



City Council Meeting

January 21, 2020

6:00 p.m.

Cadillac Municipal Complex

Council Chambers

200 N. Lake St.

Cadillac, MI 49601



January 21, 2020 City Council Meeting Agenda
6 p.m. at City Hall – 200 N. Lake St. – Cadillac, MI 49601

We trust and assume goodness in intentions

CALL TO ORDER
PLEDGE OF ALLEGIANCE

I. OATH OF OFFICE

Council Member Bryan Elenbaas (Ward One)
Council Member Robert J. Engels (Ward Three)
Mayor Carla J. Filkins

ROLL CALL

II. APPROVAL OF AGENDA

III. PUBLIC COMMENTS

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

IV. 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 December 16, 2019.
Support Document IV-A

V. PUBLIC HEARINGS

A. Public hearing to consider of adoption of Ordinance to Amend Section 10-2 of the Cadillac City Code (Recreational Marihuana Establishments).
Support Document V-A

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- B. Public hearing to consider adoption of Ordinance to Amend Section 10-3 of the Cadillac City Code (Medical Marihuana Facilities).

Support Document V-B

VI. COMMUNICATIONS

- A. Presentation of FY2019 Audit Results by Joe Verlin of Gabridge & Co.

VII. APPOINTMENTS

- A. City Council Member appointments, regular and alternate, to the Board of Review.

Support Document VII-A

- B. Recommendation regarding reappointment to the Local Development Finance Authority.

Support Document VII-B

- C. Recommendation regarding reappointment to the Brownfield Redevelopment Authority.

Support Document VII-C

- D. Recommendation regarding reappointment to the Zoning Board of Appeals.

Support Document VII-D

- E. Recommendation regarding reappointment to the Cemetery Board.

Support Document VII-E

- F. Recommendation regarding appointment to the Election Commission.

Support Document VII-F

- G. Recommendation regarding appointment to the Cadillac-Wexford Airport Authority.

Support Document VII-G

VIII. CITY MANAGER'S REPORT

- A. Downtown Sidewalk Cafés

Support Document VIII-A

- B. Recommendation regarding Change Order for Municipal Water Supply Well Drilling.

Support Document VIII-B

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C. Setting of Budget Related Work Sessions

- Goals & Capital Improvement Program Review on February 17, 2020 at 4:15 p.m.
- Fiscal Year 2021 Budget Review on April 6, 2020 at 4:15 p.m.

D. Hardship (Poverty) Exemption Policy.

Support Document VIII-D

IX. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

A. Adopt resolution to introduce Ordinance to Amend Section 12-84 of City Code

Regarding Duration of the Maple Hill Apartments Service Charge in Lieu of Taxes and set a public hearing for February 3, 2020.

Support Document IX-A

X. MINUTES AND REPORTS OF BOARDS AND COMMISSIONS

A. Zoning Board of Appeals

Support Document X-A

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

December 16, 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, Schippers, King, Mayor Filkins
Council Absent: Engels
Staff Present: Peccia, Roberts, Ottjepka, Dietlin, Homier, Wasson

APPROVAL OF AGENDA

Peccia requested the agenda be amended to add an off-premise sign request regarding the Silent Observer Sign as Item VI-B under the City Manager's Report.

2019-260 Approve agenda as amended.

Motion was made by Spoelman and supported by King to approve the agenda as amended to add the Silent Observer Sign to the City Manager's Report as Item VI-B.

Motion unanimously approved.

PUBLIC COMMENTS

Ruthann French thanked Council Member Spoelman for her 12 years of professional and dedicated service to the City Council. She also expressed gratitude to the other Council Members and City Staff.

Judy Nichols, Wexford County Commissioner District 8, congratulated Council Member Spoelman for her outstanding service to the City of Cadillac.

Katie Maynard stated Council Member Spoelman is a true professional and thanked her for 12 years of dedicated service.

CONSENT AGENDA

2019-261 Approve consent agenda as presented.

