



City Council Meeting

May 20, 2019

6:00 p.m.

Cadillac Municipal Complex

Council Chambers

200 N. Lake St.

Cadillac, MI 49601



May 20, 2019 City Council Meeting Agenda
6 p.m. at City Hall – 200 N. Lake St. – Cadillac, MI 49601

We trust and assume goodness in intentions

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 May 6, 2019.

Support Document III-A

B. Minutes from the closed session held on May 6, 2019.

IV. PUBLIC HEARINGS

A. Close-out public hearing for Community Development Block Grant Funding for Cadillac Lofts Demolition & Site Preparation.

Support Document IV-A

B. Public hearing to consider adoption of Ordinance Amending the City Zoning Map.

Support Document IV-B

C. Public hearing to consider adoption of Ordinance Amending Zoning Ordinance Regarding Accessory Uses.

Support Document IV-C

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- D. Public hearing to consider adoption of Ordinance Amending the City Zoning Map.
Support Document IV-D
- E. Public hearing to consider adoption of Ordinance to Amend Sections 42-201 and 42-202(3) of Chapter 42 of the Cadillac City Code to Increase Water Rates in the City of Cadillac 10%.
Support Document IV-E
- F. Public hearing to consider adoption of Ordinance to Amend Section 42-374 of Chapter 42 of the Cadillac City Code to Increase Sewer Rates in the City of Cadillac 1.5%.
Support Document IV-F
- G. Public hearing to consider adoption of Ordinance Establishing General Appropriations Act for Fiscal Year 2020.
Support Document IV-G

V. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

- A. Adopt resolution to introduce Ordinance Amending the City Code Regarding Fireworks and set a public hearing for June 3, 2019.
Support Document V-A
- B. Adopt resolution to introduce Ordinance Vacating a Portion of 10th Street and Reserving a Public Utility Easement in Favor of the City of Cadillac and set a public hearing for June 17, 2019.
Support Document V-B

VI. ADOPTION OF ORDINANCES AND RESOLUTIONS

- A. Adopt Resolution Designating a Neighborhood Enterprise Zone – Cass/Mitchell Neighborhood Enterprise Zone No. 1.
Support Document VI-A
- B. Adopt Resolution Regarding Application for Commercial Facilities Exemption Certificate – Cass/Mitchell Commercial Redevelopment District No. 1 and set public a hearing for June 3, 2019.
Support Document VI-B
- C. Adopt City of Cadillac Fair Housing Resolution and Policy.
Support Document VI-C

VII. MINUTES AND REPORTS OF BOARDS AND COMMISSIONS

- A. Historic Districts Commission
Support Document VII-A

Cadillac City Council Agenda

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VIII. PUBLIC COMMENTS

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

IX. GOOD OF THE ORDER

X. CLOSED SESSION

Adjourn to closed session pursuant to MCL 15.268(a) to consider a periodic personnel evaluation of the City Manager, a public officer and employee, at his written request and to consult with the City Attorney regarding trial or settlement strategy in connection with Wexford County Circuit Court Consolidated Case Nos. 13-24803-CH and 17-27610-CZ, TeriDee LLC et al. v Clam Lake Township and Haring Charter Township v City of Cadillac and HOP Family, LLC and City of Cadillac v Haring Charter Township and Clam Lake Township; and Heidi Hodek, as Next Friend of John Doe, a minor v City of Cadillac and Thomas Wade, Wexford County Circuit Court Case No. 18-28116-NO; and City of Cadillac v Lake Mitchell Sewer Authority, State of Michigan 28th Judicial Circuit Court, Case #2018-28350-CZ.

XI. ADJOURNMENT

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

Respect

Integrity

Trust

Excellence

Guiding Behaviors

We support each other in serving our community

We communicate openly, honestly, respectfully, and directly

We are fully present

We are all accountable

We trust and assume goodness in intentions

We are continuous learners

CITY COUNCIL MEETING MINUTES

6:00 PM – May 6, 2019
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, Spoelman, King, Engels, Mayor Filkins
Council Absent: None
Staff Present: Peccia, Roberts, Dietlin, Ottjepka, Wallace, Coy, Homier, Smith

APPROVAL OF AGENDA

2019-084 Approve agenda as presented.

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

Motion unanimously approved.

PUBLIC COMMENTS

Jamie Stearns commented on the current recycling program.

Randy Lindell commented on the City's shooting range, Cadillac Junction, The Market, traffic in the downtown area, proposed water/sewer rate increases, and damage caused from construction traffic at the former Oleson's site.

CONSENT AGENDA

2019-085 Remove regular meeting minutes from Consent Agenda.

Motion was made by Spoelman and supported by Schippers to remove the minutes from the regular meeting held on April 15, 2019 from the Consent Agenda to have a discussion about them.

Motion unanimously approved.

Spoelman stated that during the budget discussion she had questioned the Fund Balance and whether or not it was restricted vs. unrestricted. She noted the minutes do not reflect that it was the Fund Balance she was asking about. She stated the minutes just refer to the General Fund and there is a difference.

2019-086 Approve regular meeting minutes as amended.

Motion was made by Spoelman and supported by King to adjust the minutes from April 15, 2019 to reflect that the question asked by Spoelman during the budget discussion was related to the Fund Balance.

Motion unanimously approved.

2019-087 Approve closed session minutes as presented.

Motion was made by Schippers and supported by Spoelman to approve the minutes from the closed session held on April 15, 2019 as presented.

Motion unanimously approved.

PROCLAMATION

A. Letter Carriers' Stamp Out Hunger Food Drive Day

Ruth Reddy, representing the Letter Carriers from the Cadillac Post Office, introduced herself and noted they are spearheading the Food Drive.

Mayor Filkins read a Proclamation in honor of "Letter Carriers' Stamp Out Hunger Food Drive Day" to be held on May 11, 2019.

COMMUNICATIONS

A. Groupe Beneteau Annual Dealer Show

Peccia stated Groupe Beneteau will be hosting a Dealer Show from September 22, 2019 through September 27, 2019. He noted they are requesting permission to utilize the public boat dock area adjacent to the Rotary Performing Arts Pavilion.

Christophe Lavigne, President of Rec Boat Holdings which was acquired by Groupe Beneteau, provided a brief description of the company. He stated they are expecting approximately 500 guests to be in attendance and there will be approximately 20-30 boats on Lake Cadillac during the Dealer Show. He noted they will likely need to find additional parking close to the Test Center. He asked if it would be possible to utilize The Market in the event of inclement weather.

Peccia requested the motion include authorization for City staff to work out any logistical issues that may need to be addressed.

2019-088 Approve request from Groupe Beneteau for use of public docking spaces.

Motion was made by King and supported by Schippers to approve the request from Groupe Beneteau allowing them to reserve public spaces during their Annual Dealer Show on Sunday, September 22, 2019 through Friday, September 27, 2019 and authorize City Staff to work on other logistics that may be necessary for the event.

Motion unanimously approved.

B. Cadillac Rotary STRIDE for S.T.R.I.V.E. Memorial Day 5k event

2019-089 Approve street closure for Cadillac Rotary STRIDE for S.T.R.I.V.E. Memorial Day 5k event.

Motion was made by Spoelman and supported by King to approve the closure of Linden St. between Chestnut St. and W. Division St. from 8:00 am to 8:45 am on May 27, 2019 for the Cadillac Rotary STRIDE for S.T.R.I.V.E. Memorial Day 5k event.

Motion unanimously approved.

C. Memorial Day Parade

2019-090 Approve parade route for Memorial Day Parade.

Motion was made by Schippers and supported by Spoelman to approve the parade route for the Memorial Day Parade to be held on May 27, 2019 at 10:00 am with parade set-up beginning at 9:00 am.

Motion unanimously approved.

D. Cadillac Lakes Cruise Car Show

2019-091 Approve banner and street/parking lot closures for Cadillac Lakes Cruise Car Show.

Motion was made by Schippers and supported by King to approve the display of a banner from June 3, 2019 to June 10, 2019 and the street and parking lot closures on June 8-9, 2019 as presented for the Cadillac Lakes Cruise Car Show.

Motion unanimously approved.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS

- A. Adopt resolution to introduce Ordinance Establishing General Appropriations Act for Fiscal Year 2020 and set a public hearing for May 20, 2019.

Peccia stated it would be appropriate for Council to set a public hearing for May 20, 2019 regarding the Ordinance Establishing the General Appropriations Act for Fiscal Year 2020.

2019-092 Set public hearing for Ordinance 2019-04.

Motion was made by Spoelman and supported by Schippers to adopt the resolution to introduce the Ordinance Establishing General Appropriations Act for Fiscal Year 2020 and set a public hearing for May 20, 2019.

Motion unanimously approved.

- B. Adopt resolution to introduce Ordinance Amending Zoning Map and set a public hearing for May 20, 2019.

Peccia stated the next three (3) requests are recommendations that were unanimously moved forward from the Planning Commission.

John Wallace, Community Development Director, noted the Munson Healthcare Cadillac Hospital rezoning request is a continuation of prior action by the Planning Commission and

the City Council. He stated a large section of the block in front of the hospital was rezoned for the McAuley Children's Center and Preschool. He noted during that process it came to their attention there were two (2) lots that were inadvertently omitted from the rezoning application. He stated Munson Healthcare Cadillac Hospital desires to have the two (2) lots included in the same zoning district as the McAuley Center. He stated the hospital owns most of the block with the exception of one (1) lot immediately to the east of that block so they also want to move that rezoning forward at the same time.

Wallace provided a presentation regarding the proposed Ordinance Amending the City Zoning Map and the proposed Ordinance Amending Zoning Ordinance Regarding Accessory Uses. (see attachment)

Engels asked if anyone expressed opposition to the requested rezoning at the Planning Commission meeting.

Wallace stated there were no objections expressed at the last Planning Commission (PC) meeting. He noted at the prior PC meeting an individual expressed opposition to a future playground but they were not objecting to the daycare center.

Wallace noted the Accessory Use Amendment is a Text Amendment to Section 46-657 Accessory Uses. He stated it is an amendment which involves the creation of a Subsection B which addresses accessory use locations.

Peccia stated the daycare facility is located on one parcel and the accessory use, which in this case is a playground, would be located on a separate adjacent and contiguous parcel. He noted without the Accessory Use Amendment the playground would not be permitted.

2019-093 Set public hearing for Ordinance 2019-05.

Motion was made by Engels and supported by Schippers to adopt the resolution to introduce Ordinance Amending Zoning Map (Munson) and set a public hearing for May 20, 2019.

Motion unanimously approved.

- C. Adopt resolution to introduce Ordinance Amending Zoning Ordinance Regarding Accessory Uses and set a public hearing for May 20, 2019.

2019-094 Set public hearing for Ordinance 2019-06.

Motion was made by Engels and supported by Spoelman to adopt the resolution to introduce Ordinance Amending Zoning Ordinance Regarding Accessory Uses and set a public hearing for May 20, 2019.

Motion unanimously approved.

- D. Adopt resolution to introduce Ordinance Amending Zoning Map and set a public hearing for May 20, 2019.

Wallace provided a presentation regarding the proposed Ordinance Amending the City Zoning Map. (see attachment)

Wallace noted the rezoning request is regarding New Hope Shelter. He stated New Hope Shelter decided to centralize their homeless operations. He noted the Special Land Use was approved by the Planning Commission conditional upon City Council granting the rezoning request. He stated New Hope Shelter is requesting the rezoning of a site on Lincoln Street just east of the Wexford County Jail from R-1 One Family Residential to a RM-2 Multiple Family Residential.

2019-095 Set public hearing for Ordinance 2019-07.

Motion was made by Spoelman and supported by Schippers to adopt the resolution to introduce Ordinance Amending Zoning Map (New Hope Shelter) and set a public hearing for May 20, 2019.

Motion unanimously approved.

ADOPTION OF ORDINANCES AND RESOLUTIONS

- A. Adopt resolution to approve the amendment to Consumers Energy Contract and to approve the new Consumers Contract.

Peccia stated the amendment to the contract is regarding the replacement of failed light fixtures with more efficient LED fixtures.

2019-096 Adopt resolution regarding Consumers Energy Contract.

Motion was made by Spoelman and supported by Schippers to adopt the resolution to approve the amendment to Consumers Energy Contract (ending in 5462) and to approve the new Consumers Contract (ending in 7816) noting that street light costs are paid from the Public Works Department in the General Fund.

Motion unanimously approved.

PUBLIC COMMENTS

Randy Lindell commented on the proposed water rate increase, out-of-state travel by the City Manager, use of public parks/docks, Rec Boat Holdings, and New Hope Shelter.

GOOD OF THE ORDER

Peccia noted Parks Clean-Up Day and the collaborative Household Hazardous Waste Day will be held on May 11, 2019.

Peccia stated all of the costs associated with the extension of public utilities to the property commonly known as the TeriDee property (Cadillac Junction) was paid for by the developer. He added once the infrastructure was in place the developer conveyed it to the City at no cost. He noted the City was required to update its pumps and lift station by the MDEQ for the entire eastside sewer infrastructure that serves not only the TeriDee property (Cadillac Junction) but also serves the new jail site and other commercial and residential properties in the area.

Peccia noted he is not the first City Manager to travel out-of-state.

Peccia stated the City of Cadillac does not own or operate automatic weapons but it does have a partnership with other law enforcement agencies with respect to the use of the City's shooting range. He

noted the City's shooting range has been operational since the 1980s and is located in an area that is protected by a large berm.

Spoelman asked if the City has received any other complaints regarding the firing range.

Peccia stated the City has not received any other complaints.

King noted his office is located in an area near the shooting range and he does not find it to be a problem.

Schippers briefly discussed the Earth Day Event that was held on April 28, 2019. She thanked City staff for their assistance. She noted the Mayor's Youth Council volunteered in the children's area.

Schippers stated several more members have been approved to join the Mayor's Youth Council.

Spoelman stated Marty Williams has assembled a group that is hoping to do a clean-up of the entire Clam River within the City limits. He noted Groupe Beneteau has donated to this cause.

Spoelman stated she wanted to comment on some of the concerns expressed by Jamie Stearns. She noted she appreciates that the City is working to address her concerns. She stated she understands that every recycler cannot accept the same materials but it really depends on the aftermarket. She believes they are trying to find aftermarkets that are economically feasible for them. She stated she feels the current recycler is doing a great job. She noted she has not heard any complaints about their service. She noted the City has been able to keep recycling costs manageable and it's unfortunate that more people don't take advantage of the service. She stated she agrees more education for the public would be useful. She noted reducing usage of materials, such as single-use plastics, would be beneficial.

Peccia stated he will be meeting with the service provider in the near future. He noted the service provider has agreed to slightly adjust how they will be collecting the materials. He stated all materials will be collected at the curb and the final sorting will be conducted at the recycling facility.

CLOSED SESSION

Adjourn to closed session to consult with the City Attorney regarding trial or settlement strategy in connection with Wexford County Circuit Court Consolidated Case Nos. 13-24803-CH and 17-27610-CZ, TeriDee LLC et al. v Clam Lake Township and Haring Charter Township v City of Cadillac and HOP Family, LLC and City of Cadillac v Haring Charter Township and Clam Lake Township; and City of Cadillac v Lake Mitchell Sewer Authority, State of Michigan 28th Judicial Circuit Court, Case #2018-28350-CZ.

2019-097 Adjourn to closed session.

Motion was made by Spoelman and supported by Engels to adjourn to closed session to consult with the City Attorney regarding trial or settlement strategy in connection with Wexford County Circuit Court Consolidated Case Nos. 13-24803-CH and 17-27610-CZ, TeriDee LLC et al. v Clam Lake Township and Haring Charter Township v City of Cadillac and HOP Family, LLC and City of Cadillac v Haring Charter Township and Clam Lake Township; and City of Cadillac v Lake Mitchell Sewer Authority, State of Michigan 28th Judicial Circuit Court, Case #2018-28350-CZ. Invite Jeff Dietlin, Director of Utilities.

Motion unanimously approved.

2019-098 Return to open session.

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

Motion unanimously approved.

Peccia stated there is one item to report in regard to the current litigation with the Lake Mitchell Sewer Authority (LMSA).

City Attorney Homier stated we have had an opportunity to discuss a revised contract submitted by the LMSA through Council. He noted the basic framework of the revision is to extend the contract from the existing twenty-one (21) year agreement to a forty (40) year agreement. He stated it also serves the LMSA because they are seeking some financing through USDA Rural Development. He noted the rate structure remains the same it just adjusts it to 40 years instead of 21 years.

Homier recommended the City Council approve the revised contract with the Lake Mitchell Sewer Authority and authorize the City Manager and City Attorney to review and approve any and all changes to the contract provided that such revisions do not affect the material terms of the contract and authorize the City Attorney to dismiss the lawsuit without costs or attorney fees when the contract is executed.

Spoelman asked if the City originally proposed a 40-year contract.

Homier stated the City did originally propose a 40-year contract.

2019-099 Approve revised contract with the LMSA and dismiss the lawsuit.

Motion, as stated by the City Attorney, was made by Schippers and supported by King.

Motion unanimously approved.

