

## **City Council Meeting**

November 18, 2019 6:00 p.m.

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



November 18, 2019 City Council Meeting Agenda 6 p.m. at City Hall – 200 N. Lake St. – Cadillac, MI 49601

#### We communicate openly, honestly, respectfully, and directly

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 October 21, 2019. Support Document III-A

#### IV. COMMUNITY SPOTLIGHT

A. Explore 131 North

#### V. PUBLIC HEARINGS

A. Public hearing to consider adoption of Ordinance to Amend the City of Cadillac Zoning Ordinance to Regulate Certain Recreational/Adult-Use Marihuana Establishments Operated in Accordance with State Law.

Support Document V-A

#### Cadillac City Council Agenda

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B. Public hearing to consider adoption of Ordinance to Amend the City of Cadillac Zoning Ordinance to Regulate Certain Medical Marihuana Facilities Operated in Accordance with State Law.

Support Document V-B

- C. Public hearing to consider adoption of Resolution Designating a Commercial Rehabilitation District (Cadillac East Commercial Rehabilitation District No. 1). Support Document V-C
- D. Public hearing to consider adoption of Resolution Designating a Commercial Redevelopment District (Cadillac East Commercial Redevelopment District No. 1). Support Document V-D

#### VI. COMMUNICATIONS

- A. Downtown Cadillac Association Support Document VI-A
- B. Cadillac Symphony Orchestra Support Document VI-B

#### VII. APPOINTMENTS

- A. Recommendation regarding appointment to the Cemetery Board. Support Document VII-A
- B. Election of Mayor Pro Tem. Support Document VII-B

#### VIII. CITY MANAGER'S REPORT

A. Bids and recommendation regarding Municipal Water Supply Well Drilling. Support Document VIII-A

#### IX. ADOPTION OF ORDINANCES AND RESOLUTIONS

- A. Adopt Resolution for Combined Brownfield Plan for the Northwood 101 Harris Redevelopment and set a public hearing for December 2, 2019. Support Document IX-A
- B. Adopt Resolution to Establish Committee to Select Applicants Under Competitive Process for Recreational Marihuana Establishments and Medical Marihuana Facilities. Support Document IX-B

#### Cadillac City Council Agenda

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

- A. Downtown Development Authority Support Document X-A
- B. Wexford County Airport Authority Support Document X-B
- XI. PUBLIC COMMENTS

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

- XII. GOOD OF THE ORDER
- XIII. 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 – October 21, 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: Spoelman, Engels, King, Mayor Filkins

Council Absent: Schippers

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

#### APPROVAL OF AGENDA

#### 2019-228 Approve agenda as presented.

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

Motion unanimously approved.

#### PUBLIC COMMENTS

There were no public comments.

#### CONSENT AGENDA

#### 2019-229 Approve consent agenda as presented.

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

Motion unanimously approved.

#### PUBLIC HEARINGS

A. Public hearing to consider adoption of Resolution to Approve an Application for a Commercial Rehabilitation Exemption Certificate Under PA 210 of 2005, as Amended.

Owen Roberts, Director of Finance, explained that two (2) revisions were made to the resolution included in the packet. The revisions made were to change 45 days to 6 months on Page 2 and to change 12 years to 10 years on Page 3. The revised resolution was distributed to Council.

Roberts stated the owners of the Lake Cadillac Resort (formerly the Sands Resort) submitted an application under the Commercial Rehabilitation District that was approved on October 7, 2019.

Mayor Filkins opened the public hearing.

Mike Figliomeni noted he is the attorney representing the applicant, Kulhavi Blackmer McCullough, LLC. He stated the Commercial Rehabilitation Exemption Certificate will assist the owners in funding the extensive rehabilitation of the property.

Mayor Filkins closed the public hearing.

Motion was made by King and supported by Engels to adopt the Resolution to Approve an Application for a Commercial Rehabilitation Exemption Certificate Under PA 210 of 2005, as Amended.

Spoelman stated it appears there are three (3) pieces of property listed in the resolution, with one being located on Sunnyside Drive.

Figliomeni stated two (2) of the properties included in the application are for the former Sands Resort and the other is for the former Marina. He noted the focus of the submission is related to improvements of the former Sands Resort. He stated a separate application can be filed for the Marina property.

City Attorney Homier stated the resolution can be amended to remove the parcel located on Sunnyside Drive.

No roll call vote was taken on the original motion. The motion was amended as follows.

### 2019-230 Adopt Resolution to approve Application for a Commercial Rehabilitation Exemption Certificate.

Motion was made by King and supported by Spoelman to adopt the Resolution to Approve an Application for a Commercial Rehabilitation Exemption Certificate Under PA 210 of 2005, as Amended with the removal of 2404 Sunnyside Drive (Tax Parcel No. 10-104-00-085-00) from Page 1 and Page 3.

Motion unanimously approved.

#### **COMMUNICATIONS**

A. Cadillac Area Visitors Bureau Halloween Decorations

#### 2019-231 Approve Halloween Decorations.

Motion was made by Spoelman and supported by Engels to approve the request from the Cadillac Area Visitors Bureau to decorate the light poles in the downtown district with Halloween decorations subject to the conditions noted.

Motion unanimously approved.

B. Cadillac Garden Club Holiday Home Tour

#### 2019-232 Approve banner for Holiday Home Tour.

Motion was made by Spoelman and supported by King to approve the display of a banner from November 25, 2019 to December 2, 2019 for the Holiday Home Tour.

Motion unanimously approved.

C. Seventh-Day Adventist Church Thanksgiving Trot

#### 2019-233 Approve street closure for Thanksgiving Trot.

Motion was made by Spoelman and supported by Engels to approve the closure of Linden St. between Haynes St. and Chestnut St. from 8:00 am to 8:45 am on November 28, 2019 for the Seventh-Day Adventist Church Thanksgiving Trot.

Motion unanimously approved.

D. Toy Town Toy Trot

#### 2019-234 Approve street closure for Toy Town Toy Trot.

Motion was made by Engels and supported by King to approve the closure of Lake St. between Harris St. and Cass St. from 7:00 am to 11:00 am on November 23, 2019 for the Toy Town Toy Trot.

Motion unanimously approved.

#### <u>APPOINTMENTS</u>

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

#### 2019-235 Approve reappointment to the Zoning Board of Appeals.

Motion was made by Engels and supported by Spoelman to approve the reappointment of Leo Paveglio to the Zoning Board of Appeals for a 3-year term to expire on October 21, 2022.

Motion unanimously approved.

#### **CITY MANAGER'S REPORT**

A. Bids and recommendation regarding Sunset Lane Water Main Improvements.

Roberts noted there is a small section of water main just south of the Senior Center that needs to be replaced. He stated part of this project is to install the service for the water fountain that is being added. He noted three (3) bids were received and the recommendation is to award the contract to the lowest bidder, CJ's Excavating, Inc.

#### 2019-236 Award contract for Sunset Lane Water Main Improvements.

Motion was made by Spoelman and supported by Engels to award the contract for the Sunset Lane Water Main Improvements project to CJ's Excavating, Inc. in the amount of \$123,217.44.

Motion unanimously approved.

#### INTRODUCTION OF ORDINANCES

A. Adopt resolution to introduce Ordinance to Amend the City of Cadillac Zoning Ordinance to Regulate Certain Recreational/Adult-Use Marihuana Establishments Operated in Accordance with State Law and set a public hearing for November 18, 2019.

Homier stated the next two (2) resolutions introduce proposed amendments to the Zoning Ordinance and set public hearings regarding Recreational/Adult-Use Marihuana Establishments and Medical Marihuana Facilities. He noted the proposed amendments were recommended by the Planning Commission.

Spoelman asked for a description of the proposed amendments.

Homier stated the proposed ordinance regarding recreational/adult-use marihuana will amend the Zoning Ordinance to determine locations where marihuana establishments may be authorized.

Mayor Filkins asked about retailers on Mitchell Street being handicap-accessible due to the requirements stated in the proposed ordinance.

Homier stated ADA provisions may or may not apply depending upon the nature of the building and the improvements that are or are not required by law.

Spoelman asked if this will allow for retail establishments along the entire Mitchell Street corridor.

A map was displayed and discussed showing where retail or provisioning centers could be located.

A brief discussion ensued about the minimum-distancing regulations listed on Page 5 of the proposed ordinance.

Engels stated the "bubble-map" shown at the Planning Commission meeting drew circles around the schools and then it was overlaid on the map provided.

John Wallace, Director of Community Development, stated a presentation will be provided at the public hearing.

#### 2019-237 Set public hearing for Ordinance 2019-14.

Motion was made by King and supported by Engels to adopt the resolution to introduce Ordinance to Amend the City of Cadillac Zoning Ordinance to Regulate Certain Recreational/Adult-Use Marihuana Establishments Operated in Accordance with State Law and set a public hearing for November 18, 2019.

Motion unanimously approved.

B. Adopt resolution to introduce Ordinance to Amend the City of Cadillac Zoning Ordinance to Regulate Certain Medical Marihuana Facilities in Accordance with State Law and set a public hearing for November 18, 2019.

Roberts noted the proposed ordinance regarding medical marihuana facilities is very similar to the proposed ordinance regarding recreational marihuana establishments.

Homier noted both ordinances contain the exception to the transferred area covered under the Act 425 Agreement.

#### 2019-238 Set public hearing for Ordinance 2019-15.

Motion was made by Engels and supported by King to adopt the resolution to introduce Ordinance to Amend the City of Cadillac Zoning Ordinance to Regulate Certain Medical Marihuana Facilities Operated in Accordance with State Law and set a public hearing for November 18, 2019.

Motion unanimously approved.

#### ADOPTION OF ORDINANCES AND RESOLUTIONS

A. Adopt Resolution to Establish Amount of Application Fees for Recreational Marihuana Establishments and Medical Marihuana Facilities.

Roberts noted the marihuana ordinances adopted stated that Council would establish the application fees by resolution.

## 2019-239 Adopt Resolution to Establish Amount of Application Fees for Recreational Marihuana Establishments and Medical Marihuana Facilities.

Motion was made by Engels and supported by King to adopt the Resolution to Establish Amount of Application Fees for Recreational Marihuana Establishments and Medical Marihuana Facilities.

Motion unanimously approved.

B. Adopt resolution regarding Local Government Approval for a New On-Premises Tasting Room Permit.

Roberts stated the application is for 412 S. Mitchell Street.

### 2019-240 Adopt resolution regarding Local Government Approval for a New On-Premises Tasting Room Permit.

Motion was made by Spoelman and supported by Engels to adopt the resolution regarding Local Government Approval for a New On-Premises Tasting Room Permit for Cadillac Brewery LLC.

Motion unanimously approved.

C. Adopt Resolution Regarding Intent to Designate a Commercial Rehabilitation District and set a public hearing for November 18, 2019.

Roberts stated the next two (2) resolutions are designed to overlay a Commercial Rehabilitation District and a Commercial Redevelopment District in Cadillac East. He noted this same process was recently completed for Cadillac West.

Engels asked if the thresholds for investment will be the same as those for Cadillac West.

Roberts stated the thresholds will be included in the documents provided at the public hearing.

<u>2019-241 Set public hearing Regarding Intent to Designate a Commercial Rehabilitation District.</u>
Motion was made by Spoelman and supported by Engels to adopt the Resolution Regarding Intent to Designate a Commercial Rehabilitation District and set a public hearing for November 18, 2019.

Motion unanimously approved.

D. Adopt Resolution Regarding Intent to Designate a Commercial Redevelopment District and set a public hearing for November 18, 2019.

<u>2019-242 Set public hearing Regarding Intent to Designate a Commercial Redevelopment District.</u>
Motion was made by Spoelman and supported by Engels to adopt the Resolution Regarding Intent to Designate a Commercial Redevelopment District and set a public hearing for November 18, 2019.

Motion unanimously approved.

#### MINUTES AND REPORTS OF BOARDS AND COMMISSIONS

A. Historic Districts Commission

Engels noted the HVAC lines on the outside of the Cobbs/Mitchell Building have been removed.

#### PUBLIC COMMENTS

There were no public comments.

#### GOOD OF THE ORDER

King encouraged everyone to attend The Addams Family musical presented by the Cadillac Footliters.

#### **ADJOURNMENT**

Respectfully submitted,

Carla J. Filkins, Mayor

Sandra L. Wasson, City Clerk

#### **City Council**

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



**Mayor** Carla J. Filkins

**Mayor Pro-Tem** Shari Spoelman

Councilmembers
Tiyi Schippers
Robert J. Engels
Stephen King

#### RESOLUTION NO. 2019-\_\_\_\_

# RESOLUTION TO ADOPT ORDINANCE NO. \_\_\_\_, AN ORDINANCE TO AMEND THE CITY OF CADILLAC ZONING ORDINANCE TO REGULATE CERTAIN RECREATIONAL/ADULT-USE MARIHUANA ESTABLISHMENTS OPERATED IN ACCORDANCE WITH STATE LAW

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 18th day of November, 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 the Zoning Ordinance to regulate recreational/adult-use marihuana establishments operated in accordance with state law; and

WHEREAS, the City Planning Commission held a public hearing on the proposed amendments on October 14, 2019; and

WHEREAS, the City Planning Commission recommended approval of the proposed amendments to the City Council; and

City of Cadillac Resolution No. 2019-\_\_\_ Page 2 of 3

WHEREAS, on October 21, 2019, the City introduced an ordinance to amend the

City's Zoning Ordinance to regulate recreational/adult-use marihuana establishments and

set it for public hearing on November 18, 2019; and

WHEREAS, the City held the duly noticed public hearing on November 18, 2019; and

WHEREAS, following the public hearing, the City has determined that it is in the best

interests of the public health, safety, and welfare to adopt the proposed ordinance

regulating recreational/adult-use marihuana establishments.

NOW, THEREFORE, the City Council of the City of Cadillac, Wexford County,

Michigan, resolves as follows:

1. Ordinance No. 2019-\_\_\_, Ordinance to Amend the City of Cadillac Zoning

Ordinance to Regulate Certain Recreational/Adult-Use Marihuana Establishments

Operated in Accordance with State Law (the "Ordinance," attached as Exhibit A), is hereby

adopted.

2. The Ordinance shall be filed with the City Clerk.

3. The City Clerk is directed to publish a Notice of Adoption within seven (7)

days after its adoption.

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.

VFAS.

NAYS:

2

City of Cadillac Resolution No. 2019 Page 3 of 3	
STATE OF MICHIGAN	)
COUNTY OF WEXFORD	) )
	lerk of the City of Cadillac, hereby certify this to be a true and
complete copy of Resolut	ion No. 2019, duly adopted at a meeting of the City Counci
held on the 18th day of No	ovember, 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. 2019-14**

## AN ORDINANCE TO AMEND THE CITY OF CADILLAC ZONING ORDINANCE TO REGULATE CERTAIN RECREATIONAL/ADULT-USE MARIHUANA ESTABLISHMENTS OPERATED IN ACCORDANCE WITH STATE LAW

#### Section 1. Amendment of Section 46-491 of the Zoning Ordinance

Section 46-491 of the Zoning Ordinance, entitled "Principal uses permitted subject to special conditions," which is within Division 13 of Article III of the Zoning Ordinance (governing I-1 Light Industrial Districts), is amended to add new subparagraph (8), which reads as follows in its entirety:

(8) Marihuana establishments authorized under the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 *et seq*, subject to Section 10-2 of the City Code and Section 46-752 of this Zoning Ordinance.

#### Section 2. Amendment of Section 46-526 of the Zoning Ordinance

Section 46-526 of the Zoning Ordinance, entitled "Principal uses permitted subject to special conditions," which is within Division 14 of Article III of the Zoning Ordinance (governing I-2 General Industrial Districts), is amended to add new subparagraph (2), which reads as follows in its entirety:

(2) Marihuana establishments authorized under the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 *et seq*, subject to Section 10-2 of the City Code and Section 46-752 of this Zoning Ordinance.

#### Section 3. Amendment of Section 46-397 of the Zoning Ordinance

Section 46-397 of the Zoning Ordinance, entitled "Special land uses permitted," which is within Division 10 of Article III of the Zoning Ordinance (governing B-2 Central Business Districts), is amended to add new subparagraph (7), which reads as follows in its entirety:

- (7) Retailers authorized under the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, subject to Section 10-2 of the City Code and Section 46-752 of this Zoning Ordinance, and subject to the following locational requirements:
  - a. A retailer in the B-2 district must be located on a parcel that has frontage on Mitchell Street, except that no retailers may be located on the section of Mitchell Street between North Street and South Street unless the following two requirements are met: (1) the retailer must be located on an upper level or subgrade level of the building and not on the ground level (with "grade" and "ground level" measured at Mitchell Street); and (2) the entrance for the retailer must face the alley located behind the building and not Mitchell Street.
  - b. The map in Table 1 identifies the areas within the B-2 district in which retailers may be located, subject to the other locational and distance requirements in this Zoning Ordinance, including Section 46-752.

