004541 UGLG SAM#: 35PR6

#### **UGLG Capacity and Conflict of Interest**

Who will be responsible for administering the proposed project? : Certified Administrator

Name : Sara Christensen Address: 202 E. Grandview Parkway Phone: 2319957115 Email: sara@venturenorthfunding.org

Has the UGLG received CDBG grants in the past five years and/or have any open CDBG grants? This includes CDBG grants provided by the MSF/MEDC and all

MSHDA CDBG programs : No

If yes, please list the grant# and the status of the grant (closed; open, funds drawn/funds not yet drawn);

Does the UGLG have program income from previous grants? : No

Will local officials and staff be a party to any contract involving the procurement of goods and services assisted with CDBG funds?: No

Will any person who is an employee, agent, consultant, officer, elected or appointed official of the UGLG obtain a financial interest or benefit from a CDBG assisted activity or have an interest in any contract, subcontract, or agreement with respect thereto, or in the proceeds hereunder, either for themselves or for those with who they have family or business ties, during their tenure or for one year thereafter? : No

#### Please indicate below whether or not the UGLG has a contractual relationship with one or more of the following entities:

Boge, Wybenga & Bradley, PC:

Farm Bureau: No

Michigan Economic Development Corporation : No

Greenstone Financial: No Truscott Rossman · No Fifth Third Bank: No

Michigan Department of Licensing & Regulatory Affairs: No

Springfield Commercial Roofing : No Michigan Department of Treasury: No

Grand Angels: No

If yes to any of the above, please describe the nature of relationship. :

#### **Overall Project Description**

Describe the proposed project and the specific work activities needed to complete the project. Include all work activities, including those activities to completed with CDBG and non-CDBG funds (See help text for examples). The City of Cadillac proposes to demolish two (2) buildings (a former grocery store and a former insurance building), and an existing parking lot on a 2.1 acre parcel in the heart of downtown. The project will include: site demolition; relocation of active utilities, temporary access to remove buried debris; and site restoration to provide for the re-use of the property. As part of the demolition, engineering services will be required to assess and potentially remediate environmental conditions and to remove existing asbestos on the site. Demolition of these obsolete buildings, debris, etc. will eliminate blight and create space for a planned mixed use, residential, commercial, and retail development. The City of Cadillac is requesting \$907,100 in CDBG funding to assist with pre-demolition services, asbestos abatement, demolition, site preparation, and grant administration.

Will the project result in special assessments? : No

If yes, please describe:

Will the project result in special fees (hook-up fees, etc.)? : No

In the past, have CDBG funds been used at any of the public addresses/locations associated with the proposed project? : If yes, please list the public address, the amount of CDBG funds used and the activities completed. :

In the past, have CDBG funds been used at any of the private addresses/locations associated with the proposed project? : No If yes to the above question, please list the private address, the amount of CDBG funds used and the activities completed.:

#### **Public Budgets**

Real Property Acquisition - CDBG : Real Property Acquisition - Local : Real Property Acquisition - Private : Real Property Acquisition - Other: Real Property Acquisition - Other: Real Property Acquisition - Other:

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```
Public Infrastructure Architecture & Engineering - CDBG : 25,000
Public Infrastructure Architecture & Engineering - Local : Public Infrastructure Architecture & Engineering - Private :
Public Infrastructure Architecture & Engineering - Other :
Public Infrastructure Architecture & Engineering - Other :
Public Infrastructure Architecture & Engineering - Other :
Lead & Asbestos Abatement - CDBG: 225,000
Lead & Asbestos Abatement - Local :
Lead & Asbestos Abatement - Private : Lead & Asbestos Abatement - Other :
Lead & Asbestos Abatement - Other
Lead & Asbestos Abatement - Other :
Demolition - CDBG: 625,000
Demolition - Local :
Demolition - Private :
Demolition - Other:
Demolition - Other:
Demolition - Other
Site Improvements - CDBG:
Site Improvements - Local:
Site Improvements - Private :
Site Improvements - Other:
Site Improvements - Other :
Site Improvements - Other
Commercial Building - New Construction - CDBG : Commercial Building - New Construction - Local : Commercial Building - New Construction - Private :
Commercial Building - New Construction - Other :
Commercial Building - New Construction - Other : Commercial Building - New Construction - Other :
Commercial Building - Renovations/Leasehold - CDBG : Commercial Building - Renovations/Leasehold - Local :
Commercial Building - Renovations/Leasehold - Private : Commercial Building - Renovations/Leasehold - Other :
Commercial Building - Renovations/Leasehold - Other
Commercial Building - Renovations/Leasehold - Other
Residential Building – Renovations/Leasehold - CDBG : Residential Building – Renovations/Leasehold - Local :
Residential Building – Renovations/Leasehold - Local .
Residential Building – Renovations/Leasehold - Private :
Residential Building – Renovations/Leasehold - Other :
Residential Building – Renovations/Leasehold - Other :
Personal Property Acquisition/Installation - CDBG :
Personal Property Acquisition/Installation - Local
Personal Property Acquisition/Installation - Private : 
Personal Property Acquisition/Installation - Other : 
Personal Property Acquisition/Installation - Other :
Personal Property Acquisition/Installation - Other
Public Infrastructure - CDBG:
Public Infrastructure - Local :
Public Infrastructure - Private
Public Infrastructure - Other:
Public Infrastructure - Other:
Public Infrastructure - Other:
Administration - CDBG: 10,000
Administration - Local : Administration - Private :
Administration - Other :
Administration - Other:
Administration - Other:
Planning - CDBG :
Planning - Local :
Planning - Private :
Planning - Other:
Planning - Other:
Other - CDBG: 22,100
Other - Local:
Other - Private :
Other - Other :
Other - Other :
Other - Other
```

Will the public budget be attached? - true

List the specific source (i.e., DDA, Water & Sewer Fund, Federal Fund, Private Donation) and dollar amount of any local, state, or other federal funding associated with this project including grants and/or loans. Tax incentives should NOT be included on the project budget, but should be listed here: The Cadillac Brownfield elopment Authority will have an approved brownfield plan for the site which will facilitate the construction and addition of public infrastructure (sidewalks, parking, street improvements) that will be funded through future tax capture

Page 3 of 4 Customer Portal

Describe the specific objectives and outcomes of the planning project. :

Describe the local and regional impact the planning project will have. Identify the development value and expected impact that the planning project will have on the community in six months, two years, and five year. Explain how the proposed planning project supports related local, regional and state community and economic development strategies.

If the planning project is implemented in the future, what is the estimated number of low and moderate income jobs to be created?:

What is the estimated number of low and moderate jobs to be created?:

#### Project Scope for Public Infrastructure/Public Improvements.

Describe ONLY the public infrastructure/public improvements and the specific work activities needed to complete the public infrastructure/public improvements Include the type, size, and quantity:

Please enter the exact address or intersection location of Public Infrastructure/Public Improvements :

What is the square footage of public space being improved or reactivated?:

Will new leases or property/easement acquisition be required for the construction of the public infrastructure/public improvements? : Are there occupants at this project and/or at the location of the property to be acquired for the construction of the public/infrastructure/public improvements? :

#### Property Owners List for Public Infrastructure/Public Improvements

#### Occupants at Public Project Location

#### Compliance for Public Infrastructure/Public Improvements

Will the public infrastructure/public improvements involve historic properties? :

Will the public infrastructure/public improvement impact wetlands?

Will the public infrastructure/public improvement be located in a floodplain?

Will the public infrastructure/public improvement result in the demolition and/or conversion of residential dwelling units, including both vacant and occupied residential dwelling units? :

Will the public infrastructure/public improvement require permits? :

Will the project relocate jobs from one labor market to another labor market?:

#### Public Infrastructure/Public Improvements Timeline

Does your project involve: Design Engineering / Architecture :

Design Engineering / Architecture Start Date : Design Engineering / Architecture End Date :

Does your project involve: Property / easement Acquisition :

Property / easement Acquisition Start Date : Property / easement Acquisition End Date :

Does your project involve: Bidding:

Bidding Start Date : Bidding End Date:

Does your project involve: Public Improvement Construction:

Public Improvement Construction Start Date:

Public Improvement Construction End Date :

#### National Objective Low and Moderate Income Area - Entire Community

What is the UGLG Population?

What Percentage of the UGLG is comprised of Low and Moderate Income Persons?: 0.00

What is the Low and Moderate Income Percentage based on? :

Explain how the project will benefit the entire UGLG:

#### National Objective Low and Moderate Income Area - Project Area

What is the total Project Area Project Area is comprised of Low and Moderate Income Persons?: 0.00 What is the Project Area Survey Certification Date?: Explain how the project will benefit the entire project area.:

#### National Objective - Spot Blight

Will Licensed Building Inspector Certification be attached? : true

Please identify the activity type: Clearance

Will historic preservation evidence be attached? : false

Will evidence that CDBG pay for only those activities that pose a health or safety threat to the public in general be attached? : false

National Objective - Area Blight
Will the local resolution be attached? : false

#### National Objective - Urgent Need

Describe the nature and degree of seriousness of the conditions requiring assistance : When did the conditions originate and/or become urgent? :

Was the Community declared a State of Emergency? If so, when and by whom? : Is there local or other funding available to carry out the activities?

#### National Objective - Low and Moderate Income Jobs and Low and Moderate Income Housing

Documentation to be gathered on the Private Entity Application.

#### Certifications, Assurances, and required attachments

Will the map be attached?: true
Will the Community Development Plan be attached?: true

Will the Authorizing Resolution be attached? : true

Will the public hearing documents be attached? : true

By checking this box, I the certified official, certify that to the best of my knowledge and belief, the information provided in this application is correct, complete, and accurately represents the proposed project. : true

#### **Final Action**

O All Data has been entered correctly and the

Summary Page has been printed for the file

O Data entered needs to be corrected

<u>Instructions</u>
Prior to clicking "Next", review the Summary Page for accuracy and take one of two actions:

Page 4 of 4 **Customer Portal** 

- If all data has been entered correctly, print the Summary Page for the file:
   Print the Summary Page (At the top of the page, click on "File", and then "print");
   Click on "All Data has been entered correctly and the Summary Page has been printed for the file";

Once "Next" has been selected, changes can no longer be made to the application. Contact your MEDC representative if changes are needed after "Next" has been selected.

- 2. If data entered needs to be corrected, make corrections one of two ways:

- 2. If data entered needs to be corrected, make corrections one of two ways.

  i. Click "Data entered needs to be corrected"

  ii. Click "Next".

  You can continue to use the "Next" and "Previous" buttons to move throughout the application.
- b. To go back to the last page of the application:
- i. Click "Previous"
- You can continue to use the "Next" and "Previous" buttons to move throughout the application.
  c. Once all changes have been made, return to the Summary Page and follow the instruction steps under "All Data has been entered correctly and the Summary Page has been printed for the file".

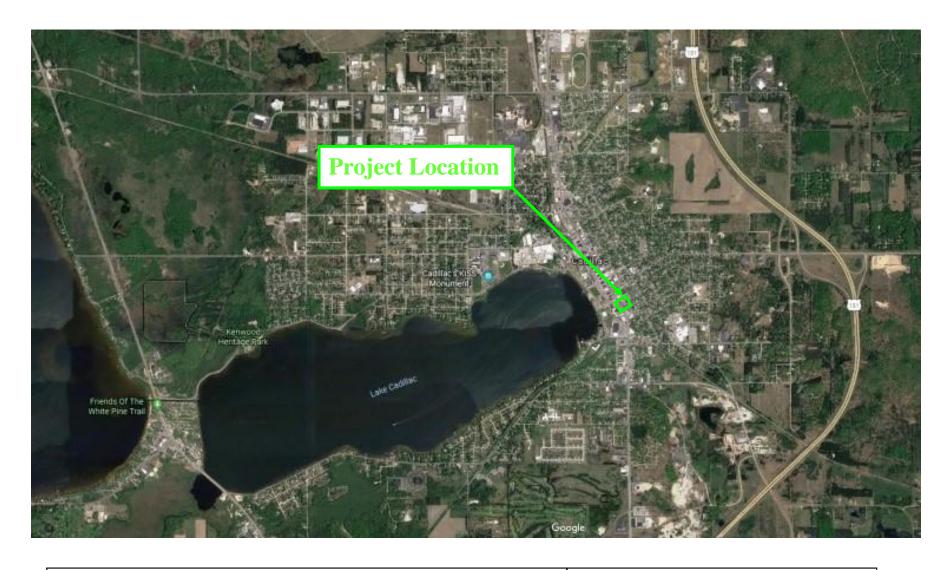
Previous Next

michiganbusiness.org

Michigan Economic Development Corporation, 300 N. Washington Sq., Lansing MI 48913 Phone: 888.522.0103

### PROJECT BUDGET MICHIGAN COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

		Project Title: Cadillac Lofts				
	Project Funding	Sources (identify	all other funding	g sources).		
Activities	CDBG	UGLG	Private			TOTAL
Real Property Acquisition						\$0
Public Infrastructure Architectural and Engineering	\$25,000					\$25,000
Lead & Asbestos Abatement	\$225,000					\$225,000
Demolition	\$625,000					\$625,000
Site Improvements						\$0
Building - New Construction						\$0
Building - Renovations/Leasehold						\$0
Residential Building - Renovations/Leasehold						\$0
Personal Property Acquisition/Installation						\$0
Public Infrastructure Improvements						\$0
Administration	\$10,000					\$10,000
Planning						\$0
Other: Pre-Demolition Services	\$22,100					\$22,100
TOTALS	\$907,100	\$0	\$0	\$0	\$0	\$907,100



Cadillac Lofts Redevelopment Project CDBG Environmental Assessment	Figure 1: Site Location
City of Cadillac	Date: September 2018



Cadillac Lofts Redevelopment Project CDBG Environmental Assessment	Figure 2: Project Property Boundaries
City of Cadillac	Date: September 2018

**X** = Existing buildings to be removed.

#### **City Council**

200 North Lake Street Cadillac, Michigan 49601 Phone (231) 775-0181 Fax (231) 775-8755



**Mayor** Carla J. Filkins

**Mayor Pro-Tem** Shari Spoelman

Councilmembers Tiyi Schippers Robert J. Engels Stephen King

#### **RESOLUTION NO. 2018-XXXX**

#### **AUTHORIZATION RESOLUTION**

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held in the Council Chambers, Cadillac Municipal Complex, 200 North Lake Street, Cadillac, Michigan, on the 3rd day of December, 2018 at 6:00 p.m.

PRESENT: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

WHEREAS, the City of Cadillac has been invited by the Michigan Strategic Fund to submit a CDBG application in the amount of \$907,100; and

WHEREAS, the City of Cadillac desires to use the CDBG funds for the Cadillac Lofts Demolition & Site Prep project; and

WHEREAS, the City of Cadillac is not committing local funds; and

WHEREAS, the proposed project is consistent with the local community development plan as described in the Application; and

WHEREAS, the proposed project will clearly eliminate objectively determinable signs of blight and will be strictly limited to eliminating specific instances of blight outside a defined Slum or Blighted Area; and

WHEREAS, local funds and any other funds to be invested in the project have not been obligated and will not be obligated prior to a formal grant award, completion of the environmental review procedures and a formal written authorization to incur costs from the Michigan Economic Development Corporation.