ADJOURNMENT

Respectfully submitted,

Carla J. Filkins, Mayor

Sandra L. Wasson, City Clerk



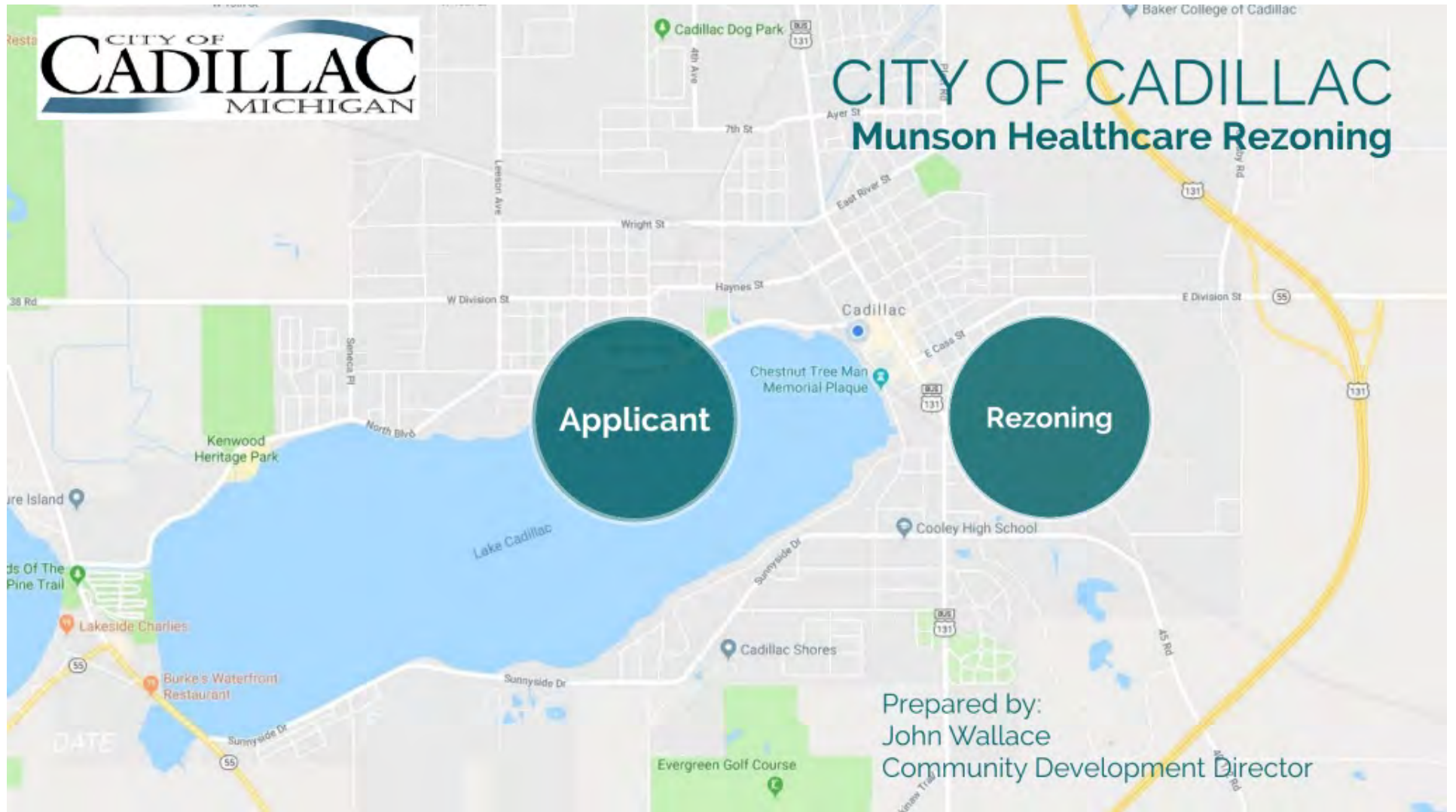
CITY OF CADILLAC

Munson Healthcare Rezoning

Applicant

Rezoning

Prepared by:
John Wallace
Community Development Director

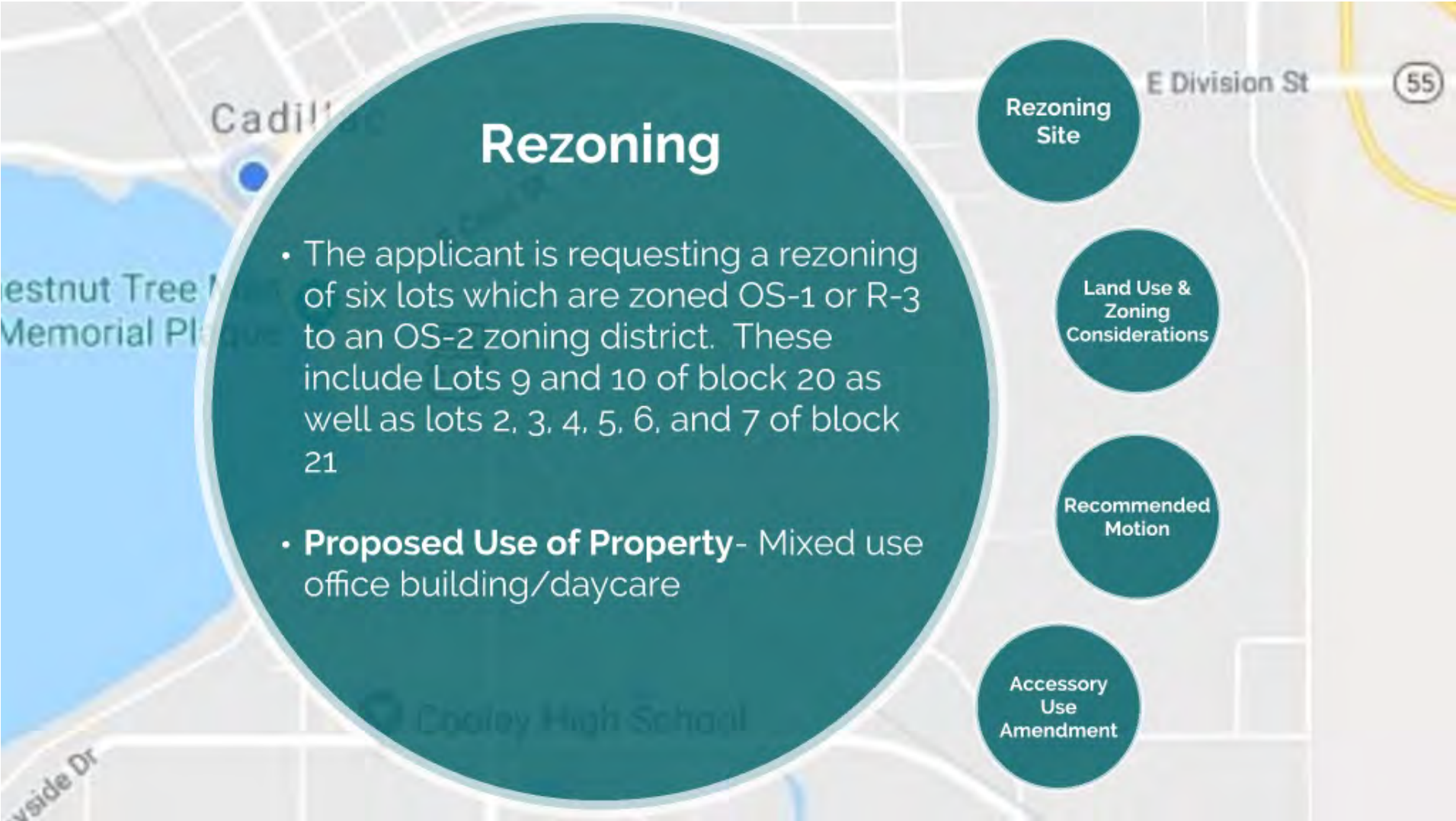




Applicant

Dean DeKryger-DK Design
Group on behalf of

Munson Healthcare
Cadillac Hospital
400 Hobart Street



Rezoning

- The applicant is requesting a rezoning of six lots which are zoned OS-1 or R-3 to an OS-2 zoning district. These include Lots 9 and 10 of block 20 as well as lots 2, 3, 4, 5, 6, and 7 of block 21
- **Proposed Use of Property**- Mixed use office building/daycare

Rezoning Site

Land Use & Zoning Considerations

Recommended Motion

Accessory Use Amendment

 Subject Property of Rezoning



Land Use:

All of the property which is the subject of the rezoning is owned by Munson Healthcare Cadillac Hospital and is contiguous to the broader hospital campus. The entire campus is being used for hospital, medical services, and accessory support uses.

Zoning:

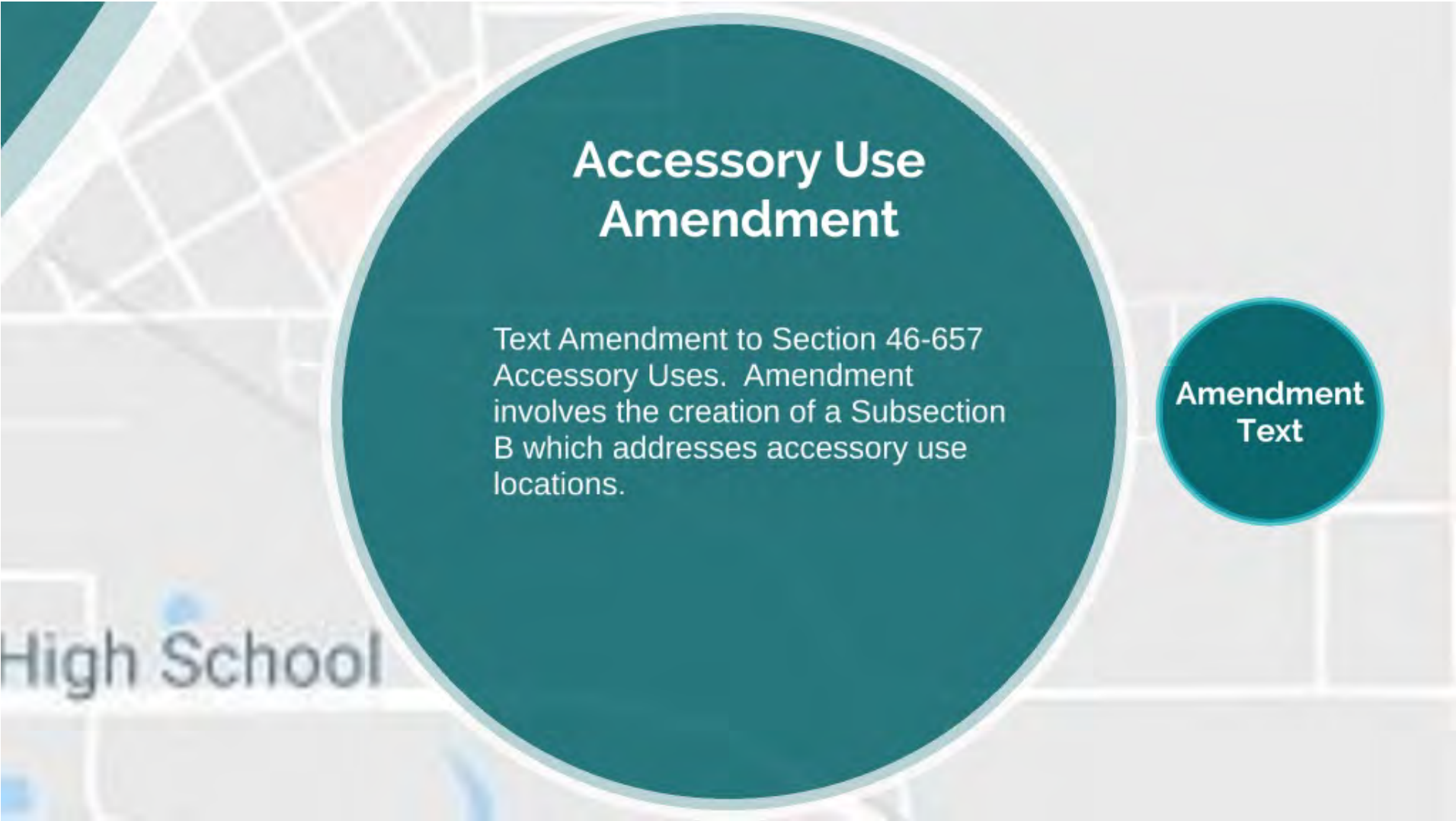
- This rezoning would place all of the Munson owned property on Blocks 20 and 21 in an OS-2 Zoning District. The entire Munson Healthcare campus would fall within either the OS-1 or OS-2 Zoning Districts.
-

Zoning

- The OS-2 Zoning District would allow Munson Hospital greater flexibility in their long term master planning for their future campus. This district allows the best flexibility for medical support offices and services and well as potential for residential use.
 - Munson Healthcare is one of Cadillac's largest employers and is an economic driver not only for the city but for this area of the city. The OS-2 District is the most appropriate district as the campus continues to grow in both the amount of medical services, but also the range of medical services.
-

Recommended Motion:

That the Planning Commission recommends to the City Council that this rezoning application which involves two lots from Block 20 (zoned OS-1) and five lots from Block 21 (zoned R-3) be rezoned to the OS-2 Zoning District.

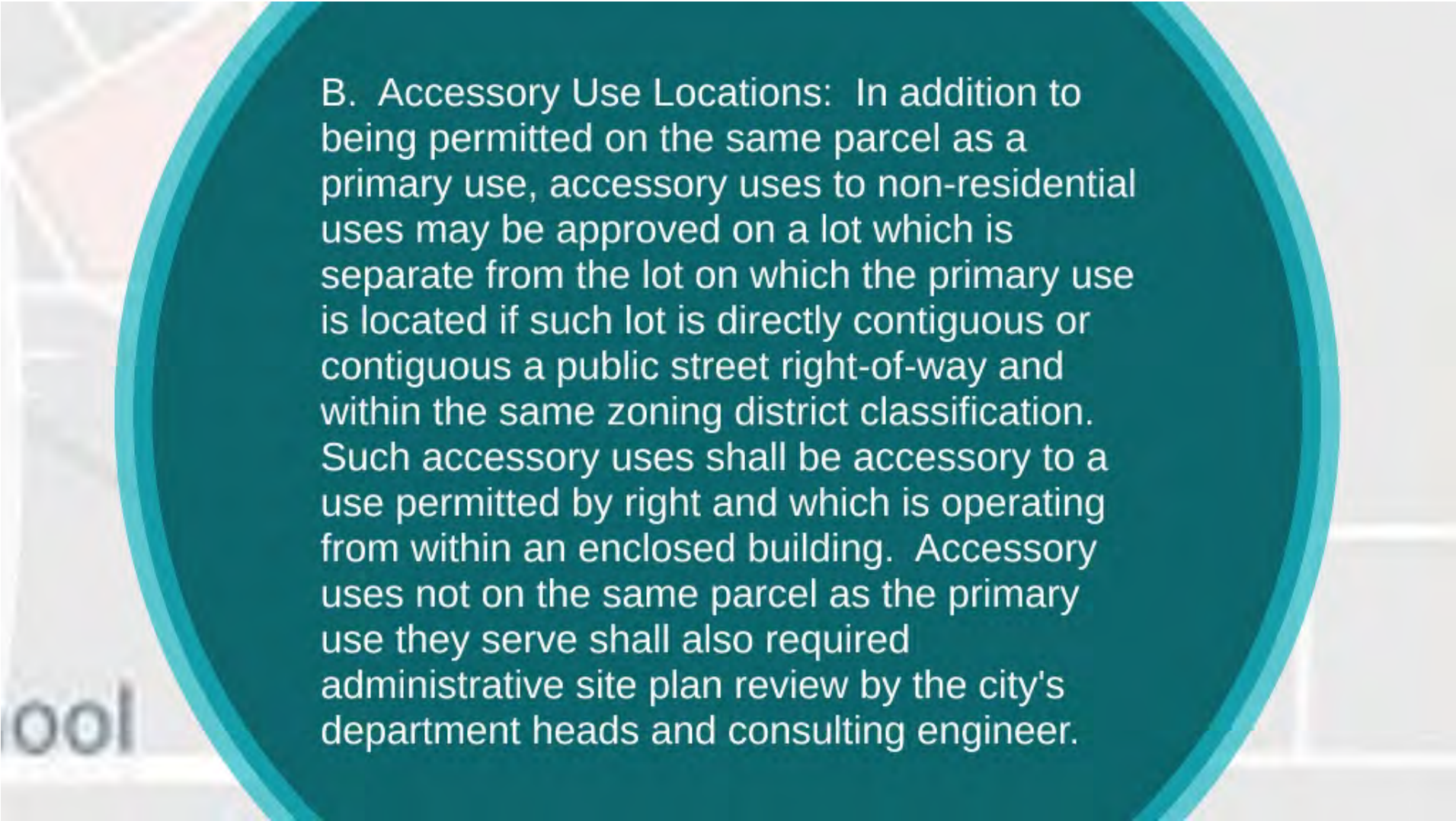


Accessory Use Amendment

Text Amendment to Section 46-657
Accessory Uses. Amendment
involves the creation of a Subsection
B which addresses accessory use
locations.

**Amendment
Text**

High School



B. Accessory Use Locations: In addition to being permitted on the same parcel as a primary use, accessory uses to non-residential uses may be approved on a lot which is separate from the lot on which the primary use is located if such lot is directly contiguous or contiguous a public street right-of-way and within the same zoning district classification. Such accessory uses shall be accessory to a use permitted by right and which is operating from within an enclosed building. Accessory uses not on the same parcel as the primary use they serve shall also required administrative site plan review by the city's department heads and consulting engineer.