#### Section 4. Amendment of Section 46-427 of the Zoning Ordinance

Section 46-427 of the Zoning Ordinance, entitled "Principal uses permitted subject to special conditions," which is within Division 11 of Article III of the Zoning Ordinance (governing B-3 General Business Districts), is amended to add new subparagraph (9), which reads as follows in its entirety:

- (9) Retailers authorized under the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 *et seq*, subject to Section 10-2 of the City Code and Section 46-752 of this Zoning Ordinance, and subject to the following locational requirements:
  - a. A retailer in the B-3 district must be located on a parcel that has frontage on Mitchell Street or Paluster Street, except that no retailers may be located on the section of Mitchell Street between North Street and South Street unless the following two requirements are met: (1) the retailer must be located on an upper level or

subgrade level of the building and not on the ground level (with "grade" and "ground level" measured at Mitchell Street); and (2) the entrance for the retailer must face the alley located behind the building and not Mitchell Street.

- b. For purposes of subsection (a), Parcel No. 10-082-00-141-00, 621 S. Mitchell, is not deemed to be between North Street and South Street because a portion of that parcel is located south of South Street.
- c. The map in Table 1 identifies the areas within the B-3 district in which retailers may be located, subject to the other locational and distance requirements in this Zoning Ordinance, including Section 46-752.

#### Section 5. Amendment of Section 46-459 of the Zoning Ordinance

Section 46-459 of the Zoning Ordinance, entitled "Special land uses permitted," which is within Division 12 of Article III of the Zoning Ordinance (governing T-2 Tourist Service Districts), is amended to add new subparagraph (4), which reads as follows in its entirety:

- (4) Retailers authorized under the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 *et seq*, subject to Section 10-2 of the City Code and Section 46-752 of this Zoning Ordinance, and subject to the following locational requirements:
  - a. A retailer in the TS-2 district must be located on a parcel that has frontage on M-115 or M-55, except that no retailers may be located on any parcel with frontage on Lake Cadillac.
  - b. The map in Table 1 identifies the areas within the TS-2 district in which retailers may be located, subject to the other locational and distance requirements in this Zoning Ordinance, including Section 46-752.
  - c. No retailers are permitted in the TS-1 district.

#### Section 6. Addition of New Section 46-752

Section 46-752, entitled "Adult-Use Marihuana Establishments," is hereby added to Article VI (Special Land Uses) of the City Zoning Ordinance and reads as follows in its entirety:

#### Sec. 46-752. Adult-Use Marihuana Establishments.

In addition to all requirements of Section 10-2 of the City Code, any other requirements of this Zoning Ordinance or the City Code, and any conditions imposed by the Planning Commission in granting special use approval, adult-use (recreational) marihuana establishments must comply with the following requirements. All terms defined in Section 10.2-01 of the City Code have the same meaning when used in this section.

- 1. Establishments must comply with the MRTMA and the MRTMA rules, as well as any other applicable state laws or regulations.
- 2. Co-located marihuana establishments and stacked grower licenses are prohibited.
- 3. Establishments shall be sufficiently screened or buffered with a fence, wall, or landscape screen to minimize light spillage, odor, and noise (including noise associated with truck traffic or other machinery), affecting adjacent properties.
- 4. Special use applicants must provide a plan for the storage and disposal of marihuana or chemicals associated with marihuana cultivation, so as to minimize the risk of theft or harm resulting from chemical exposure.
- 5. No marihuana may be stored overnight outside of an enclosed building. By way of example and without limitation, it is unlawful to store marihuana overnight in an outdoor waste bin or a secure transport vehicle parked outdoors.
- 6. Signage for marihuana establishments may be approved pursuant to the generally applicable procedures and standards provided in Section 46-664 ("Signs"), with the additional restriction that establishment signage may not depict marihuana, marihuana-infused products, or marihuana-related paraphernalia.
- 7. Marihuana establishments must control and eliminate odor as follows:
  - a. The building must be equipped with an activated air scrubbing and carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter and air scrubbing system.
  - b. The filtration system must consist of one or more fans, activated carbon filters and be capable of scrubbing the air prior to leaving any building. At a minimum, the fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.

- c. The air scrubbing and filtration system must be maintained in working order and must be in use at all times. The filters must be changed per manufacturers' recommendation to ensure optimal performance.
- d. Negative air pressure must be maintained inside the building.
- e. Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
- f. An alternative odor control system is permitted if the special use applicant submits a report by a mechanical engineer licensed in the state of Michigan sufficiently demonstrating that the alternative system will eliminate odor as well or better than the air scrubbing and carbon filtration system otherwise required.
- 8. The following minimum-distancing regulations apply:
  - a. An establishment other than a retailer may not be located within 1,000 feet of a public or private K-12 school or a college or university. A retailer may be located within 1,000 feet of a public or private K-12 school or a college or university, subject to subsection (8)(c).
  - b. A grower, processor, safety compliance establishment, or microbusiness may not be located within 500 feet of any existing one-family dwelling.
  - c. A retailer may not be located within 100 feet of any existing one-family dwelling.
  - d. The distances described in this subsection shall be computed by measuring a straight line from the nearest property line of land used for the purposes stated in this subsection to the nearest property line of the parcel used as a marihuana establishment; provided, however, that for purposes of subsection (c) only, the distance shall be computed by measuring a straight line between the two closest points of the subject buildings.
- 9. The following requirements apply to retailers:

#### **Operational Requirements**

- a. Retailers may not be open to customers between the hours of 11:00 p.m. and 8:00 a.m.
- b. Retailers may not receive deliveries between the hours of 9:00 p.m. and 7:00 a.m.

- c. The interior of the establishment must be arranged in a way such that neither marihuana nor marihuana-infused products are visible from the exterior of the establishment.
- d. Consumption of marihuana shall be prohibited in the retail establishment, and a sign shall be posted on the premises of each retail center indicating that consumption is prohibited on the premises.
- e. Retailers shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. The video recordings shall be maintained in a secure, off-site location for a period of 14 days.
- f. The public or common areas of the retail establishment must be separated from restricted or non-public areas of the marihuana establishment.
- g. No drive-through window on the portion of the premises occupied by a retail establishment shall be permitted.
- h. Retailers shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.

#### **Design Requirements**

- i. *Appearance*. The exterior appearance of a retailer must be compatible with surrounding businesses with respect to façade type, ground floor opacity, size and placement of signage, site layout, etc.
- j. *Minimum Wall Articulation*. Building bays shall be a maximum of thirty feet in width. Bays shall be visually established by architectural features such as columns, ribs or pilasters, piers and fenestration pattern. In order to add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size, the following additional standards shall apply:
  - i. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding thirty feet without including at least two of the following: change in plane, change in texture or masonry pattern, windows, or an equivalent element that subdivides the wall into human scale proportions.
  - ii. Side or rear walls that face walkways may include false windows and door openings defined by frames, sills and lintels, or similarly proportioned modulations of the wall, only when actual doors and windows are not feasible because of the nature of the use of the building.

- iii. All sides of the building shall include materials and design characteristics consistent with those on the front. Use of inferior or lesser quality materials for side or rear façades shall be prohibited.
- k. *Façades*. Façades that face streets or connecting pedestrian frontage shall be subdivided and proportioned using features such as windows, entrances, arcades, arbors, awnings, along no less than fifty percent of the façade.
- 1. *Entrances*. Primary building entrances shall use clear glass and be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the inclement weather.
- m. Windows. Windows shall have clear glass.
- n. Awnings. Awnings shall be no longer than a single storefront.
- o. Base and Top Treatments. All façades shall have:
  - i. A recognizable "base" consisting of, but not limited to: (a) thicker walls, ledges or sills; (b) integrally textured materials such as stone or other masonry; (c) integrally colored and patterned materials such as smooth-finished stone or tile; (d) lighter or darker colored materials, mullions or panels; or (e) planters.
  - ii. A recognizable "top" consisting of, but not limited to: (a) cornice treatments, other than just colored "stripes" or "bands," with integrally textured materials such as stone or other masonry or differently colored materials; (b) sloping roof with overhangs and brackets; (c) stepped parapets.
- p. *Encroachments*. Encroachments for special architectural features, such as bay windows, decorative roofs and entry features may be considered; however, in no case may such features be below a height of 8 feet.
- 10. The following requirements apply to growers:
  - a. Cultivation must occur within an enclosed building with exterior facades consisting of opaque materials typical of an industrial or commercial building. The roof of the building may be constructed of a rigid transparent or translucent material designed to let in light, such as glass or rigid polycarbonate or fiberglass panels. Films or other non-rigid materials cannot be used to construct any component of the building's exterior structure.

b. Cultivation must be conducted in a manner to minimize adverse impacts on the city's sanitary sewer. The city's public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.

#### 11. The following requirements apply to processors:

a. Cultivation must be conducted in a manner to minimize adverse impacts on the city's sanitary sewer. The city's public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.

#### 12. The following requirements apply to safety compliance facilities:

a. Cultivation must be conducted in a manner to minimize adverse impacts on the city's sanitary sewer. The city's public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.

#### 13. The following requirements apply to microbusinesses:

- a. Microbusinesses may not be open to customers between the hours of 11:00 p.m. and 8:00 a.m.
- b. Microbusinesses may not receive deliveries between the hours of 9:00 p.m. and 7:00 a.m.
- c. The exterior appearance of a microbusiness must be compatible with surrounding businesses with respect to façade type, ground floor opacity, size and placement of signage, site layout, etc.
- d. The interior of the establishment must be arranged in a way such that neither marihuana nor marihuana-infused products are visible from the exterior of the establishment.
- e. Consumption of marihuana shall be prohibited in the establishment, and a sign shall be posted on the premises of each microbusiness indicating that consumption is prohibited on the premises.
- f. Microbusinesses shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. The video recordings shall be maintained in a secure, off-site location for a period of 14 days.
- g. The public or common areas of the microbusiness establishment must be separated from restricted or non-public areas of the marihuana establishment.

- h. No drive-through window on the portion of the premises occupied by a microbusiness establishment shall be permitted.
- i. Microbusinesses shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.
- j. Cultivation must occur within an enclosed building with exterior facades consisting of opaque materials typical of an industrial or commercial building. The roof of the building may be constructed of a rigid transparent or translucent material designed to let in light, such as glass or rigid polycarbonate or fiberglass panels. Films or other non-rigid materials cannot be used to construct any component of the building's exterior structure.
- k. Cultivation must be conducted in a manner to minimize adverse impacts on the city's sanitary sewer. The city's public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.
- 14. Special Use Permit Specific to Applicant.
  - a. Any special use permit granted for a marihuana establishment is unique and specific to the applicant and does not run with the land. The special use permit may be transferred to another marihuana establishment only with City approval and subject to Section 10.2-04 of the City Code.
- 15. Violations; Remedies; Revocation.

Notwithstanding any other provision in this Zoning Ordinance to the contrary, penalties for violations of this subsection shall be as follows:

- a. If at any time an establishment violates the Zoning Ordinance, any condition imposed through a special use permit, or any other applicable city ordinance or state law or regulation, the City may take any or all of the following actions:
  - a. The City may request that LARA revoke or refrain from renewing the establishment's state operating license.
  - b. Following notice and a public hearing, the City may revoke the establishment's special use permit.
  - c. The City may treat the violation as a municipal civil infraction, for which each day the violation continues will be a separate offense, and impose the following fines:

First violation = \$500

Second offense = \$2,500

Each subsequent offense = \$5,000

- d. The City may seek other appropriate and proper remedies, including actions in law or equity.
- 16. Application to Certain Transferred Area.

Notwithstanding any contrary provisions in this Zoning Ordinance, the following provisions shall apply to the real property ("Transferred Area") that is the subject of the Agreement for the Conditional Transfer of Property dated August 19, 2019 ("Act 425 Agreement"), and recorded with the Wexford County Register of Deeds, and that is also the subject of a Consent Judgment entered by the Wexford County Circuit Court on September 23, 2019, in Case Nos. 13-24803-CH and 17-27610-CZ:

Marihuana establishments shall be permitted on the Transferred Area only in accordance with the Act 425 Agreement, Consent Judgment, and related documents and exhibits. The terms of the Act 425 Agreement and Consent Judgment supersede any conflicting provisions of this Ordinance with respect to the Transferred Area. However, to the extent that the Act 425 Agreement and Consent Judgment do not conflict with this Zoning Ordinance, this Zoning Ordinance shall control and govern any marihuana establishments in the Transferred Area.

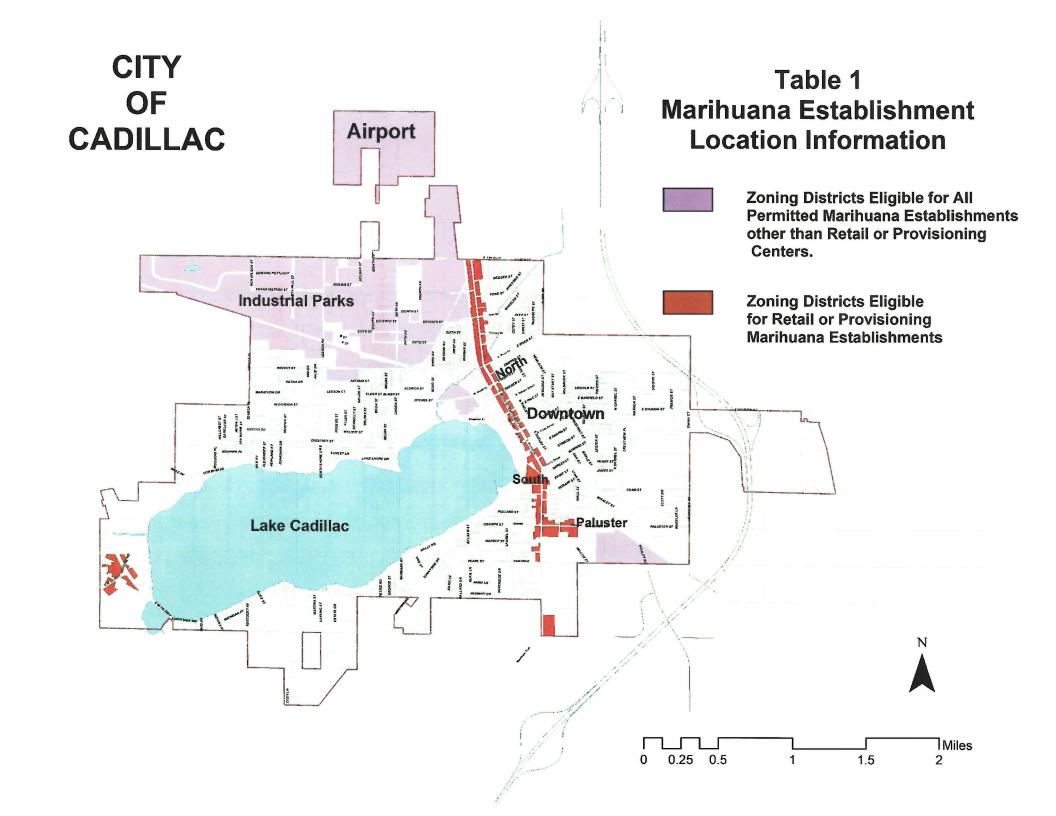
Section 7. <u>Publication and Effective Date</u>. The City Clerk will cause to be published a notice of adoption of this ordinance within 10 days of the date of its adoption. This ordinance will take effect 30 days after its adoption.

Section 8. <u>Severability</u>; <u>Repeal of Prior Ordinances</u>. 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. Any ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

YEAS:	Council Member(s)
NAYS:	Council Member(s)
ABSTAIN:	Council Member(s)
ABSENT:	Council Member(s)

#### **CERTIFICATION**

•		Ford County, Michigan, I certify this is a true and Cadillac City Council at a regular meeting held on
Date:, 2019		Carla Filkins, Mayor
Date:, 2019		Sandra Wasson, City Clerk
Introduced:	, 2019	
Adopted:	, 2019	
Published:	, 2019	
Effective	2010	



#### **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 TO ADOPT ORDINANCE NO. \_\_\_\_, AN ORDINANCE TO AMEND THE CITY OF CADILLAC ZONING ORDINANCE TO REGULATE CERTAIN MEDICAL MARIHUANA FACILITIES OPERATED IN ACCORDANCE WITH STATE LAW

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 18th day of November, 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 the Zoning Ordinance to regulate medical marihuana facilities operated in accordance with state law; and

WHEREAS, the City Planning Commission held a public hearing on the proposed amendments on October 14, 2019; and

WHEREAS, the City Planning Commission recommended approval of the proposed amendments to the City Council; and

WHEREAS, on October 21, 2019, the City introduced an ordinance to amend the City's Zoning Ordinance to regulate certain medical marihuana facilities and set it for public hearing on November 18, 2019; and

City of Cadillac Resolution No. 2019-\_\_\_ Page 2 of 2

WHEREAS, the City held the duly noticed public hearing on November 18, 2019; and

WHEREAS, following the public hearing, the City has determined that it is in the best interests of the public health, safety, and welfare to adopt the proposed ordinance regulating medical marihuana facilities.