NOW, THEREFORE, BE IT RESOLVED that the Cadillac City Council hereby designates the City Manager as the Certifying Officer, the person authorized to certify the Michigan CDBG Application, and the person authorized to sign the Grant Agreement and payment requests.

City of Cadillac
Resolution No. 2018-
Page 2 of 2

Resolved this 3rd day	$\gamma$ of December, 2018 by t	the Cadillac City	Council.
-----------------------	---------------------------------	-------------------	----------

YEAS: COUNCIL MEMBERS:

NAYS: COUNCIL MEMBERS:

I, Sandra L. Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. 2018-XXXX, duly adopted at a regular meeting of the City Council held on the 3rd day of December, 2018.

Sandra L. Wasson

Cadillac City Clerk

### City of Cadillac Community Development Plan

According to DataUSA whose source is the Census Bureau, the City of Cadillac has a population of 10,380 people with a median age of 38.4 and a median household income of \$34,507. Between 2015 and 2016 the population of Cadillac grew from 10,327 to 10,380, a 0.51% increase and its median household income declined from \$37,288 to \$34,507, a 7.46% decrease. The median property value \$73,800, which is 0.36 times smaller than the national average of \$205,000. Between 2015 and 2016 the median property value decreased from \$75,600 to \$73,800, a 2.38% decrease. Of the 4,272 households, the homeownership rate is 60.1%, which is lower than the national average of 63.6%.

#### Statement Addressing the Needs and Problems of the Community

Cadillac needs to insure that adequate and affordable housing is made available for local residents, especially those who are of low and moderate incomes. This will be especially important as population and development pressures increase property costs.

The community also needs to maintain employment opportunities for all its residents, particularly those who are low to moderate income. Opportunities for additional recreation for the youth and adults in the community also represent an important aspect for community development, especially for people of low and moderate income levels.

The city needs to maintain, enhance and expand public infrastructure so that adequate and safe service is available for public and private sectors; so that area water and land resources are protected; and so that the city can continue providing services as the community grows.

Planning for the future is one responsibility in which Cadillac takes a realistic and serious approach. Part of long range planning is to involve local citizens in creating a common vision for the community's future that will maximize choices for all individuals while advancing in the public's interest.

#### Summary list of possible Long-Term Activities

The following list represents possible long-term community development activities that will address the identified needs and problems.

- \* Continue to coordinate efforts with the Cadillac Housing Commission which creates affordable housing opportunities, specifically for low and moderate income people;
- \* Work with Venture North Funding & Development to retain and create jobs;
- \* Continue to provide recreational opportunities by working with Cadillac Area Public Schools, and the City's Parks Division;
- \* Continue to provide and enhance public infrastructure so that services are readily available to businesses, employers and residents, especially for low and moderate income people;
- \* Promote local school-to-work initiatives to insure that there will be an adequately trained labor force in future years; and

\* Continue to hold public hearings, goal setting sessions and update master plans to address long-term community development needs and strategies.

#### Summary of Contemplated Short-Term Activities

The following list represents possible short-term community development activities that will address the identified needs and problems:

- \* Continue to oversee the Cadillac Housing Commission's operation of Kirtland Terrace which administers federal and state funded rental assistance programs for low-income families, elderly, and disabled persons;
- \* Continue to partner with the MEDC and Redevelopment Ready Communities Program to work with local businesses to improve business retention;
- \* Encourage local industry to retain and create jobs, especially for low to moderate income people;
- \* Encourage new industrial development in the region;
- \* Encourage businesses to utilize services from the Work Force Development Board of Northwest Michigan and Michigan Works! in order to provide jobs and job training to low and moderate income level people; and
- Repair and expand public utilities and services.

#### Effect of the Proposed Project on the Community

This proposed Community Development Block Grant Project involves a \$907,100 elimination of spot blight grant to the City of Cadillac for demolition of two buildings and site preparation at the property that encompasses 201, 207 and 215 South Mitchell Street and 208 East Cass Street

The project will have a positive effect on the community and residents by remediating environmental conditions and removing existing asbestos at the project site that lies in the heart of the downtown business district. It will also facilitate reuse of this key site and provide for long term community growth of additional retail, commercial and housing options that will have access to all downtown amenities and resources.

<u>Plan for Minimizing Displacement of Persons and Assist Displaced Persons</u> No persons or businesses will be displaced as a result of this project.

I, Sandra L. Wasson, City Clerk of the City of Cadillac, hereby certify this to be a tru	ıe
and complete copy of the City of Cadillac Community Development Plan, duly adopte	d
at a regular meeting of the City Council held on the 3rd day of December, 2018.	

Sandra L. Wasson Cadillac City Clerk



# STATE OF MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY LANSING



WSSN: 01030

November 28, 2018

VIA E-MAIL

CITY OF CADILLAC 200 N. LAKE STREET CADILLAC, MICHIGAN 49601

Dear Water Supply Owner/Operator:

SUBJECT: CITY OF CADILLAC

Per- and Polyfluoroalkyl Substances (PFAS)

As you may be aware, the Michigan PFAS Action Response Team (MPART) has undertaken a proactive effort to investigate sources and locations of PFAS contamination in Michigan, to protect our drinking water, and to inform the public about PFAS. This involves the work of ten state departments, in coordination with local and federal officials.

One vital piece of this effort is the ongoing collaboration between the Michigan Department of Environmental Quality (MDEQ) and our water supply partners. It is through your generous participation that we are able to set and achieve our goal: to proactively test all community water supplies and schools that are classified as non-transient non-community water supplies for PFAS contamination. Once complete, this study will be an invaluable tool in determining the extent of PFAS in Michigan's drinking water, and empowering the MPART in the pursuit of their mission. We thank you for your continuing partnership, collaboration, and dedication to the residents of our great state.

This letter is intended to provide the results of PFAS analyses in samples collected from the CITY OF CADILLAC, WSSN # 01030 (water supply) on the date(s) indicated below.

The table below summarizes the sampling results. A copy of the laboratory report is enclosed for your review. The analyses of these samples reported less than 10 parts per trillion (ppt) for perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA). Your water supply may have returned results greater than non-detect (ND) for the total amount of PFAS analytes tested for. An ND result means the analyte was not detected. Neither the MDEQ nor the United States Environmental Protection Agency (USEPA) have any guidance values for these other analytes at this time. If additional guidance and/or comparison values are developed for these or other PFAS chemicals in the future, we may reevaluate this water supply.

Date Collected	Sampling Location	PFOS + PFOA (ppt)	LHA (ppt) PFOS + PFOA	Total Tested PFAS (ppt)
10/2/2018	TP011	ND	70	ND
10/2/2018	TP100	ND	70	ND

ND – The parameter was not detected based on the laboratory's analytical report. See Official lab results for test method used.

Currently, there is no regulatory drinking water standard for any of the PFAS chemicals. However, in May 2016 the USEPA established a non-regulatory Lifetime Health Advisory (LHA) for two of these chemicals, PFOS and PFOA. The LHA for PFOS and PFOA is 70 ppt combined, or individually if only one of them is present. The USEPA recommends that this LHA applies to both short-term (i.e., weeks to months) scenarios during pregnancy and lactation, as well as to lifetime-exposure scenarios. The LHA is the level, or amount, below which no harm is expected from these chemicals. The Michigan Department of Health and Human Services (MDHHS), as well as the MDEQ, have used this LHA of 70 ppt to inform decisions on actions that should be taken or are recommended to reduce exposure and prevent increased risk to public health from these PFAS contaminants. The USEPA has not set health advisory levels for the other PFAS compounds because not enough is known about them.

Additional information on the health effects of PFAS can be found on the Agency for Toxic Substances and Disease Registry (ATSDR) website listed at the end of this correspondence.

The concentrations of PFOS and PFOA in these samples are well below the USEPA LHA of 70 ppt and are not expected to result in adverse health effects as long as the concentrations are shown to remain below the LHA over time.

Because of the detection of low levels found in the water supply, we have the following recommendations for your consideration. These recommendations are essentially the same actions we have advised public water systems to follow for the past 30-plus years when a new contaminant has been confirmed as present in their drinking water.

- 1. Inform the public of these sample results through posting on your website or other means. The MDEQ, in collaboration with the MDHHS, has developed a toolkit containing communication templates to help notify the consumers of your water supply on the presence of PFAS in the drinking water and the response measures that are being initiated. This is a resource available to you if you choose and can be modified to fit your needs. The toolkit is available at <a href="www.michigan.gov/pfasresponse">www.michigan.gov/pfasresponse</a> and click on "visit news and education."
- 2. Please continue with your regularly scheduled monitoring. The MDEQ recommends you also continue monitoring for PFAS on an annual basis to demonstrate the concentrations are consistently and reliably below any existing LHA.

These recommendations are based on the best available and most current information and may change depending on additional information related to site conditions; the availability of new

CITY OF CADILLAC Page 3 November 28, 2018

data; or other new information as it becomes available. We may recommend further action at that time.

As part of the MDEQ's proactive statewide sampling initiative, the results of this sampling will be posted online on the MPART website within 48 hours of this notification. The results can be found online by going to the MPART website address listed below, and by clicking on "Michigan PFAS Sites," and scrolling down and selecting "Public Water Supply Information." We recommend you inform your consumers as soon as possible. If you need assistance, please contact me.

For information on PFOS, PFOA, and other PFAS, including possible health outcomes, you may visit these websites:

- State of Michigan PFAS Action Response Team (MPART) website serving as the main resource for public information on PFAS contamination in Michigan: www.michigan.gov/pfasresponse
- United States Environmental Protection Agency (USEPA) website including basic information, USEPA actions, and links to informational resources: www.epa.gov/pfas
- Agency for Toxic Substances and Disease Registry (ATSDR) website including health information, exposure, and links to additional resources: www.atsdr.cdc.gov/pfas