CITY OF CADILLAC

New Hope Shelter Rezoning & Special Land Use Permit

Applicant

Special
Land Use

Rezoning
R-1 to RM-2

Prepared by:
John Wallace
Community Development Director

DATE

Applicant

New Hope Shelter- Mark Mogen

Current Property Owner-
Church of the Nazarene
1125 Division Street

Special
Land Use

Rezoning
Request

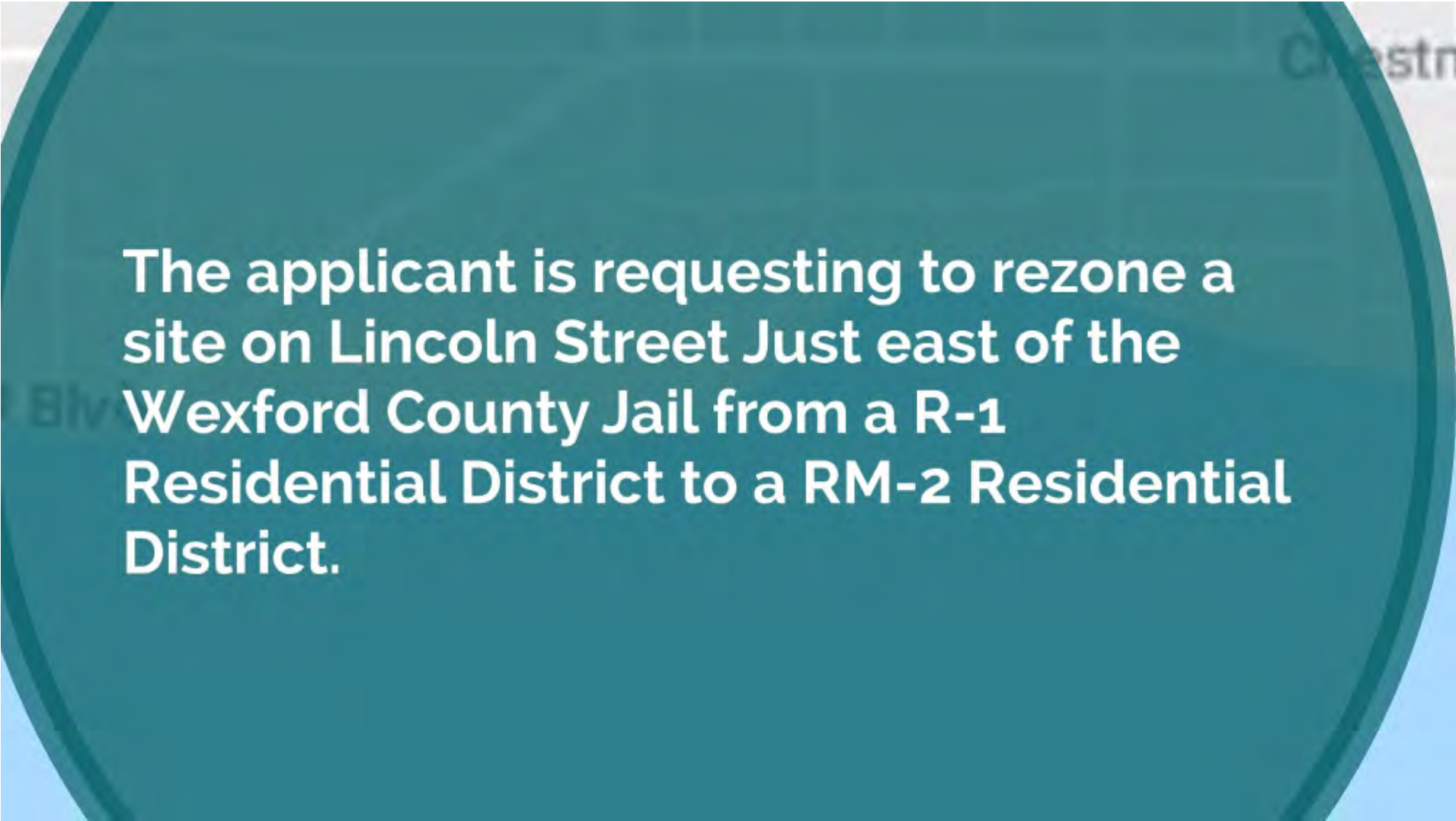
Cadillac's KISS
Monument

Chestnut St



Lake Cadillac

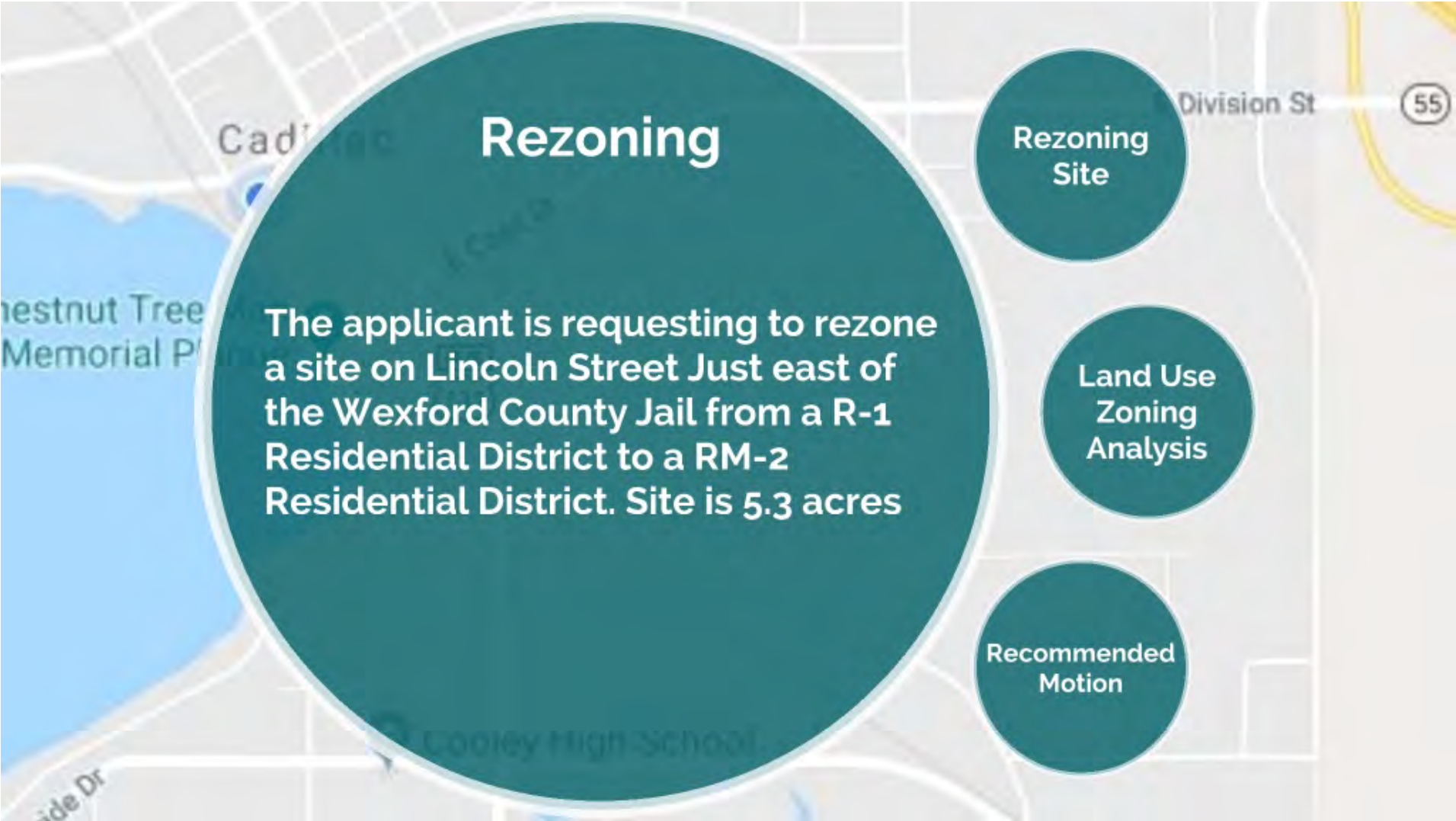
Kenwood
Heritage Park



The applicant is requesting to rezone a site on Lincoln Street Just east of the Wexford County Jail from a R-1 Residential District to a RM-2 Residential District.

Land Use Analysis

- Area Churches dominate the land use in the area. These churches according to Mark Mogen work with New Hope Shelter and support the project.
- Master plan land use designation for this area are consistent with the proposed use including the East Division Corridor District and the Mixed Use Crosby Road District.
- Planned uses for this area include religious institutions, multiple family residential, senior and assisted living housing, and professional offices.



Rezoning

The applicant is requesting to rezone a site on Lincoln Street Just east of the Wexford County Jail from a R-1 Residential District to a RM-2 Residential District. Site is 5.3 acres

Rezoning Site

Land Use
Zoning
Analysis

Recommended
Motion

**Area Land Use Surrounding
New Hope Combined Group/Family
Homeless Shelter Site**



Land Use/Zoning Analysis

- Master plan land use designation for this area are consistent with the proposed use including the East Division Corridor District and the Mixed Use Crosby Road District.
 - Planned uses for this area include religious institutions, multiple family residential, senior and assisted living housing, and professional offices.
 - Zoning for this area is predominately R-2 and OS-1. Existing zoning districts are not consistent with the city master plan.
-

Recommended Motion:

That the Planning Commission recommends to the city council that the rezoning application from New Hope Shelter/Church of the Nazarene to rezone property as legally described in the application from R-1 to RM-2 be approved.

Basis for Recommendation:

The basis for this recommendation is the existing land use pattern and the city's master plan. The area between the site to be rezoned and E. Division Street is dominated by religious institutions, a medical office, and the Wexford County Jail. The master plan designates this area for similar uses and medium density residential including multiple family housing.



MEMORANDUM

May 13, 2019

To: Cadillac City Council Members

From: Sara Christensen, CDBG Certified Grant Administrator

The City of Cadillac recently completed all the activities planned at 207 and 215 South Mitchell Street as part of the Cadillac Lofts Demolition and Site Preparation project. The project, supported by a Community Development Block Grant (CDBG), came in under budget at \$749,652, down from an original estimate of \$907,100. The grant funds were used for pre-demolition services, engineering, demolition, lead and asbestos abatement, and grant administration. Private funds in the amount of \$5,285 were used for clock tower removal. This project qualified for CDBG funds under the national objective of elimination of spot blight.

No local funds were paid by the City of Cadillac for this project.

No people were displaced as a result of this project.

Dean DeKryger, owner of The DK Design Group, served as the prime contractor and is planning to be in attendance to answer any questions specific to the on-site project activities.

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 Staff, with CDBG Administrator assistance, will provide documentation required as part of the monitoring phase to close-out the grant.

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 ADOPT ORDINANCE AMENDING ZONING MAP

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 20th day May, 2019, at 6:00 p.m.

PRESENT: _____

ABSENT: _____

The following preamble and resolution was offered by _____ and seconded by _____.

WHEREAS, Munson Healthcare Cadillac Hospital (the "Owner") owns real property in the City of Cadillac legally described as follows:

LOTS 9 AND 10 OF BLOCK 20 G A MITCHELLS PLAT OF NW 1/4 SEC 3-21-9
CITY OF CADILLAC (Tax identification Nos. 10-082-00-189-00 and 10-082-00-191-00)(collectively the "OS-1 Parcels")

WLY 78 FT OF LOT 2 BLK 21 G A MITCHELLS PLAT OF NW 1/4 SEC 3-21-9,
CITY OF CADILLAC (Tax identification No. 10-082-00-194-00)

LOT 2 BLK 21 EX: WLY 78 FT G A MITCHELLS PLAT OF NW 1/4 SEC 3-21-9,
CITY OF CADILLAC (Tax identification No. 10-082-00-195-00)

LOT 3 BLK 21 G A MITCHELLS PLAT OF NW 1/4 SEC 3-21-9, CITY OF
CADILLAC (Tax identification No. 10-082-00-196-00)

LOT 4 BLK 21 G A MITCHELLS PLAT OF NW 1/4 SEC 3-21-9, CITY OF
CADILLAC (Tax identification No. 10-082-00-197-00)

LOTS 5 & 6 BLK 21 G A MITCHELLS PLAT OF NW 1/4 SEC 3-21-9, CITY OF
CADILLAC (Tax identification No. 10-082-00-198-00)

LOT 7 BLK 21 G A MITCHELLS PLAT OF NW 1/4 SEC 3-21-9, CITY OF CADILLAC (Tax identification No. 10-082-00-200-00)(collectively the "R-3 Parcels")

and

WHEREAS, Dean DeKryger, the DK Design Group (the "Applicant"), submitted an application (the "Application") to the City Planning Commission requesting that the OS-1 and R-3 Parcels be rezoned to OS-2, Office Service District; and

WHEREAS, on April 16, 2019, 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 to the City Council; and

WHEREAS, the City Council conducted a public hearing to hear public comments regarding the Application on May 20, 2019; and

WHEREAS, following the public hearing, the City concludes that granting the Application is in the best interest of the public health, safety and welfare.

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

1. Ordinance Amending the City Zoning Map (the "Ordinance," attached as Exhibit A) is hereby adopted.
2. The Ordinance shall be filed with the City Clerk.
3. The City Clerk shall publish notice of adoption in a newspaper of general circulation in the City within 15 days.

4. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)
COUNTY OF WEXFORD)

I, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. ____, duly adopted at a regular meeting of the City Council held on the 20th day of May, 2019.

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. 2019-05

AN ORDINANCE AMENDING THE CITY ZONING MAP

THE CITY OF CADILLAC ORDAINS:

Section 1.

The City hereby amends the City Zoning Map to change the OS-1, Office Service District zoning designation and established use district as shown on the City Zoning Map for the real property legally described as:

LOTS 9 AND 10 OF BLOCK 20 G A MITCHELLS PLAT OF NW ¼ SEC 3-21-9
CITY OF CADILLAC (Tax identification Nos. 10-082-00-189-00 and 10-082-00-191-00)

to the OS-2, Office Service District zoning designation and corresponding use district under Chapter 46 of the Cadillac City Code.

The City also amends the City Zoning Map to change the R-3, One Family Residential District zoning designation and established use district as shown on the City Zoning Map for the real property legally described as:

WLY 78 FT OF LOT 2 BLK 21 G A MITCHELLS PLAT OF NW 1/4 SEC 3-21-9,
CITY OF CADILLAC (Tax identification No. 10-082-00-194-00)

LOT 2 BLK 21 EX: WLY 78 FT G A MITCHELLS PLAT OF NW 1/4 SEC 3-21-9,
CITY OF CADILLAC (Tax identification No. 10-082-00-195-00)

LOT 3 BLK 21 G A MITCHELLS PLAT OF NW 1/4 SEC 3-21-9, CITY OF
CADILLAC (Tax identification No. 10-082-00-196-00)

LOT 4 BLK 21 G A MITCHELLS PLAT OF NW 1/4 SEC 3-21-9, CITY OF
CADILLAC (Tax identification No. 10-082-00-197-00)

LOTS 5 & 6 BLK 21 G A MITCHELLS PLAT OF NW 1/4 SEC 3-21-9, CITY OF
CADILLAC (Tax identification No. 10-082-00-198-00)

LOT 7 BLK 21 G A MITCHELLS PLAT OF NW 1/4 SEC 3-21-9, CITY OF
CADILLAC (Tax identification No. 10-082-00-200-00)

to the OS-2, Office Service District zoning designation and corresponding use district under Chapter 46 of the Cadillac City Code.

Section 2.

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 3.

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 4.

This Ordinance shall take effect twenty (20) days after its adoption.

Approved this ___ day of _____, 2019.

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

RESOLUTION NO. ____

**RESOLUTION TO ADOPT ORDINANCE AMENDING ZONING ORDINANCE REGARDING
ACCESSORY USES**

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 20th day May, 2019, at 6:00 p.m.

PRESENT: _____

ABSENT: _____

The following preamble and resolution was offered by _____ and seconded by _____.

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 section 46-657 to create two subsections, one for accessory use examples and one for accessory use location, and to require accessory uses which are not on the same parcel as the primary use be subject to administrative site plan review by the City's department heads and consulting engineer; and

WHEREAS, on April 16, 2019, 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

to the City Council; and

WHEREAS, the City held a duly noticed public hearing to consider adopting the Ordinance on May 20, 2019; and

WHEREAS, following the public hearing, the City concludes that adopting the Ordinance is in the best interest of the public health, safety and welfare.

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

1. Ordinance Amending Zoning Ordinance Regarding Accessory Uses (the "Ordinance," attached as Exhibit A) is hereby adopted.
2. The Ordinance shall be filed with the City Clerk.
3. The City Clerk shall publish notice of adoption in a newspaper of general circulation in the City within 15 days.
4. Any and all resolutions that are in conflict with this Resolution are hereby repealed upon the effective date of the Ordinance but only to the extent necessary to give this Resolution full force and effect.

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)
COUNTY OF WEXFORD)

I, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. ____, duly adopted at a regular meeting of the City Council held on the 20th day of May, 2019.

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. 2019-06

**AN ORDINANCE AMENDING THE CITY ZONING ORDINANCE REGARDING ACCESSORY
USES**

THE CITY OF CADILLAC ORDAINS:

Section 1.

Section 46-657 of the City's Zoning Ordinance shall be amended to read in its entirety, as follows:

Sec. 46-657. - Accessory uses.

- A. Accessory Use Examples: an accessory use includes, but is not limited to the following:
- (1) Residential accommodations for up to two servants and/or caretakers.
 - (2) Swimming pools for the use of the occupants of a residence, or their guests.
 - (3) Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
 - (4) A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
 - (5) Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
 - (6) Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
 - (7) Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
 - (8) Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
 - (9) Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.

(10) Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

- B. Accessory Use Locations: in addition to being permitted on the same parcel as a primary use, accessory uses to non-residential uses may be approved on a lot which is separate from the lot on which the primary use is located if such lot is directly contiguous or contiguous across a public street right-of-way and within the same zoning district classification. Such accessory uses shall be accessory to a use permitted by right and which is operating from within an enclosed building. Accessory uses not on the same parcel as the primary use they serve shall also require administrative site plan review by the city's department heads and consulting engineer.

Section 2.

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 3.

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 4.

This Ordinance shall take effect twenty (20) days after its adoption.

Approved this ___ day of _____, 2019.

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

RESOLUTION NO. ____

RESOLUTION TO ADOPT ORDINANCE AMENDING ZONING MAP

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 20th day May, 2019, at 6:00 p.m.

PRESENT: _____

ABSENT: _____

The following preamble and resolution was offered by _____ and seconded by _____.

WHEREAS, the Church of the Nazarene of Cadillac (the "Owner") owns real property in the City of Cadillac legally described as follows:

LOT 1, 2 AND 4, BLOCK 3 SAMUEL S. THORPE SUBDIVISION, CITY OF CADILLAC (Tax identification No. 10-095-00-013-01)(the "Parcels"),

and

WHEREAS, the Parcels are currently zoned R-1, One Family Residential; and

WHEREAS, New Hope Shelter (the "Applicant"), submitted an application (the "Application") to the City Planning Commission requesting that the Parcels be rezoned to RM-2, Multiple Family Residential; and

WHEREAS, on April 16, 2019, 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 to the City Council; and

WHEREAS, the City Council conducted a public hearing to hear public comments regarding the Application on May 20, 2019; and

WHEREAS, following the public hearing, the City concludes that granting the Application is in the best interest of the public health, safety and welfare.

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

1. Ordinance Amending the City Zoning Map (the "Ordinance," attached as Exhibit A) is hereby adopted.
2. The Ordinance shall be filed with the City Clerk.
3. The City Clerk shall publish notice of adoption in a newspaper of general circulation in the City within 15 days.
4. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)
COUNTY OF WEXFORD)

I, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. ____, duly adopted at a regular meeting of the City Council held on the 20th day of May, 2019.

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. 2019-07

AN ORDINANCE AMENDING THE CITY ZONING MAP

THE CITY OF CADILLAC ORDAINS:

Section 1.

The City hereby amends the City Zoning Map to change the R-1, One Family Residential District zoning designation and established use district as shown on the City Zoning Map for the real property legally described as:

LOT 1, 2 AND 4, BLOCK 3 SAMUEL S. THORPE SUBDIVISION, CITY OF CADILLAC (Tax identification No. 10-095-00-013-01)(the "Parcels"),

to the RM-2, Multiple Family Residential District zoning designation and corresponding use district under Chapter 46 of the Cadillac City Code.

Section 2.

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 3.

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 4.

This Ordinance shall take effect twenty (20) days after its adoption.

Approved this ___day of _____, 2019.

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

RESOLUTION NO. 2019-xxxx

**RESOLUTION TO ADOPT AN ORDINANCE TO AMEND SECTIONS 42-201
AND 42-202(3) OF CHAPTER 42 OF THE CADILLAC CITY CODE TO
INCREASE WATER RATES IN THE CITY OF CADILLAC 10%.**

At a regular 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 20th day of May, 2019, at 6:00 p.m.

PRESENT: COUNCIL MEMBERS: _____

ABSENT: _____

The following preamble and resolution was offered by _____ and seconded by _____.