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

Motion unanimously approved.

COMMUNICATIONS

A. Cadillac Area OASIS/FRC Polar Dip

Amber Herlein, Executive Director of OASIS/FRC, stated they are planning to bring in a dumpster and utilize a flatbed trailer as a platform. She noted they want to use The Market as a warming and changing center.

2019-262 Approve parking lot closure for Cadillac Area OASIS/FRC Polar Dip.

Motion was made by Spoelman and supported by Schippers to approve the closure of the north parking lot in front of The Market from 9:00 am to 4:00 pm on February 1, 2020 for the Cadillac Area OASIS/FRC Polar Dip.

Motion unanimously approved.

APPOINTMENTS

A. Recommendation regarding reappointment to the Local Development Finance Authority.

2019-263 Approve reappointment to the LDFA.

Motion was made by Spoelman and supported by Schippers to approve the reappointment of City Manager Marcus Peccia to the Local Development Finance Authority for a 4-year term to expire on December 16, 2023.

Motion unanimously approved.

B. Recommendation regarding reappointment to the Local Development Finance Authority.

Mayor Filkins noted James Petersen has served on the LDFA since 1990.

2019-264 Approve reappointment to the LDFA.

Motion was made by King and supported by Spoelman to approve the reappointment of James Petersen to the Local Development Finance Authority for a 4-year term to expire on December 16, 2023.

Motion unanimously approved.

C. Recommendation regarding appointment to the Local Development Finance Authority.

2019-265 Approve appointment to the LDFA.

Motion was made by Schippers and supported by Spoelman to approve the appointment of Mike Bengelink to the Local Development Finance Authority for a 4-year term to expire on December 16, 2023.

Motion unanimously approved.

D. Recommendation regarding appointment to the Local Development Finance Authority.

2019-266 Approve appointment to the LDFA.

Motion was made by King and supported by Schippers to approve the appointment of Emily Kearney to the Local Development Finance Authority for a 4-year term to expire on December 16, 2023.

Motion unanimously approved.

E. Recommendation regarding appointment to the Local Development Finance Authority.

2019-267 Approve appointment to the LDFA.

Motion was made by King and supported by Schippers to approve the appointment of Mike Hamner to the Local Development Finance Authority for a 4-year term to expire on December 16, 2023.

Motion unanimously approved.

CITY MANAGER'S REPORT

A. Calendar Year 2020 Council Meeting Schedule.

Peccia stated it is being recommended that the 2020 City Council Meeting Schedule be approved as follows:

Regular Council Meetings will be monthly on the first and third Mondays starting at 6:00 p.m. except for the following months -

- January – Schedule one regular meeting for the third Tuesday, January 21, 2020. Due to Christmas, New Years, and Martin Luther King Jr. holidays, City Offices are closed December 24, 25, and 31, 2019, and January 1, and 20, 2020 respectively. Additionally, it is common for staff to take vacation and/or personal time off during this timeframe.
- July – Schedule one regular meeting for the third Monday, July 20, 2020. Due to the proximity of Independence Day in the first week of the month, it is common for staff to take vacation and/or personal time off during this timeframe, even though the holiday is not on Monday.
- August – Schedule one regular meeting for the third Monday, August 17, 2020. Due to the Primary Election scheduled for Tuesday, August 4, 2020.
- September – Schedule the first meeting of the month for Tuesday, September 8, 2020. Due to City Offices being closed on September 7, 2020 for Labor Day.
- November – Schedule one regular meeting for the third Monday, November 16, 2020. Due to the General Election scheduled for Tuesday, November 3, 2020.

Peccia noted that should other elections be scheduled; a recommendation would come forward accordingly requesting the meeting prior be cancelled. Otherwise, as previously noted, all other regularly scheduled Council Meetings would be on the first and third Mondays of every month starting at 6 p.m. aside from the exceptions listed above or any special meetings that are called as needed.