Thank you once again for your continued collaboration with this investigation. The ongoing partnership between the MDEQ and Michigan's public water supplies plays an integral role in the state's continued efforts to ascertain and address the incidence of PFAS in drinking water for Michiganders.

If you have any questions concerning this sampling, please contact me at the telephone number below; by email at <a href="mailto:DEQ-PFAS-DrinkingWater@michigan.gov">DEQ-PFAS-DrinkingWater@michigan.gov</a>; or by mail at DEQ-DWMAD, P.O. Box 30817, Lansing, Michigan 48909-8311.

Sincerely, *Lois Elliott Graham* 

Lois Elliott Graham, R.S., M.S.A.

Drinking Water and Municipal Assistance Division 810-730-8674

Enclosure

cc: Mr. Tom Reichard, District Health Department #10

Mr. Steven Crider, Supervisor, Drinking Water Unit, MDHHS

Mr. Brian Thurston, MDEQ

#### **Council Communication**

Re: Resolution to introduce ordinance amending zoning ordinance regarding combination group/family shelters.

A board member of the New Hope Shelter contacted the City's Community Development Department to advise that they have been offered a site near the new jail site, upon which they are considering the construction of a new centralized facility with a single management structure. It was further advised that this new opportunity would change their direction in how they wish to supply services to the homeless, and that rather than having several facilities, currently comprised of family shelters, men's shelters, and women's shelters, they now wish to consolidate all of their shelters within one facility with a centralized management structure.

The following information packet is a series of text amendments to our zoning ordinance which would be required to allow New Hope to pursue their new operational strategy. These amendments were drafted by our Development Director and City Attorney. New Hope has also reviewed the proposed zoning amendments and believes they will be satisfactory in their pursuing their development plans.

For reference, the City went through a thorough process last year in terms of adopting new zoning ordinance regulations that addressed the appropriate locations (zoning districts), management, and operational characteristics for homeless shelters. We have maintained most of these regulations and have only changed those that were necessary to allow for a consolidation of shelters which we have entitled a "Combination Group/Family Shelter". A combination group/family shelter shall mean a homeless shelter that shelters some combination of a family or group of unrelated persons of differing genders under one roof and with centralized management.

It should be noted that a combination group/family shelter will only be allowed to be considered in the RM-1 and RM-2 Zoning Districts (both districts intended for multiple-family development). The B-1, B-2, B-3, OS-1, and OS-2 Zoning districts which can be considered for a group shelter will not be allowed to be considered for a combination group/family shelter. The prohibition on locations within 500 feet of Lake Cadillac, Downtown Development Authority District, and Historic Districts are being maintained. Previously set spatial separation standards between shelters are also being maintained with the exception of those within the combination group/family shelter. These spatial separation standards will likely be a moot point in that a new centralized facility may address all local homeless need within one facility.

The proposed new zoning regulations include the following:

Language which would reduce by two hours the time for which residents would have to be away
from the facility (going from eight to six hours). New Hope Shelter will be attempting to reduce
this time further if possible. This should reduce the amount of time residents have to spend in
other warm and public buildings within the community.

- New maximum bed count for a combination group/family shelter of 60 beds. This new
  maximum would not automatically be permitted but would be contingent on any applicant
  during the special use permit process demonstrating that any proposed bed count is needed to
  meet the current homeless need within the greater Cadillac Area.
- Separated communal space between men's and women's group shelters contained within the new combination group/family shelter facility.

The Planning Commission at their meeting on November 26, 2018, and after a public hearing, unanimously approved the proposed zoning amendments as presented and recommended their approval by the City Council. If these amendments are approved after the City Council hosts their public hearing, the next step for the New Hope Shelter will be to file for a rezoning of their proposed site into either a RM-1 or RM-2 Zoning District. This rezoning would require public hearings and action before both the Planning Commission and the City Council. If the rezoning is successful, the final step would be for New Hope Shelter to submit a special land use permit request before the Planning Commission.

#### **Recommended Action**

Adopt the resolution to introduce Ordinance Amending Zoning Ordinance Regarding Combination Group/Family Shelters and set a public hearing for December 17, 2018.

#### **City Council**

200 North Lake Street Cadillac, Michigan 49601 Phone (231) 775-0181 Fax (231) 775-8755



**Mayor** Carla J. Filkins

**Mayor Pro-Tem** Shari Spoelman

Councilmembers Tiyi Schippers Stephen King Robert J. Engels

#### RESOLUTION NO. \_\_\_\_

## RESOLUTION TO INTRODUCE ORDINANCE AMENDING ZONING ORDINANCE REGARDING COMBINATION GROUP/FAMILY SHELTERS

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held in the Council Chambers, Cadillac Municipal Complex, 200 North Lake Street, Cadillac, Michigan, on the 3rd day December, 2018, at 6:00 p.m.

PRESENT:	
ABSENT:	
The following preamble and resolution was offered seconded by	d byand

WHEREAS, , pursuant to the Michigan Zoning Enabling Act, 2006 PA 110, the City has the authority to provide by zoning ordinance, for the regulation of land use and development in the City; and

WHEREAS, the City wishes to consider amendments to its zoning ordinance to create a new special land use in the RM-1 and RM-2 Zoning Districts entitled "Combination Group/Family shelters" to provide for homeless shelters that shelter some combination of a family or group of unrelated persons of differing genders under one roof and with centralized management; and

WHEREAS, on November 26, 2018, the Planning Commission held a public hearing on the proposed amendments (the "Ordinance" attached as **Exhibit A**); and

WHEREAS, the City Planning Commission recommended approval of the Ordinance

City of Cadillac Resolution No. \_\_\_\_ Page 2 of 3

to the City Council; and

WHEREAS, pursuant to Section 5.2 of the City Charter, a proposed ordinance must be introduced to the City Council in written or printed form and set for a public hearing; and

WHEREAS, the City wishes to hold a public hearing and consider adopting the Ordinance at its December 17, 2018 City Council meeting.

NOW, THEREFORE, the City Council of the City of Cadillac, Wexford County, Michigan, resolves as follows:

- 1. Pursuant to Section 5.2 of the Charter, the City introduces the Ordinance Amending Zoning Ordinance Regarding Combination Group/Family Shelters (the "Ordinance," attached as Exhibit A).
- 2. A public hearing regarding the Ordinance shall be held on December 17, 2018, at 6:00 p.m. in the Council Chambers, Cadillac Municipal Complex, 200 Lake Street, Cadillac, Michigan.
- 3. The City Clerk is directed to publish a summary of the Ordinance once in a newspaper of general circulation in the City, together with a notice setting the time and place for a public hearing on the Ordinance, within seven (7) days. The summary and notice of the hearing shall be substantially the form of **Exhibit B**.
- 4. A copy of the Ordinance shall be available for examination at the office of the City Clerk, and copies may be provided for a reasonable charge.

City of Cadillac Resolution No. Page 3 of 3		
5.	Any and all resolutions that are in conflict with this Reso	lution are hereby
repealed to th	e extent necessary to give this Resolution full force and effec	et.
YEAS:		
NAYS:		
STATE OF MIC	HIGAN )	
COUNTY OF V	HIGAN ) (EXFORD )	
complete copy	son, City Clerk of the City of Cadillac, hereby certify this of Resolution No, duly adopted at a regular meeting of day of December, 2018.	

Sandra Wasson Cadillac City Clerk

#### **City Council**

200 North Lake Street Cadillac, Michigan 49601 Phone (231) 775-0181 Fax (231) 775-8755



**Mayor** Carla J. Filkins

**Mayor Pro-Tem** Shari Spoelman

Councilmembers Tiyi Schippers Stephen King Robert J. Engels

#### ORDINANCE NO.\_\_\_\_

## ORDINANCE AMENDING ZONING ORDINANCE REGARDING COMBINATION GROUP/FAMILY SHELTERS

#### Section 1. Amendment to Section 46-4

Section 46-4 of the City Zoning Ordinance shall be amended to add a definition for "Combination Group/Family shelter" which shall read, in its entirety, as follows.

#### Sec. 46-4. - Definitions.

Combination Group/Family shelter shall mean a homeless shelter that shelters some combination of a family or group of unrelated persons of differing genders under one roof and with centralized management.

#### Section 2. Amendment to Section 46-186

Section 46-186 of the City Zoning Ordinance shall be amended to add "Combination Group/Family shelter" as a special land use permitted in the RM-1 Zoning District as follows:

#### Sec. 46-186. - Special land uses permitted.

The following uses of land and structures will be allowed as stipulated in article VI of this chapter, special land uses:

- (1) Recreational activities.
- (2) Offices and/or business in an existing building.
- (3) Office and/or business in a dwelling (mixed use).
- (4) Family shelter.
- (5) Group shelter.
- (6) Combination Group/Family shelter.

#### Section 3. Amendment to Section 46-216

Section 46-216 of the City Zoning Ordinance shall be amended to change the title to "Special Land Uses Permitted" and to add "Combination Group/Family shelter" as a special land use permitted in the RM-2 Zoning District as follows:

### Sec. 46-216. - Principal uses permitted subject to special conditions Special land uses permitted.

The following uses of land and structures will be allowed, as stipulated in article VI of this chapter, special land uses:

- (1) Recreational facilities.
- (2) Mobile home parks.
- (3) Office and/or business in an existing building.
- (4) Office and/or business in a dwelling (mixed use).
- (5) Family shelter.
- (6) Group shelter.
- (7) Combination Group/Family shelter.
- (8) Accessory buildings and uses customarily incident to any of the permitted special land uses in subsections (1) through (7) of this section.

#### Section 4. Amendment to Section 46-745

Section 46-745 of the City Zoning Ordinance shall be amended to add "Combination Group/Family shelter" as a special land use to the table and list the districts in which such use is allowed as shown below:

#### Sec. 46-745. - Authorization.

This article hereby authorizes the city planning commission to consider special land uses. The following uses of land and structures are eligible to be permitted under this article in the district enumerated, as in any proposed use that is listed in this chapter as an eligible special land use:

Special Use	Districts Allowed
Newly constructed multiple-family under five acres	R-3, R-4, RT, TS-2, RMH, OS-1, OS-2, B-3
Newly constructed two-family under five acres	R-2, R-3, R-4, RT, TS-2, RMH
Private recreational activities	R-2, R-3, R-4, RT
Office and/or business and residential mix in one dwelling	R-2, R-3, R-4, RT, RM-1, RM-2, RMH, MH, OS-1, OS-2, TS-1, TS-2, P-1, B-1, B-2, B-3

Business and/or office in an existing building	R-2, R-3, R-4, RT, RM-1, RM-2, RMH, MH, OS-1, OS-2, B-1, B-2, B-3, TS-1, TS-2, P-1
Two-family residential in existing building	R-2, R-3, R-4, B-3, RT, RMH
Multiple-family in existing building	R-3, R-4, B-3, RT, RMH
Family shelter	R-1, R-2, R-3, R-4, RM -1, RM-2, RMH, MH, R-PUD
Group shelter	RM-1, RM-2, OS-1, OS-2, B-1, B-2, B-3
Combination Group/Family shelter	RM-1 and RM-2

#### Section 5. Amendment to Section 46-747

Section 46-747 of the City Zoning Ordinance shall be amended to add regulations for Combination Group/Family Shelters. Section 46-747, as amended, shall read in its entirety, as follows:

#### Sec. 46-747. - Basis of determination.

- (3) *Specific standards relating to family shelters.* In addition to the general standards required in this section, the following additional requirements shall apply when evaluating requests for family shelters:
  - a. A family consisting of persons related by blood, marriage or adoption, or no more than four individuals occupying a dwelling unit who are committed to living together as a single housekeeping unit, in harmony with the surrounding neighborhood, responsible for maintaining a common household.
  - b. A minimum of 300 feet shall be maintained between family shelters unless within a combination group/family shelter.
  - c. A current and unrevoked housing maintenance certificate shall be required for all family shelters.
- (4) Specific standards relating to group shelters and combination group/family shelters. In addition to the general standards required in this section, the following additional requirements shall apply when evaluating requests for group shelters or combination group/family shelters:
  - a. Group shelters and combination group/family shelters shall not be permitted in the Downtown Development Authority District or the Historic Districts.
  - b. Group shelters and combination group/family shelters shall not be permitted on any property having lake frontage or within 500 feet of Lake Cadillac.

- c. Group shelters and combination group/family shelters shall comply with all applicable federal and Michigan statutory requirements.
- d. Group shelters and combination group/family shelters shall comply with all applicable Uniform Building and Fire Codes, including maximum occupancy restrictions.
- e. Community need, development and operational standards. In addition to the application requirements, group shelters and combination group/family shelters shall comply with all community need, development and operational standards provided in this Section.
  - 1. Community need standards. Any application for a group shelter or combination group/family shelter must demonstrate that the group shelter or combination group/family shelter is needed to take care of the homeless needs that exist within the greater Cadillac area.
  - 2. Development standards.
    - i. Location and separation.
      - (A) Group shelters and combination group/family shelters shall be located in an enumerated zoning district where such use is permitted by special land use or special conditions.
      - (B) A minimum distance of 1,000 feet shall be maintained between all group shelters and combination group/family shelters
    - ii. Physical characteristics.
      - (A) The maximum number of beds, including those of caretakers or resident managers shall be 16 for group shelters. For combination group/family shelters, the maximum number of beds including those of caretakers or resident managers shall be 60.
      - (B) Smoke detectors in accordance with the International Fire Code shall be installed.
      - (C) The facility shall provide adequate private living space in accordance with the International Property Maintenance Code.
      - (D) All bedrooms shall have emergency escape openings that comply with the building code.
      - (E) Adequate bathroom facilities shall be provided. and at a minimum shall include a minimum of two full bathrooms.
      - (F) A shared/communal area for socializing shall be provided in accordance with the International Property Maintenance Code. For combination group/family shelters containing both a men's and a women's group shelter, a separate shared/communal area shall be provided for both the men's and women's shelter areas in accordance with the International Property Maintenance Code.

- (G) Secure storage areas for the intended residents shall be provided.
- (H) Laundry facilities shall be provided.
- (I) Bicycle racks shall be provided.
- (J) A designated location should be provided for waste receptacles and such receptacles shall be screened from view.
- (K) The size of a group shelter shall be in character with the surrounding buildings in the neighborhood.
- (L) Group shelters shall not be permitted within a commercial multitenant shopping center.

#### 3. Operational and design standards.

- i. If located within 150 feet of a single family residential zoning district, all outdoor activity shall be screened from public view and from the view of adjacent properties.
- ii. If the group shelter or combination group/family shelter plans to offer drug or alcohol abuse counseling to residents of the shelter, the applicant shall advise the city on any state licensing that may be required and demonstrate compliance as appropriate.
- iii. Lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving the property. Lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible/comparable with the neighborhood.
- iv. Off-street parking shall be provided at a rate of one vehicle parking space per employee/volunteer plus one vehicle parking space for every six beds.
- v. Adequate management, support staff and security must be present during the hours of operation of the group shelter. A minimum of one supervisory level staff member must be present on the site during hours of operation. Management staff must make best efforts to ensure that loitering does not occur on the property during off-hours and must ensure that clients are not creating a nuisance to the neighborhood.
- vi. The group shelter or combination group/family shelter shall have a minimum of 18 hours per day of operation shall have set hours of operation and the hours of operation shall be posted in a publicly visible and accessible location. Hours of operation means that the shelter is available for occupancy by homeless persons.
- vii. Group shelters and combination group/family shelters shall require that [their] residents participate in wrap-around services which involve individual case management.

- viii. The intake process for new residents should be handled from an internal office within the group shelter or combination group/family shelter.
- f. *Management policies*. An applicant for a group shelter or combination group/family shelter, as part of the application process, shall prepare and file with the city its management policies as they relate to the following:
  - 1. A resident identification process;
  - 2. Timing and placement of outdoor activities;
  - 3. Standards governing expulsions;
  - 4. Hours of operation and standard lights-out;
  - 5. Policies regarding safety and security and to include emergencies;
  - 6. Smoking policy to include identification of areas where smoking is to be permitted;
  - 7. Volunteer and donation procedures;
  - 8. Communications with the city and the neighborhood.
- g. *Group shelter or combination group/family shelter approval.* The city may deny a proposed group shelter or combination group/family shelter if it makes findings that:
  - 1. The proposed group shelter fails to meet one or more of the required standards of this section or other applicable state or federal law.
  - 2. The group proposed shelter would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development of the group shelter financially infeasible. As used in this subsection, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

If an application is denied, the reasons for that denial shall be recorded in the motion to deny. If an application is approved with conditions, the conditions shall be included in the motion to approve.

#### Section 6. Validity and Severability

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

#### Section 7. Repealer

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed
but only to the extent necessary to give this Ordinance full force and effect.

#### **Section 8. Effective Date**

This Ordinance shall take effect twenty (20)	days after its adoption.
Approved this day of, 201	
Sandra Wasson, Clerk	Carla J. Filkins, Mayor

#### **City Council**

200 North Lake Street Cadillac, Michigan 49601 Phone (231) 775-0181 Fax (231) 775-8755



**Mayor** Carla J. Filkins

**Mayor Pro-Tem** Shari Spoelman

Councilmembers
Tiyi Schippers
Stephen King
Robert J. Engels

#### NOTICE OF PUBLIC HEARING AND SUMMARY OF PROPOSED ORDINANCE

On December 3, 2018, the City Council of the City of Cadillac introduced Ordinance No. \_\_\_\_\_, Ordinance Amending the Zoning Ordinance Regarding Combination Group/Family Shelters.

**NOTICE IS HEREBY GIVEN** that a Public Hearing on the proposed ordinance will be held in the Council Chambers, Cadillac Municipal Complex, 200 Lake Street, Cadillac, Michigan, on December 17, 2018 at 6:00 p.m., at a Meeting of the City Council.

The City of Cadillac complies with the "Americans with Disabilities Act." If auxiliary aids or services are required at a public meeting for individuals with disabilities, please contact Sandra Wasson, City Clerk, at least three (3) business days prior to any such meeting. Copies of the proposed ordinance are available for examination at the office of the City Clerk and copies may be provided at a reasonable charge. The following is a summary of the proposed ordinance.



## ORDINANCE AMENDING ZONING ORDINANCE REGARDING COMBINATION GROUP/FAMILY SHELTERS

Section 1 of the proposed ordinance adds a definition for "Combination Group/Family shelter" to Section 46-4 of the City's Zoning Ordinance.

Section 2 of the proposed ordinance amends Section 46-186 of the City Zoning Ordinance to add "Combination Group/Family shelter" as a special land use permitted in the RM-1 Zoning District.

Section 3 of the proposed ordinance amends Section 46-216 of the City Zoning Ordinance to change the title to "Special Land Uses Permitted" and to add "Combination Group/Family shelter" as a special land use permitted in the RM-2 Zoning District.

Section 4 of the proposed ordinance amends Section 46-745 of the City Zoning Ordinance to add "Combination Group/Family shelter" as a special land use to the Authorization table and list the districts in which such use is allowed.

Section 5 of the proposed ordinance amends Section 46-747 of the City Zoning Ordinance to add regulations for Combination Group/Family Shelters.

Section 6 of the proposed ordinance states that should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 7 of the proposed ordinance states all other ordinances inconsistent with the provisions of the proposed ordinance are hereby repealed but only to the extent necessary to give the proposed ordinance full force and effect.

Section 8 of the proposed ordinance states that the proposed ordinance shall take effect twenty (20) days after its adoption.

CITY COUNCIL OF THE CITY OF CADILLAC, MICHIGAN

By: Sandra Wasson, City Clerk Cadillac Municipal Complex 200 Lake Street Cadillac, Michigan 49601 Telephone No: (231) 775-0181

#### **City Council**

200 North Lake Street Cadillac, Michigan 49601 Phone (231) 775-0181 Fax (231) 775-8755



**Mayor** Carla J. Filkins

**Mayor Pro-Tem** Shari Spoelman

**Councilmembers**Robert J. Engels
Stephen King
Tiyi Schippers

#### **RESOLUTION NO. 2018 - \_\_\_\_**

## RESOLUTION TO APPROVE AGREEMENT TO BUY AND SELL REAL ESTATE (NEAR 44 ROAD, CADILLAC, MICHIGAN)

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held in the Council Chambers, Cadillac Municipal Complex, 200 North Lake Street, Cadillac, Michigan, on the day of, 2018, at 7:00 p.m.
PRESENT:
ABSENT:
The following preamble and resolution was offered byand
seconded by
WHEREAS, the City of Cadillac ("City") is authorized by statute to buy and own real
property for public purposes, including for utility purposes (MCL 117.4e); and
WHEREAS, the Charter of the City provides that the City may, by resolution and
upon the affirmative vote of four or more members of the Council, purchase real property
(Charter, Sec. 5.6 and 14.1); and
WHEREAS, the City wishes to enter into the attached Agreement to Buy and Sell Real
Estate (the "Agreement") so that the City may purchase, on the terms of the Agreement, the
real property (the "Real Property") located at 44 Road in the City as described in the
Agreement; and

WHEREAS, the City intends to use the Real Property for water system purposes; and

City of Cadillac Resolution No. 2018-\_\_\_\_ Page 2 of 3

WHEREAS, the City has determined that adopting this resolution is in the best interests of the public health, safety and welfare.