WHEREAS, the City has established a water supply system for the residents and businesses of the City;

WHEREAS, the City charges for the use of the water system for the purpose of recovering the cost of construction, reconstruction, maintenance, repair, and operation of the system;

WHEREAS, Section 42-374 of the Cadillac City Code provides that City staff or designated parties shall periodically review the charges, rates, fees, rules, and regulations of the water system and report the results of the review to the City Council with respective recommendations for any adjustments;

WHEREAS, pursuant to Article 16, Section 16.3 of the City Charter, the City may fix just and reasonable water rates and other charges from time to time as may be deemed advisable;

WHEREAS, the City staff has reviewed the water supply system rates and has recommended a rate increase of 10%;

WHEREAS, the City wishes to consider increasing rates for the water supply system by 10%;

WHEREAS, the City held a duly noticed public hearing regarding the proposed ordinance on May 20, 2019; and

WHEREAS, the City concludes that adopting the proposed ordinance is in the best interest of the public health, safety, and welfare.

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

1. Ordinance No. 2019-02, Ordinance to Amend Sections 42-201 and 42-202(3) of Chapter 42 of the Cadillac City Code to Increase Water Rates in the City of Cadillac 10% (the "Ordinance," attached as Exhibit A) is hereby adopted.
2. The Ordinance shall be filed with the City Clerk.
3. The City Clerk shall publish a Notice of Adoption and Summary of the Ordinance within seven (7) days after its adoption.
4. Any and all resolutions that are in conflict with this Resolution are hereby repealed, but only to the extent to give this Resolution full force and effect.

YEAS: COUNCIL MEMBERS: _____

NAYS: _____

STATE OF MICHIGAN)
)ss
COUNTY OF WEXFORD)

I, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. 2019-xxxx, duly adopted at a regular meeting of the City Council held on the 20th day of May, 2019.

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. 2019-02

**AN ORDINANCE TO AMEND SECTIONS 42-201 AND 42-202(3) OF
CHAPTER 42 OF THE CADILLAC CITY CODE TO INCREASE WATER RATES
IN THE CITY OF CADILLAC 10.0%.**

THE CITY OF CADILLAC ORDAINS:Section 1.

The City hereby amends Section 42-201 of the Cadillac City Code, entitled "Service rates," which shall read as follows:

The rates for water service furnished by the city water supply system shall be as follows:

(1) *Monthly service charges.*

Meter Size (in inches)	Charge (per month)
5/8	\$7.24
3/4	\$10.65
1	\$17.74
1 1/2	\$35.56
2	\$56.72
3	\$124.21
4	\$212.95
6	\$443.70
8	\$638.90

(2) *Commodity charge.*

Volume (100 cubic-foot unit)	Per Month (per unit)
0 to 600 cu. ft.	\$1.52
601 to 10,000 cu. ft.	\$1.29
10,001 to 100,000 cu. ft.	\$1.14
100,001 to 250,000 cu. ft.	\$1.00
250,001 and above	\$0.87

Section 2.

The City hereby amends Section 42-202(3) of the Cadillac City Code, which shall read as follows:

The rates for providing fire protection sprinklers shall be as follows:

Line Size (in inches)	Charges (per month)
$\frac{3}{4}$	\$2.59
1	\$4.43
1 $\frac{1}{2}$	\$8.80
2	\$14.20
3	\$30.84
4	\$53.04
6	\$110.69
8	\$159.50
10	\$256.89
12	\$380.78

Section 3.

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

Section 4.

This Ordinance shall take effect July 1, 2019.

Approved this 20th day of May, 2019.

Sandra Wasson, Clerk

Carla J. Filkins, Mayor

I, Sandra Wasson, City Clerk of the City of Cadillac, Michigan, do hereby certify that Ordinance
No. 2019-02 was published in the Cadillac News on the _____ day of _____, 2019.

Sandra 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
Stephen King
Robert J. Engels

RESOLUTION NO. 2019-xxxx

**RESOLUTION TO ADOPT AN ORDINANCE TO AMEND SECTION 42-374 OF
CHAPTER 42 OF THE CITY CODE TO INCREASE SEWER RATES IN THE
CITY OF CADILLAC 1.5%.**

At a regular 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 20th day of May, 2019, at 6:00 p.m.

PRESENT: COUNCIL MEMBERS: _____

ABSENT: _____

The following preamble and resolution was offered by _____ and seconded by _____.

WHEREAS, the City has established a sewer supply system for the residents and businesses of the City;

WHEREAS, the City charges for the use of the sewer system for the purpose of recovering the cost of construction, reconstruction, maintenance, repair, and operation of the system;

WHEREAS, Section 42-374 of the Cadillac City Code provides that City staff or designated parties shall periodically review the charges, rates, fees, rules, and regulations of the sewer system and report the results of the review to the City Council with respective recommendations for any adjustments;

WHEREAS, pursuant to Article 16, Section 16.3 of the City Charter, the City may fix just and reasonable sewer rates and other charges from time to time as may be deemed advisable;

WHEREAS, the City staff has reviewed the sewer supply system rates and has recommended a rate increase of 1.5%;

WHEREAS, the City wishes to consider increasing rates for the sewer supply system by 1.5%;

WHEREAS, the City held a duly noticed public hearing regarding the proposed ordinance on May 20, 2019; and

WHEREAS, the City concludes that adopting the proposed ordinance is in the best interest of the public health, safety, and welfare.

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

1. Ordinance No. 2019-03, Ordinance to Amend Section 42-374 of Chapter 42 of the City Code to Increase Sewer Rates in the City of Cadillac 1.5% (the "Ordinance," attached as Exhibit A) is hereby adopted.
2. The Ordinance shall be filed with the City Clerk.
3. The City Clerk shall publish a Notice of Adoption and Summary of the Ordinance within seven (7) days after its adoption.
4. Any and all resolutions that are in conflict with this Resolution are hereby repealed, but only to the extent to give this Resolution full force and effect.

YEAS: COUNCIL MEMBERS: _____

NAYS: _____

STATE OF MICHIGAN)
)ss
COUNTY OF WEXFORD)

I, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. 2019-xxxx, duly adopted at a regular meeting of the City Council held on the 20th day of May, 2019.

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. 2019-03

**AN ORDINANCE TO AMEND SECTION 42-374 OF CHAPTER 42 OF THE
CADILLAC CITY CODE TO INCREASE SEWER RATES IN THE CITY OF
CADILLAC 1.5%.**

THE CITY OF CADILLAC ORDAINS:Section 1.

The City hereby amends Section 42-374 of the Cadillac City Code, entitled "Monthly wastewater user services charges," which shall read as follows:

No free service shall be furnished by the system to the city or to any person, firm or corporation, public or private, or to any public agency or instrumentality.

(1) *Metered users.*

a. *Base Rate.* The base rate for metered users is as follows:

Meter Size (in inches)	Service Charge (per month)
5/8	\$10.77
3/4	\$16.19
1	\$26.96
1 1/2	\$53.91
2	\$86.28
3	\$188.87
4	\$323.57
6	\$674.23
8	\$970.86

b. *Commodity charges.* A charge of \$2.50 per 100 cubic feet of metered water used will be charged each month.

- (2) *Unmetered users (flat rate).* Unmetered users will be charged according to the following rate schedule:

- a. Room charge: Count living, dining, bedrooms and kitchens. **DO NOT COUNT** bathrooms, halls, storage closets. This charge includes lavatories, dishwashing, laundry, and all other domestic uses except bathtubs, showers and toilets.

Rooms	Per Month
1 to 3 rooms, inclusive	\$9.32
4 to 6 rooms, inclusive	\$10.44
7 to 8 rooms, inclusive	\$12.32
Each additional room	\$1.71

- b. For each additional bathtub or shower, add \$4.47 per month.
- c. For each additional toilet, add \$4.91 per month

- (3) *Surcharges.* Additional charges will be in accordance with the following schedule:

Parameter	Parameter Surcharge (per month-per pound)	Base Concentration (in mg/L)
Suspended Solids	\$0.36	215
Biochemical oxygen demand	\$0.52	185
Phosphorus	\$3.49	10
Nitrogen	\$8.16	20
Total organic carbon	\$2.93	600
Chemical oxygen demand	\$1.26	600
Total chlorides	\$0.66	600

- (4) *Unmetered users with private water systems.* The monthly wastewater user service charges for those homes, businesses and other customers who do not have city water available, and are using a private water supply system shall be as follows:

- a. All commercial, industrial, and institutional accounts shall have a water meter installed. The meter shall be installed under the direction of the city utilities department. The cost of installation shall be borne by the owner. The cost of replacement shall be borne by the utilities department.

- b. All residential customers shall be given the option of having a water meter installed as provided for above, or the residential customer shall be billed a flat rate sewer charge equal to the average billing as determined on an annual basis.
- c. The average monthly residential sewer bill, as of July 1, 2019, is a charge of \$28.25.

(5) *Watering adjustment basis.*

- a. For all residential users, charges for sewer for the months of May, June, July, August and September shall be computed for each account based on the average metered water consumption for the base period of the preceding October, November, December January and February. If no previous base history is available, a citywide residential average will be used.
- b. For all other users, a separate meter may be purchased and installed at owner's expense, which will be utilized for watering only with the billing to reflect that amount.

Section 2.

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

Section 3.

This Ordinance shall take effect July 1, 2019.

Approved this 20th day of May, 2019.

Sandra Wasson, Clerk

Carla J. Filkins, Mayor

I, Sandra Wasson, City Clerk of the City of Cadillac, Michigan, do hereby certify that Ordinance
No. 2019-03 was published in the Cadillac News on the _____ day of _____, 2019.

Sandra 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
Stephen King
Robert J. Engels

RESOLUTION NO. 2019-xxxx

**RESOLUTION TO ADOPT ORDINANCE NO. 2019-04, ORDINANCE ESTABLISHING
GENERAL APPROPRIATIONS ACT FOR FISCAL YEAR 2020**

At a regular 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 20th day of May, 2019, at 6:00 p.m.

PRESENT: COUNCIL MEMBERS: _____

ABSENT: _____

The following preamble and resolution was offered by _____ and seconded by _____.

WHEREAS, the Uniform Budgeting and Accounting Act, 1968 PA 2, as amended, requires the City Council of the City of Cadillac to pass a general appropriations act for all funds, except trust or agency, internal service, enterprise, debt service or capital project funds for which the City Council may pass a special appropriation act; and

WHEREAS, Section 10.3 of the Charter of the City of Cadillac (the "Charter") requires a public hearing be held in the second half of the month of April on the proposed budget before final adoption; that notice of the public hearing be published at least ten (10) days in advance of the hearing; and that the complete proposed budget be on file for public inspection during office hours at the office of the City Clerk for a period of not less than (10) days prior to such public hearing; and

WHEREAS, on the 4th day of April, 2019 a notice of hearing was published as required by Section 10.3 of the Charter, and a public hearing on the proposed budget for Fiscal Year 2020 was held on the 15th day of April, 2019; and

WHEREAS, Section 10.4 of the Charter requires the City Council to adopt a budget by ordinance between the 10th day of May and the last day of May of each year appropriating the money needed for municipal purposes during the next fiscal year and provide for a levy of the amount necessary to be raised by taxes upon real and personal property; and

WHEREAS, Section 5.2 of the Charter requires each proposed ordinance be introduced in written or printed form, identified by a short title containing a preamble stating its purpose and, following introduction of the proposed ordinance, requires the City Clerk to publish a summary of the proposed

ordinance in a local newspaper of general circulation in the City and make copies of the proposed ordinance available for examination at the office of the City Clerk and provide copies at a reasonable charge; and

WHEREAS, the City Council introduced Ordinance No. 2019-04, Ordinance Adopting General Appropriations Act for Fiscal Year 2020 (the "Ordinance"), on May 6 2019, and scheduled a public hearing on the Ordinance for May 20, 2019, at 6:00 p.m.;

WHEREAS, the City Council conducted a public hearing regarding the Ordinance on May 20, 2019 at 6:00 p.m. in the Council Chambers, Cadillac Municipal Complex, 200 Lake Street, Cadillac, Michigan;

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

1. The Ordinance, which is attached as Exhibit A, is hereby adopted.
2. The Ordinance shall be filed with the City Clerk.
3. The City Clerk shall publish a summary of the Ordinance in a newspaper of general circulation in the City within seven (7) days.
4. Any and all resolutions that are in conflict with this Resolution are hereby repealed upon the effective date of the Ordinance.

YEAS: COUNCIL MEMBERS: _____

NAYS: _____

STATE OF MICHIGAN)

COUNTY OF WEXFORD)

I, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. 2019-xxxx, duly adopted at a regular meeting of the City Council held on the 20th day of May, 2019.

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. 2019-04

ORDINANCE ESTABLISHING GENERAL APPROPRIATIONS ACT FOR FISCAL YEAR 2020

THE CITY OF CADILLAC ORDAINS:

Section 1, Title.

This Ordinance shall be known as the City of Cadillac General Appropriations Act For Fiscal Year 2020.

Section 2, Public Hearing on the Budget.

Pursuant to MCL 141.412 and Section 10.3 of the City Charter, notice of a public hearing on the proposed budget was published in a newspaper of general circulation on April 4, 2019, and a public hearing on the proposed budget was held on April 15, 2019.

Section 3, Expenditures.

The City hereby appropriates the expenditures for the fiscal year commencing July 1, 2019 and ending June 30, 2020 on a departmental and activity total basis as follows:

General Fund Expenditures

Legislative	\$47,400
Office of the City Manager	305,500
Financial Services	261,200
City Clerk/Treasurer Department	311,000
Election Services	14,000
Assessing Services	138,500
Legal Services	200,000
Engineering Services	86,000
City Complex	359,800
Police Department	2,122,500
Fire Department	2,091,900
Public Works	863,700
Culture and Recreation	309,500
Economic Development and Assistance	206,400
Intergovernmental	100,700
Other	140,000
Total Expenditures	\$7,558,100

Section 4, Estimated Revenues.

The City estimates that revenues for the fiscal year commencing July 1, 2019 and ending June 30, 2020 will be as follows:

General Fund	
Taxes	\$3,874,000
Licenses & Permits	139,500
Intergovernmental	1,805,000
Charges for Services	1,046,100
Fines & Forfeits	15,000
Miscellaneous	25,000
Interest and Rents	56,500
Appropriated Fund Balance	600,000
Total Revenues	\$7,561,100

Section 5, Budgets.

The City hereby approves budgets for the fiscal year commencing July 1, 2019 and ending June 30, 2020 for the following funds in the amounts set forth below:

	<u>Revenues</u>	<u>Expenses</u>
Governmental Funds		
Major Street Fund	\$1,180,400	\$1,180,400
Local Street Fund	1,387,000	1,342,100
Cemetery Operating Fund	116,000	115,400
Cadillac Development Fund	76,000	76,000
Building Inspection Fund	90,000	90,000
Naval Reserve Center Fund	23,000	23,000
Lake Treatment Fund	23,300	23,300
H.L. Green Operating Fund	500	0
2016 General Obligation Capital Improvement Bond	160,000	160,000
Industrial Park Fund	12,000	2,500
Special Assessment Capital Projects Fund	30,500	30,500
Cemetery Perpetual Care Fund	19,500	500
Capital Projects Fund	1,500	500

	<u>Revenues</u>	<u>Expenses</u>
Proprietary Funds		
Auto Parking Fund	\$86,800	\$86,800
Water & Sewer Fund	4,392,000	4,381,100
Capital		8,808,000
Debt Service		605,000
Building Authority Operating Fund	155,500	140,500
Central Stores & Municipal Garage Fund	612,200	610,200
Capital		345,000
Debt Service		50,000
Information Technology Fund	197,000	197,000
Capital		90,000
Self-Insurance Fund	1,636,000	1,636,000
Employee Safety Fund	12,000	12,000
Pension Trust Fund		
Police & Fire Retirement System	1,082,500	1,082,500
Component Units		
Local Development Finance Authority Operating Fund	275,000	275,000
Local Development Finance Authority Utility Fund	25,500	15,300
Local Development Finance Authority Capital Projects Fund	350,500	350,500
Downtown Development Authority Operating Fund	32,000	32,000
Downtown Development Authority Capital Projects Fund	90,500	90,500
Brownfield Redevelopment Authority Operating Fund	34,000	34,000

Section 6, Millage Levies.

(a) The City will levy a tax of 13.9166 mills for the period of July 1, 2019 through June 30, 2020, on all real and personal taxable property in the City, according to the valuation of the same. This tax is levied for the purpose of defraying the general expense and liability of the City and is levied pursuant to Section 20.6, Article 20 of the City Charter. The maximum authorized levy according to the City Charter is 15.00 mills.

(b) The City further levies a tax of 2.60 mills for the period of July 1, 2019 through June 30, 2020, on all real and personal taxable property in the City, according to the valuation of the same. This tax is levied for the purpose of defraying the cost of supporting the retirement plan for personnel of the police and fire departments of the City pursuant to the provisions of Public Act 345 of 1937, as amended, as approved by a vote of the citizens of the City on November 8, 1977.

(c) The City further levies a tax of 1.9548 mills for the period of July 1, 2019 through June 30, 2020, on all real and personal taxable property in the City, according to the valuation of the same in a district known as the Downtown Development District. This tax is levied for the purpose of defraying the cost of the Downtown Development Authority.

Section 7, Adoption of Budget by Reference.

The general fund budget of the City is hereby adopted by reference, with revenues and activity expenditures as indicated in Sections 5 and 6 of this Act.

Section 8, Transfer Within Appropriation Centers.

The City Manager is hereby authorized to make budgetary transfers within the appropriation centers established throughout this budget. All transfers between appropriations may be made only by further resolution of the City Council pursuant to Section 10.5 of the City Charter and Section 19(2) of the provisions of the Michigan Uniform Accounting and Budget Act.

Section 9, Appropriations by Resolution.

The City Council may, by resolution, make additional appropriations during the 2020 Fiscal Year for unanticipated expenditures required of the City, but such expenditures shall not exceed the amount by which actual and anticipated revenues of the fiscal year are exceeding the revenues as estimated in the budget unless the appropriations are necessary to relieve an emergency endangering the public health, peace or safety.

Section 10, Effective Date.

This Ordinance shall take effect on July 1, 2019.

Approved this 20th day of May, 2019.

Sandra Wasson, Clerk

Carla J. Filkins, Mayor

May 20, 2019

Council Communication

Re: Fireworks Ordinance Revision

In 2011, the State of Michigan passed legislation that allowed the sale and use of consumer fireworks titled the Michigan Fireworks Safety Act (PA 256 of 2011). First the first time, fireworks that produced concussive effects and/or aerial devices were readily available for purchase throughout the State. In its original form, PA 256 did not allow any local control over the use of consumer fireworks for communities our size, and the only tools available to local communities were noise ordinances, which are difficult to enforce.