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

- 1. Ordinance No. 2019-\_\_\_\_, Ordinance to Amend the City of Cadillac Zoning Ordinance to Regulate Certain Medical Marihuana Facilities Operated in Accordance with State Law (the "Ordinance," attached as Exhibit A), is hereby adopted.
  - 2. The Ordinance shall be filed with the City Clerk.
- 3. The City Clerk is directed to publish a Notice of Adoption within seven (7) days after its adoption.
- 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. 2019-\_\_\_, duly adopted at a meeting of the City Council held on the 18th day of November, 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. 2019-15**

## AN ORDINANCE TO AMEND THE CITY OF CADILLAC ZONING ORDINANCE TO REGULATE CERTAIN MEDICAL MARIHUANA FACILITIES OPERATED IN ACCORDANCE WITH STATE LAW

#### Section 1. Amendment of Section 46-491 of the Zoning Ordinance

Section 46-491 of the Zoning Ordinance, entitled "Principal uses permitted subject to special conditions," which is within Division 13 of Article III of the Zoning Ordinance (governing I-1 Light Industrial Districts), is amended to add new subparagraph (9), which reads as follows in its entirety:

(9) Medical marihuana facilities authorized under the Michigan Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27102 *et seq*, subject to Section 10-3 of the City Code and Section 46-753 of this Zoning Ordinance.

#### Section 2. Amendment of Section 46-526 of the Zoning Ordinance

Section 46-526 of the Zoning Ordinance, entitled "Principal uses permitted subject to special conditions," which is within Division 14 of Article III of the Zoning Ordinance (governing I-2 General Industrial Districts), is amended to add new subparagraph (3), which reads as follows in its entirety:

(3) Medical marihuana facilities authorized under the Michigan Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27102 *et seq*, subject to Section 10-3 of the City Code and Section 46-753 of this Zoning Ordinance.

#### Section 3. Amendment of Section 46-397 of the Zoning Ordinance

Section 46-397 of the Zoning Ordinance, entitled "Special land uses permitted," which is within Division 10 of Article III of the Zoning Ordinance (governing B-2 Central Business Districts), is amended to add new subparagraph (8), which reads as follows in its entirety:

- (8) Provisioning centers authorized under the Michigan Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27102 *et seq*, subject to Section 10-3 of the City Code and Section 46-753 of this Zoning Ordinance, and subject to the following locational requirements:
  - a. A provisioning center in the B-2 district must be located on a parcel that has frontage on Mitchell Street, except that no provisioning centers may be located on the section of Mitchell Street between North Street and South Street unless the following two requirements are met: (1) the provisioning center must be located on an upper level or subgrade level of the building and not on the ground level (with "grade" and "ground level" measured at Mitchell Street); and (2) the entrance for the provisioning center must face the alley located behind the building and not Mitchell Street.
  - b. The map in Table 1 identifies the areas within the B-2 district in which provisioning centers may be located, subject to the other locational and distance requirements in this Zoning Ordinance, including Section 46-753.

#### Section 4. Amendment of Section 46-427 of the Zoning Ordinance

Section 46-427 of the Zoning Ordinance, entitled "Principal uses permitted subject to special conditions," which is within Division 11 of Article III of the Zoning Ordinance (governing B-3 General Business Districts), is amended to add new subparagraph (10), which reads as follows in its entirety:

- (10) Provisioning centers authorized under the Michigan Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27102 *et seq*, subject to Section 10-3 of the City Code and Section 46-753 of this Zoning Ordinance, and subject to the following locational requirements:
  - a. A provisioning center in the B-3 district must be located on a parcel that has frontage on Mitchell Street or Paluster Street, except that no provisioning centers may be located on the section of Mitchell Street between North Street and South Street unless the following two requirements are met: (1) the provisioning

center must be located on an upper level or subgrade level of the building and not on the ground level (with "grade" and "ground level" measured at Mitchell Street); and (2) the entrance for the provisioning center must face the alley located behind the building and not Mitchell Street.

- b. For purposes of subsection (a), Parcel No. 10-082-00-141-00, 621 S. Mitchell, is not deemed to be between North Street and South Street because a portion of that parcel is located south of South Street.
- c. The map in Table 1 identifies the areas within the B-3 district in which provisioning centers may be located, subject to the other locational and distance requirements in this Zoning Ordinance, including Section 46-753.

#### Section 5. Amendment of Section 46-459 of the Zoning Ordinance

Section 46-459 of the Zoning Ordinance, entitled "Special land uses permitted," which is within Division 12 of Article III of the Zoning Ordinance (governing T-2 Tourist Service Districts), is amended to add new subparagraph (5), which reads as follows in its entirety:

- (5) Provisioning centers authorized under the Michigan Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27102 *et seq*, subject to Section 10-3 of the City Code and Section 46-753 of this Zoning Ordinance, and subject to the following locational requirements:
  - a. A provisioning center in the TS-2 district must be located on a parcel that has frontage on M-115 or M-55, except that no provisioning centers may be located on any parcel with frontage on Lake Cadillac.
  - b. The map in Table 1 identifies the areas within the TS-2 district in which provisioning centers may be located, subject to the other locational and distance requirements in this Zoning Ordinance, including Section 46-753.
  - c. No provisioning centers are permitted in the TS-1 district.

#### Section 6. Addition of New Section 46-753

Section 46-753, entitled "Medical Marihuana Facilities," is hereby added to Article VI (Special Land Uses) of the City Zoning Ordinance and reads as follows in its entirety:

#### Sec. 46-753. Medical Marihuana Facilities.

In addition to all requirements of Section 10-3 of the City Code, any other requirements of this Zoning Ordinance or the City Code, and any conditions imposed by the Planning Commission in granting special use approval, medical marihuana facilities must comply with the following requirements. All terms defined in Section 10.3-01 of the City Code have the same meaning when used in this section.

- 1. Facilities must comply with the MMMFLA and the MMMFLA rules, as well as any other applicable state laws or regulations.
- 2. Co-located marihuana facilities and stacked grower licenses are prohibited.
- 3. Facilities shall be sufficiently screened or buffered with a fence, wall, or landscape screen to minimize light spillage, odor, and noise (including noise associated with truck traffic or other machinery), affecting adjacent properties.
- 4. Special use applicants must provide a plan for the storage and disposal of marihuana or chemicals associated with marihuana cultivation, so as to minimize the risk of theft or harm resulting from chemical exposure.
- 5. No marihuana may be stored overnight outside of an enclosed building. By way of example and without limitation, it is unlawful to store marihuana overnight in an outdoor waste bin or a secure transport vehicle parked outdoors.
- 6. Signage for medical marihuana facilities may be approved pursuant to the generally applicable procedures and standards provided in Section 46-664 ("Signs"), with the additional restriction that facility signage may not depict marihuana, marihuana-infused products, or marihuana-related paraphernalia.
- 7. Medical marihuana facilities must control and eliminate odor as follows:
  - a. The building must be equipped with an activated air scrubbing and carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter and air scrubbing system.
  - b. The filtration system must consist of one or more fans, activated carbon filters and be capable of scrubbing the air prior to leaving any building. At

a minimum, the fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.

- c. The air scrubbing and filtration system must be maintained in working order and must be in use at all times. The filters must be changed per manufacturers' recommendation to ensure optimal performance.
- d. Negative air pressure must be maintained inside the building.
- e. Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
- f. An alternative odor control system is permitted if the special use applicant submits a report by a mechanical engineer licensed in the state of Michigan sufficiently demonstrating that the alternative system will eliminate odor as well or better than the air scrubbing and carbon filtration system otherwise required.
- 8. The following minimum-distancing regulations apply:
  - a. A facility other than a provisioning center may not be located within 1,000 feet of a public or private K-12 school or a college or university. A provisioning center may be located within 1,000 feet of a public or private K-12 school or a college or university, subject to subsection (8)(c).
  - b. A grower, processor, or safety compliance facility may not be located within 500 feet of any existing one-family dwelling.
  - c. A provisioning center may not be located within 100 feet of any existing one-family dwelling.
  - d. The distances described in this subsection shall be computed by measuring a straight line from the nearest property line of land used for the purposes stated in this subsection to the nearest property line of the parcel used as a marihuana facility; provided, however, that for purposes of subsection (c) only, the distance shall be computed by measuring a straight line between the two closest points of the subject buildings.
- 9. The following requirements apply to provisioning centers:

#### **Operational Requirements**

- a. Provisioning centers may not be open to customers between the hours of 11:00 p.m. and 8:00 a.m.
- b. Provisioning centers may not receive deliveries between the hours of 9:00 p.m. and 7:00 a.m.
- c. The interior of the facility must be arranged in a way such that neither marihuana nor marihuana-infused products are visible from the exterior of the facility.
- d. Consumption of marihuana shall be prohibited in the retail facility, and a sign shall be posted on the premises of each retail center indicating that consumption is prohibited on the premises.
- e. Provisioning centers shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. The video recordings shall be maintained in a secure, off-site location for a period of 14 days.
- f. The public or common areas of the retail facility must be separated from restricted or non-public areas of the marihuana facility.
- g. No drive-through window on the portion of the premises occupied by a retail facility shall be permitted.
- h. Provisioning centers shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.

#### **Design Requirements**

- i. *Appearance*. The exterior appearance of a provisioning center must be compatible with surrounding businesses with respect to façade type, ground floor opacity, size and placement of signage, site layout, etc.
- j. *Minimum Wall Articulation*. Building bays shall be a maximum of thirty feet in width. Bays shall be visually established by architectural features such as columns, ribs or pilasters, piers and fenestration pattern. In order to add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size, the following additional standards shall apply:
  - i. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding thirty feet without including at least two of the following: change in plane, change in texture or

- masonry pattern, windows, or an equivalent element that subdivides the wall into human scale proportions.
- ii. Side or rear walls that face walkways may include false windows and door openings defined by frames, sills and lintels, or similarly proportioned modulations of the wall, only when actual doors and windows are not feasible because of the nature of the use of the building.
- iii. All sides of the building shall include materials and design characteristics consistent with those on the front. Use of inferior or lesser quality materials for side or rear façades shall be prohibited.
- k. *Façades*. Façades that face streets or connecting pedestrian frontage shall be subdivided and proportioned using features such as windows, entrances, arcades, arbors, awnings, along no less than fifty percent of the façade.
- 1. *Entrances*. Primary building entrances shall use clear glass and be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the inclement weather.
- m. Windows. Windows shall have clear glass.
- n. Awnings. Awnings shall be no longer than a single storefront.
- o. Base and Top Treatments. All façades shall have:
  - i. A recognizable "base" consisting of, but not limited to: (a) thicker walls, ledges or sills; (b) integrally textured materials such as stone or other masonry; (c) integrally colored and patterned materials such as smooth-finished stone or tile; (d) lighter or darker colored materials, mullions or panels; or (e) planters.
  - ii. A recognizable "top" consisting of, but not limited to: (a) cornice treatments, other than just colored "stripes" or "bands," with integrally textured materials such as stone or other masonry or differently colored materials; (b) sloping roof with overhangs and brackets; (c) stepped parapets.
- p. *Encroachments*. Encroachments for special architectural features, such as bay windows, decorative roofs and entry features may be considered; however, in no case may such features be below a height of 8 feet.
- 10. The following requirements apply to growers:

- a. Cultivation must occur within an enclosed building with exterior facades consisting of opaque materials typical of an industrial or commercial building. The roof of the building may be constructed of a rigid transparent or translucent material designed to let in light, such as glass or rigid polycarbonate or fiberglass panels. Films or other non-rigid materials cannot be used to construct any component of the building's exterior structure.
- b. Cultivation must be conducted in a manner to minimize adverse impacts on the city's sanitary sewer. The city's public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.

#### 11. The following requirements apply to processors:

a. Cultivation must be conducted in a manner to minimize adverse impacts on the city's sanitary sewer. The city's public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.

#### 12. The following requirements apply to safety compliance facilities:

a. Cultivation must be conducted in a manner to minimize adverse impacts on the city's sanitary sewer. The city's public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.

#### 13. Special Use Permit Specific to Applicant.

a. Any special use permit granted for a medical marihuana facility is unique and specific to the applicant and does not run with the land. The special use permit may be transferred to another medical marihuana facility only with City approval and subject to Section 10.3-04 of the City Code.

#### 14. Violations; Remedies; Revocation.

Notwithstanding any other provision in this Zoning Ordinance to the contrary, penalties for violations of this subsection shall be as follows:

- a. If at any time an facility violates the Zoning Ordinance, any condition imposed through a special use permit, or any other applicable city ordinance or state law or regulation, the City may take any or all of the following actions:
  - a. The City may request that LARA revoke or refrain from renewing the facility's state operating license.

- b. Following notice and a public hearing, the City may revoke the facility's special use permit.
- c. The City may treat the violation as a municipal civil infraction, for which each day the violation continues will be a separate offense, and impose the following fines:

First violation = \$500

Second offense = \$2,500

Each subsequent offense = \$5,000

- d. The City may seek other appropriate and proper remedies, including actions in law or equity.
- 15. Application to Certain Transferred Area.

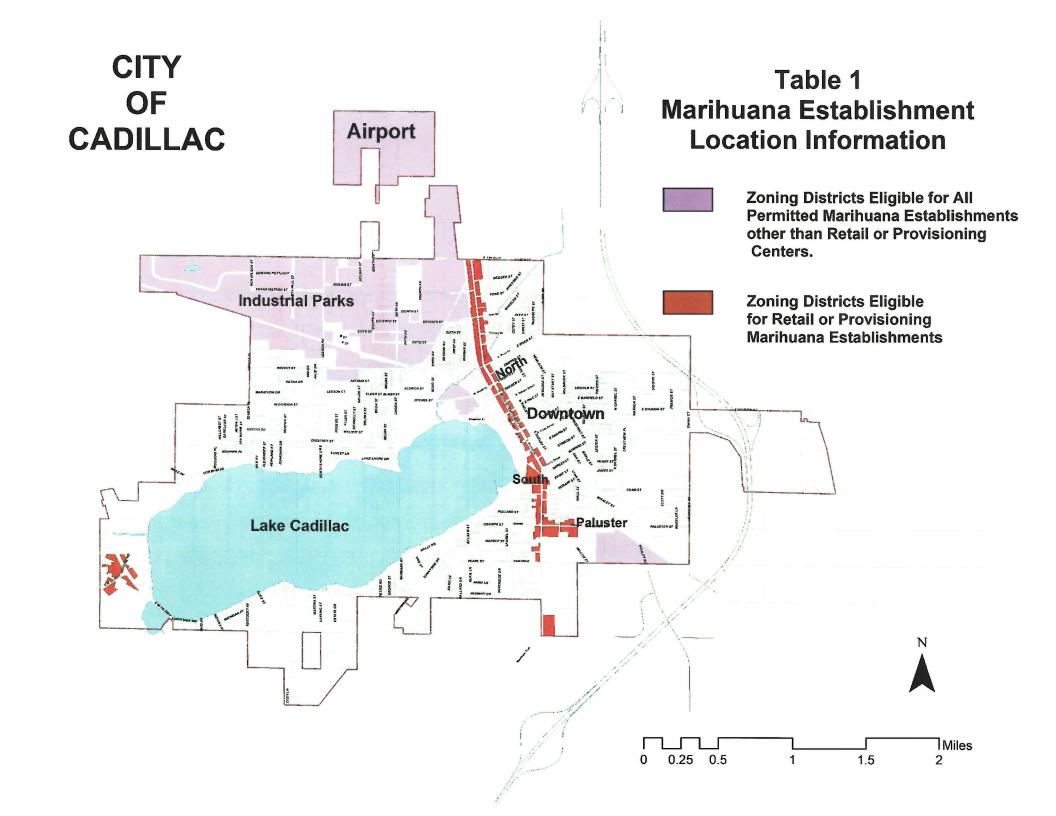
Notwithstanding any contrary provisions in this Zoning Ordinance, the following provisions shall apply to the real property ("Transferred Area") that is the subject of the Agreement for the Conditional Transfer of Property dated August 19, 2019 ("Act 425 Agreement"), and recorded with the Wexford County Register of Deeds, and that is also the subject of a Consent Judgment entered by the Wexford County Circuit Court on September 23, 2019, in Case Nos. 13-24803-CH and 17-27610-CZ:

Medical marihuana facilities shall be permitted on the Transferred Area only in accordance with the Act 425 Agreement, Consent Judgment, and related documents and exhibits. The terms of the Act 425 Agreement and Consent Judgment supersede any conflicting provisions of this Ordinance with respect to the Transferred Area. However, to the extent that the Act 425 Agreement and Consent Judgment do not conflict with this Zoning Ordinance, this Zoning Ordinance shall control and govern any medical marihuana facilities in the Transferred Area.