NOW, THEREFORE, the City Council of the City of Cadillac, Wexford County, Michigan, resolves as follows:

- 1. Resolution No. 2018-\_\_\_\_, Resolution to Approve Agreement to Buy and Sell Real Estate (Near 44 Road, Cadillac, Michigan) (the "Resolution"), is hereby adopted and approved.
- 2. The Agreement attached hereto is approved, and the Mayor is directed to execute and deliver the Agreement on behalf of the City. The Mayor and the City Clerk are further authorized to execute any and all documents and take any and all other actions as may be necessary or appropriate to close upon the purchase of the Real Property. The City may grant easements on the Real Property for an access drive and utilities, as described in the Agreement.
- 3. The City is authorized to pay the purchase price for the Real Property and all other costs described in the Agreement.
- 4. This Resolution shall be filed with the City Clerk. A copy of this Resolution shall be available for examination at the office of the City Clerk, and copies may be provided for a reasonable charge.
- 5. Any and all resolutions that are in conflict with this Resolution are hereby repealed, but only to the extent necessary to give this Resolution full force and effect.

City of Cadillac Resolution No. 2018				
Page 3 of 3				
YEAS:				
NAYS:				
STATE OF MICHIGAN	)			
COUNTY OF WEXFORD	)			
I, Sandra Wasson, City Clerk of complete copy of Resolution No held on the day of	o. 2018, dı			
		 Sa	ndra Wasson	
			ty Clerk	

#### AGREEMENT TO BUY AND SELL REAL ESTATE

THIS AGREEMENT TO BUY AND SELL REAL ESTATE is executed between the City of Cadillac, a Michigan municipal corporation, of 200 N. Lake Street, Cadillac, Michigan 49601 ("Buyer"), and Geeseman Real Estate Development, Inc., a Michigan corporation, of 316 S. 37 Road, Cadillac, Michigan 49601 ("Seller"). The "Effective Date" of this Agreement is the date it is signed by Buyer.

#### **RECITALS**

A. Seller is the owner of certain real property located in the City of Cadillac, Wexford County, Michigan and depicted on Exhibit A as a 10.5 acre parcel and a 12.74 acre parcel (the "Real Estate"), together with all easements, improvements and appurtenances thereto. The Real Estate also includes any water mains, storm drains or other improvements on, in or benefitting the Real Estate. The parties agree to work cooperatively and in good faith to finalize a legal description of the Real Estate.

#### **AGREEMENT**

In consideration of the covenants and agreements contained in this Agreement, the parties agree as follows:

- 1. <u>Sale and Purchase</u>. Seller agrees to sell the Real Estate to Buyer, and Buyer agrees to purchase the Real Estate from Seller, for the Purchase Price and according to the terms and conditions set forth in this Agreement. Buyer will pay to Seller the Purchase Price in immediately available funds at the Closing. Contemporaneously with the full execution of this Agreement, Buyer shall deposit with the Title Insurance Company the Deposit, which will be held in accordance with the terms of this Agreement.
  - 2. Definitions. As used in this Agreement, the following terms have the meanings:
    - (a) Agreement: This Agreement to Buy and Sell Real Estate.
- (b) <u>Closing</u>: Consummation of the transaction described in this Agreement. The Closing will take place on a day mutually determined by the parties, but not later than thirty (30) days after Buyer's receipt of the title commitment from the Title Insurance Company (the "Closing Date"), at the office of the Title Insurance Company or at a local branch office or at a local associating title insurance company's office. "Pre-closing" means that period from the date of this Agreement to the Closing Date, during which time the parties will work in good faith to satisfy all requirements of this Agreement necessary to transfer the Real Estate.
- (c) <u>Deposit</u>: Two Thousand Five Hundred Dollars (\$2,500.00), which Buyer will deliver to the Title Insurance Company by cashier's check or wire transfer within ten (10) days after execution of this Agreement, and which shall be applied to the Purchase Price at Closing.

- (d) <u>Purchase Price:</u> The Purchase Price shall be One Hundred Twenty Thousand Dollars (\$120,000), which shall be payable by certified funds or wire transfer of funds at Closing.
- (e) <u>Title Insurance Company</u>: Cadillac Title, 140 Paluster Street, Cadillac, MI 49601 (231) 779-9801.
- (f) <u>Permitted Encumbrances</u>. Subject to Paragraph 3(b), all encumbrances noted on the public record are Permitted Encumbrances unless objected to by Buyer as described below.

#### 3. <u>Title and Survey</u>.

- (a) <u>Warranty Deed</u>. At the Closing, Seller will transfer the Real Estate to Buyer by warranty deed, subject to the Permitted Encumbrances.
- <u>Title Insurance</u>. Within thirty (30) days of the Effective Date, Buyer will obtain from the Title Insurance Company a commitment for an ALTA Owner's title insurance policy, including copies of all recorded documents identified in the commitment, in the amount of the Purchase Price, covering title to the Real Estate on or after this date, showing Seller as the owner of the Real Estate. Buyer will provide a copy to Seller. The commitment will provide for full extended coverage over all exceptions, including general title exceptions commonly contained in such policies ("standard exceptions") if Buyer provides the survey described below, but will not provide coverage over the Permitted Encumbrances. Buyer shall be responsible for the delivery of any survey required by the Title Insurance Company for the removal of standard exceptions. Any failure to deliver such a survey shall mean that the title insurance policy will be issued with standard exceptions. If the commitment contains any exception that is not a standard exception, and Buyer provides written notice thereof to Seller within twenty (20) days after receipt of the title commitment issued by the Title Insurance Company, then Seller shall promptly remove such exception; provided, however, that any exception or encumbrance that can be removed by the payment of money will not be a Permitted Encumbrance and will be removed at Closing. If Seller elects to not remove such exception (in which event Seller shall notify Buyer in writing), then Buyer or Seller may terminate this Agreement by written notice to the other within ten (10) days of Seller's written notice of its election not to remove the exception objected to by Buyer. If neither Buyer nor Seller terminate this Agreement, then the parties shall proceed to Closing and such exception shall be treated as a Permitted Encumbrance. The Deposit shall be returned to Buyer if any party terminates this Agreement under this paragraph and the parties will have no further rights or obligations hereunder. Seller will pay for the cost of a title insurance policy to be subsequently issued pursuant to the commitment. The cost of any title insurance endorsements requested by Buyer shall be paid by Buyer.
- (c) <u>Survey</u>. Buyer, at Buyer's option and cost, may within thirty (30) days after the Effective Date obtain a survey ("Survey") of the Real Estate. Any defects set forth on the Survey which are not objected to in writing from Buyer to Seller within the Feasibility Period shall be deemed accepted by Buyer and shall be "Permitted Exceptions" hereunder. If Seller is unable or unwilling to cure such defects by the Closing Date, then Buyer shall have the rights ascribed to Buyer herein in the event of a failure by Seller to cure a title defect as set forth above.

#### 4. <u>Easements and Other Obligations</u>.

(a) <u>Buyer</u>. Buyer's obligation to close is further contingent on its ability to obtain easements that, in Buyer's reasonable discretion, are necessary for Buyer to utilize the Real Estate effectively for its purposes. Such easement shall include an easement reasonably acceptable to the parties allowing Buyer to discharge storm water on and across Seller's remaining parcel adjoining the Real Estate.

#### (b) <u>Seller</u>.

- (i) Buyer shall install a paved access drive and a gravel access drive on the Real Estate in a location to be reasonably determined by the parties. The gravel access drive shall be of a kind and quality as to be ready for paving. Buyer shall grant to Seller and to the public an easement for the paved and gravel access drives from 44 Road to the remaining parcel pursuant to a mutually acceptable easement agreement. Buyer shall be solely responsible for maintenance, repairs and replacements of the access drives on the Real Estate as if it were a designated public street. Seller may, at its cost, pave the gravel access drive, Seller may use a reasonable area adjoining the gravel access drive for construction purposes, shall use its best efforts to minimize disruption to or interference with the Real Estate and shall repair any damage to the Real Estate caused by such paving.
- (ii) At closing, Buyer and Seller will execute a mutually agreeable easement agreement in which, at Seller's request, Buyer, at it cost, will install and construct water and sewer lines to a point mutually agreed within the Remaining Parcel from a convenient right of way location. The water and sewer lines shall be sufficient to serve two or three homes on Seller's remaining parcel adjoining the Real Estate.
- (c) <u>Legal Descriptions</u>. The parties will cooperatively and in good faith work to reach agreement regarding the language of, and legal descriptions for, the easements.

#### 5. Pre-Closing and Closing.

- (a) <u>Pre-Closing</u>. Buyer will have full access to the Real Estate during normal business hours for purposes of fully inspecting the same.
- (i) During the pre-Closing period, Buyer and its employees, agents or contractors may go upon the Real Estate for the purpose of making any investigations or inspections which Buyer deems necessary. Buyer shall use reasonable efforts to minimize any disturbance to the Real Estate and any occupants thereon. These inspections may include the drilling and installation of wells on the Real Estate. If Buyer elects not to close on the purchase of the Real Estate, Buyer at the option of Seller will cap the wells or turn the wells over to Seller without capping the wells; in the absence of direction from Seller, Buyer will cap the wells.
- (ii) To the extent permitted by law, Buyer shall indemnify, defend and hold Seller harmless from and against any and all liens, claims, losses, damages and liabilities arising out of Buyer's (and/or its employees, agents or contractors) entry onto the Real Estate prior to Closing. Any damage caused by such entry, inspections, testing or studies shall be promptly

repaired by Buyer. The provisions of this Section shall survive the Closing or any termination of this Agreement.

#### (b) <u>Closing</u>.

- (i) <u>Closing Documents</u>. At the Closing, the following documents will be executed and delivered by and between the parties:
- (A) Seller will execute and deliver to Buyer a warranty deed in recordable form conveying good and marketable title to the Real Estate subject to the Permitted Encumbrances.
- (B) Seller and Buyer will execute and deliver to each other a Closing Statement reflecting the manner in which the Purchase Price is allocated and paid.
- (C) Buyer will obtain, at Seller's cost, an owner's policy of title insurance from the Title Insurance Company in the form contemplated above.
  - (D) The easements described in Section 4.
- (E) Such further documentation as is reasonably necessary to evidence and close the transaction.
- (ii) <u>Purchase Price</u>. At the Closing, Buyer shall pay the Purchase Price in immediately available funds, subject to adjustment as provided below.
- (iii) <u>Closing Costs</u>. At the Closing, the following expenses will be paid and the Purchase Price will be adjusted in accordance with the following provisions:
- (A) Any delinquent taxes and assessments, together with interest and penalties, are the responsibility of the Seller. Current year taxes will be prorated at Closing on a calendar year basis.
- (B) Seller will pay any Michigan real estate transfer tax applicable to this transaction. Buyer will be responsible for all recording fees pertaining to the deed.
- (C) Buyer will receive a credit for the Deposit against the Purchase Price.