After much discussion and debate, the State amended PA 256 in 2013 to allow local communities to prohibit the use of consumer fireworks, however, local communities could not prohibit the use of consumer fireworks on the day before, day of, and day after a national holiday. In 2013, the City enacted an ordinance that limited consumer fireworks in accordance with PA 256, as amended.

In 2018, the State again amended PA 256. The basic structure of the 2013 amendment has been replaced with a more specific time and date criteria that helps to concentrate the use of consumer fireworks to fewer holidays and to weekends around shorter holidays. Due to the 2018 amendment, the staff has revisited its fireworks ordinance and has modified it to be consistent with the 2018 amendment of PA 256, the Michigan Fireworks Safety Act. For reference, please see the following copy of the updated ordinance for consideration.

Recommended Action

Adopt resolution to introduce Ordinance Amending the City Code Regarding Fireworks and set a public hearing for June 3, 2019.

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. 2019-_____

**RESOLUTION INTRODUCING AND SETTING PUBLIC HEARING FOR
AN ORDINANCE AMENDING THE CITY CODE REGARDING FIREWORKS**

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 20th day of May, 2019, at 6:00 p.m.

PRESENT: _____

ABSENT: _____

The following preamble and resolution was offered by _____ and
seconded by _____ .

WHEREAS, the City wishes to consider an ordinance to amend its Fireworks Ordinance to be consistent with new amendments to the Michigan Fireworks Safety Act, Act 256 of 2011, et seq; and

WHEREAS, Section 5.2 of the City Charter requires the City to hold a public hearing prior to final adoption of said ordinance and publish notice once at least five (5) days prior to the public hearing.

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

1. Pursuant to Section 5.2 of the City Charter, the City introduces Ordinance No. 2019-____, Ordinance Amending the City Code Regarding Fireworks (the "Ordinance," attached as Exhibit A).

2. A public hearing regarding the Ordinance shall be held on the 3rd day of June, 2019, 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 in a newspaper of general circulation in the City of Cadillac, 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 in 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.

5. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)
COUNTY OF WEXFORD)

I, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. 2019-____, duly adopted at a meeting of the City Council held on the 20th day of May, 2019.

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. 2019-____

AN ORDINANCE AMENDING THE CITY CODE REGARDING FIREWORKS

THE CITY OF CADILLAC ORDAINS:

SECTION 1. AMENDMENT OF CHAPTER 18 ARTICLE III

Chapter 18, Article III of the City's Code shall be amended to read in its entirety, as follows:

ARTICLE III. - FIREWORKS SAFETY ACT

SECTION 11.41 – PURPOSE

The purpose and intent of this Ordinance is to regulate the discharge, ignition and use of certain fireworks within the city boundaries consistent with the Michigan Fireworks Safety Act, Act 256 of 2011, as amended.

SECTION 18-42 – DEFINITIONS

The following words, terms and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this section:

Act means the Michigan Fireworks Safety Act, Public Act 256 of 2011, MCL 28.451 – 28.471, as amended.

Agricultural and wildlife fireworks means firework devices distributed to farmers, ranchers, and growers through a wildlife management program administered by the United States Department of Interior or the Michigan Department of Natural Resources.

APA means American Pyrotechnics Association.

Articles pyrotechnic means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are

classified as UN0431 or UN0432 under 49 CFR 172.101.

Commercial fireworks includes display fireworks, articles pyrotechnic, special effects and agricultural and wildlife fireworks.

Consumer fireworks are as defined in Section 2(f) of the Michigan Fireworks Safety Act, Act 256 of 2011, as amended, (MCL 28.452(f)) and mean fireworks devices that are designed to produce visible or audible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR Parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks do not include low-impact fireworks.

Display fireworks means large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.

Firework or fireworks means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects.

Low-impact fireworks means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

Minor means an individual who is less than 18 years of age.

~~**National holiday** means a national holiday is defined in 5 USC 6103 and includes the following:~~

- ~~a. New Year's Day (January 1st)~~
- ~~b. Martin Luther King Jr. Day (third Monday in January)~~
- ~~c. Washington's Birthday (third Monday in February)~~
- ~~d. Memorial Day (last Monday in May)~~
- ~~e. Independence Day (July 4th, and on the date selected by the City of Cadillac to celebrate Independence Day, if different)~~
- ~~f. Labor Day (first Monday in September)~~
- ~~g. Columbus Day (second Monday in October)~~
- ~~h. Veterans Day (November 11th)~~
- ~~i. Thanksgiving Day (fourth Thursday in November)~~
- ~~j. Christmas Day (December 25th)~~

NFPA means National Fire Protection Association.

Novelty fireworks means that term as defined under APA standard 87-1, 3.2, 3.2.1,

3.2.2, 3.2.3, 3.2.4, and 3.2.5 and all of the following:

- a. Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.
- b. Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph a. are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.
- c. Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.
- d. Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices.

Special effects means a combination of chemical elements or chemical compounds designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical or opera production or live entertainment.

State fire marshal means the Michigan state fire marshal appointed under section 1b of the Michigan Fire Prevention Code, 1941 PA 207, MCL 29.1b.

SECTION 18-43 – PROHIBITIONS

(1) Fireworks Generally.

- a. Fireworks shall not be ignited, discharged or used by: (a) a minor; (b) a person under the influence of alcohol or controlled substances; or (c) on public property, school property, church property, or property of another person, without that organization's or person's written authorization to do so.
- b. Any unmanned free-floating device (sky lanterns) which requires fire underneath to propel it and is not moored to the ground while aloft, have an uncontrolled and unpredictable flight path and descent are so as to pose a potential fire risk and are therefore prohibited.

(2) Consumer Fireworks.

~~No person shall ignite, discharge or use consumer fireworks in the City of Cadillac; except on the day preceding, the day of, or the day after a national holiday, and in accordance with the Michigan Fireworks Safety Act, Public Act 256 of 2011, as amended. The ignition, discharge or use of consumer fireworks on these holiday dates is permitted between the hours of 8:00 am and 1:00 am, and only in accordance with the Michigan Fireworks Safety Act, Public Act 256 of 2011, as amended.~~

It is unlawful for any person within the city to ignite discharge, or use consumer fireworks within the city except:

- (a) After 11:00 a.m. on December 31 until 1:00 a.m. on January 1.
- (b) After 11:00 a.m. on the Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
- (c) After 11:00 a.m. from June 29 through July 4 and the day that the City observes the Fourth of July until 11:45 p.m. on each of those days.
- (d) After 11:00 a.m. on July 5, if that date is a Friday or Saturday, until 11:45 p.m.
- (e) After 11:00 a.m. on the Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.
- (f) After 11:00 a.m. until 11:45 p.m. on any day that the City Council has approved the use of commercial fireworks within the City.

(3) **Commercial Fireworks.**

Commercial Fireworks shall not be discharged in the City of Cadillac without a permit as required by this Ordinance.

(4) **Low Impact or Novelty Fireworks.**

The display of low impact or novelty fireworks are regulated by state law and are not regulated by this Ordinance.

SECTION 18-44 – PERMITS

A permit is required for the discharge of commercial fireworks.

(1) **Permit Application.** A person seeking a permit to discharge commercial fireworks shall complete an application for a permit, which shall be submitted to the Clerk's Office at least 45 days in advance of the proposed discharge date. The application shall include:

- a. Proof that the applicant is over 18 years in age;
- b. A license or permit to operate commercial fireworks from the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives;
- c. A scale drawing of the site, including but not limited to surrounding buildings, the display site as described by NFPA 1123, the spectator viewing area and the parking areas;
- d. Proof of insurance as set forth in this section;
- e. Information as to the competency and qualifications of the fireworks display operators as required by NFPA 1123;
- f. A completed Application for Fireworks Display Permit from the State of Michigan;

- g. A description of the display, including the type and number of fireworks to be discharged;
- h. Proof to the City Fire Marshal or his designee, that the applicant is knowledgeable of the recommended safety requirements outlined in NFPA 1123;
- i. A nonresident applicant shall appoint in writing a resident member of the bar of this state or a resident agent to be the legal representative upon whom all process in an action or proceeding against the person, firm, or corporation may be served; and
- j. Payment of a fee as set forth in Chapter 48 of the City Code.

(2) Permit Approval Process.

- a. The City Clerk or his designee shall review the application for completeness.
- b. The City Fire Marshal or his designee shall review the application and make a written recommendation to the City Council.
- c. The City Council shall review the application and issue a permit if it finds that the following standards have been satisfied:
 - i. The permit application is complete and conforms to the requirements of this Ordinance.
 - ii. The proposed discharge of fireworks shall not have an adverse effect upon public safety.
 - iii. The time, duration and location of the fireworks will not unreasonably disturb the peace of neighboring property owners.

(3) Requirements of Permit Holders.

- a. A permit holder shall be responsible for the discharge of fireworks which shall conform to the approved permit and this Ordinance.
- b. A permit holder shall be responsible for all shells being fired. In the event one or more shells do not explode, the permit holder shall take appropriate measures to locate and properly dispose of the unexploded shell(s).

(4) Transfers.

Permits cannot be transferred or assigned without prior review and approval of the City.

(5) Revocation.

Permits shall be revoked and inventory seized if at any time during the term of the permit the terms and conditions of this Ordinance are violated.

SECTION 18-45 – INSURANCE

To protect the public, the applicant shall provide proof of financial responsibility by insurance to satisfy claims for damages to property or personal injuries arising out of an act or omission on

the part of the applicant. At a minimum, the applicant shall maintain (a) Worker's Compensation and Employers Liability coverage covering the statutory requirements of the State of Michigan and insuring the applicant with an Employer's Liability limit of at least \$500,000, if applicable, and (b) occurrence based Commercial General Liability coverage covering liability arising out of the operations of the applicant, with limits of at least \$3,000,000 per occurrence and (c) Automobile Liability with a limit of \$1,000,000 per occurrence CSL covering all owned, non-owned, and hired automobiles, and shall comply with all requirements of Michigan No-Fault law. The General Liability and Automobile liability policies shall be issued by an insurer licensed to do business in the State of Michigan with an A.M. Best rating of "A-" or better. If the applicant utilizes city owned property during the display, the City of Cadillac shall be named as additional insured on the General Liability and Automobile Liability policies, and coverage shall be considered primary over any other insurance held by the City.

SECTION 18-46 PENALTY

A violation of this Ordinance shall be deemed a municipal civil infraction, and the penalties described in Article 1, Section 1-14 of the Cadillac Code of Ordinances shall apply, except that **(1) the fine for any violation of this Ordinance that occurs on public property shall be in the amount of \$500.00 for each offense, plus costs, damages, expenses, and any other relief allowed by law and (2) the fine for any violation of section 18-43(2) shall be in the amount of \$1,000, \$500 of which shall be remitted to the City of Cadillac Police Department or other local law enforcement agency enforcing this Ordinance.**

SECTION 2. SEVERABILITY

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

SECTION 3. REPEALER

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

SECTION 4. EFFECTIVE DATE

This Ordinance shall take effect twenty (20) days after its adoption.

Approved this _____ day of _____, 2019.

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

ORDINANCE NO. 2019-____

AN ORDINANCE AMENDING THE CITY CODE REGARDING FIREWORKS

THE CITY OF CADILLAC ORDAINS:

SECTION 1. AMENDMENT OF CHAPTER 18 ARTICLE III

Chapter 18, Article III of the City's Code shall be amended to read in its entirety, as follows:

ARTICLE III. - FIREWORKS SAFETY ACT

SECTION 11.41 – PURPOSE

The purpose and intent of this Ordinance is to regulate the discharge, ignition and use of certain fireworks within the city boundaries consistent with the Michigan Fireworks Safety Act, Act 256 of 2011, as amended.

SECTION 18-42 – DEFINITIONS

The following words, terms and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this section:

Act means the Michigan Fireworks Safety Act, Public Act 256 of 2011, MCL 28.451 – 28.471, as amended.

Agricultural and wildlife fireworks means firework devices distributed to farmers, ranchers, and growers through a wildlife management program administered by the United States Department of Interior or the Michigan Department of Natural Resources.

APA means American Pyrotechnics Association.

Articles pyrotechnic means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.

Commercial fireworks includes display fireworks, articles pyrotechnic, special effects and agricultural and wildlife fireworks.

Consumer fireworks are as defined in Section 2(f) of the Michigan Fireworks Safety Act, Act 256 of 2011, as amended, (MCL 28.452(f)) and mean fireworks devices that are designed to produce visible or audible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR Parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks do not include low-impact fireworks.

Display fireworks means large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.

Firework or fireworks means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects.

Low-impact fireworks means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

Minor means an individual who is less than 18 years of age.

NFPA means National Fire Protection Association.

Novelty fireworks means that term as defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and all of the following:

- a. Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.
- b. Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph a. are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.
- c. Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.
- d. Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices.

Special effects means a combination of chemical elements or chemical compounds designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical or opera production or live entertainment.

State fire marshal means the Michigan state fire marshal appointed under section 1b of the Michigan Fire Prevention Code, 1941 PA 207, MCL 29.1b.

SECTION 18-43 – PROHIBITIONS

(1) Fireworks Generally.

- a. Fireworks shall not be ignited, discharged or used by: (a) a minor; (b) a person under the influence of alcohol or controlled substances; or (c) on public property, school property, church property, or property of another person, without that organization's or person's written authorization to do so.
- b. Any unmanned free-floating device (sky lanterns) which requires fire underneath to propel it and is not moored to the ground while aloft, have an uncontrolled and unpredictable flight path and descent are so as to pose a potential fire risk and are therefore prohibited.

(2) Consumer Fireworks.

It is unlawful for any person within the city to ignite, discharge, or use consumer fireworks within the city except:

- (a) After 11:00 a.m. on December 31 until 1:00 a.m. on January 1.**
- (b) After 11:00 a.m. on the Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.**
- (c) After 11:00 a.m. from June 29 through July 4 and the day that the City observes the Fourth of July until 11:45 p.m. on each of those days.**
- (d) After 11:00 a.m. on July 5, if that date is a Friday or Saturday, until 11:45 p.m.**
- (e) After 11:00 a.m. on the Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.**
- (f) After 11:00 a.m. until 11:45 p.m. on any day that the City Council has approved the use of commercial fireworks within the City.**

(3) Commercial Fireworks.

Commercial Fireworks shall not be discharged in the City of Cadillac without a permit as required by this Ordinance.

(4) Low Impact or Novelty Fireworks.

The display of low impact or novelty fireworks are regulated by state law and are not regulated by this Ordinance.

SECTION 18-44 – PERMITS

A permit is required for the discharge of commercial fireworks.

(1) **Permit Application.** A person seeking a permit to discharge commercial fireworks shall complete an application for a permit, which shall be submitted to the Clerk's Office at least 45 days in advance of the proposed discharge date. The application shall include:

- a. Proof that the applicant is over 18 years in age;
- b. A license or permit to operate commercial fireworks from the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives;
- c. A scale drawing of the site, including but not limited to surrounding buildings, the display site as described by NFPA 1123, the spectator viewing area and the parking areas;
- d. Proof of insurance as set forth in this section;
- e. Information as to the competency and qualifications of the fireworks display operators as required by NFPA 1123;
- f. A completed Application for Fireworks Display Permit from the State of Michigan;
- g. A description of the display, including the type and number of fireworks to be discharged;
- h. Proof to the City Fire Marshal or his designee, that the applicant is knowledgeable of the recommended safety requirements outlined in NFPA 1123;
- i. A nonresident applicant shall appoint in writing a resident member of the bar of this state or a resident agent to be the legal representative upon whom all process in an action or proceeding against the person, firm, or corporation may be served; and
- j. Payment of a fee as set forth in Chapter 48 of the City Code.

(2) Permit Approval Process.

- a. The City Clerk or his designee shall review the application for completeness.
- b. The City Fire Marshal or his designee shall review the application and make a written recommendation to the City Council.
- c. The City Council shall review the application and issue a permit if it finds that the following standards have been satisfied:
 - i. The permit application is complete and conforms to the requirements of this Ordinance.

- ii. The proposed discharge of fireworks shall not have an adverse effect upon public safety.
- iii. The time, duration and location of the fireworks will not unreasonably disturb the peace of neighboring property owners.

(3) Requirements of Permit Holders.

- a. A permit holder shall be responsible for the discharge of fireworks which shall conform to the approved permit and this Ordinance.
- b. A permit holder shall be responsible for all shells being fired. In the event one or more shells do not explode, the permit holder shall take appropriate measures to locate and properly dispose of the unexploded shell(s).

(4) Transfers.

Permits cannot be transferred or assigned without prior review and approval of the City.

(5) Revocation.

Permits shall be revoked and inventory seized if at any time during the term of the permit the terms and conditions of this Ordinance are violated.

SECTION 18-45 – INSURANCE

To protect the public, the applicant shall provide proof of financial responsibility by insurance to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the applicant. At a minimum, the applicant shall maintain (a) Worker's Compensation and Employers Liability coverage covering the statutory requirements of the State of Michigan and insuring the applicant with an Employer's Liability limit of at least \$500,000, if applicable, and (b) occurrence based Commercial General Liability coverage covering liability arising out of the operations of the applicant, with limits of at least \$3,000,000 per occurrence and (c) Automobile Liability with a limit of \$1,000,000 per occurrence CSL covering all owned, non-owned, and hired automobiles, and shall comply with all requirements of Michigan No-Fault law. The General Liability and Automobile liability policies shall be issued by an insurer licensed to do business in the State of Michigan with an A.M. Best rating of "A-" or better. If the applicant utilizes city owned property during the display, the City of Cadillac shall be named as additional insured on the General Liability and Automobile Liability policies, and coverage shall be considered primary over any other insurance held by the City.

SECTION 18-46 PENALTY

A violation of this Ordinance shall be deemed a municipal civil infraction, and the penalties described in Article 1, Section 1-14 of the Cadillac Code of Ordinances shall apply, except that **(1)** the fine for any violation of this Ordinance that occurs on public property shall be in the

amount of \$500.00 for each offense, plus costs, damages, expenses, and any other relief allowed by law and **(2) the fine for any violation of section 18-43(2) shall be in the amount of \$1,000, \$500 of which shall be remitted to the City of Cadillac Police Department or other local law enforcement agency enforcing this Ordinance.**

SECTION 2. SEVERABILITY

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

SECTION 3. REPEALER

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

SECTION 4. EFFECTIVE DATE

This Ordinance shall take effect twenty (20) days after its adoption.

Approved this _____ day of _____, 2019.