Section 7. <u>Publication and Effective Date</u>. The City Clerk will cause to be published a notice of adoption of this ordinance within 10 days of the date of its adoption. This ordinance will take effect 30 days after its adoption.

Section 8. <u>Severability; Repeal of Prior Ordinances</u>. 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. Any ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

YEAS:	Council Member(s)	
NAYS:	Council Member(s)	
ABSTAIN:		
ABSENT:		
	<u>CERTIF</u>	<u>TICATION</u>
•	by of an ordinance adopted by the C	ford County, Michigan, I certify this is a true and Cadillac City Council at a regular meeting held or
Date:	, 2019	Carla Filkins, Mayor
Date:	, 2019	Sandra Wasson, City Clerk
Introduced:	, 2019	
Adopted:	, 2019	
Published:	, 2019	
Effective:	, 2019	



### **COMMERCIAL REHABILITATION ACT**

Public Act 210 of 2005, as amended, encourages the rehabilitation of commercial property by abating the property taxes generated from new investment for a period up to 10 years. As defined, commercial property is a qualified facility that includes a building or group of contiguous buildings of commercial property that is 15 years or older, of which the primary purpose is the operation of a commercial business enterprise or multifamily residential use. A qualified facility may also include vacant property or other commercial property which, within the immediately preceding 15 years, was commercial property. Types of commercial business enterprises include office, engineering, research and development, warehousing, parts distribution, retail sales, and other commercial activities. Multi-family residential is housing that consists of five or more units. Commercial properties allocated new market tax credits are also considered a qualified facility.

Qualified retail food establishments are considered a qualified facility for purposes of granting the tax abatement. These establishments include a retail supermarket, grocery store, produce market, or delicatessen that offer unprocessed USDA-inspected meat and poultry products or meat products that carry the USDA organic seal, fresh fruits and vegetables, and dairy products for sale to the public. The qualified retail food establishment must be located in a "core community" as defined in the Obsolete Property Rehabilitation Act (PA 146 of 2000) or in an area designated as rural as defined by the United States Census Bureau and is located in an underserved area.

Commercial property does not include property that is to be used as a professional sports stadium or a casino. Land and personal property are not eligible for abatement under this act.

Note: This document is offered as a general guide only and the legislation should be reviewed by local officials.

#### WHO IS ELIGIBLE?

"Qualified local government units" mean any city, village or township.

### WHAT IS REHABILITATION?

Rehabilitation is defined as changes to qualified facilities that are required to restore or modify the property, together with all appurtenances, to an economically efficient condition. The new investment in the rehabbed property must result in improvements aggregating to more than 10 percent of

the true cash value of the property at commencement of the rehabilitation of the qualified facility. Rehabilitation includes the following: improvement of floor loads, correction of deficient or excessive height, new or improved fixed building equipment including heating, ventilation, and lighting, reducing multistory facilities to one or two stories, improved structural support including foundations, improved roof structure and cover, floor replacement, improved wall placement, improved exterior and interior appearance of buildings, and other physical changes required to restore or change the property to an economically efficient condition.

Rehabilitation also includes new construction on vacant property from which a previous structure has been demolished and if the new construction is an economic benefit to the local community as determined by the qualified local governmental unit.

Rehabilitation for a qualified retail food establishment also includes new construction.

### WHAT IS THE PROCESS?

Before the Commercial Rehabilitation Exemption Certificate (i.e., property tax abatement) can be granted to the commercial property owner, the city, village or township by resolution of its legislative body, must establish a Commercial Rehabilitation District. The establishment of the district may be initiated by the local government unit or by owners of property comprising 50 percent of all taxable value of the property in the proposed district. The district must be at least three acres in size unless it is located in a downtown or business area or contains a qualified retail food establishment.

The city, village or township must hold a hearing to establish a Commercial Rehabilitation District. Notification of the hearing must be given to the county board of commissioners and all real property owners in the proposed district.

After the hearing is held and the local unit of government determines the district meets the requirements of the act, a copy of the resolution adopting the district shall be provided to the county where the district is established. Within 28 days, the county may accept or reject the establishment of the district. In a county with a county executive, the executive can write a letter rejecting the establishment of the district. In all other counties, the county board of commissioners can pass a resolution rejecting the establishment of the district.

Once the district is established, the property owners may file an application with the local clerk for a commercial rehabilitation exemption certificate. Applications are available from the Michigan Department of Treasury. The local clerk shall provide written notification to the assessor of the local unit of government and each taxing jurisdiction that levies ad valorem property taxes of the application hearing. The city, village or township has 60 days after receipt of the application to either approve or disapprove the application. If denied, a reason must be given in the resolution. The assessor and applicant shall be sent a copy of the unapproved resolution by certified mail. If approved, the application and resolution must be sent to the State Tax Commission, which will certify or deny the application within 60 days. A resolution is not effective unless approved by the State Tax Commission.

### **COMMERCIAL REHABILITATION EXEMPTION CERTIFICATE**

Upon approval by the State Tax Commission, a commercial rehabilitation certificate is issued. The property owner must pay a Commercial Rehabilitation Tax rather than the normal property tax. The certificate must be issued for a period of at least one year, but cannot exceed 10 years. Certificates initially issued for less than 10 years may be extended, but shall not exceed 10 years. The criteria for extensions must be included in the resolution approving the abatement.

The Commercial Rehabilitation Tax freezes the taxable value of the building and exempts the new investment from local taxes. The school operating tax and the State Education Tax (SET) are still levied on the new investment. Land and personal property cannot be abated under this act.

#### **DISCUSSION**

In addition to the Commercial Rehabilitation Act (PA 210 of 2005), several other property tax abatements are available for the rehabilitation of commercial property in Michigan, including the Commercial Redevelopment Act (PA 255 of 1978) and the Obsolete Property Rehabilitation Act (PA 146 of 2000). Each act has unique eligibility requirements, processes, and lengths and terms of the abatement. Please refer to the Michigan Economic Development Corporation (MEDC) fact sheet for more information on each program and consult the authorizing statute to determine the best fit for your project needs.

### SUPPORTING STATUTE

Public Act 210 of 2005: Commercial Rehabilitation Act

### **CONTACT INFORMATION**

For more information on the Commercial Rehabilitation Act, contact the Community Assistance Team (CAT) specialist assigned to your territory or visit www.miplace.org.

### COMMERCIAL REDEVELOPMENT ACT

Public Act 255 of 1978, as amended, encourages the replacement, restoration and new construction of commercial property by abating the property taxes generated from new investment for a period up to 12 years. As defined, commercial property means land improvements whether completed or in the process of construction, the primary purpose and use of which is the operation of a commercial business enterprise, including office, engineering, research and development, warehousing parts distribution, retail sales, hotel or motel development, and other commercial facilities. Mixed-use developments maybe eligible, but the abatement will only apply to the commercial portion of the property. Land and personal property are not eligible for abatement under this act.

Note: This document should be used as a general guide only and the legislation should be reviewed by local officials.

#### WHO IS ELIGIBLE?

"Local governmental unit" means a city or village.

### WHAT IS A REPLACEMENT, NEW AND **RESTORED FACILITY?**

"Replacement facility" means commercial property to be acquired, constructed, altered, or installed for the purpose of being substituted for obsolete commercial property. Property impaired due to changes in design, construction, technology, or improved production processes, or damage due to fire, natural disaster, or general neglect shall be considered obsolete. All other new commercial property is considered a "new facility." For purposes of granting the tax abatement, the replacement or new facility must meet all of the following conditions:

- 1. Is located on property that is zoned to allow for mixed-use, including high-density residential.
- 2. Is located in a qualified downtown revitalization district as defined in section two of the Neighborhood Enterprise Zone Act (PA 147 of 1992). This requires either being located in a Downtown Development Authority (PA 197 of 1975), a Principal Shopping District or Business Improvement District (PA 120 of 1961) or an area that is zoned and primarily used for business as determined by the local government unit.
- 3. The city or village establishes and implements an expedited local permitting and inspection process in the Commercial Redevelopment District. In addition, by resolution provides for the walkable non-motorized interconnections, including sidewalks and streetscapes throughout the Commercial Redevelopment District.

A "restored facility" means changes to obsolete commercial property as may be required to restore the property to an economically efficient condition. Restoration must result in improvements aggregating to more than 10 percent of the true cash value of the property at commencement of the restoration. Restoration includes major renovation including, but not limited to, the improvement of floor loads, correction of deficient or excessive height, new or improved fixed building equipment, including heating, ventilation, and lighting, reducing multistory facilities to one or two stories, improved structural support including foundations, improved roof structure and cover, floor replacement, improved wall placement, improved exterior and interior appearance of buildings, and other physical changes.

### WHAT IS THE PROCESS?

Before the commercial redevelopment exemption certificate (i.e., property tax abatement) can be granted for the facility, the city or village, by resolution of its legislative body, must establish a Commercial Redevelopment District. The establishment of the district may be initiated by the local government unit or by owners of property comprising 75 percent of state equalized value of the property in the proposed district. At the time of the resolution's adoption, property within the district must meet one of the following:

- 1. Obsolete commercial property or cleared or vacant land and part of an existing developed commercial or industrial zone. The property must have been zoned commercial or industrial before June 21, 1975, and characterized by obsolete commercial property and a decline in commercial activity.
- 2. Land cleared as a result of fire damage, or cleared as blighted area under Blighted Area Rehabilitation Act (PA 344 of 1945).
- 3. Cleared or vacant land included in a redevelopment plan adopted by the Downtown Development Authority (PA 197 of 1975) or Principal Shopping District or a Business Improvement District (PA 120 of 1961).

To establish the Commercial Redevelopment District, the city or village must first hold a hearing to establish a Commercial Rehabilitation District and determine in the resolution the district meets the requirements of the act. Once the district is established, the property owners may file an application with the local clerk for a commercial facilities exemption certificate. Applications are available from the Michigan Department of Treasury. Before acting on the application, the city or village

shall hold a public hearing on the application and not more than 60 days after receipt of the application either approved or disapproved by resolution. The local clerk shall provide written notification of the application hearing to the assessor of the local unit of government and each taxing jurisdiction that levies ad valorem property taxes. If approved, the application and resolution must be sent to the State Tax Commission for filing purposes.

### **COMMERCIAL FACILITIES EXEMPTION CERTIFICATE**

The property owner must pay a commercial facilities tax rather than the normal property tax. The certificate must be issued for a period of at least one year, but cannot exceed 12 years. Certificates initially issued for less than 12 years may be extended based upon factors placed in writing at the time the certificate is approved, but shall not exceed 12 years.

### **DETERMINING COMMERCIAL FACILITIES TAX RATE**

For a restored facility: The commercial facilities tax freezes the taxable value of the building at its value prior to restoration, therefore exempting the new investment from local taxes for a period not to exceed 12 years. The school operating tax and the State Education Tax (SET) are also frozen. Land and personal property cannot be abated under this act.

For a new or replacement facility: The commercial facilities tax provides a 50 percent reduction in the number of mills levied as ad valorem taxes, excluding only the State Education Tax (SET). Land and personal property cannot be abated under this Act.

Within 60 days after the granting of a new Commercial Facilities Exemption Certificate, the state treasurer may exempt 50 percent of the SET mills for a period not to exceed six years. The state treasurer will not grant more than 25 of these SET exclusions each year.

### **DISCUSSION**

In addition to the Commercial Redevelopment Act (PA 255 of 1978), several other property tax abatements are available for the rehabilitation of commercial property in Michigan, including the Commercial Rehabilitation Act (PA 210 of 2005) and the Obsolete Property Rehabilitation Act (PA 146 of 2000). Each act has unique eligibility requirements, processes, and lengths and terms of the abatement. Please refer to the Michigan Economic Development Corporation (MEDC) fact sheet for more information on each program and consult the authorizing statute to determine the best fit for your project needs.

### SUPPORTING STATUTE

Public Act 255 of 1978: Commercial Redevelopment Act

### **CONTACT INFORMATION**

For more information on the Commercial Redevelopment Act, please contact the Community Assistance Team (CAT) specialist assigned to your territory or visit www.miplace.org. **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

RESOLUTIO	)N NO.
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# RESOLUTION DESIGNATING A COMMERCIAL REHABILITATION DISTRICT CADILLAC EAST COMMERCIAL REHABILITATION 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 18th day of November, 2019, at 6:00 p.m.

PRESENT:	-	
ABSENT:	-	
The following resolution was offered by	and supported	l by

**WHEREAS**, Section 3 of Act 210 of the Public Acts of Michigan of 2005, as amended ("Act 210"), provides that the City Council may, on its own initiative, designate one or more commercial rehabilitation districts within the City; and

**WHEREAS**, the City wishes to adopt a resolution designating the property described on **Exhibit A** as the Cadillac East Commercial Rehabilitation District No. 1; and

**WHEREAS**, there exists a need for the Cadillac East Commercial Rehabilitation District No. 1 in the City; and

WHEREAS, the establishment of a Cadillac East Commercial Rehabilitation District No.

1 is consistent with the City's master plan and the economic development goals of the City; and

**WHEREAS**, on October 21, 2019, the City Council adopted Resolution No. 2019-3344, Resolution to Designate a Commercial Redevelopment District; Notice of Public Hearing; and

WHEREAS, the City Council conducted a public hearing at a meeting of the City Council at 6:00 p.m. on November 18, 2019 at the City Hall in the City at which any owner of real property within the proposed CRHD and any other resident or taxpayer of the City, or any taxing authority, was permitted to appear and be heard; and

WHEREAS, the City Clerk, not less than 10 days but not more than 30 days before the public hearing, provided Wexford County and the owners of all real property within the proposed CRHD written notice by certified mail of the public hearing. Not less than 10 days before the public hearing on November 18, 2019, a notice of public hearing was provided to the City Assessor and to the governing body of each taxing unit that levies ad valorem property taxes within the proposed CRHD; and

**WHEREAS**, the City Council conducted a public hearing at a meeting of the City Council at 6:00 p.m. on November 18, 2019 at the City Hall in the City at which any owner of real property within the proposed CRHD, any other resident or taxpayer of the City, and any other interested parties (including taxing authorities), could appear and be heard; and

**WHEREAS**, the public health, safety and welfare will be served by designating a commercial rehabilitation district in the City.

### **NOW, THEREFORE**, BE IT RESOLVED AS FOLLOWS:

1. The City Council hereby designates a commercial rehabilitation district under Act 210 known as the "Cadillac East Commercial Rehabilitation District No. 1" (the "CRHD")

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. A map depicting the CRHD is attached as **Exhibit B**.

- 2. The City determines that the CRHD shall remain in effect for a period of up to ten (10) years, or the maximum permitted under Act 210, whichever is greater.
- 3. The City hereby determines that the CRHD meets the requirements set forth in Section 3 of the Act, in that the CRHD consists of one or more parcels or tracts of land or portions thereof that comprise one or more "Qualified Facilities" within the meaning of Section 2(h) of Act 210. The CRHD may also include a qualified retail food establishment within the meaning of Section 2(j) of Act 210.
- 4. The City will require that any applicant for a Commercial Rehabilitation Exemption Certificate shall commit to spending, and actually spend, a minimum of \$150,000 on improvements for a Qualified Facility (as described in Section 2(h) of Act 210) within the CRHD.
- 5. The CRHD is intended to foster economic development in the Cadillac East area, and will be a useful tool for providing economic development advantages to the Cadillac East area.
- 6. In accordance with Section 3 of Act 210, the Clerk shall provide a copy of this Resolution to Wexford County by certified mail.
- 7. All actions heretofore taken by City officials, employees and agents with respect to the proposed CRHD and proceedings under Act 210 are hereby ratified and confirmed.
- 8. All resolutions or portions of resolutions that are inconsistent with this Resolution are hereby repealed.