- (D) Buyer and Seller shall equally pay any closing fees charged by the Title Insurance Company.
  - 6. Possession. Seller will tender possession of the Real Estate to Buyer at Closing.
  - 7. Warranties and Representations; AS-IS Condition.
- (a) <u>Warranties and Representations</u>. Seller represents and warrants to Buyer as follows:

- (i) <u>Authority</u>. Seller has the full capacity, right, power and authority to execute, deliver and perform this Agreement and all documents to be executed by Seller pursuant hereto, and all required actions and approvals therefor have been duly taken and obtained. The individuals signing this Agreement and all other documents executed or to be executed pursuant hereto on behalf of Seller are and will be duly authorized to sign the same on Seller's behalf and to bind Seller. This Agreement and all documents to be executed pursuant hereto by Seller are and will be binding upon and enforceable against Seller.
- (b) <u>Buyer's Warranties and Representations</u>. Buyer represents and warrants to Seller as follows:
- (i) <u>Authority</u>. Subject to the approval of Buyer's City Council, Buyer has the full capacity, right, power and authority to execute, deliver and perform this Agreement and all documents to be executed by Buyer pursuant hereto, and all required action and approvals therefor have been duly taken and obtained. The individuals signing this Agreement and all other documents executed or to be executed pursuant hereto on behalf of Buyer are and will be duly authorized to sign the same on Buyer's behalf and to bind Buyer. This Agreement and all documents to be executed pursuant hereto by Buyer are and will be binding upon and enforceable against Buyer.
- (c) <u>Survival of Representations and Warranties</u>. Any and all covenants, representations, warranties and agreements made by Buyer or Seller in this Agreement or in any instrument to be furnished pursuant to this Agreement will be true through and will survive the Closing. Each party agrees to notify the other promptly if it becomes aware of any transaction or occurrence prior to the Closing Date which would make any of their representations or warranties in this Agreement untrue in any material respect.

#### (d) "AS-IS" "WHERE-IS" Condition of Real Estate.

(i) Buyer acknowledges and agrees that it is purchasing the Real Estate "as-is" "where-is" and "with all faults" without any warranties, representations or guarantees, either express or implied, of any kind, nature, or type whatsoever from, or on behalf of, Seller. Without limiting the generality of the foregoing, Buyer acknowledges and agrees that Seller hereby expressly disclaims any and all implied warranties concerning the Real Estate and any portions thereof including, but not limited to implied warranties of habitability, merchantability or fitness for a particular purpose.

#### 8. Default.

- (a) <u>By Seller</u>. Upon occurrence of any event of default by Seller, Buyer shall have all rights and remedies under law and may terminate this Agreement and receive a return of the Deposit, or obtain specific performance of this Agreement.
- (b) <u>By Buyer</u>. If, after the satisfaction of all contingencies herein, Buyer refuses to close this transaction, then Seller's sole remedy shall be to terminate this Agreement and retain the Deposit.

#### 9. Miscellaneous.

- (a) <u>Assignment</u>. This Agreement may be assigned by Buyer with the written consent of Seller, which consent will not be unreasonably withheld. Buyer's assignee will enjoy the full rights and benefits of the terms and conditions of this Agreement as if it were the Buyer, but Buyer shall remain fully liable hereunder.
- (b) <u>Casualty</u>. If, prior to Closing, any improvement located upon the Real Estate is damaged or destroyed by fire or other casualty, Buyer will, at its option, be entitled to (i) terminate this Agreement and have the Deposit returned, or (ii) receive whatever insurance proceeds may be available to Seller and proceed with this Agreement.
- (c) Eminent Domain. If, after the execution of this Agreement, but prior to Closing, all or any material portion (in Buyer's reasonable judgment) of the Real Estate is taken by exercise of the power of eminent domain or any proceedings are threatened or instituted to effect such a taking, Seller will immediately give Buyer notice of such occurrence, and Buyer may, within fourteen days after receipt of such notice, elect either (i) to terminate this Agreement, in which event the Deposit will be returned to Buyer and all obligations of the parties will cease and this Agreement will have no further force and effect, or (ii) to close the transaction contemplated hereby as scheduled (except that if the Closing Date is sooner than fourteen days following Buyer's receipt of such notice, Closing will be delayed until Buyer makes such election), in which event Seller will assign and/or pay to Buyer at Closing all condemnation awards or other damages collected or claimed with respect to such taking.
- (d) <u>Notices</u>. All notices, requests and demands to or upon any party to this Agreement must be in writing and delivered personally or mailed first class, postage prepaid. Notice will be deemed effective on the date postmarked, if by mail, or on the date of delivery, if personally delivered.
- (e) <u>Waiver</u>. No term, condition, covenant or provision contained in this Agreement may be waived except in a writing signed by the waiving party. No oral statements, course of conduct or course of dealing will be deemed a waiver. No waiver by any party of any violation or breach of this Agreement will be deemed or construed to constitute a waiver of any other violation or breach, or as a continuing waiver of any violation or breach.
- (f) <u>Binding Effect</u>. This Agreement will be binding upon and inure to the benefit of the parties as well as their successors and assigns.
- (g) <u>Merger and Modification</u>. This constitutes the entire Agreement between the parties and any prior discussions, negotiations and agreements between the parties are merged herein. No amendment or modification of this Agreement will be enforceable except if in writing and signed by the party against whom enforcement is sought.
- (h) <u>Governing Law</u>. This Agreement is governed by the laws of the State of Michigan.

(i) <u>Professional Representation.</u> Each of the parties shall pay all of the costs
that it incurs incident to this Agreement and the performance of any related obligations, whether or
not the transactions contemplated by this Agreement are consummated. The parties have had a
full and fair opportunity to consult with advisors of their choosing regarding this Agreement and
the transactions contemplated herein. The parties enter into this Agreement knowledgeably and
voluntarily. This Agreement shall be construed in a reasonable manner consistent with good faith
and as if the parties had jointly drafted it.

- (j) <u>Severability</u>. Any terms of this Agreement that may be found to be contrary to law or otherwise unenforceable will not affect the remaining terms of this Agreement, which will be construed as if the unenforceable provision or clause were absent from this Agreement.
- (k) <u>Time of Performance</u>. Time is of the essence of this Agreement and each and all of its provisions.
- (l) <u>Execution in Counterparts</u>. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which when taken together shall constitute one and the same Agreement. The delivery of an executed signature page to this Agreement by facsimile, electronic or telecopy transmission shall constitute due execution and delivery of this Agreement for all purposes.
- 10. <u>Acknowledgment</u>. By signing this Agreement, the parties acknowledge that they have read this document, they know its contents and they are voluntarily signing it.

	BUYER:
	City of Cadillac a Michigan municipal corporation
By:	
	Carla J. Filkins
Its:	Mayor
	SELLER:
	Geeseman Real Estate Development, Inc.
	a Michigan corporation
By:	
Its:	
113.	

## EXHIBIT A (Legal Description of Real Estate)

(see attached)



# MEETING MINUTES Cadillac Zoning Board of Appeals 5:30 P.M. October 18, 2018

#### **CONVENE MEETING**

Chairperson Nichols called to order a meeting of the Cadillac Zoning Board of Appeals (ZBA) at 5:00 p.m. on October 18, 2018.

#### **ROLL CALL**

MEMBERS PRESENT: Allen, Nichols, Paveglio, Genzink, Ault, Bontrager, and Knight

MEMBER ABSENT: Walkley STAFF PRESENT: Coy,

#### APPROVAL OF MEETING AGENDA

Motion by Genzink to approve the October 18, 2018 agenda. Support by Bontrager. The motion was unanimously approved on a roll call vote.

#### MINUTES TO APPROVE – September 13, 2018 & September 28, 2018

Motion by Genzink to approve both the September 13, 2018 and the September 28, 2018 meeting minutes. Support by Ault. Knight asked to abstain from this vote as he was not at either of the two meetings in September. The motion was unanimously approved on a roll call vote by the remaining six members in attendance.

#### **PUBLIC HEARINGS**

Nichols turned the meeting over to Coy. Knight recused himself from this portion of the meeting.

Knight asked Coy prior to the meeting if he should recuse himself from this portion of the meeting because the applicant Baird, Cotter, Bishop is the accounting firm for the business that Knight is a partner in ownership. Coy felt it would be best for Knight to recuse himself.

Coy said the Variance Application from Eastshore Professional Building, LLC is for a height variance of 11 feet, eight inches allowing them to construct an addition two stories in the northeast portion of the property site. The property is in a B-2 Central Business District which allows for buildings 90 feet in height. There is however a footnote in the Schedule of Regulations in Section 46-629 which reads; "Buildings in the area west of Elk Avenue, between Pine and Chapin Streets, shall have a maximum height of 20 feet." The proposed addition may be as high as 31 feet, 8 inches.

Two officers of Baird, Cotter, Bishop, LLC who are partners in the ownership attended the meeting and answered questions. They are Mike Cool, CPA and Ryan Howell, CPA.

Coy using a power point presentation read and 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."

**Finding** – Coy talked about what he feels is a practical difficulty in that the area where the addition is proposed occasionally floods causing water damage inside the building. The addition will be designed to hopefully correct this serious problem on the site. Coy added that there is slope in the lot that goes north to south and east to west creating the water drainage issues.

Coy also talked about the undue hardship he feels not doing this addition would create for Baird, Cotter, Bishop. Their business has grown substantially over the years and they now have 36 employees on site. They are out of office space and do not wish to separate employees to multiple locations for the lack of office space.

Coy next went over the standards in Section 46-69(b)(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. Staff communicated with the president of Baker College Cadillac. She said the college is okay with the proposed addition and height. She did ask that if in the future the applicant wishes to expand the second level to other parts of the building that it be reviewed and Baker College be notified.

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

**Finding** – The variance request is not anticipated to impact traffic congestion. Coy added that Baird, Cotter, Bishop like other businesses in the B-2 District uses our public parking lots for employee parking and they pay into the DDA parking assessment program for their usage.

**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 will not impact 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.

Lastly Coy commented on the lengthy history this company has in our downtown. The employees here make above average wages for our area. Their support of our downtown restaurants and businesses is important to our downtown businesses.

Coy said that notification of the public hearing on this application was given via first-class mail to property owners within 300 feet of the subject site. A notice of the hearing was also placed in the Cadillac News. These notices were provided not less than 15 days prior to the hearing date.