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 PROPOSED ORDINANCE AND PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held in the Council Chambers, Cadillac Municipal Complex, 200 North Lake Street, Cadillac, Michigan, on June 3, 2019, at 6:00 p.m., at a Meeting of the City Council, to consider the adoption of Ordinance No. 2019-__, Ordinance Amending the City Code Regarding Fireworks. 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.

AN ORDINANCE AMENDING THE CITY CODE REGARDING FIREWORKS

Section 1 of the proposed ordinance amends Chapter 18, Article III of the City’s Code to, among other things, update the dates and times when the ignition, discharge, or use of consumer fireworks are prohibited within the City as well as the penalties for such violations.

Section 2 provides that any section or subsection not expressly amended by the Ordinance shall remain in full force and effect. Should any portion of the Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of the Ordinance.

Section 3 provides that all other ordinances inconsistent with the provisions of the Ordinance are hereby repealed only to the extent necessary to give the Ordinance full force and effect.

Section 4 provides the effective date of the ordinance.

CITY COUNCIL OF THE
CITY OF CADILLAC, MICHIGAN

By: Sandra Wasson, City Clerk
Cadillac Municipal Complex
200 N. 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. 2019-_____

**RESOLUTION TO INTRODUCE ORDINANCE VACATING A PORTION OF 10TH STREET
AND RESERVING A PUBLIC UTILITY EASEMENT IN FAVOR OF THE CITY OF CADILLAC**

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 20th day of May, 2019, at 6:00 p.m.

PRESENT: _____

ABSENT: _____

The following preamble and resolution was offered by _____ and
seconded by _____.

WHEREAS, the City of Cadillac ("City") is authorized by statute to control its streets, alleys, and public ways, and thereby has the authority to vacate such streets, alleys, and public ways (MCL 117.4h; *Detroit Edison Co v City of Detroit*, 208 Mich App 26, 33; 527 NW2d 9 (1994)); and

WHEREAS, the Charter of the City provides that the City may, by ordinance and upon the affirmative vote of four or more members of the Council, "vacate, discontinue or abolish any highway, street, lane, alley or other public place, or part" (Charter Sec. 5.6);

WHEREAS, the Code of Ordinances of the City provides that the City Council, after recommendation from the City Planning Commission may, by resolution or ordinance, vacate a street or any portion of a street located in a platted subdivision and may reserve

an easement for public utility purposes or any other public purpose (Code of Ordinances, Section 20.4(a); and

WHEREAS, the Charter further provides that before final adoption of such an ordinance, the Council shall hold a public hearing and shall publish notice once at least twenty (20) days and again ten (10) days prior to the hearing; and

WHEREAS, the City may own an interest in a public street commonly known as 10th Street as depicted on Exhibit A to the proposed ordinance, which street is located within the City; and

WHEREAS, the City wishes to consider adopting an ordinance vacating a portion of 10th Street (between the railroad tracks on the East and 4th Avenue on the West) but reserving to the City a public utility easement under, over and through the vacated portion of 10th Street for the purpose of constructing, installing, operating, maintaining or repairing any and all public utilities, including water, sewer, gas, electric, cable, fiber optic, telecommunications and any similar public utilities, and authorizing the Mayor and/or the City Clerk to execute any and all documents necessary to vacate a portion of 10th Street, to release any unneeded utility easements in or near the vacated portion of 10th Street, to reserve a public utility easement and to execute an easement agreement; and

WHEREAS, portions of 10th Street were previously vacated and easements were retained or granted pursuant to the following documents:

1. 1928 Resolution (Liber 4, Page 508), which vacates 10th Street from the East line of Third Avenue 565 feet East and from the West line of Third Avenue 159 feet West.
2. 1970 Ordinance No. 744, which vacates that part of 10th Street between Sixth Avenue and Eighth Avenue.

3. 1977 Resolution (Liber 41, Page 640), which confirms the 1928 vacation.
4. 1983 Easement (Liber 290, Page 672), which grants to the City a right of way and utility easement.
5. 1990 Resolution (Liber 70, Page 145), which vacates approximately 400 feet West of the railroad tracks, and a part of the agreement says that the City will be granted an easement for right of way purposes.
6. 1990 Ordinance 90-07 (Liber 69, Page 99), which vacates the land described in the 1983 Easement, with a reservation of an easement for utilities.
7. 1993 Easement from CMI to City (Liber 338, Page 27), which replaces all prior easements and agreements pertaining to a portion of 10th Street; and

WHEREAS, the City desires to clarify the vacations of portions of 10th Street, vacate utility easements where such easements are not needed, reserve utility easements where the utility lines currently exist in or near 10th Street, and enter into an easement agreement for those utilities.

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

1. Pursuant to Section 5.2 and 5.6 of the City Charter, the City introduces Ordinance No. 2019-____, Ordinance Vacating A Portion of 10th Street and Reserving a Public Utility Easement in Favor of the City of Cadillac (the "Ordinance," attached as Exhibit 1).
2. A public hearing regarding the Ordinance shall be held on the 17th day of June, 2019, at 6:00 p.m. in the Council Chambers, Cadillac Municipal Complex, 200 North Lake Street, Cadillac, Michigan.
3. The City Clerk is directed to publish a summary of the Ordinance in a newspaper of general circulation in the City of Cadillac, together with a notice setting the

time and place for a public hearing on the Ordinance, in accordance with the Charter. The summary and notice of the hearing shall be substantially in the form of Exhibit 2.

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.

5. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)
COUNTY OF WEXFORD)

I, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. 2019-____, duly adopted at a meeting of the City Council held on the 20th day of May, 2019.

Sandra Wasson
City Clerk

ORDINANCE NO. 2019-____

**ORDINANCE VACATING A PORTION OF 10TH STREET AND
RESERVING A PUBLIC UTILITY EASEMENT IN FAVOR OF THE CITY OF CADILLAC**

THE CITY OF CADILLAC ORDAINS:

Section 1.

Pursuant to MCL 117.4h and the Charter of the City of Cadillac and other applicable authority, the City hereby vacates and abandons a portion (between the railroad tracks on the East and 4th Avenue on the West) of the public street commonly known as "10th Street" located in the City and depicted on Exhibit A attached hereto, pursuant to MCL 560.257 and any other applicable authority. The City hereby reserves to itself a public utility easement under, over and through the vacated portion of 10th Street for the purpose of constructing, installing, operating, maintaining, replacing and repairing any and all public utilities, including water, sewer, gas, electric, cable, fiber optic, telecommunications and any similar public utilities.

Section 2.

The Mayor and/or the City Clerk are hereby authorized to execute any and all documents necessary to vacate the aforesaid portion of 10th Street, to release any unneeded utility easements in or near the vacated portion of 10th Street, to reserve a public utility easement in the vacated portion of 10th Street, and to execute an easement agreement consistent with this Ordinance.

Section 3.

The City Clerk is directed, pursuant to Section 20-4(b), within 30-days after the adoption of this Ordinance, to record a certified copy of this Ordinance with the Wexford County Register of Deeds and to send a copy to the State Treasurer.

Section 4.

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 5.

This Ordinance shall take effect twenty (20) days after its adoption and publication.

Approved this ____ day of _____, 2019.

Sandra Wasson, Clerk

Carla J. Filkins, Mayor

I, Sandra Wasson, City Clerk of the City of Cadillac, Michigan, do hereby certify that a summary of Ordinance No. 2019-____ was published in the Cadillac News on the ____ day of _____, 2019.

Sandra Wasson, City Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF WEXFORD)

On this ____ day of _____, 2019, before me, a Notary Public, in and for said County, personally appeared Carla J. Filkins, Mayor, and Sandra Wasson, City Clerk, on behalf of the City of Cadillac, who executed the foregoing Ordinance and acknowledged that they have executed it on behalf of the City of Cadillac in their capacity as its Mayor and City Clerk, respectively.

_____, Notary Public
County of _____, State of Michigan
My commission expires: _____

Prepared By and Return To:
Scott H. Hogan (P41921)
FOSTER, SWIFT, COLLINS & SMITH, PC
1700 E. Beltline Avenue NE, Suite 200
Grand Rapids, MI 49525
(616) 726-2200

EXHIBIT A
(Portion of 10th Street to be vacated)

*** see attachment ***



Commercial Real Estate
Due Diligence Management
3465 South Arlington Rd Suite E#183
Akron, OH 44312
866.290.8121
www.amnational.net

ALTA/NSPS LAND TITLE SURVEY

for
STORE Capital Client File No.: 7210/02-669.1
Cadillac Casting

1500 4th Avenue
Cadillac, MI 49601
County of Wexford

Based upon the Commitment for Title Insurance issued by
First American Title Insurance Company;
Commitment No.: NCS-936049M1-PHX1; Revision 4;
Commitment Date: November 25, 2018 at 8:00 AM.

Surveyor's Certification

To:
- STORE Capital Corporation, a Maryland corporation, and its subsidiaries;
- STORE Capital Acquisitions, LLC, a Delaware limited liability company, and their respective successors and assigns;
- First American Title Insurance Company, and its successors and assigns;
- and American National, LLC.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6a, 6b, 7a, 7b1, 7c, 8, 9, 10a, 11 (10th St. only), 13, 14, 16, 17, 18, 20, 21 of Table A thereof. The fieldwork was completed on November 28, 2018.

Derek Kosicki, PS

Professional Surveyor Number 43058 in state of Michigan

Date of Plat or Map: 12/12/2018
Date of last revision: 03/15/2019
Network reference: #20181373-1



Survey prepared by:

MICHIGAN SURVEYING, INC.
37837 Five Mile Rd., Suite 364 Livonia, MI 48154
tel. (734) 542-9088, fax (734) 799-5737
www.MichiganSurveying.com
Derek.K@MichiganSurveying.com

REVISIONS		
NO.	DATE	DESCRIPTION
3	01/09/19	ASSURANCE NOTE
4	01/11/19	EX 14
5	01/14/19	FLOOD, AREA, MSC
6	01/18/19	MSC
7	03/11/19	10TH ST. UTILITIES
8	03/15/19	LEGEND

MSI JOB NO.: 18-199.1

LEGAL DESCRIPTION

Land in the City of Cadillac, Wexford County, MI, described as follows:

- A** Part of Blocks 178 and 189 described as commencing at the Northwest corner of Block 189, Improvement Board Addition to the City of Cadillac; thence South 89°45'30" East 541.01 feet to the point of beginning; thence South 16°02'30" East 331.74 feet; thence South 03°28'30" West 246.56 feet; thence Northeasterly along the railroad right-of-way to the intersection of the railroad right-of-way on the South side of vacated 10th Street; Westerly along the South side of vacated 10th Street to the point of beginning.
- B** Also beginning at the Northwest corner of Block 189, Improvement Board Addition to the City of Cadillac; thence South 89°45'30" East 220.75 feet as the point of beginning; thence South 00°14'30" West 71 feet; thence South 89°45'30" East 107.43 feet; thence North 00°14'30" East 71 feet; thence West to the point of beginning.
- C** Entire Block 190 Except Lots 8 and 9, the West 41 feet of Lot 10 and the West 40 feet of Lot 7, Improvement Board Addition to the City of Cadillac.
- D** Vacated 10th Street between Blocks 190, 191 and 189, Improvement Board Addition to the City of Cadillac.
- E** Entire Blocks 192, 201, 204, 205 and 208, Improvement Board Addition to the City of Cadillac. Excepting therefrom those portions of Block 204 and Block 205 deeded to MDOT per the Quit Claim Deed recorded in Liber 294, Page 508.
- F** Entire Block 203, Except Lots 7 and 8, the West 41 feet of Lot 9 and the West 40 feet of Lot 6, Improvement Board Addition to the City of Cadillac.
- G** Entire Block 206, Except Lot 4, the West 40 feet of Lot 5 and the West 90 feet of Lot 3, Improvement Board Addition to the City of Cadillac.
- I** Lots 8 and 9, the West 41 feet of Lot 10 and the West 40 feet of Lot 7, Block 190, Improvement Board Addition to the City of Cadillac.
- J** Entire Blocks 191, 202 and 207, Improvement Board Addition to the City of Cadillac.
- K** Lots 7 and 8, the West 41 feet of Lot 9 and the West 40 feet of Lot 6 of Block 203, Improvement Board Addition to the City of Cadillac.
- L** Lot 4, the West 40 feet of Lot 5 and the West 90 feet of Lot 3, Block 206, Improvement Board Addition to the City of Cadillac.
- H** And those portions of vacated Second Avenue, Third Avenue, Farrar Street, Ninth Street, Tenth Street, Eleventh Street and Twelfth Street which are adjacent to the property as described herein.

FLOOD NOTE

The field survey was not conducted to determine the Flood Zone Areas. By graphic scaling only we determined that according to the current FEMA's Flood Insurance Rate Map No. 26165C0343, dated August 3, 1998, subject property is located in Flood Zone X and is outside of the 0.2% annual chance floodplain. An Elevation Certificate may be needed to verify this determination.

GENERAL NOTES

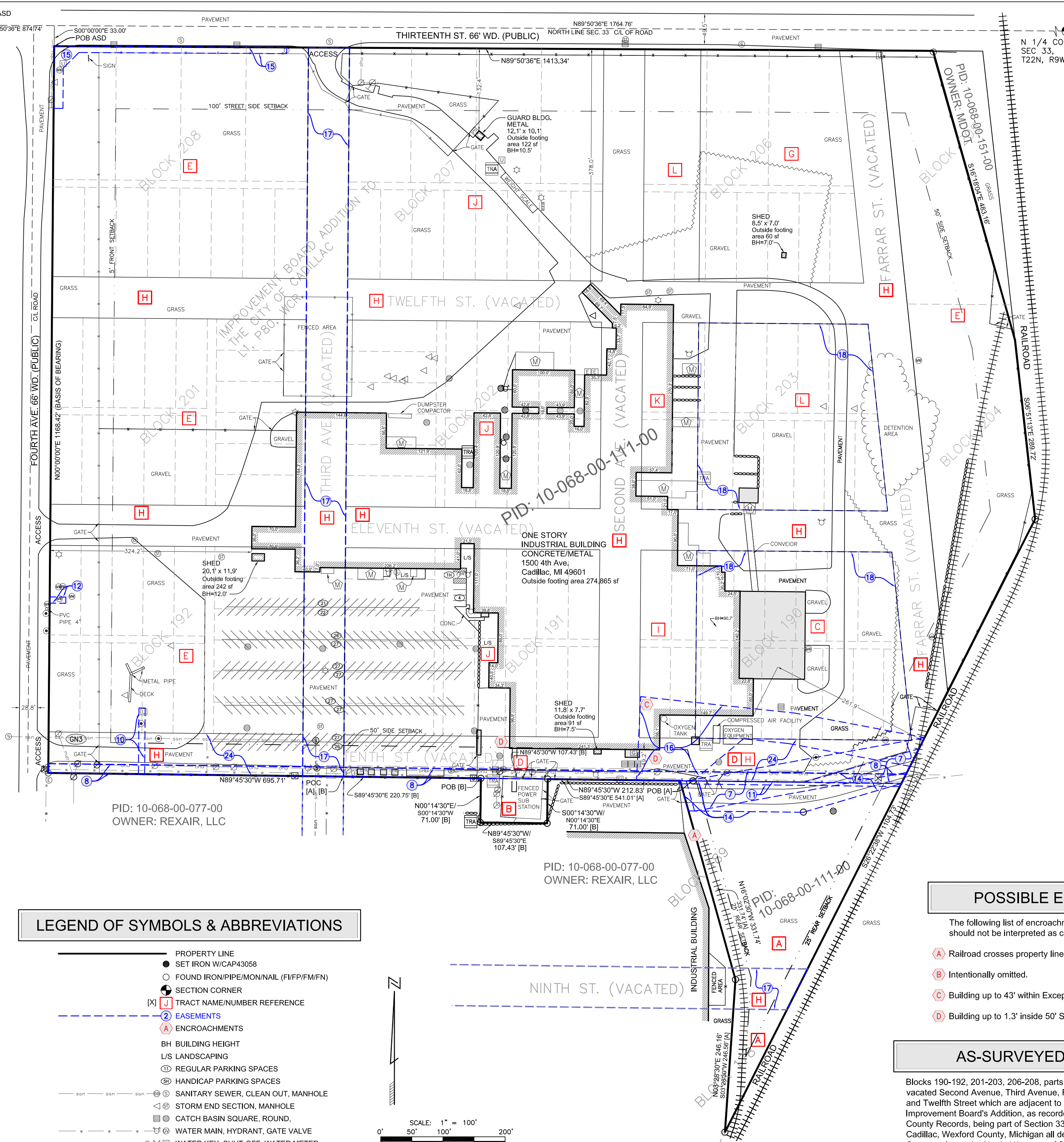
- GN1** The bearing of North being the East line of Forth Ave. as shown on the plat of Rochester Industrial Park Sub'n, Liber 1 of Plats, Page 80, WCR was used as a bearing base for this survey.
- GN2** Document listed as part Tract H (QCD, L 294, P508) contains illegible sketches. Boundary lines are based on Title Description, found field evidence and an ALTA Survey performed by Gosling Czubak, Inc.; Project No: 2014469.01; dated 4 March, 2014.
- GN3** Intentionally left blank.
- GN4** The address of the property is per record documents and was NOT confirmed in the field (there is no a street number on the building, mail box or the sign).
- GN5** Subject property has direct access to 13th St. and 4th Ave., a public streets.
- GN6** Property is located at the intersection of 13th St. with 4th Ave.
- GN7** Surveyor did not observe evidence of current earth moving work, building construction or building additions.
- GN8** Surveyor is unaware of proposed changes in street right of way lines. Surveyor did not observe evidence of recent street or sidewalk construction or repairs.
- GN9** Surveyor was not provided with documents relating to locations and did not observe evidence of cemeteries, gravesites and burial grounds.
- GN10** No wetland markers were observed during the survey.
- GN11** The location of utilities shown hereon are from observed evidence of above ground appurtenances only. The surveyor was not provided with underground plans or surface ground markings to determine the location of any subterranean uses.
- GN12** Ownership of fences, if any, was not determined under the scope of this survey.
- GN13** Surveyor did not observe visible surface evidence of waterways such as lakes, streams, creeks, etc.
- GN14** Re: Item 10a: client did not designate party walls.
- GN15** Surveyor did not observe evidence of substantial refuse located on subject property or visible evidence of use as a solid waste dump.