YEAS:	<del></del>
NAYS:	
THE RESOLUTION WAS DECLARE	ED ADOPTED.
STATE OF MICHIGAN	
COUNTY OF WEXFORD	)
Wexford County, Michigan, DO H	uly qualified and acting City Clerk of the City of Cadillac, EREBY CERTIFY that the foregoing is a true and complete n by the City Council at a meeting held on the 18th day of
	Sandra Wasson, City Clerk

### **EXHIBIT A**

### CITY OF CADILLAC COUNTY OF WEXFORD, MICHIGAN

### DESCRIPTION OF LAND TO BE INCLUDED WITHIN CADILLAC EAST COMMERCIAL REHABILITATION DISTRICT NO. 1

A part of the City of Cadillac, Wexford County, Michigan, described as commencing at the Northeast corner of Section 9, T21N, R9W, City of Cadillac, Wexford County, Michigan; thence West along the North Line of said Section 9, 33.00 feet to the Point of Beginning; thence North 33 feet along the West line of Mitchell Street extended, 33 feet to the South line of Pearl Street and the Southeast corner of Lot 6, Block 320, Laurel Hill Plat; thence West along said South line of Pearl Street to the Southwest corner of Lot 9 of said Block 320; thence North along the lot lines common to Lots 9 and 10 and Lots 41 and 42, to the South line of Robertson Street; thence continuing North 66 feet to the North line of Robertson Street and the South line of Block 319 of said Laurel Hill Plat; thence West along said North line of Robertson Street to the Southwest corner of Lot 12, Block 319 of said Plat; thence North 150 feet, more or less, along the lot line common to Lots 12 and 13 extended to the centerline of an East-West vacated alley; thence East along said centerline, 337.5 feet, more or less, to the centerline of a vacated North-South alley; thence North, along the centerline of said vacated North-South alley, 150 feet, more or less, to the North line of Block 319 and the South line of Marble Street; thence West 7.5 feet, more or less, to the Northeast corner of Lot 44, Block 319; thence North 66 feet, more or less, to the North line of Marble Street and the South line of Block I, Cobbs and Mitchell's 2<sup>nd</sup> Addition to the City of Cadillac; thence West along said North line of Marble Street to the Southwest corner of Lot 28 of said Block I; thence North along the lot line common to Lots 27 and 28 and Lots 5 and 6 of said Block to the Northwest corner of Lot 5. Block I and the South line of Granite Street; thence North 66 feet, more or less, to the North Line of Granite Street and the South Line of Block E, Cobbs and Mitchell's 2<sup>nd</sup> Addition to the City of Cadillac; thence West along said North Line of Granite Street to the centerline of Aspen Street; thence North along the centerline of Aspen Street to its intersection with the North line of Cottage Street; thence West along the North line of Cottage Street and the South line of Block B, Cobbs and Mitchell's 2nd Addition, to the Southwest corner of said Block B and the Easterly line of the White Pine Trail, State Park; thence Northeasterly along said Easterly line of the White Pine Trail and the Westerly line of said Block B and the Westerly line of Block M, Mitchell's Revised Plat of Clam Lake, to the North line of said Block M and the South line of South Street; thence West along the South line of South Street extended to the Westerly line of the White Pine Trail, State Park; thence Northwesterly to the South line of Outlot #8, Mitchell's Revised Plat, being the intersection of the North line of South Street and the West line of Lake Street; thence South 65°18' West 196.79 feet, along the Northerly line of South Street and the Southerly line of Outlot #8; thence North 40°20' West, 169.80 feet to the shore of Lake Cadillac; thence Northerly and Northwesterly along said shore to the centerline of the Clam River; thence Northeasterly along said centerline of the Clam River to the Northerly line of the Ann Arbor Railroad Right-of-Way; thence Northwesterly along said northerly Right-of-Way to the Westerly line of Lot 1, Block 130, Assessment Plat #1; thence Northeasterly along the Westerly line of said Lot 1 to the South line of Wright Street and the North line of said

Block 130; thence East along the South line of Wright Street and the North line of Blocks 128 and 130, Assessment Plat #1 to the Westerly line of Lake Street; thence Easterly to the intersection of the Easterly line of Lake Street and the South Line of River Street; thence East along the South line of River Street to the Westerly line of Lot 22, Block 127, Assessment Plat No. 1; thence Northwesterly along the Westerly line of said Lot 22, to the Northeast corner of Lot 18, Block 127; thence West along the North line of Lot 18 to the Northeast corner of Lot 17, Block 127; thence North 560 feet, more or less, along the Lot line common to Lot 22 and Lots 8-16 to the Northwest corner of Lot 22, Block 127; thence East to a point 35 feet West of the Southeast corner of Lot 7, Block 127; thence Northeasterly to the Northeast corner of said Lot 7, Block 127; thence Northerly along the East line of said Block 127 and the Westerly line of the Old Penn Central Railroad Right-of-Way to the South line of Gunn Street; thence continuing Northwesterly along the Westerly line of said Railroad Right-of-Way to a point 466 feet South of the South line of 13th Street; thence leaving said Railroad Right-of-Way Northwesterly 482.01 feet to the South line of 13th Street at a point 80.30 feet West of the Northeast corner of Block 205, Improvement Board's Addition; thence East along the South line of said 13th Street to its intersection with the Westerly line of Burlingame Street, being the Northeast corner of Lot 1, Block U, G. A. Mitchell's Plat of the N. E. Quarter of Section 33, T22N, R9W; thence South along the West line of Burlingame Street and the East lines of Block U, T and S, of said Plat, to the South line of an alley, being the North line of Lot 6, Block 215, Chittenden and Wheeler's Addition; thence West along said South line of said alley to the Northeast corner of Lot 5, Block 215; thence South along the lot line common to Lots 5 and 6, Block 215 to the North line of Wheeler Street and the South line of Block 215; thence West along the Southerly lines of Lot 5 and Lot 4 to the Southwest corner of Lot 4, Block 215; thence South 66 feet, more or less, to the Northwest Corner of Lot 7, Block 214, Chittenden and Wheeler's Addition; thence South along the East line of an alley to the Southwest corner of Lot 20 of said Block 214; thence South 66 feet, more or less, to the Northwest corner of Lot 10, Block 213, Chittenden and Wheeler's Addition, and the South line of North Simons Street; thence Easterly along the South line of North Simons Street to the East line of Lot 12, Block 213 of said Plat; thence Southerly along the Easterly line of said Lots 12 and Lot 13, 200 feet; thence Southeast to the corner common to Lots 4 and 5, Block 217, Chittenden and Wheeler's Addition; thence Southeast along the Lot line common to said Lots 4 and 5, to the Northwest line of Wheeler Street; thence Southeast to a point on the Northerly line of Lot 3, Block 218, Chittenden and Wheeler's Addition, being 22 feet Northeast of the Northwest corner of said Lot 3; thence Northeasterly along the North line of Lots 3, 4 and 5, Block 218, to the Northeast corner of said Lot 5; thence Southeast along the East line of said Lot 5 to the Southeast corner of said Lot 5 and the Northerly line of River Street; thence Southwesterly along the Northerly line of River Street to its intersection with the Westerly line of North Shelby Street; thence Southeasterly along the Westerly line of North Shelby Street extended to the Southerly line of East Pine Street; thence Northeasterly along the Southerly line of East Pine Street to the Northeast corner of Lot 9, Block 4, Mitchell's Revised Plat of Clam Lake and the Westerly line of North Shelby Street; thence Southeasterly 332 feet along the Westerly line of North Shelby Street to a point on the Easterly line of Lot 13, Block F. J. Cummer and Son's Subdivision of Block F; thence Easterly to the Northwest corner of Lot 7, Block 21, Mitchell's Revised Plat; thence Northeasterly along the Southerly line of Mason Street to the Northeast corner of Lot 10 of said Block 21; thence Southeasterly along the Westerly line of North Simons Street to the Northeast corner of Lot 6 of said Block 21; thence Northeast 10 feet; thence Southeast 144

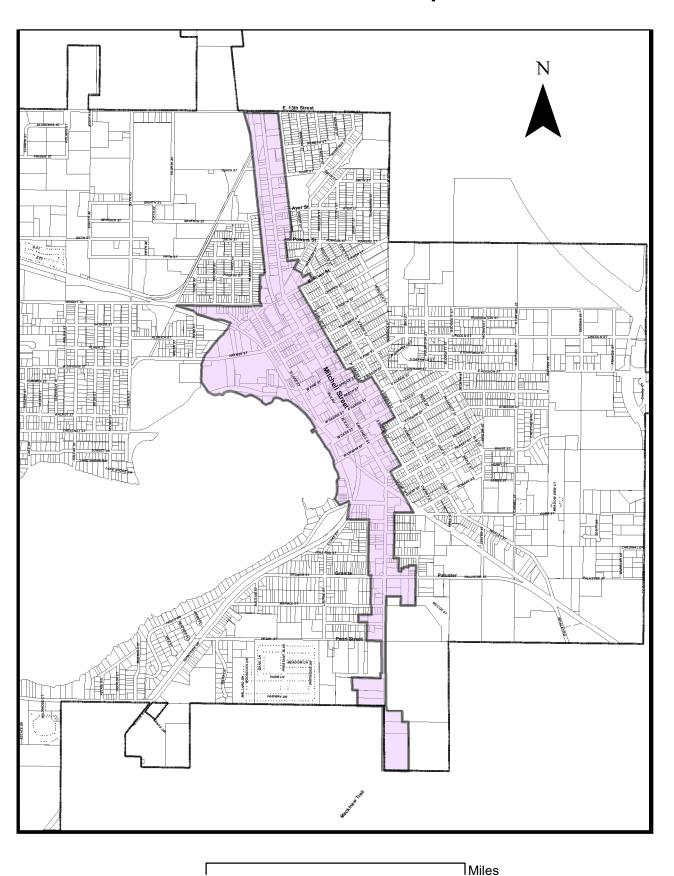
feet; thence Southwest 10 feet to the Southeast corner of said Lot 6, Block 21; thence Southeast along the Westerly line of North Simons Street extended to the Southeast corner of Lot 12, Block 12, Mitchell's Revised Plat, being the North line of an East-West alley; thence Southwesterly along the Northerly line of said alley extended to the centerline of South Shelby Street; thence Southeast along the centerline of South Shelby Street to its intersection with the Southerly line of Howard Street; thence Southwest along the Southerly line of Howard Street to the Westerly line of Cedar Street, being the Northeast corner of Block 1, G. A. Mitchell's Plat of the N. W. Quarter of Section 3, T21N, R9W; thence Southeast along the Westerly line of Cedar Street to the Southeast corner of Block 16 of said G. A. Mitchell's Plat of the N. W. Quarter of Section 3; thence West along the North line of Cobb Street and the South lines of Blocks 16 and 15 to a point 144 feet East of the East line of Mitchell Street; thence South to the Northeast corner of Lot 6, Block 51; thence South along the West line of an alley in Blocks 51 and 52, G. A. Mitchell's Plat of the S. W. Quarter of Section 3, T21N, R9W, extended to the South line of Copier Street at a point 144 feet East of Mitchell Street; thence East along the South line of Copier Street and the North line of Block 70 of said G. A. Mitchell's Plat of the S. W. Quarter of Section 3, T21N, R9W to a point 250 feet East of the East line of Mitchell Street; thence South 270 feet, more or less, to the North line of Lot 1, Block 70; thence East 50 feet, along the North line of said Lot 1 to the Northeast corner of said Lot 1; thence North along the East line of Lot 2, Block 70, to a point 30 feet South of the North line of Lot 7, Block 70; thence East 50.00 feet; thence North 30.00 feet to the North line of Lot 7, Block 70; thence East 100 feet, along the North line of said Lot 7; thence North 32.00 feet; thence East 150.00 feet to the West line of Wilcox Street and the East line of Block 70; thence South along the West line of Wilcox Street and the East line of Blocks 70 and 71 to the Southeast corner of said Block 71; thence West, along the South line of said Block 71 to the Southwest corner of Lot 12, Block 71; thence North along the East lines of Lots 1 and 2, Block 71 to the Northeast corner of Lot 2, Block 71; thence West along the North line of said Lot 2 to the East line of Mitchell Street and the Northwest corner of said Lot 2; thence South along the East Right-of-Way line of Mitchell Street to the North line of Section 10, T21N, R9W; thence continuing South 1320 feet, more or less, along said East line of Mitchell Street to the North 1/8 line of said Section 10; thence East 42.00 feet along said North 1/8 line; thence South 100.00 feet along the East Right-of-Way line of Mitchell Street; thence East to a point 363.95 feet East of the West line of Section 10; thence South 225.00 feet; thence East 127.92 feet; thence South 993.75 feet, more or less, to the East-West 1/4 line of said Section 10; thence West 491.75 feet along said East-West 1/4 line, to the West line of said Section 10; thence North 1316 feet, more or less, along the West line of said Section 10 to the North 1/8 line of said Section 10; thence continuing North 7.86 feet, along said West line of Section 10; thence West 545.00 feet; thence North 300.00 feet; thence West 105.62 feet; thence North 258.18 feet; thence East 617 feet, more or less, to a point 33 feet West of the East line of Section 9; thence North parallel to and 33 feet West of the East line of Section 9 to the Point of Beginning.

### **EXHIBIT B**

## CITY OF CADILLAC COUNTY OF WEXFORD, MICHIGAN

## MAP OF THE AREA OF THE CRHD (ATTACHED) CADILLAC EAST COMMERCIAL REDEVELOPMENT DISTRICT NO. 1

# Cadillac East Commercial Rehabilitation District No. 1 and Cadillac East Commercial Redevelopment District No. 1



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**City Council** 

**Mayor** Carla J. Filkins

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



**Mayor Pro-Tem** Shari Spoelman

Councilmembers
Tiyi Schippers
Robert J. Engels
Stephen King

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## RESOLUTION DESIGNATING A COMMERCIAL REDEVELOPMENT DISTRICT CADILLAC EAST 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 18th day of November, 2019, at 6:00 p.m.

PRESENT:		 _
ABSENT:		_
The following resol	ution 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 wishes to adopt a resolution designating the property described on **Exhibit A** as the Cadillac East Commercial Redevelopment District No. 1; and

WHEREAS, there exists a need for the Cadillac East Commercial Redevelopment

District No. 1 in the City; and

**WHEREAS**, the establishment of a Cadillac East Commercial Redevelopment District

No. 1 is consistent with the City's master plan and the economic development goals of the

City; and

**WHEREAS**, on October 21, 2019, the City Council adopted Resolution No. 2019-3345, Resolution to Designate a Commercial Redevelopment District; Notice of Public Hearing; and

WHEREAS, the City Council conducted a public hearing at a meeting of the City Council at 6:00 p.m. on November 18, 2019 at the City Hall in the City at which any owner of real property within the proposed CRD and any other resident or taxpayer of the City, or any taxing authority, was permitted to appear and be heard; and

WHEREAS, the City Clerk caused to be published a notice of public hearing in a newspaper of general circulation within the City not less than 10 days or more than 30 days before the public hearing, and a proof of publication of such notice was filed with the City Clerk; and

WHEREAS, the City Clerk, not less than 10 days before the public hearing, notified by certified mail the owners of all real property within the proposed CRD of the public hearing, and at least 10 days before the public hearing on November 18, 2019, the notice of public hearing was provided to the City Assessor and to the governing body of each taxing unit that levies ad valorem property taxes within the proposed CRD; and

**WHEREAS**, the public health, safety and welfare will be served by designating a commercial redevelopment district in the City.

### **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The City Council hereby designates a commercial redevelopment district under Act 255 known as the "Cadillac East Commercial Redevelopment District No. 1" (the

"CRD") 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. The area of the CRD is depicted on the map attached as **Exhibit B**.

- 2. The CRD shall remain in effect for a period of up to twelve (12) years, or the maximum permitted under the Act, whichever is less.
- 3. The City Council finds, as required by Section 5 of the Act and applicable guidelines and information from the Michigan Economic Development Authority, that the real property within the CRD is one or more of the following:
  - (a) Obsolete commercial property or cleared or vacant land which is part of an existing, developed commercial or industrial zone which has been zoned commercial or industrial for 3 years before June 21, 1978, and the area is or was characterized by obsolete commercial property and a decline in commercial activity.
  - (b) Land which has been cleared or is to be cleared as a result of major fire damage, or cleared or to be cleared as a blighted area under Act No. 344 of the Public Acts of 1945, as amended, being sections 125.71 to 125.84 of the Michigan Compiled Laws.
  - (c) Cleared or vacant land included within a redevelopment plan adopted by a downtown development authority pursuant to Act No. 197 of the Public Acts of 1975, as amended, being sections 125.1651 to 125.1680 of the Michigan Compiled Laws, or adopted by an urban redevelopment corporation pursuant to Act No. 250 of the Public Acts of 1941, as amended, being sections 125.901 to 125.922 of the Michigan Compiled Laws, or Act No. 120 of the Public Acts of 1961, being sections 125.981 to 125.986 of the Michigan Compiled Laws.
- 4. The City will require that any applicant for a Commercial Facilities Exemption Certificate commit to spending, and actually spend, a minimum of \$250,000 on improvements for a Facility (as described in Section 3 of Act 255) within the CRD.