Coy again mentioned his communication with the president of Baker College and also said he spoke with one of the partners at the neighboring law firm McCurdy, Wotila who said their firm is in support of this project. Adding that Baird, Cotter, Bishop is important to our downtown businesses especially our restaurants. Coy also showed a picture of the east wall of the Baker College Apartments with the elevator and wall sign. He said the college in 2014 did a land swap with the city to make room for the elevator and stairwell. The structure is 54 feet high.

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 floor for questions.

Paveglio asked Coy to better explain the footnote (L) in Section 46-629 within the Schedule of Regulations. He also asked if the footnote only applies to a very small area within the boundary area described in the footnote. Coy and Paveglio read through the Schedule of Regulations then realizing that the footnote only applies to the B-2 District. Properties abutting the applicants location to the north and south such as City Hall and the downtown park are zoned differently and do not have footnote L which restricts height to 20 feet.

Cool talked about the on-site drainage issue they have. Howell added that the seven additional offices constructed in the addition plus the cubicles they can put in open spaces should provide them with ten to eleven new work stations. Cool added that the proposed size will not create the

need for them to sprinkler the entire building and an elevator is not required which will keep the cost of construction down. A larger addition would kick in some additional building code regulations.

Bontrager asked if the building is okay structurally for a second floor. Cool said the addition is entirely new from the ground up and will be fine. The existing building will not be affected. Cool then talked more about the drainage and explained the site used to have two buildings with a courtyard between them. The drain in the rear which overflows has tile running underground where the courtyard used to be. It does not tie into the storm drain in the front yard of the site.

Genzink commented that the site in the northeast corner doesn't seem very large and is there room for the addition. Cool said that they have 30 feet from the back of the building to the property line to work with. Howell added that they've had the property surveyed and the stakes are still in the ground for the ZBA to look at if they wish.

Paveglio spoke about the footnote in the Schedule of Regulations. He feels this same addition on the Harris Street side of the building would not be good visually. It would block the view from the upper floors of the Baker Apartment building. The view of the lake and park from this area is a gem. Coy agreed saying he's been on the upper floors of the apartment building and the view towards the performing arts pavilion, lake, and City Park are special.

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

Paveglio made a motion to approve the request for a height variance of eleven feet, eight inches with the condition that future expansion or extension of the second floor will require further review by the Zoning Board of Appeals with the opportunity for a public hearing. Support by Genzink. The motion was unanimously approved on a roll call vote.

#### **PUBLIC COMMENTS** - NONE

#### **BOARD MEMBER COMMENTS –**

#### **ADJOURN**

Chairperson Nichols adjourned the meeting at 6:13



## MEETING MINUTES CADILLAC PLANNING COMMISSION October 22, 2018 6:00 P.M.

#### **CALL TO ORDER**

Chairman Putvin called the meeting to order at 6:00 p.m.

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

**ROLL CALL** 

MEMBERS PRESENT: Filkins, Smith, Peterson, Bunce, Gregg, Baumann, Fent, Putvin

STAFF PRESENT: Wallace

#### APPROVAL OF AGENDA

Motion by Filkins, supported by Smith to approve the October 22, 2018 meeting agenda. Motion unanimously was approved.

#### APPROVAL OF PLANNING COMMISSION MINUTES FROM SEPTEMBER 24, 2018

Motion by Fent, supported by Baumann to approve the September 24, 2018 meeting minutes. Motion unanimously was approved.

#### FINAL SITE PLAN REVIEW FOR CADILLAC LOFTS, LLC

Wallace reviewed the two-step process as part of the rezoning process, starting with filing a rezoning application along with a sketch plan. The sketch plan required a public hearing. The Planning Commission approved the sketch plan and rezoning the MPUD on 4/23/18 and City Council approval was given 5/21/18. The request tonight is for final site plan approval.

Wallace summarized that Cadillac Lofts is a mixed use project consisting of two 4-story, L-shaped buildings, with first floors being for commercial use and upper three floors being market rate apartment units. There will be a total of 84 apartments, with 12 two-bedroom, 48 one-bedroom and 24 efficiency apartments. He reviewed the site plan. The buildings have not changed. The general site layout has not changed. They have added some landscape elements, parking areas, and street lighting. There will be tree plantings in the center of the parking lot to offer some shading for parking. All of the entry into the parking area on-site will be off of Shelby Street. Much of the area around the buildings will be patio space and pedestrian circulation. There will also be a retaining wall along Mitchell Street and developer and City staff will continue to work to create openings in the retaining wall as tenancy becomes known. Because of more use of transit and more walkability in a downtown setting, the parking requirement of two cars per unit is no longer needed. Staff was going to require 139 spaces, but the developer is proposing 178 spaces. Commercial parking will rely heavily on the on-street

parking. There will also be additional spaces in an area that is staying within the OS-2 district but is part of the parking that is being made available for commercial purposes for the project. Staff is satisfied that the site plan has met all ordinance requirements and recommends that the Planning Commission approve the final site plan subject to the six conditions listed in the staff report.

Dean DeKryger addressed the Board. He is in agreement with staff's recommended motion and will continue to work with staff regarding the openings in the retaining wall.

DeKryger stated that they are hoping in the very near future to bid out some of the demolition on the site. They are awaiting some MEDC grants and once these come through they will totally demolish the former Prevo's building and the Emington Insurance building. G & D Pizza will operate as it is until next summer when they move to another site.

Bunce asked if there would be a sidewalk on the back side of the retaining wall. Dean said there will be Mitchell Street sidewalk and on the back side there will be patio space. The intent is to have sitting space for outside restaurant dining space. The retaining wall is primarily on the west, north and south. The east end of the buildings will have retaining walls as part of their foundation, so there will be no retaining walls along the sidewalk.

Putvin asked if there were any height issues with the buildings. Wallace said there is no problem from an ordinance perspective.

Putvin asked the Board if there were any questions.

Peterson asked if the parking lot in Parcel 2 is tied in so that it could be developed later. Wallace said it could be developed later but then the discussion would be how to come to terms with the parking for the overall project. It is being tied to this approval, so if it were to be developed they would have to prove either that the parking was not needed or that it would be provided in a different manner. DeKryger said in essence there would have to be an alteration of the MPUD.

Motion by Baumann, seconded by Bunce to approve the final site plan for the Cadillac Lofts LLC as presented and to recommend its approval to the City Council subject to the following:

- 1. The developer continuing to work with city staff on creating some additional openings in the Mitchell Street retaining wall to be based upon future tenancy;
- 2. That the developer deed back to the city the proposed right-of-way needed for Shelby Street as proposed on the plans;
- 3. That under the asphalt paving detail the 21AA be used and (not 21A)
- 4. That a detail for Fabric Drain be supplied and approved by the city's engineer;
- 5. That all connections to the city's water, sanitary sewer, or storm water system be approved by the city's Utilities Department and as applicable the city's engineer.
- 6. That the developer and the city enter into a development agreement as required by the zoning ordinance for projects in the Mixed Use Planned Unit Development District.

Motion passed unanimously.

## PROPOSED AMENDMENTS TO ZONING ORDINANCE REGARDING HOMELESS SHELTERS

Wallace stated that New Hope Shelter has had some offers in regards to land and new support which has caused them to rethink how they can best serve the homeless population. They are switching from independent facilities (family shelters, men's shelters, women's shelters) and are now looking at consolidation of all of those shelters within one facility. The operational considerations and how the facility is managed and maintained will stay the same. It would simply be a larger facility but not so many locations.

Given that change, new language must be written into our zoning ordinance. We created the idea of a combination group/family shelter so we could consider both types of facilities under our definitions in the zoning ordinance. We thought about what districts might be best for the shelters and have limited that to the RM-1 and RM-2 districts. In meeting with New Hope, they felt that our proposed changes would be satisfactory in meeting the pathway that they are on. Tonight no action is needed by the Planning Commission. A public hearing on the proposed changes is required and that will be on the agenda for next month's meeting and a decision would be needed at that time.

Mark Mogan, who is on the board for New Hope Shelter, addressed the board. He stated that all guests leave the shelters in 90 days, with 70% leaving in about 30 days. They would downsize four of the older homes they currently have in town. They wish to consolidate services so that all of the agencies that work with New Hope Shelter know where they can come and find the guests. The purpose is not to house more people, but to provide easier access to providers. It would be easier to staff one facility 24 hours as opposed to five facilities. They have a purchase agreement with Nazarene Church on some property that is next to the new jail.

Wallace stated that at this time the Planning Commission is just looking at the proposed language changes and the proposed allowed districts in preparation for next month's meeting when the public hearing will be held and a decision made.

The question was asked as to why the R-1 zone was not included in the districts allowed for combination group/family shelter. Wallace answered that historically the family shelters would have been single family homes. We are looking at RM-1 and RM-2 being more focused on multi-family development.

Mike Figliomeni with McCurdy, Wotila and Porteous, addressed the board. He has been working with the New Hope group. He thinks it is important to understand that at this point all that has been discussed tonight is really not possible within the ordinance as it is written. With a few minor changes, we are able to adapt to this ordinance. All of the protections that are already there with the Special Use Permit condition analysis that will be done are still there.

It was the consensus of the board that the proposed languages changes were appropriate.

**BOARD MEMBER COMMENTS** - Filkins asked when the paving (Market) would start. Wallace said it should be underway in 3-4 days. Bunce commented that the Housing Summit at Haggerty Center that he recently attended was very useful and informative regarding getting over the hurdles regarding housing and showing necessity for market-based and affordable housing.

**<u>COMMUNICATIONS</u>** – None.

**PUBLIC COMMENTS** – None.

**OTHER BUSINESS** - None.

**ADJOURN** – There being no additional business, Putvin adjourned the meeting at 6:51 p.m.