NOTES CORRESPONDING TO SCHEDULE B-II

- 7** Resolutions to vacate Tenth Street dated April 30, 1928 and recorded May 2, 1928 in Liber 4 of Miscellaneous Records at Page 508; October 17, 1977 and recorded in Liber 41 at Page 640; and April 16, 1990 and recorded April 19, 1991 in Liber 70 at Page 145. **Item located as shown hereon.**
- 8** Right-of-way in favor of Consumers Power Company dated January 25, 1955 and recorded April 25, 1955 in Liber 181 at Page 590. **Item located as shown hereon.**
- 9** Easement in favor of Michigan Consolidated Gas Company dated August 4, 1971 and recorded August 24, 1971 in Liber 244 at Page 551. **Document is illegible. Not shown.**
- 10** Easement granted by CMI-Cast Parts, Inc. to Rexair, Inc. dated November 1, 1988 and recorded December 14, 1988 in Liber 313 at Page 807. **Item located as shown hereon.**
- 11** Easement granted by CMI-Cast Parts, Inc. to Rexair, Inc. dated December 5, 1988 and recorded December 22, 1988 in Liber 313 at Page 929. **Item located as shown hereon.**
- 12** Easement granted by CMI-Cast Parts, Inc. to Rexair, Inc. dated September 24, 1990 and recorded October 1, 1990 in Liber 322 at Page 253. **Item located as shown hereon.**
- 13** Ordinance to vacate Second Avenue, Farrar Street, Ninth Street, Eleventh Street, Twelfth Street and all alleys in Blocks 190, 191, 202, 203, 206 and 207 dated May 22, 1905 and recorded August 15, 1934 in Liber 5 of Miscellaneous Records at Page 11. **Document is illegible. Not shown.**
- 14** Right of Way Easement for Tenth Street recorded in Liber 338 at Page 27. **Item located as shown hereon.**
- 15** Easement in favor of Wexford County Road Commission dated September 10, 2010 and recorded September 10, 2010 in Liber 632 at Page 2662. **Item located as shown hereon.**
- 16** Easement in favor of City of Cadillac for public street purposes and maintain and repair underground utilities dated August 22, 1983 and recorded August 25, 1983 in Liber 290 at Page 672. **Item located as shown hereon.**
- 17** Vacated Third Avenue and Ninth Avenue recorded in Liber 69 at Page 131. **Item located as shown hereon.**
- 18** The terms, provisions and conditions contained that document recorded in Liber 138, Page 366 and Liber 186, Page 84. **First document is illegible. Not shown. Descriptions contained in second document shown.**
- 24** Ordinance to vacate 10th Street dated April 16, 1990 and recorded in Liber 69 at Page 99. **Item located as shown hereon.**

UTILITY NOTE

Utilities along Tenth St. are shown based on map provided by the City of Cadillac and observed above the ground structures.



LEGEND OF SYMBOLS & ABBREVIATIONS

- PROPERTY LINE
● SET IRON W/CAP43058
○ FOUND IRON/PIPE/MON/NAIL (F/IFP/FM/IFN)
⊕ SECTION CORNER
[X] TRACT NAME/NUMBER REFERENCE
② EASEMENTS
▲ ENCROACHMENTS
BH BUILDING HEIGHT
L/S LANDSCAPING
① REGULAR PARKING SPACES
② HANDICAP PARKING SPACES
③ SANITARY SEWER, CLEAN OUT, MANHOLE
◁ STORM END SECTION, MANHOLE
⊞ CATCH BASIN SQUARE, ROUND
⊞ WATER MAIN, HYDRANT, GATE VALVE
⊞ WATER KEY, SHUT-OFF, WATER METER
⊞ FIRE DEPARTMENT CONNECTION
⊞ WATER WELL
⊞ UNKNOWN MANHOLE, COMBINED MANHOLE
⊞ GAS KEY, GAS METER, GAS VALVE
★ LIGHT POLE
⊞ ELECTRIC METER/PEDESTAL
⊞ TRANSFORMER
⊞ ELECTRIC MANHOLE
⊞ TRAFFIC LIGHTS
⊞ UTILITY LINE O/H, POLE, GUY WIRE
⊞ UTILITY PEDESTAL
⊞ TELE, MANHOLE
⊞ MONITORING WELL
⊞ MACHINERY
FENCE
WALL
GUARD RAIL
CANOPY

ZONING INFORMATION

"I-1" LIGHT INDUSTRIAL & "I-2" GENERAL INDUSTRIAL

ITEM	REQUIRED
MIN. LOT AREA	60,000 SF
MIN. LOT WIDTH	200 FT.
MIN. FRONT SETBACK	5 FT.
STREET SIDE SETBACK	5 FT.
INTERIOR SIDE SETBACK	25 FT.
MIN. REAR SETBACK	25 FT.
MAX BUILDING HEIGHT	200 FT
MAX. DENSITY	NONE REQUIRED
PARKING SPACES	(a)

Zoning requirements were obtained from Zoning Report prepared by Global Zoning; tel 405-286-2470; Project No.: SZ 6357 Report Date: December 17, 2018

(a) 5 Parking Spaces, plus 1 Parking Space per 1.5 employees on the largest working shift (Section 46-659)

POSSIBLE ENCROACHMENTS

The following list of encroachments is only the opinion of this surveyor and should not be interpreted as complete listing.

- A** Railroad crosses property line without the benefit of an easement.
- B** Intentionally omitted.
- C** Building up to 43' within Exception 16.
- D** Building up to 1.3' inside 50' Side Setback.

AS-SURVEYED DESCRIPTION

Blocks 190-192, 201-203, 206-208, parts of Blocks 178, 189, 204, 205 and parts of vacated Second Avenue, Third Avenue, Farrar Street, Tenth Street, Eleventh Street and Twelfth Street which are adjacent to the said Blocks of the Plat of the Improvement Board's Addition, as recorded in Liber 1 of Plats, Page 80, Wexford County Records, being part of Section 33, Town 22 North, Range 9 West, City of Cadillac, Wexford County, Michigan all described as:
Commencing at the North 1/4 corner of Section 33; thence North 89°50'36" East 874.74 feet along the North line of Section 33; thence South 33.00 feet to the point on the South line of Thirteenth Street (33 feet wide South 1/2) and to the Point of Beginning; thence North 89°50'36" East 1413.34 feet along the South line of Thirteenth Street; thence South 16°18'04" East 483.16 feet; thence South 06°51'13" East 289.72 feet along the East line of Block 204; thence South 26°22'38" West 1104.73 feet along the Southeast lines of Blocks 204 189, 178 and its extensions; thence North 03°28'30" East 246.16 feet; thence North 16°02'30" West 331.74 feet; thence North 89°45'30" West 212.83 feet; thence South 00°14'30" West 71.00 feet; thence North 89°45'30" West 107.43 feet; thence North 00°14'30" East 71.00 feet; thence North 89°45'30" West 695.71 feet along the South line of Tenth Street; thence North 1168.42 feet along the East line of Fourth Avenue to the Point of Beginning.

The property described in this Survey is the same property as described in the Commitment for Title Insurance issued by First American Title Insurance Company; Commitment No.: NCS-936049M1-PHX1; Revision No: 4; Commitment Date: November 25, 2018 at 8:00 AM.



LOCATION MAP
NOT TO SCALE

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

NOTICE OF PROPOSED ORDINANCE AND PUBLIC HEARING

The City of Cadillac hereby gives notice of proposed Ordinance No. 2019-____, Ordinance Vacating a Portion of 10th Street and Reserving a Public Utility Easement in Favor of the City of Cadillac.

NOTICE IS HEREBY GIVEN that a Public Hearing on the proposed ordinance will be held in the Council Chambers, Cadillac, Municipal Complex, 200 North Lake Street, Cadillac, Michigan, on June 17, 2019, 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 VACATING A PORTION OF 10TH STREET AND RESERVING A PUBLIC UTILITY EASEMENT IN FAVOR OF THE CITY OF CADILLAC

Section 1 of the proposed ordinance provides that pursuant to MCL 117.4h, the Charter of the City of Cadillac, and other applicable authority, the City vacates and abandons a portion of 10th Street (between the railroad tracks on the East and 4th Avenue on the West) and that the City reserves to itself a public utility easement for the purpose of constructing, installing, operating, maintaining, replacing and repairing any and all public utilities, including water, sewer, gas, electric, cable, fiber optic, telecommunications and any similar public utilities.

Section 2 of the proposed ordinance authorizes the Mayor and/or the City Clerk to execute any and all documents necessary to vacate a portion of 10th Street, to reserve a public utility easement in favor of the City, to release any unneeded utility easements in or near the vacated portion of 10th Street, and to execute an easement agreement.

Section 3 of the proposed ordinance directs the City Clerk to record a copy of the ordinance with the Wexford County Register of Deeds and to send a copy to the State Treasurer.

Section 4 of the proposed ordinance provides that other ordinances inconsistent with the provisions of the ordinance are repealed but only to the extent necessary to give the ordinance full force and effect.

Section 5 of the proposed ordinance provides that it will take effect 20 days after adoption and publication.

CITY COUNCIL OF THE
CITY OF CADILLAC, MICHIGAN

By: Sandra Wasson, City Clerk
Cadillac Municipal Complex
200 North 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
Tiyi Schippers
Robert J. Engels
Stephen King

RESOLUTION NO. _____

RESOLUTION DESIGNATING A NEIGHBORHOOD ENTERPRISE ZONE

CASS/MITCHELL NEIGHBORHOOD ENTERPRISE ZONE NO. 1

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held at the City Hall, 200 North Lake Street, Cadillac, Michigan 49601, on the 20th day of May, 2019, at 6:00 p.m.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, Section 3(l) of Act 147 of the Public Acts of Michigan of 1992, as amended ("Act 147"), provides that the City Council may, on its own initiative, designate one or more neighborhood enterprise zones within the City; and

WHEREAS, the City wishes to adopt a resolution designating the property described on **Exhibit A** as the Cass/Mitchell Neighborhood Enterprise Zone No. 1; and

WHEREAS, there exists a need for the Cass/Mitchell Neighborhood Enterprise Zone No. 1 in the City; and

WHEREAS, the establishment of a Cass/Mitchell Neighborhood Enterprise Zone No. 1 is consistent with the City's master plan and the neighborhood preservation and economic development goals of the City; and

WHEREAS, the City Council held a public hearing at a meeting of the City Council at 6:00 p.m. on April 15, 2019 at the City Hall in the City to hear and consider objections to the proposed NEZ and all other matters relating to the Cass/Mitchell Neighborhood Enterprise Zone No. 1; and

WHEREAS, the City Clerk published a notice of public hearing in a newspaper of general circulation within the City at least one time prior to the public hearing on April 15, 2019. The publication was at least 10 days prior to the time set for the public hearing, and a proof of publication of such notice was filed with the City Clerk; and

WHEREAS, the City Clerk, at least 60 days prior to the date of the adoption of this resolution, sent a notice of public hearing by first-class mail addressed to each record owner of, or party in interest in, each parcel of land to be included in the Cass/Mitchell Neighborhood Enterprise Zone No. 1, at the address shown for each record owner or party in interest based upon the last City tax assessment roll for ad valorem tax purposes, as supplemented by any subsequent changes in the names or addresses of the owners or parties listed; and

WHEREAS, the notice of public hearing was also provided to the City Assessor and to the governing body of each taxing unit that levies ad valorem property taxes within the proposed NEZ at least 60 days before the City adopts a resolution designating the Cass/Mitchell Neighborhood Enterprise Zone No. 1; and

WHEREAS, the total acreage of the Cass/Mitchell Neighborhood Enterprise Zone No. 1 does not exceed 15% of the total acreage within the City; and

WHEREAS, the public health, safety and welfare will be served by designating a neighborhood enterprise zone in the City.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City Council designates a neighborhood enterprise zone under Act 147 known as the "Cass/Mitchell Neighborhood Enterprise Zone No. 1" (the "NEZ") consisting of certain parcels of land, the descriptions of which are set forth in the attached **Exhibit A**, and which descriptions are incorporated by reference.

2. The NEZ shall remain in effect for a period of up to fifteen (15) years, or the maximum permitted under the Act, whichever is less.

3. The City hereby adopts the goal and objective of maintaining, preserving, improving and developing housing for all persons regardless of income level living within the NEZ, and hereby adopts a policy of encouraging housing for all persons regardless of income within the NEZ.

4. All actions heretofore taken by City officials, employees and agents with respect to the proposed NEZ and proceedings under Act 147 are hereby ratified and confirmed.

YEAS: _____

NAYS: _____

THE RESOLUTION WAS DECLARED ADOPTED.

STATE OF MICHIGAN)
)
COUNTY OF WEXFORD)

I, the undersigned, the duly qualified and acting City Clerk of the City of Cadillac, Wexford County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the City Council at a meeting held on the 20th day of May, 2019, at 6:00 p.m.

Sandra Wasson, City Clerk

EXHIBIT A

CITY OF CADILLAC COUNTY OF WEXFORD, MICHIGAN

DESCRIPTION OF LAND INCLUDED WITHIN CASS/MITCHELL NEIGHBORHOOD ENTERPRISE ZONE NO. 1

Parcel Number	Address	Description
10-086-00-207-00	201 South Mitchell Street	LOT 6, BLK 7 MITCHELLS REVISED PLAT OF THE VILLAGE OF CLAM LAKE, CITY OF CADILLAC EASE REC IN L 371 PG 331 & AMENDED IN L 387 PG 839
10-086-00-198-00	207 South Mitchell Street	E 1/2 OF LOT 1 & S 1/2 OF LOT 5, BLOCK 7, MITCHELL'S REVISED PLAT OF THE VILLAGE OF CLAM LAKE CITY OF CADILLAC
10-086-00-196-00	215 South Mitchell Street	W 1/2 OF LOT 1, LOTS 2, 3, 4 & N 1/2 LOT 5, LOTS 7 THRU 12 AND VACATED ALLEY IN BLOCK 7 ALSO THAT PORTION OF VAC S SHELBY ST DESC AS COM AT THE SE COR OF LOT 10, E ALG E CHAPIN ST 47 FT, N 175 FT, W 7 FT, N 125 FT, W 40 FT, S TO POB. MITCHELLS REVISED PLAT OF THE VILLAGE OF CLAM LAKE CITY OF CADILLAC EASE REC IN L 371 PG 331.
10-086-00-280-00	208 E Cass Street	THE N 85 FT. OF LOT 7, AND E 1/2 VAC. S SHELBY ST ADJ AND LOTS 8 AND 9, BLOCK 12 MITCHELLS REVISED PLAT OF THE VILLAGE OF CLAM LAKE CITY OF CADILLAC

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. _____

**RESOLUTION SETTING PUBLIC HEARING REGARDING APPLICATION FOR
COMMERCIAL FACILITIES EXEMPTION CERTIFICATE**

CASS / MITCHELL COMMERCIAL REDEVELOPMENT DISTRICT NO. 1

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held at the City Hall, 200 North Lake Street, Cadillac, Michigan 49601, on the 20th day of May, 2019, at 6:00 p.m.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, Section 5 of Act 255 of the Public Acts of Michigan of 1978, as amended ("Act 255"), provides that the City Council may, on its own initiative, designate one or more commercial redevelopment districts within the City; and

WHEREAS, the City adopted on April 15, 2019 a resolution designating the property described on **Exhibit A** as the Cass/Mitchell Commercial Redevelopment District No. 1; and

WHEREAS, the City has received an application from Cadillac Lofts, LLC for a Commercial Facilities Exemption Certificate for the property at 201, 207 and 215 South Mitchell, Cadillac, Michigan within the Cass/Mitchell Commercial Redevelopment District No. 1; and

WHEREAS, the public health, safety and welfare will be served by considering the application.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City Council shall hold a public hearing at a meeting of the City Council at 6:00 p.m. on June 3, 2019 at the City Hall in the City, at which any representatives of any taxing jurisdiction pertaining to the CRD, any owner of real property within the CRD, the general public and any other resident or taxpayer of the City may appear and be heard.

2. The City Clerk shall cause to be published a notice of public hearing in a newspaper of general circulation within the City at least one time prior to the public hearing. The form of the public notice is attached as Exhibit B. The publication shall be prior to the time set for the public hearing, and a proof of publication of such notice shall be filed with the City Clerk. The notice shall also be posted at the City Hall in a public place.

3. The City Clerk shall also give the owners of all real property within the CRD written notice by regular mail of the public hearing. The notice of public hearing shall also be provided to the City Assessor and to the governing body of each taxing unit that levies ad valorem property taxes within the CRD.

4. All actions heretofore taken by City officials, employees, and agents with respect to the proposed CRD and proceedings under Act 255 are hereby ratified and confirmed.

YEAS: _____

NAYS: _____

THE RESOLUTION WAS DECLARED ADOPTED.

STATE OF MICHIGAN)
)
COUNTY OF WEXFORD)

I, the undersigned, the duly qualified and acting City Clerk of the City of Cadillac, Wexford County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the City Council at a meeting held on the 20th day of May, 2019, at 6:00 p.m.

Sandra Wasson, City Clerk

EXHIBIT A

**CITY OF CADILLAC
COUNTY OF WEXFORD, MICHIGAN**

**DESCRIPTION OF LAND INCLUDED WITHIN
CASS/MITCHELL COMMERCIAL REDEVELOPMENT DISTRICT NO. 1**

Parcel Number	Address	Description
10-086-00-207-00	201 South Mitchell Street	LOT 6, BLK 7 MITCHELLS REVISED PLAT OF THE VILLAGE OF CLAM LAKE, CITY OF CADILLAC EASE REC IN L 371 PG 331 & AMENDED IN L 387 PG 839
10-086-00-198-00	207 South Mitchell Street	E 1/2 OF LOT 1 & S 1/2 OF LOT 5, BLOCK 7, MITCHELL'S REVISED PLAT OF THE VILLAGE OF CLAM LAKE CITY OF CADILLAC
10-086-00-196-00	215 South Mitchell Street	W 1/2 OF LOT 1, LOTS 2, 3, 4 & N 1/2 LOT 5, LOTS 7 THRU 12 AND VACATED ALLEY IN BLOCK 7 ALSO THAT PORTION OF VAC S SHELBY ST DESC AS COM AT THE SE COR OF LOT 10, E ALG E CHAPIN ST 47 FT, N 175 FT, W 7 FT, N 125 FT, W 40 FT, S TO POB. MITCHELLS REVISED PLAT OF THE VILLAGE OF CLAM LAKE CITY OF CADILLAC EASE REC IN L 371 PG 331.
10-086-00-280-00	208 E Cass Street	THE N 85 FT. OF LOT 7, AND E 1/2 VAC. S SHELBY ST ADJ AND LOTS 8 AND 9, BLOCK 12 MITCHELLS REVISED PLAT OF THE VILLAGE OF CLAM LAKE CITY OF CADILLAC

EXHIBIT B

**CITY OF CADILLAC
COUNTY OF WEXFORD, MICHIGAN**

NOTICE OF PUBLIC HEARING

CASS/MITCHELL COMMERCIAL REDEVELOPMENT DISTRICT NO. 1

Pursuant to Act 255 of the Public Acts of Michigan of 1978, as amended, Cadillac Lofts, LLC has submitted an application (the "Application") for a Commercial Facilities Exemption Certificate for its property located at 201, 207 and 215 South Mitchell, Cadillac, Michigan, within the Cass/Mitchell Commercial Redevelopment District No. 1.