5.	Permits	and	inspections	for	construction	on	property	in	the	CRD	shall	be
conducted or	n an exped	lited	basis.									

- 6. The City shall, as appropriate and/or required under Act 255, require and/or provide for walkable non-motorized interconnections, including sidewalks and streetscapes, throughout the CRD.
- 7. All actions heretofore taken by City officials, employees, and agents with respect to the CRD and proceedings under Act 255 are hereby ratified and confirmed.
- 8. 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:	
THE RESOLUTION WAS DECLARE	CD ADOPTED.
STATE OF MICHIGAN	
COUNTY OF WEXFORD	j
Wexford County, Michigan, DO H	ly qualified and acting City Clerk of the City of Cadillac, EREBY CERTIFY that the foregoing is a true and complete by the City Council at a meeting held on the 18th day of

Sandra Wasson, City Clerk

#### **EXHIBIT A**

### CITY OF CADILLAC COUNTY OF WEXFORD, MICHIGAN

### DESCRIPTION OF LAND TO BE INCLUDED WITHIN CADILLAC EAST COMMERCIAL REDEVELOPMENT DISTRICT NO. 1

A part of the City of Cadillac, Wexford County, Michigan, described as commencing at the Northeast corner of Section 9, T21N, R9W, City of Cadillac, Wexford County, Michigan; thence West along the North Line of said Section 9, 33.00 feet to the Point of Beginning; thence North 33 feet along the West line of Mitchell Street extended, 33 feet to the South line of Pearl Street and the Southeast corner of Lot 6, Block 320, Laurel Hill Plat; thence West along said South line of Pearl Street to the Southwest corner of Lot 9 of said Block 320; thence North along the lot lines common to Lots 9 and 10 and Lots 41 and 42, to the South line of Robertson Street; thence continuing North 66 feet to the North line of Robertson Street and the South line of Block 319 of said Laurel Hill Plat; thence West along said North line of Robertson Street to the Southwest corner of Lot 12, Block 319 of said Plat; thence North 150 feet, more or less, along the lot line common to Lots 12 and 13 extended to the centerline of an East-West vacated alley; thence East along said centerline, 337.5 feet, more or less, to the centerline of a vacated North-South alley; thence North, along the centerline of said vacated North-South alley, 150 feet, more or less, to the North line of Block 319 and the South line of Marble Street; thence West 7.5 feet, more or less, to the Northeast corner of Lot 44. Block 319: thence North 66 feet, more or less, to the North line of Marble Street and the South line of Block I, Cobbs and Mitchell's 2<sup>nd</sup> Addition to the City of Cadillac; thence West along said North line of Marble Street to the Southwest corner of Lot 28 of said Block I; thence North along the lot line common to Lots 27 and 28 and Lots 5 and 6 of said Block to the Northwest corner of Lot 5, Block I and the South line of Granite Street; thence North 66 feet, more or less, to the North Line of Granite Street and the South Line of Block E, Cobbs and Mitchell's 2<sup>nd</sup> Addition to the City of Cadillac; thence West along said North Line of Granite Street to the centerline of Aspen Street; thence North along the centerline of Aspen Street to its intersection with the North line of Cottage Street; thence West along the North line of Cottage Street and the South line of Block B, Cobbs and Mitchell's 2<sup>nd</sup> Addition, to the Southwest corner of said Block B and the Easterly line of the White Pine Trail, State Park; thence Northeasterly along said Easterly line of the White Pine Trail and the Westerly line of said Block B and the Westerly line of Block M, Mitchell's Revised Plat of Clam Lake, to the North line of said Block M and the South line of South Street; thence West along the South line of South Street extended to the Westerly line of the White Pine Trail, State Park; thence Northwesterly to the South line of Outlot #8, Mitchell's Revised Plat, being the intersection of the North line of South Street and the West line of Lake Street; thence South 65°18' West 196.79 feet, along the Northerly line of South Street and the Southerly line of Outlot #8; thence North 40°20' West, 169.80 feet to the shore of Lake Cadillac; thence Northerly and Northwesterly along said shore to the centerline of the Clam River; thence Northeasterly along said centerline of the Clam River to the Northerly

line of the Ann Arbor Railroad Right-of-Way; thence Northwesterly along said northerly Right-of-Way to the Westerly line of Lot 1, Block 130, Assessment Plat #1; thence Northeasterly along the Westerly line of said Lot 1 to the South line of Wright Street and the North line of said Block 130; thence East along the South line of Wright Street and the North line of Blocks 128 and 130, Assessment Plat #1 to the Westerly line of Lake Street; thence Easterly to the intersection of the Easterly line of Lake Street and the South Line of River Street; thence East along the South line of River Street to the Westerly line of Lot 22, Block 127, Assessment Plat No. 1; thence Northwesterly along the Westerly line of said Lot 22, to the Northeast corner of Lot 18, Block 127; thence West along the North line of Lot 18 to the Northeast corner of Lot 17, Block 127; thence North 560 feet, more or less, along the Lot line common to Lot 22 and Lots 8-16 to the Northwest corner of Lot 22, Block 127; thence East to a point 35 feet West of the Southeast corner of Lot 7, Block 127; thence Northeasterly to the Northeast corner of said Lot 7, Block 127; thence Northerly along the East line of said Block 127 and the Westerly line of the Old Penn Central Railroad Right-of-Way to the South line of Gunn Street; thence continuing Northwesterly along the Westerly line of said Railroad Right-of-Way to a point 466 feet South of the South line of 13th Street; thence leaving said Railroad Right-of-Way Northwesterly 482.01 feet to the South line of 13th Street at a point 80.30 feet West of the Northeast corner of Block 205, Improvement Board's Addition; thence East along the South line of said 13th Street to its intersection with the Westerly line of Burlingame Street, being the Northeast corner of Lot 1, Block U, G. A. Mitchell's Plat of the N. E. Ouarter of Section 33, T22N, R9W; thence South along the West line of Burlingame Street and the East lines of Block U, T and S, of said Plat, to the South line of an alley, being the North line of Lot 6, Block 215, Chittenden and Wheeler's Addition; thence West along said South line of said alley to the Northeast corner of Lot 5. Block 215: thence South along the lot line common to Lots 5 and 6, Block 215 to the North line of Wheeler Street and the South line of Block 215; thence West along the Southerly lines of Lot 5 and Lot 4 to the Southwest corner of Lot 4, Block 215; thence South 66 feet, more or less, to the Northwest Corner of Lot 7, Block 214, Chittenden and Wheeler's Addition; thence South along the East line of an alley to the Southwest corner of Lot 20 of said Block 214; thence South 66 feet, more or less, to the Northwest corner of Lot 10, Block 213, Chittenden and Wheeler's Addition, and the South line of North Simons Street; thence Easterly along the South line of North Simons Street to the East line of Lot 12, Block 213 of said Plat; thence Southerly along the Easterly line of said Lots 12 and Lot 13, 200 feet; thence Southeast to the corner common to Lots 4 and 5, Block 217, Chittenden and Wheeler's Addition; thence Southeast along the Lot line common to said Lots 4 and 5, to the Northwest line of Wheeler Street; thence Southeast to a point on the Northerly line of Lot 3, Block 218, Chittenden and Wheeler's Addition, being 22 feet Northeast of the Northwest corner of said Lot 3; thence Northeasterly along the North line of Lots 3, 4 and 5, Block 218, to the Northeast corner of said Lot 5; thence Southeast along the East line of said Lot 5 to the Southeast corner of said Lot 5 and the Northerly line of River Street; thence Southwesterly along the Northerly line of River Street to its intersection with the Westerly line of North Shelby Street; thence Southeasterly along the Westerly line of North Shelby Street extended to the Southerly line of East Pine Street; thence Northeasterly along the Southerly line of East Pine Street to the Northeast corner of Lot 9, Block 4, Mitchell's

Revised Plat of Clam Lake and the Westerly line of North Shelby Street; thence Southeasterly 332 feet along the Westerly line of North Shelby Street to a point on the Easterly line of Lot 13, Block F, J. Cummer and Son's Subdivision of Block F; thence Easterly to the Northwest corner of Lot 7, Block 21, Mitchell's Revised Plat; thence Northeasterly along the Southerly line of Mason Street to the Northeast corner of Lot 10 of said Block 21; thence Southeasterly along the Westerly line of North Simons Street to the Northeast corner of Lot 6 of said Block 21; thence Northeast 10 feet; thence Southeast 144 feet; thence Southwest 10 feet to the Southeast corner of said Lot 6, Block 21; thence Southeast along the Westerly line of North Simons Street extended to the Southeast corner of Lot 12, Block 12, Mitchell's Revised Plat, being the North line of an East-West alley; thence Southwesterly along the Northerly line of said alley extended to the centerline of South Shelby Street; thence Southeast along the centerline of South Shelby Street to its intersection with the Southerly line of Howard Street; thence Southwest along the Southerly line of Howard Street to the Westerly line of Cedar Street, being the Northeast corner of Block 1, G. A. Mitchell's Plat of the N. W. Quarter of Section 3, T21N, R9W; thence Southeast along the Westerly line of Cedar Street to the Southeast corner of Block 16 of said G. A. Mitchell's Plat of the N. W. Quarter of Section 3; thence West along the North line of Cobb Street and the South lines of Blocks 16 and 15 to a point 144 feet East of the East line of Mitchell Street; thence South to the Northeast corner of Lot 6, Block 51; thence South along the West line of an alley in Blocks 51 and 52, G. A. Mitchell's Plat of the S. W. Quarter of Section 3, T21N, R9W, extended to the South line of Copier Street at a point 144 feet East of Mitchell Street; thence East along the South line of Copier Street and the North line of Block 70 of said G. A. Mitchell's Plat of the S. W. Quarter of Section 3, T21N, R9W to a point 250 feet East of the East line of Mitchell Street: thence South 270 feet, more or less, to the North line of Lot 1, Block 70; thence East 50 feet, along the North line of said Lot 1 to the Northeast corner of said Lot 1; thence North along the East line of Lot 2, Block 70, to a point 30 feet South of the North line of Lot 7, Block 70; thence East 50.00 feet; thence North 30.00 feet to the North line of Lot 7, Block 70; thence East 100 feet, along the North line of said Lot 7; thence North 32.00 feet; thence East 150.00 feet to the West line of Wilcox Street and the East line of Block 70; thence South along the West line of Wilcox Street and the East line of Blocks 70 and 71 to the Southeast corner of said Block 71; thence West, along the South line of said Block 71 to the Southwest corner of Lot 12, Block 71; thence North along the East lines of Lots 1 and 2, Block 71 to the Northeast corner of Lot 2, Block 71; thence West along the North line of said Lot 2 to the East line of Mitchell Street and the Northwest corner of said Lot 2; thence South along the East Right-of-Way line of Mitchell Street to the North line of Section 10, T21N, R9W; thence continuing South 1320 feet, more or less, along said East line of Mitchell Street to the North 1/8 line of said Section 10; thence East 42.00 feet along said North 1/8 line; thence South 100.00 feet along the East Right-of-Way line of Mitchell Street; thence East to a point 363.95 feet East of the West line of Section 10; thence South 225.00 feet; thence East 127.92 feet; thence South 993.75 feet, more or less, to the East-West 1/4 line of said Section 10; thence West 491.75 feet along said East-West 1/4 line, to the West line of said Section 10; thence North 1316 feet, more or less, along the West line of said Section 10 to the North 1/8 line of said Section 10; thence continuing North 7.86 feet, along said West line of Section 10; thence West 545.00 feet;

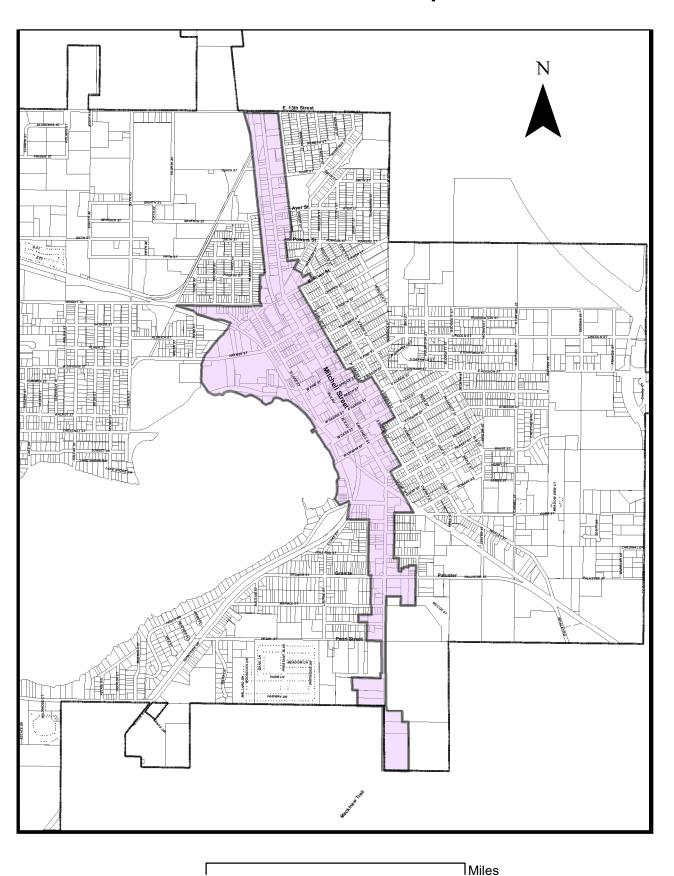
thence North 300.00 feet; thence West 105.62 feet; thence North 258.18 feet; thence East 617 feet, more or less, to a point 33 feet West of the East line of Section 9; thence North parallel to and 33 feet West of the East line of Section 9 to the Point of Beginning.

### **EXHIBIT B**

### CITY OF CADILLAC COUNTY OF WEXFORD, MICHIGAN

## MAP OF THE AREA OF THE CRD (ATTACHED) CADILLAC EAST COMMERCIAL REDEVELOPMENT DISTRICT NO. 1

# Cadillac East Commercial Rehabilitation District No. 1 and Cadillac East Commercial Redevelopment District No. 1



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



Description of Banner Chris	tmas Garland lighted Drape	Today's Date 07-30-18
Organization Downtown Ca	dillac Association	Contact Person _ Joy VanDrie
AS A STATE OF THE	Contact Email	
Monday Banner Start	Date (2) 2 / 2018 Monday	Banner End Date <u>2/3/2019</u> 2020
. (	City of Cadillac & State of Mi	chigan Guidelines:
	ions submitting a request must serv	
A banner shall not have	e displayed thereon any legend or sy	mbol which may be construed to advertise, promot
	any merchandise or commodity, or	
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XX_I agree to the above req	uirements and understand if these a	ire not met the request will be denied.
		7 2 10
Signature /		Date 7 / 30/18
		is needed and/or if request is approved or denied.
	For Office Use Only	••••••
Public Works Director	Comments	Date Approved
State of Michigan	Comments	Date Approved
City Manager	Comments	Date Approved
City Clerk	Comments	Date Approved
CHAPTER AIT	Commente	Data Approved

Updated May 1, 2014

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200 N. Lake Street Cadillac MI 49601

**City Received Date** 

Phone (231) 775-0181 www.cadillac-mi.net		my surde
	Banner Requ	iest Form applice of 11-11-19 Hora 11-10
Monday Banner Start D	Pate 11/18 19	Monday Banner End Date 11/25/19
-		unless it is a Holiday, then it will be the following day) ed for one week at a time per form)
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<u>c</u>	ity of Cadillac & State	of Michigan Guidelines:
Banner requested date	is a minimum of 2 months p	prior to display date requested.
Banner picture or a des	ign proof is <u>attached with th</u>	is request form or it will not be approved.
The City reserves the ri	ght to determine when the	panner is hung during inclement weather.
The City is not respons	ible for any damages to the	panner.
Banner requested is for	a reasonable and public pu	rpose.
Banner does not displa	y any legend or symbol which	th may be construed to advertise, promote the sale of, or
publicize any merchan	dise or commodity, or be po	litical in nature.
		aying for the banner if such is not an obvious advertising o
	ale of the sponsor's goods or	
	nsor's name or a logo does i	not exceed three inches if on a single line or two-inches if o
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City Garage is located a	t 1001 6 <sup>th</sup> Street and hours.	um of <u>1 week before</u> banner is to be displayed. Call Street Supervisor at (231)920 -7800 to schedule time. displayed; if it is not picked up, the banner will be disposed
Form must be mailed or deliver	ed to the above address or e	mailed to: javila@cadillac-mi.net (No Faxes accepted)
I understand and agree to these	requirements & understand	d if these are not met the request will be denied.
<b>I N N N</b>	2 1 2	()- 10 Marks 1
Print Name his Walc	Signature	South Machard Date 11/13/19
		information is needed and/or if request is approved or denied.
	For Office (	
Streets	Date Approved	Comments
City Manager	Date Approved	Comments
	Date Approved	Comments
State of Michigan City Council		



### **COUNCIL COMMUNICATION**

Re: Appointment of Bryan Elenbaas to the Cemetery Board

Bryan Elenbaas has expressed interest in serving as a member of the Cemetery Board to replace Glenna Anderson who resigned in November. He will serve out the remainder of Glenna's term, expiring on 1/1/2021.