TAKE NOTICE that the City Council of the City of Cadillac will hold a public hearing at a meeting of the City Council on June 3, 2019 at 6:00 p.m., at the City Hall, 200 North Lake Street, Cadillac, Michigan 49601, to hear and consider any comments or objections regarding the Application. Any owners within the CRD and any other resident or taxpayer in the City, or other interested party, may appear and be heard at the public hearing.

This Notice was authorized by the City Council of the City of Cadillac.

Sandra Wasson, City Clerk

CITY OF CADILLAC
FAIR HOUSING RESOLUTION AND POLICY

WHEREAS, under the Federal Fair Housing Law, Title VIII of the Civil Rights Act of 1968, it is illegal to deny housing to any person because of race, color, religion, gender, physical or mental disabilities or national origin; and,

WHEREAS, under the Michigan Elliott-Larsen Civil Rights Act, PA 453 of 1976, as amended, it is illegal to deny the opportunity to obtain housing to any person because of religion, race, color, national origin, age, sex, height, weight, familial status, or marital status;

LET IT BE KNOWN TO ALL PERSONS that it is the policy of the City of Cadillac, in conjunction with the Cadillac Housing Commission which has been established via City Ordinance, to implement programs to ensure equal opportunity in housing for all persons regardless of religion, race, color, national origin, age, sex, height, weight, familial status, or marital status. Therefore, the City of Cadillac does hereby pass the following Resolution:

BE IT RESOLVED that in accordance with Executive Order 11063, and pursuant to Chapter 2, Section VII of the Cadillac City Code, the City of Cadillac shall not discriminate in the sale, rental, leasing, or financing of housing because of religion, race, color, gender, physical or mental disabilities, national origin, age, height, weight, familial status, or marital status;

The City of Cadillac will assist all persons who feel they have been discriminated against because of religion, race, color, gender, physical or mental disabilities, national origin, age, height, weight, familial status, or marital status to seek equity under federal and state laws by providing information to said persons on how to file a complaint with the Michigan Department of Civil Rights.

The City of Cadillac will at a minimum post this policy or the Fair Housing poster or other posters, flyers or other information which will bring to the attention of owners of real estate, developers and builders their respective responsibilities and rights under the Federal Fair Housing Law and Michigan Elliott Larsen Act.

This shall be known as the “Fair Housing Policy of the City of Cadillac, Michigan.”

Set as policy this 20th day of May, 2019.

Signed:

Carla J. Filkins, Mayor
Cadillac City Council

Attest:

Sandra Wasson, Clerk

**2018 ANNUAL REPORT
COURTHOUSE HILL HISTORIC DISTRICT
COBBS AND MITCHELL BUILDING HISTORIC DISTRICT**



- ~ Slate Roof, Masonry, Windows
- ~ Barrier Free Lift and Restrooms
- ~ Front Stairs and Metal Cresting



Please Donate www.wexfordcountyhistory.org
231-920-9739
Wexford County Historical Society Museum, PO Box 124, Cadillac, MI 49601

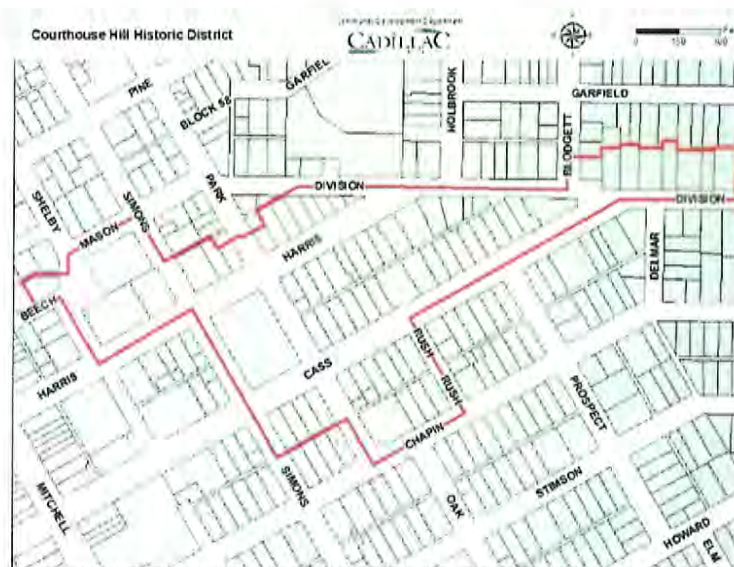
Introduction

On behalf of the City of Cadillac, the Historic Districts Commission (HDC) is responsible for superintending the historic integrity of Cadillac's two historic districts, the Courthouse Hill Historic District and the Cobbs and Mitchell Building Historic District. This is primarily accomplished through public education and outreach efforts, along with review and approval of construction projects impacting the exterior of structures within the two districts.

The HDC Rules of Procedure (Section VII) require the Commission to prepare for its regular January meeting an annual report reviewing the prior year's activities and outlining future activities. The report is to be made available to the Cadillac City Council and the general public. This instrument serves as the required annual report for 2018. The first HDC annual report was produced in 2005, making this instrument the fourteenth in a series of such reports.

The Courthouse Hill Historic District – Established 2005

The Courthouse Hill Historic District is located one block east of Cadillac's core downtown. The district is mostly within the boundaries of the original 1871 Plat of the Village of Clam Lake, becoming the City of Cadillac in 1877. The district contains some of Cadillac's oldest, grandest, homes. Seventy percent of the buildings were constructed prior to 1910. Most of the homes are wood-framed, built with locally lumbered timbers. Many homes were built by Cadillac's lumber barons and other businessmen. Some of the homes were moved from Jennings, Michigan to Cadillac in the 1920s. The Courthouse Hill area was the first neighborhood in Cadillac to receive street improvements, sidewalks, sewer lines, fire alarm stations, and street lights. Located within the district are two National Historic Sites (the Wexford County Historical Museum, formerly a Carnegie Library constructed in 1906 and the Frank J. Cobbs House, a Colonial Revival home constructed in 1898), the residence of Cadillac founder George A. Mitchell built in 1874, and the First Presbyterian Church built in 1905. The district boundaries are shown on the following graphic.



Cobbs and Mitchell Building Historic District - Established 2011

The Cobbs and Mitchell Building Historic District is a single-site historic district. The District is located along the south border of the downtown Cadillac, east of Lake Cadillac and southwest of the previously-established Courthouse Hill Historic District. The district is comprised of a single parcel of land approximately 0.83 acres in size upon which the Cobbs and Mitchell Building is located. The building, designed by master architect George DeWitt Mason, was completed in 1907 to serve as the offices of George A. Mitchell and Jonathon W. Cobbs, who operated a prominent lumber processing company in Cadillac. In 1938, the building was sold to the Michigan State Highway Department, which used the space as a district headquarters as the State Highway System expanded into Northern Michigan. The interior of the Cobbs and Mitchell Building reflects its original purpose as the offices of Cadillac's lumber barons. Nine varieties of Michigan woods were used, along with marble fireplaces and heavily embossed wall coverings. No two main rooms in the building are finished alike, a practice intended to showcase the variety of finishes that could be created using woods common to Michigan's forests. At present, the building is privately owned and available for reuse. The district boundaries are shown on the following graphic.



Commission Members

The HDC is comprised of seven members appointed by the Cadillac City Council. The commission has one opening to fill. Members for 2019 include:

- Gwen Dubravec, 406 E. Chapin Street
- Mark Snider, 407 E. Chapin Street
- Anne Engels, 420 E. Cass Street
- Pat Birtles (Architect), 8116 Hagstrom Lane
- Michelle Carder, 311 E. Harris Street
- John Iehl, 403 E. Cass Street

Commission Officers

Pursuant to the HDC Rules of Procedure, officers are elected annually at the first regular meeting in the month of January. Members serving as officers may be elected to subsequent office terms. Officers for 2018 were:

- Michelle Carder, Chairperson
- John Iehl, Vice Chairperson
- Mark Snider, Secretary

Commission Meetings

Commission meetings are held at 5:00 p.m. at the Cadillac Administrative Offices on the second Monday of each month. All meetings are open to the public. Meetings are also taped for subsequent broadcast on the local public television station.

The Commission officially met four times in 2018. In June, July, August, and October regular meetings were held. Approved meeting minutes can be found on the City of Cadillac website under Documents and Reports.

Staff Representatives

The HDC is assisted by the staff of the city's Community Development Department. Staff is responsible for general clerical activities and day to day administrative responsibilities pursuant to oversight of the districts, the intake and processing of work applications for commission review, processing of work applications associated with general building maintenance and activities not requiring commission review, preparation of historic district newsletters and communications, and related tasks. Staff members include:

- Mike Coy
Zoning Administrator (Primary HDC staff liaison)
- John Wallace
Community Development Director
- Cindy Cornell
Administrative Assistant

Construction Activity Applications

The HDC received eight construction activity applications in 2018. This was significant because only one work application was submitted for our historic districts in 2017. The applications that were reviewed by the Commission are listed below. The discussion and approval is documented in the HDC minutes on file at the Cadillac Administrative Offices and on the City Website.

Historic Districts Commission (HDC) 2018 work applications

Cobbs Mitchell Building located at 100 E. Chapin St.

There were two work applications submitted in 2018 for the Cobbs Mitchell Building. The application reviewed in March was to replace the current aluminum framed double hung windows with new vinyl fixed (non-opening) energy efficient windows. This request was denied.

The State of Michigan Historic Survey states the neoclassical office building was built in 1907 and is considered a contributing site to the city's historic past. A contributing site or property is any property, structure, or object that adds to the historical integrity or architectural qualities that make the historic district significant.



The second work application was for the HVAC system at the Cobbs Mitchell Building. It was reviewed by our HDC at its August meeting. The HVAC system had already been installed. This too was denied primarily because the conduit was run up the exterior wall and not on the inside of the building.



311 E. Harris St.

This work application was to add onto the home a four season porch at the rear (north) side of the home. The applicant included photo examples of what the finished porch will closely resemble. They also explained the materials to be used and needed repairs to the home that will be a part of the construction project. The application was reviewed at the June meeting. The State of Michigan Historic Survey describes the home as being built in 1903 in a Queen Anne Architectural style. The home is considered a contributing site to the city's historic past.



455 E. Cass St.

455 E. Cass Street also had two work applications submitted to the HDC in 2018. The first one was reviewed at the July meeting and it was to replace the faded worn asphalt shingles on both the home and accessory structure in the rear of the home with new asphalt shingles. The molding under the soffits was to be preserved and an in-ground pool that had not been used in years was to be broken up and filled in. The State of Michigan Historic Survey describes the home as being built in 1908 in a Prairie School Architectural style. The home is considered a contributing site to the city's historic past.



The second work application submitted for 455 E. Cass Street was reviewed at the October 2018 HDC meeting and it was to replace the wood that covered the opening for a garage door on the accessory structure located in the rear yard and replace it with an aluminum garage door.



401 E. Harris St.

The work application for 401 E. Harris Street was to replace the worn asphalt shingles with a metal roof. The home's current use is as a multi-family rental unit. The State of Michigan Historic Survey describes the home as being built between the years of 1883 to 1886 in the Queen Anne Architectural style. The home is considered a contributing site to the city's historic past. It was discussed that very little of the home's original unique features around the roof and soffits still exist today.



404 E. Cass St.

The work application for 404 E. Cass Street was reviewed at the HDC's October meeting. The owner of this rental home applied to replace the worn asphalt shingles with new asphalt shingles. The owner also wished to remove an attached garage on the west side of the home as there is extensive settling of the footings.



Removing the attached garage was denied. The garage was added onto the home decades ago but the reason for the denial was that there was no plan by the applicant to explain how the west side of the home where the garage attached would be preserved. Permission was granted to fix the footing that has settled.



127 Beech St., the former Carnegie Library & home to the Historical Museum

The work application submitted by the Wexford County Historical Society was reviewed at the August meeting. The plan is to restore a section of the roof using materials which includes slate roof replacement. Additionally crown molding under the soffits is to be removed, repaired, and put back in place. Future plans include replacing gutters and downspouts with new copper gutters and downspouts. The long term plan includes over \$600,000 in repairs and improvements to the building which includes improved accessibility for persons with physical handicaps.



Communications

Website Updates

The Courthouse Hill Historic District page (www.cadillac-mi.net/courthousehill) on the City's website contains the following:

- Slideshow containing photographs of all of the buildings in the historic district (excluding garages and sheds)
- Definition of and reasons for creating a historic district
- Brief history of the Courthouse Hill Historic District
- Information on the HDC
- Instructions for securing approval for construction activity projects in the historic district
- Links to a map of the district and design guidelines

Also of interest are updates to the "History of Cadillac" page on the city's site, including a written history of Cadillac, taken from the Final Report of the Courthouse Hill Historic District Study Committee (2005). That same page also contains side-by-side aerial photographs from 1961 and 2012 covering nearly the entire city. The photographs may be enlarged to compare physical differences between then and now. The page may be accessed by visiting the City's website and navigating to "Living In" then "History of Cadillac."

Other Communication Outlets

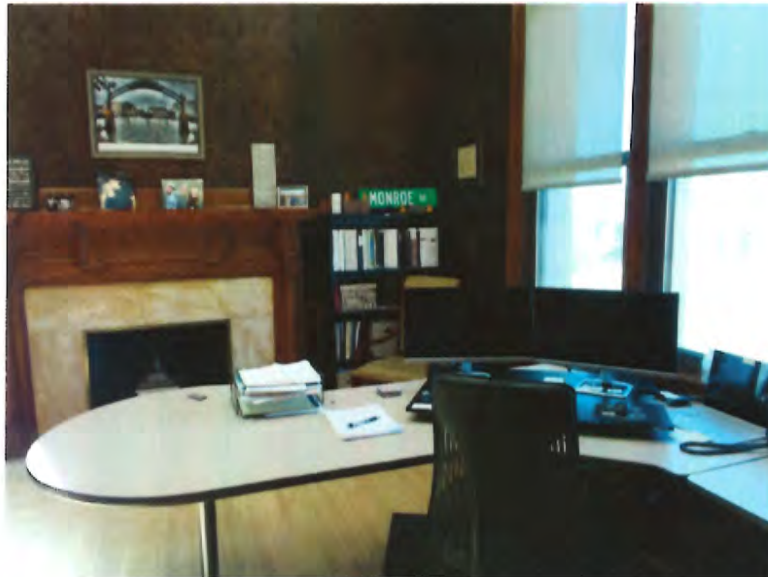
In addition to the Historic District page on the city website, the activities of the commission were communicated to the public via the following:

- Facebook – The city maintains a page on the Facebook social networking site. The site currently has over 2,000 followers. The site is regularly used to convey information on public events and activities including those of significance to the Historic District Commission.

Commission Projects and Activities

The project to become a designated Certified Local Government community by the Michigan State Historic Preservation Office and National Park Service is currently on hold

In 2018 Meril Mattson and other members of the Wexford Missaukee Historical Society put together displays in the lobby cabinet at City Hall. They used different topics and we received numerous positive comments from the public about the displays. In the summer of 2018 the group put together a display showing the history of the Cobbs Mitchell Building which also had the first tenant in over 15 years (Prein Newhof Engineering) move into the building. The restoration of Cobbs Mitchell continues.



The HDC also keeps on the forefront the deteriorating condition of brick pavers on South Shelby Street, North Shelby Street, and East Mason Streets. Spot repairs have held up pretty well.

The following table indicates the status of projects and activities recommended by the Commission for 2018. The second table identifies recommended projects and activities for 2019. These listings reflect Commission goals and are not mandatory tasks.

Status of Activities Proposed for 2018		
#	Item	Timeframe
1	Prepare and distribute HD newsletters to district property owners and residents.	Did not get done

2	Expand the electronic distribution of the HD newsletter to such parties as local real estate brokers/agents, building contractors and home mortgage financiers	Continue with communications
3	Annually review the historic district design guidelines and update as needed.	Annually
4	Provide opportunity for HDC members to attend a historic preservation workshop or conference	Open
5	Work with the Wexford County Historical Society to educate the community on the importance of preserving historic resources	Dubravev served as our HDC liason
6	Review the city's website page and update as needed	Ongoing
7	Work with the city's website administrator to improve the ease of access to the Historic District page	Ongoing
8	Using the display case at the Cadillac Administrative Offices, prepare a Historic District display for public viewing and education	Successful & will continue
9	Obtain Certified Local Government Designation, begin surveying properties within the zone identified in the CLG application	Project put on hold
10	Work with the City to help identify the areas within the Historic District that are in need of street brick repair and or replacement.	Continued communication with city Streets Dept.

Activities Proposed for 2019		
#	Item	Timeframe
1	Prepare and distribute HD newsletters to district property owners and residents	Spring newsletter
2	Expand the electronic distribution of the HD newsletter to such parties as local real estate brokers/agents, building contractors and home mortgage financiers	Open
3	Annually review the historic district design guidelines and update as needed.	Open
4	Provide opportunity for HDC members to attend a historic preservation workshop or conference	Open

5	Work with the Wexford County Historical Society to educate the community on the importance of preserving historic resources	Dubravev will act as the HDC liason
6	Review the city's website page and update as needed	Ongoing
7	Work with the city's website administrator to improve the ease of access to the HD page	Ongoing
8	Using the display case at the Cadillac Administrative Offices, prepare an HD display for public viewing and education	Continue in 2019
9	Obtain Certified Local Government Designation	On hold
10	Work with the City to help identify the areas within the Historic District's that are in immediate need of street brick repair and or replacement.	Ongoing with the Public Works Department

Wexford County Historical Society and Museum (WCHS)

The Wexford County Historical Museum is where the most detailed records for historic homes and buildings in Cadillac are kept.

Public Cooperation and Coordination

Since its inception the HDC has attempted to proactively work with the public and district property owners to help ensure that the district's permitting and design requirements do not impose burdensome development costs, result in construction delays, or impose undo hardships. For the benefit of residents and others contemplating work on structures within the district, work applications are accepted up to seven days prior to a scheduled meeting. At this time there are no application review fees.

Certification of Approval

This is to certify the Historic District Commission at a regularly scheduled meeting held April 30, 2019 approved the Historic District Annual Report for 2018 as required by the Historic District Commission Rules of Procedure (Section VII).

By: Mark Snider
Mark Snider, Commission Secretary