### **Recommended Council Action:**

Appoint Bryan Elenbaas to the Cemetery Board for a partial term to expire on 1/1/2021.

### **Council Communication**

Re: Election of Mayor Pro Tem

Article 3, Section 3.9 (a) of the City Charter states the following:

The Council at its first meeting after the regular city election shall elect one of its members to serve as Mayor Pro Tem for a term to coincide with the Mayor's two year term of office. Such election shall be by written ballot and by majority vote of the members of the Council in office at the time.

In accordance with this Charter provision, the City Clerk will distribute blank pieces of paper to each Council Member to serve as a ballot for the purposes of writing the name of the Council Member that they wish to select as Mayor Pro Tem. The City Clerk will collect the ballots, tally, and then read aloud the results.

### **Council Communication**

RE: Municipal Water Supply Well Drilling

As part of Phase II of the well field relocation project, the City needs to install two (2) additional wells at the 44 Road well field location. Installing the wells now will enable the project to move forward significantly faster once the USDA-RD loan process has been finalized. Bids were recently sought for this work. Please see the attached communication from Larry Fox of C2AE, the City's engineer for this project, for additional information.

### **Recommended Action**

It is recommended that the contract for municipal water supply well drilling be awarded to C.S. Raymer Water Supply Contractors in accordance with their bid. Funds are available in the Water and Sewer Fund as part of the overall well field project.





November 13, 2019

City of Cadillac Mr. Jeff Dietlin, Director of Utilities 200 N. Lake Street Cadillac, MI 49601

Re: City of Cadillac E. 44 Road Well Field

Award Recommendation - Municipal Water Supply Well Drilling

Dear Jeff:

One (1) bid for the above project was opened on November 12, 2019; attached is a tabulation of the bids for your information. The low bid and only bid was submitted by C. S. Raymer Co., Inc. in the amount of \$229,200.00 (Base Bid) and \$215,448.00 for Alternate Schedule B. The project was bid to obtain pricing for completion of the work by January 15, 2020 (Base Bid), and alternately for a more relaxed schedule of completion by May 15, 2020 (Schedule B).

The low bid was significantly under the engineer's estimate of \$300,000. While it is disappointing that only one bid was received, it was submitted by a qualified (preferred) contractor and it was significantly below the engineers estimate. It is our opinion that the bid reflects the value of the work, and the bid is within the project budget. The timing of the bid opening and other contractor's workloads likely impacted the number of bids received.

We have previously worked with C. S. Raymer Company on several projects, and they current perform well drilling and well pump servicing work for the City of Cadillac. C. S. Raymer Company is qualified and competent to complete this work.

It is therefore our recommendation that this contract be awarded to C. S. Raymer Company, Inc., the lowest responsive, responsible bidder in the amount of either the Base Bid amount of \$229,200.00, or the Schedule B amount of \$215,448.00, whichever is in the best interest of the City.

Please call if you have any questions.

Very Truly Yours,

C2AE

Larry M. Fox, P.E.

Project Manager

LMF/jll

**Enclosures** 



### **BID TABULATION**

City of Cadillac E. 44 Road Well Field **Municipal Water Supply Well Drilling** Wexford County, Michigan

wexioid	county, wiichiga
<b>Bid Date:</b>	11/12/2019

				12007 COMBLO	ck oc.	1	1		
Bid Date:	11/12/2019			Marne, MI 49	9435	4)			
Item	Description	Unit	Quant.	Cost	Total	Cost	Total	Cost	Total
101	General Conditions, Bonds, Insurances and Mobilization	LSUM	1	\$20,000.00	\$20,000.00		\$0.00		\$0.00
102	Environmental Mitigation	LSUM	1	\$2,500.00	\$2,500.00		\$0.00		\$0.00
103	Pilot Bore Holes	LFT	660	\$25.00	\$16,500.00		\$0.00		\$0.00
104	Geophysical Logging/Sieve Analyses Pilot Well	EACH	2	\$1,500.00	\$3,000.00		\$0.00		\$0.00
105	Construct Observation Well	LFT	600	\$25.00	\$15,000.00		\$0.00		\$0.00
106	Drill Production Well Bore Hole	LFT	600	\$60.00	\$36,000.00		\$0.00		\$0.00
107	Furnish & Install 16" Steel Well Casing	LFT	540	\$90.00	\$48,600.00		\$0.00		\$0.00
108	Furnish & Install 16" SS Pipe Well Screen with Gravel Pack	LFT	80	\$370.00	\$29,600.00		\$0.00		\$0.00
109	Develop Permanent Water Wells	EACH	2	\$10,000.00	\$20,000.00		\$0.00		\$0.00
110	Set up/Remove Test Pump Equipment	EACH	2	\$3,000.00	\$6,000.00		\$0.00		\$0.00
111	Step/Drawdown Test Pumping	HR	4	\$250.00	\$1,000.00		\$0.00		\$0.00
112	Aquifer Test (Drawdown Pumping)	HR	144	\$125.00	\$18,000.00		\$0.00		\$0.00
113	Laboratory Water Quality Testing	EACH	2	\$3,500.00	\$7,000.00		\$0.00		\$0.00
114	Well Disinfection & Capping	EACH	3	\$2,000.00	\$6,000.00		\$0.00		\$0.00
	TOTAL BASE BID - SCHEDULE A				\$229,200.00		\$0.00		\$0.00
			1						
	UNIT PRICE MULTIPLIER FOR SCHEDULE B				0.94				
	TOTAL BID AMOUNT - SCHEDULE B				\$215,448.00				

C. S. Raymer Co., Inc.

1357 Comstock St.

N/A

N/A

I certify that this is a true and correct tabulation of the bids received by the City of Cadillac, Wexford County, Michigan, on Tuesday, November 12, 2019.

**Mayor** Carla J. Filkins

### **City Council**

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



**Mayor Pro-Tem** Shari Spoelman

Councilmembers Robert J. Engels Tiyi Schippers Stephen King

DEC	COL	HTT	ON	MA
KES	SUI	JUII	UN	NO.

### RESOLUTION SETTING PUBLIC HEARING FOR COMBINED BROWNFIELD PLAN FOR THE NORTHWOOD 101 HARRIS REDEVELOPMENT

At a regular meeting of the Cadillac City (	Council held at Cadillac City Hall, 200 North Lake Street,
Cadillac, Michigan on November 18, 2019, at 6:00 p	o.m., the following resolution was offered by
Councilperson	and supported by
	and supported by
6	

WHEREAS, the Michigan Brownfield Redevelopment Financing Act, Act 381, P.A. 1996 as amended ("Act 381"), authorizes municipalities to create a brownfield redevelopment authority to promote the revitalization, redevelopment, and reuse of contaminated, blighted, functionally obsolete, or historically designated property through tax increment financing of eligible activities approved in a Brownfield Plan; and

**WHEREAS,** the City Council established the Cadillac Brownfield Redevelopment Authority ("CBRA") under the procedures in Act 381 on December 6, 1996, to facilitate the redevelopment of brownfield properties within the City of Cadillac; and

WHEREAS, Act 381 was recently amended to provide for Combined Brownfield Plans that combine the elements of a Brownfield Plan (which identifies the Brownfield Eligible Property and Activities and estimates the impacts to taxing jurisdictions, among other items) with the elements of an Act 381 Work Plan (which details the proposed project, the specific eligible activities that will be undertaken to alleviate Brownfield conditions, and the costs and time frame of the project, and which is necessary for state tax capture approval); and

**WHEREAS,** the City understands that certain property located at 101 E. Harris Street ("Northwood 101 Harris Redevelopment") qualifies as a Brownfield Eligible Property and that the owner intends to undertake various Brownfield Eligible Activities, including environmental due diligence, lead and asbestos abatement, selective demolition, site preparation, and infrastructure improvements to redevelop the property; and

WHEREAS, a Combined Brownfield Plan was submitted to the CBRA for the Northwood 101 Harris Redevelopment that: (1) establishes the property at 101 E. Harris Street as Eligible Property, (2) outlines Environmental and Non-Environmental Eligible Activities, and (3) provide for the capture by the CBRA of future increased incremental taxes generated by increased private investment on the property for reimbursement of the Eligible Activity expenses; and

City of Cadillac Resolution No Page 2 of 2					
<b>WHEREAS</b> , the CBRA reviewed and approved the Combined Brownfield Plan at their September 16, 2019 meeting and reviewed and approved a revised Combined Brownfield Plan at their October 18, 2019 meeting and recommends approval to the City Council, finding the Combined Brownfield Plan met the requirements of Act 381 and constitutes a public purpose of job creation, increased private investment and economic development, and increased property tax value; and					
<b>WHEREAS</b> , Act 381 requires the governing body to hold a public hearing on the Combined Brownfield Plan and provide notice of the public hearing and notice to taxing jurisdictions in compliance with the requirements of Act 381; and					
<b>WHEREAS,</b> the City Council desires to hold a public hearing to receive comments on the adoption of the Combined Brownfield Plan at its December 2, 2019 regular meeting.					
<b>NOW, THEREFORE,</b> the City Council of the City of Cadillac, Wexford County, Michigan, resolves as follows:					
1. Pursuant to Act 381, a public hearing for the Combined Brownfield Plan for the Northwood 101 Harris Redevelopment shall be held on December 2, 2019 at 6:00 p.m. in the City Council Chambers, 200 North Lake Street, Cadillac, Michigan.					
2. The City Clerk is directed to provide notice of the public hearing to local taxing jurisdictions and the State of Michigan that levy taxes subject to capture not less than 10 days prior to the public hearing in accordance with Act 381. The notices shall be in substantially the form of <b>Exhibit A</b> .					
3. Should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof, other than the part so declared to be invalid.					
4. Any prior resolution, or any part thereof, in conflict with any of the provisions of this Resolution is hereby repealed, 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 18th day of November 2019.					

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

#### **EXHIBIT A**

### Notice to Taxing Jurisdiction (TAXING JURISDICTION)

# Combined Brownfield Plan – Northwood 101 Harris Cadillac Brownfield Redevelopment Authority November 19, 2019

The Cadillac City Council will hold a public hearing on Monday, December 2, 2019 at 6:00 p.m. in the City Council Chambers located in the Cadillac Municipal Complex at 200 North Lake Street, Cadillac, Michigan in consideration of the Combined Brownfield Plan for the Northwood 101 Harris Redevelopment.

This notice is being provided to (taxing jurisdiction) as a taxing jurisdiction that levies taxes subject to capture under Act 381, P.A. 1996.

Act 381 provides for the capture of the increased taxes due to investments made on contaminated, blighted, functional obsolete or historically designated properties, or brownfields, to reimburse certain Eligible Activities with the approval of a Combined Brownfield Plan, or amendments, by the Cadillac Brownfield Redevelopment Authority (CBRA) and the Cadillac City Council and, if state taxes are being captured, approval by the Michigan Department of Environment, Great Lakes and Energy (EGLE) for Environmental Eligible Activities and the Michigan Strategic Fund (MSF) for Non-Environmental Eligible Activities.

The proposed Brownfield Eligible Property includes two parcels with the following addresses and Parcel Identification Numbers: 101 E. Harris Street, 10-086-00-163-00 and E. Harris Street, 10-086-00-172-00.

The Combined Brownfield Plan (1) establishes the property described above as Eligible Property, (2) outlines Environmental and Non-Environmental Eligible Activities and (3) provides for capture by the CBRA of increased incremental taxes generated by additional private investment on the Brownfield Eligible Property for reimbursement of the Brownfield Eligible Activity expenses. The proposed project will capture certain Eligible Expenses to redevelop the Eligible Property with estimated capital investment over time of \$4,000,000.

With the support of brownfield incentives, the project is estimated to generate approximately \$\_\_\_\_\_ in property taxes for (taxing jurisdiction) through the thirty-year term of the Combined Brownfield Plan and will continue to accrue beyond the plan. As part of the Combined Brownfield Plan, an estimated \$\_\_\_\_ in (taxing jurisdiction) taxes would be captured for the proposed project.

The proposed Combined Brownfield Plan, maps and descriptions of the properties are available for public review during normal business hours at the Office of the City Clerk, 200 North Lake Street, Cadillac, Michigan. Copies may be made available for a reasonable charge. All aspects of the Combined Brownfield Plan are open for discussion at the public hearing.

Please contact Marcus Peccia, City Manager, at 231-775-0181 or <a href="mailto:mpeccia@cadillac.mi.net">mpeccia@cadillac.mi.net</a> if you have questions or would like additional information.

Sent via email and mail on Apr	il 17, 2018 to:	
(Chief Executive Officer)	(title)	(email)

#### **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 TO ESTABLISH COMMITTEE TO SELECT APPLICANTS UNDER COMPETITIVE PROCESS FOR RECREATIONAL MARIHUANA ESTABLISHMENTS AND MEDICAL MARIHUANA FACILITIES

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 18th day of November, 2019, at 6:00 p.m.

PRES	ENT:	
ABSE	NT:	
	The following preamble and resolution was offered bya	and
secon	nded by	
	WHEREAS, the City has amended its City Code to authorize certain recreation	nal

WHEREAS, the City has amended its City Code to authorize certain recreational marihuana establishments (Chapter 10, Section 10.2) and medical marihuana facilities (Chapter 10, Section 10.3) in accordance with state law; and

WHEREAS, Sections 10.2-03 and 10.3-03 create an application process for persons who wish to operate a recreational marihuana establishment or medical marihuana facility in the City; and

WHEREAS, Sections 10.2-03 and 10.3-03 provide that if the City receives more applications for a given establishment type than would be permitted under Section 10-2.02

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and 10.3-02, then the City will decide among competing applications by a competitive

process intended to select applicants who are best suited to operate in the City; and

WHEREAS, Sections 10.2-03 and 10.3-03 further authorize the City Council to

appoint designees to evaluate applications under the competitive process (including

assigning points for the criteria set forth in Sections 10.2-03 and 10.3-03) and to select the

applicants best suited to operate in the City; and

WHEREAS, pursuant to Sections 10.2-03 and 10.3-03, the City Council wishes to

appoint designees to review applications, assign points under the criteria set forth in

Sections 10.2-03 and 10.3-03, and select applicants for conditional authorization.

NOW, THEREFORE, the City Council of the City of Cadillac, Wexford County,

Michigan, resolves as follows:

1. The City Council designates and authorizes the following individuals to

review applications, assign points, and select applicants best suited to operate in the City

under the competitive process set forth in Sections 10.2-03 and 10.3-03 of the City Code

(the "Selection Committee"):

a. City Manager

b. City Community Development Director

c. City Clerk

d. City Director of Public Safety

e. City Attorney

2. The Selection Committee is a public body, and notice of its meetings must be

provided in accordance with the Open Meetings Act.

2

3.	Any and all resolutions that are in conflict with this Resolution are hereby
repealed to t	he extent necessary to give this Resolution full force and effect.
YEAS:	
NAYS:	
STATE OF M	ICHIGAN )
	) WEXFORD )
complete co	asson, City Clerk of the City of Cadillac, hereby certify this to be a true and by of Resolution No. 2019, duly adopted at a meeting of the City Counci 8th day of November, 2019.
	Sandra Wasson
	Cadillac City Clerk

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### Minutes Downtown Development Authority (DDA) Business Improvement District (BID) Board

Regular Meeting July 31, 2019

A regular meeting of the Cadillac Downtown Development Authority (DDA) and Business Improvement District (BID) Board was held on Wednesday, July 31, 2019 in the Municipal Complex Conference Room, 200 N. Lake St., Cadillac, Michigan.

**MEMBERS PRESENT:** Barnes, Bosscher, Cinco, Coffey, Crawley, Huckle, LeVand, Peccia, Schultz,

Swanson

**STAFF PRESENT:** Wallace, Coy, Cornell

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

#### **MINUTES/REPORTS**

Motion by Coffey, seconded by Cinco to approve the minutes from May 29, 2019. Motion unanimously passed.

Peccia presented the Treasurer's Report. Motion by Cinco, seconded by Coffey to approve the Treasurer's Report. Motion unanimously passed.

An application was received from Robert Munger for a façade loan for the building at 412 S. Mitchell Street. This item will be placed under NEW BUSINESS and will be discussed prior to OLD BUSINESS.

#### **COMMITTEE REPORT:**

Administrative – Wallace presented the revised map for the proposed boundary expansion. As a result of the subcommittee meeting last week, it is recommended that industrial areas near the downtown off Chestnut Street be added, with the idea that those areas might convert at some point in time to more downtown appropriate uses blending with all of the public uses that are in that area. The subcommittee also recommends squaring off and adding a partial block between Nelson and River Streets to give the businesses on Mitchell Street more room to operate should they decide to acquire some of the homes to the rear of their businesses. The process for the boundary expansion will be set into motion by developing a legal formal boundary and legal description of the areas to start the review process for the various approvals needed. Peccia suggested having a conversation with the Downtown Fund regarding the boundaries and perhaps they would be a good group to help champion the initiative itself, and this may also generate interest of the Industrial Fund.

LeVand added under committee reports that he wished to set up a meeting date for the Parking Lot subcommittee to discuss looking into going for a grant to conduct a parking study. A meeting will be set up within the next two weeks.

**Streetscape -** LeVand asked if there was any update on the crossings. Wallace said Connie is trying to arrange a meeting with Rick Liptak to determine what MDOT has left in their budget so we know how much money we need to close the gap.

#### **NEW BUSINESS**

Wallace stated we have been tracking Better Bodies (412 S. Mitchell). Mr. Munger has been through two phases of demolition, asbestos removal. He has applied with Chemical Bank for the maximum loan of \$30,000. He submitted some photos that show the look he is going for. He has his architect working on final schematics. Wallace recommended that the DDA vote to approve the application subject to LeVand and himself reviewing the final design to insure it is consistent with the concepts he has portrayed in his application. Motion by Coffey, seconded by Barnes. Passed unanimously.

#### **OLD BUSINESS**

A. Decision on Retail Bounty Program. This program has not been used very much. LeVand said the program is very restrictive as to who can qualify. Crawley wondered if any of the businesses downtown know this program exists. Peccia stated that as we market the DDA, it is nice to have value added items that show why it is important to be a part of the DDA. As we look at trying to champion an expansion of the DDA, we are going to need this important piece. Cinco said we need to educate the community as to what the DDA does and what we are trying to accomplish. Barnes suggested we set this aside for now and take time to look at what we want to do for value added items.

LeVand suggested tabling this item and referring it back to the Administrative subcommittee and come back with a little more detailed marketing plan. We will hold off on making changes to the Rules and Regulations at this time. Barnes said we need to put together a plan on what the DDA will be marketed as and include the elevator program in the discussion. Peccia stated that developing a marketing plan needs to be done on a parallel track to the DDA boundary expansion. He further stated that he would be hesitant to go forward with any legislative action items regarding the boundaries until we first have the marketing plan put together.

Motion made to refer this to the Administrative subcommittee for further investigation and bringing a recommendation back to the full DDA board. Motion by Barnes, seconded by Coffey. Passed unanimously.

**B.** Update on boundary expansion. Peccia said the DDA should feel comfortable with the boundary as it is being presented and take action to approve how it has been preliminarily proposed. The next step would be to put together a communication strategy. Peccia stated that a public hearing is ultimately required. Deadlines of Memorial Day 2020 for accomplishing the boundary expansion and Spring 2020 to bring it to the public were suggested. Motion by Swanson, seconded by Coffey to accept the preliminary concept. Passed unanimously.

#### **CITY MANAGER REPORTS**

Peccia said the property across the street from Maggies, a request for a gas station/convenience store has been received. A Special Use Permit will be required. Application is well underway.

Cadillac Castle project has been delayed a second time due to denial by MSHDA for tax credits. They have been told that the housing studies are invalid. The developer is preparing for a third round. They should know by end of November if their attempt is successful.

Cadillac Lofts is moving forward. The City is beginning the process of getting ourselves back on the low-to-moderate income list through HUD. This is necessary to make us eligible for community development block grant funding to pay for the public infrastructure pieces as a part of the Lofts project. The first

community development block grant funding grant that we got was able to be directly correlated to the units that are part of the Cadillac Lofts development.

Bosscher asked if there was any update on the Northwood building project. Peccia said the biggest challenge is bringing to the table to discuss the parking lot. The owner of the pharmacy has control over the entire parking area minus four spaces. Attempts to contact this individual have thus-far been unsuccessful.

Meeting adjourned at 8:39 a.m.

### Minutes Downtown Development Authority (DDA) Business Improvement District (BID) Board

Regular Meeting September 25, 2019

A regular meeting of the Cadillac Downtown Development Authority (DDA) and Business Improvement District (BID) Board was held on Wednesday, September 25, 2019 in the Municipal Complex Conference Room, 200 N. Lake St., Cadillac, Michigan.

MEMBERS PRESENT: Barnes, Bosscher, Cinco, Coffey, Crawley, Huckle, LeVand, Swanson

**STAFF PRESENT:** Wallace, Coy, Cornell **GUEST:** Mac McClelland, Otwell Mawby, PC

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

#### **MINUTES/REPORTS**

Motion by Cinco, seconded by Huckle to approve the minutes from 7/31/19. Motion passed unanimously.

Treasurer's Report. Owen Roberts will be asked to cover this.

#### **COMMITTEE REPORT**:

Item C under Old Business (update from Parking Lot subcommittee) will be moved up to the Committee Report/Update section on the agenda.

Parking Lot – The subcommittee met on 8/21/19. A proposal had been submitted to the City for a parking study, which would cost \$20,000 to \$25,000. Wallace will forward a copy of the proposal to the DDA members. We need to determine to what degree and if there is a parking problem and if we want to invest in a parking study or invest in a solution to create more parking. It was suggested that a survey be sent out, electronically as well as paper, to commercial entities in the core downtown to get input from a customer perspective and employee perspective of any parking issues and possibly solicit help from the DCA to encourage their members to participate in the survey. Wallace will prepare a draft survey.

**Administrative** – Boundary expansion ongoing. Wallace is working on setting up a redevelopment district essentially for the entire Mitchell Street corridor to open up the door for financial assistance for rehabilitating and upgrading facilities. This district will have a large correlation between the DDA district but does not have to be identical.

#### **OLD BUSINESS**

- **A.** Update on former Better Bodies façade. Wallace was informed by Mr. Munger that he has received financing through a non-participating institution so he will forego the façade loan approval granted by the DDA.
- **B.** Update on sidewalk cafes. Coy reported that an MDOT sidewalk café permit is not required at this time, although this may change in the future. This is provided that the business puts table and chairs near the building (with 5-foot clearance for pedestrian traffic), wait staff does not go outside to take orders, and that no alcohol is being served. A suggestion was made to post on the City's website a statement directing those interested in a sidewalk café to contact the City for information. Parklets were not discussed with MDOT. Wallace will follow up on this.

#### **UPDATE ON PARKING LOTS:** Owen Roberts addressed the Board.

Roberts stated that it is the Business Improvement District (BID) Board that sets the assessment and was created to be essentially the same board as the DDA because of the tie with the DDA. Any action taken will be by the BID Board.

Roberts reported that this was not sent out in a competitive bidding manner. Quotes had been obtained by Ken Payne. We can get a few lots done for \$18,000 to \$20,000 and Payne is supportive of having the work done yet this fall, weather permitting. The work would include crack filling and sealing; restriping may be held until Spring.

The BID would need to waive the requirement to do competitive bidding and then award the quote from Asphalt Armor, LLC. We will ask them to honor their quote if the work cannot be done until the spring.

Motion by Cinco, seconded by Bosscher to waive the formal competitive bidding process. Motion passed unanimously.

Motion by Cinco, seconded by Bosscher to award up to \$20,000 to Asphalt Armor, LLC for sealing of Lots W-2, W-1 and E-1. Motion passed unanimously.

A brief comment was made by Roberts on the Treasurer's report. He reported that July 1 was tax billing season so we see 80-90% of the revenue of the DDA millage is collected in July and August, so that will slow down.

**NEW BUSINESS** – Interlocal agreement Northwood Hotel, 101 Harris.

Mac McClelland, Brownfield consultant, addressed the Board. He reviewed his memorandum dated September 22, 2019 regarding the 101 Harris Brownfield Plan.

LeVand asked if the assessment we are receiving now would continue and that it will be just the increased value we will not get until this is paid off. McClelland answered yes and that we will know after the project is on-line and after the improvements are made and assessed what the increase in value is. We will know what the eligible activity obligations are and have a much better picture of the timeframe when it will be paid off.

LeVand asked for a report on previously approved interlocal agreements. McClelland said such projects are reported to the State and that he can put together some information.

Motion by Barnes, supported by Huckle to authorize the Chair to sign the Interlocal Agreement between the Cadillac Downtown Development Authority and the Cadillac Brownfield Redevelopment Authority to transfer local tax capture to the CBRA for reimbursement of approved Brownfield Eligible Activities as described in the proposed Brownfield Plan for the redevelopment of the former Northwood Hotel, known as the 101 Harris Project. Motion passed unanimously.

Meeting adjourned at 8:45 a.m.

#### WEXFORD COUNTY AIRPORT AUTHORITY

#### **MINUTES**

Meeting of Wednesday August 14, 2019

1. Meeting was called to order at 6:01 PM by Hill

Present: Hill, King, Paul, Holder & Barron

Absent: Osborn & Paquin

Also present: Manager Bob Johnson Lucinda Rathbun (record minutes)

Introduction of Guests: Brian Potter representing Wexford County
 Tim Grandy, hangar resident

- 3. Public Comments-Tim Grandy, hangar resident, has concerns about snow and ice around and between hangars; suggestions given about how it was done previously
- 4. Additions or Deletions to the Agenda:

10. b Funding Letter to the County

5. Approval of July Meeting Minutes.

MOTION by King to approve July minutes.

Supported by Karl. All in Favor. Motion carried.

#### 6. Treasurer's Report

Holder indicated that the Airport has been running an average 22% deficit for several years. The letter received from the State requested an explanation for expenditures exceeding revenues. Holder's explanation is that the revenue from the T-hangars is in a separate fund used for expansion. Holder again indicated that the budget needs to be reviewed. The operating expenses nets a negative balance without the hangar rental income. Some of the operational expenses are used for maintaining the Hangars but not reflected in the operating expenses. Holder also advised that the City has not submitted the funding for the 2018 year. He will submit a request to the City for that funding. ACTION: Holder to contact the City of Cadillac about appropriations for 2018 year.

Discussion about proceeds from hangar rent. Manager advised there is a current need for hangars. Budget process needs to begin.

ACTION: Holder to discuss with accountant about having everything in general fund with line item budgeted for expansion.

MOTION by Paul to accept Treasurer's Report. Supported by King. All in Favor. Motion carried.

#### 7. Committee Reports

- a. Finance Committee-Discussed budget. Manager to review budget for recommendations. Evaluated need to use T-hangar fund to balance operational budget.
- b. Personnel Committee-Paul requested meeting but Osborn was not available
- c. Facilities Committee-did not meet

#### d. By-Law Committee-did not meet

#### 8. President's Report-Nothing to Report

#### 9. Manager's Report

Written report submitted.

AED mounted in lobby.

Answers to Paul's agenda questions from July's meeting were submitted as attachment-- to be addressed under Old Business.

Reviewed with discussion the Landing Fees for Commercial Aircraft.

MOTION by Holder to revert to original fee schedule as modified effective immediately. Supported by King. All in Favor. Motion Carried.

ACTION: Manager to prepare and submit corrected Landing Fee for Commercial Aircraft to reflect modifications.

#### 10. New Business

- a. Put after Hours Fees back to original Addressed under Manager's Report
- b. Funding letter to the County for fiscal year 2020

MOTION by Paul to Authorize Treasurer Holder, to write letter to request fiscal year 2020 funds from the County.

Supported by Barron. All in Favor. Motion Carried.

#### 11. Old Business

a. Bill Paul Questions from July meeting

Nothing can be done about rough sod on grass runway and taxiway.

Discussion about yearly preventive maintenance inspections.

ACTION: Manager to make inspection schedule for hangers.

Snow plowing procedure will be changed.

Discussion about water/ice inside hangars.

Discussion about use of sand on ramps.

#### b. Operation White Pine is Aug 16-18

Air Force civil air patrol exercise for search and rescue.

ACTION: Holder to provide \$100 for water taken from advertising line item

#### 12. Public Comment-None

#### 13. Board Member Comments

Barron-nothing

King-gone on vacation, great to back and get caught up on what has been happening.

Paul-might miss September meeting, would like copy of check register, all need to review revenue streams, good meeting and thanks for listening

Holder-none

Ray-requesting Manager to get info on hangar increases and time schedule for increases that were previously approved and glad to be back

ACTION: Manager to review hangar increase procedure and report information to Hill

- 14. Next Meeting date is September 11, 2019 at 6:00 PM
- 15. Adjournment

  MOTION by King to adjourn at 7:52 PM. Supported by Paul. All in Favor. Motion carried.

Prepared by Lucinda Rathbun

Julinda Kalhbur

Action Items:

6 (2 actions)

9

11 (2 actions)

13

#### WEXFORD COUNTY AIRPORT AUTHORITY

#### **MINUTES**

Meeting of Wednesday October 9, 2019

 Meeting was called to order at 6:00 by Hill Present: Osborn, King, Paul & Holder

Absent: Paquin & Barron

Also, present: Manager Bob Johnson Lucinda Rathbun (record minutes)

Introduction of Guests: Brian Potter representing Wexford County
 Mike Borta with Prein & Newhof

- 3. Public Comment- Brian Potter advised that County is working on their budget that needs some adjustments. Airport requested the same amount of funding as prior years.
- 4. Additions or Deletions to the Agenda:
  - 6. a Discussion regarding financial statements
  - 13 a Personnel Committee to closed session
- Approval of August 2019 minutes
   August minutes presented.
   MOTION by Paul to approve August 2019 Minutes
   Supported by Holder. All in Favor. Motion carried.
- 6. Treasurer's Report

Treasurer met with Clark and changes were made to the financial reporting. Suggestion made to move funds from Hangar Account to an interest-bearing account. Airport received another letter from the State requesting clarification. Currently Airport usage is at 70% of budget. Discussion continued about reaching out to professionals for guidance. Fuel sales down considerably. Budget process needs to be changed to accommodate funding request to County and City.

MOTION by Paul for Holder or Manager Johnson to get recommendations from Mike Cool from Baird, Cotter & Bishop as to how to solve the internal accounting problems. Support by Holder. All in Favor. Motion carried.

Holder presented quotes from Baird, Cotter & Bishop and Gabridge & Co for annual audit. Each quote indicated approximate costs for the next three years. Holder advised that the board needs to decide at the next meeting as to direction the board wants to take. Hill reported that he spoke with the bank and they indicated that the new account would require a three-person committee to handle the investment portion and for transferring any funds. Discussion about interest rates and procedures.

MOTION by Osborn to put \$120,000.00 into Municipal Certificate of Deposit Account at Mercantile Bank in the 30-day roll over account with the Executive Team of President, Secretary and Treasurer, be signature parties. Supported by King. All in Favor. Motion Carried.

a. Discussion regarding financial Statements. Combine our operating and "T" hangar accounts to make one fund. This will lessen account confusion and budgetary transfers. Hill explained process of the "T" hangar accounts and how it originated. Discussion about necessity of separate accounts along with accounting costs associated with the two funds.

MOTION by Paul to combine our operating and "T" hangar accounts to make one fund. This will lessen account confusion and budgetary transfers. NO SECOND. Motion Falls to the Floor.

MOTION by King to accept Treasurer's Report. Supported by Osborn. All in Favor. Motion carried.

- 7. Committee Reports
  - a. Finance Committee-did not meet
  - b. Personnel Committee-moved to 13 a.
  - c. Facilities Committee-did not meet
  - d. By-Law Committee-did not meet
- 8. President's Report-Necessary trees are in the process of being cut down
- 9. Manager's Report

Air compressor needs to be replaced.

MOTION by Osborn to purchase the Ingersoll Rand 22340L Air Compressor for quoted price of around \$1,241.99. Supported by King. All in Favor. Motion carried.

Written report submitted. Changed insurance carrier to National Aviation & Marine with cost saving of \$4,975.00. Equipment ready for winter. Manager going on vacation end of the month for 7 days.

#### 10. New Business

a. Prein & Newhof to discuss the 5-Year Plan

Mike Borta submitted current ACIP (Airport Capital Improvement Program) Summary. Cost on improvements for Airport Authority is 5%. Next MAP meeting is November 21<sup>st</sup>. Any changes need to be made before that meeting or leave the plan as submitted. Mike Borta reviewed necessary improvements and provided information about further expansion and improvement ideas. He welcomes any questions.

Action: present any suggestions to Hill by October 25th

- 11. Old Business
  - a. insurance Addressed under Manager's Report.
- 12. Public Comment-None
- 13. Board Member Comments

Osborn- stepping down in December. Relocating to Grand Rapids
King-Osborn has contributed his expertise and common sense to this board and he will be missed.
Holder-Any members object to moving next meeting to Tuesday November 12.

a. Personnel Committee

MOTION by Paul for closed session to discuss Manager's review at the request of the manager. Supported by Holder. All in Favor. Motion Carried.

Closed Session 8:33 PM
Out of Closed Session at 8:56 PM

#### 14. Next Meeting date is Tuesday November 12, 2019 at 6 PM

15. Adjournment

MOTION by Holder to adjourn at 9:00 PM. Supported by King. All in Favor. Motion carried.

Prepared by Lucinda Rathbun

Lucinda Kaehbur

Action Items: 10 a