2019-268 Approve Calendar Year 2020 Council Meeting Schedule.

Motion was made by Spoelman and supported by Schippers to approve the Calendar Year 2020 Council Meeting Schedule as presented.

Motion unanimously approved.

B. Silent Observer Sign.

Peccia stated the Silent Observer Sign is currently located at The Market and permission is being requested to move the sign to the Municipal Complex through January 1, 2020.

2019-269 Approve display of Silent Observer Sign.

Motion was made by Spoelman and supported by King to approve the request regarding the placement of the Silent Observer Sign.

Motion unanimously approved.

INTRODUCTION OF ORDINANCES

- A. Adopt resolution to introduce Ordinance to Amend Section 10-2 of the Cadillac City Code (Recreational Marihuana Establishments) and set a public hearing for January 21, 2020.

Peccia requested a public hearing be scheduled for January 21, 2020 to consider the following revisions to the current recreational and medical marihuana ordinances:

(1) allow co-location of licensed facilities, subject to certain requirements; (2) allow multiple applicants to submit applications for a single property, regardless of whether co-location is proposed; and (3) extend the application deadline from January 31, 2020, until February 28, 2020.

2019-270 Set public hearing for Ordinance 2020-01.

Motion was made by Schippers and supported by King to adopt the resolution to introduce Ordinance to Amend Section 10-2 of the Cadillac City Code (Recreational Marihuana Establishments) and set a public hearing for January 21, 2020.

Motion unanimously approved.

- B. Adopt resolution to introduce Ordinance to Amend Section 10-3 of the Cadillac City Code (Medical Marihuana Facilities) and set a public hearing for January 21, 2020.

2019-271 Set public hearing for Ordinance 2020-02.

Motion was made by Schippers and supported by King to adopt the resolution to introduce Ordinance to Amend Section 10-3 of the Cadillac City Code (Medical Marihuana Facilities) and set a public hearing for January 21, 2020

Motion unanimously approved.

ADOPTION OF ORDINANCES AND RESOLUTIONS

- A. Adopt Resolution Amending General Appropriations Act for Fiscal Year 2020.

Owen Roberts, Director of Finance, summarized the details of the budget amendment.

Spoelman expressed concern about the increased expenditures (General Fund) without any known increase in revenue.

Roberts stated he tries to ensure that reserves are not being utilized to make operational balances in the budget. He noted the General Fund has \$754,000 in capital purchases for FY 2020. He stated in this proposal \$35,000 will be from the pay-out reserve fund and the remaining \$635,000 will come from general reserves. He noted with \$754,000 in capital purchases that leaves \$120,000 of ongoing revenues in excess of ongoing expenditures. He stated we are still in the position that any utilization of reserves is only for capital.

2019-272 Adopt Resolution Amending General Appropriations Act for Fiscal Year 2020.

Motion was made by Spoelman and supported by King to adopt the Resolution Amending General Appropriations Act for Fiscal Year 2020 as presented.

Motion unanimously approved.

MINUTES AND REPORTS OF BOARDS AND COMMISSIONS

- A. Planning Commission

- B. Downtown Development Authority

PUBLIC COMMENTS

There were no public comments.

GOOD OF THE ORDER

Spoelman stated she has many fond memories of her 12 years of service on City Council. She stated being a Council Member is an important position and she has taken it seriously from the beginning. She noted she tried to learn all she could about city government in general and about the City's Charter and Ordinances. She noted Council Members are provided with the opportunity for professional development and over the years she has attended most of the conferences hosted by the Michigan

Municipal League. Through these conferences she has learned how other municipalities are run and has developed relationships with colleagues across the State. She noted she has seen many changes during her three (3) 4-year terms. She stated she has had the privilege of working with 3 outstanding City Managers: Pete Stalker, Precia Garland, and Marcus Peccia. She stated it has been a joy to see Marcus Peccia grow both personally and professionally over the past ten (10) years and to influence so much of the change that has occurred in the community.

Spoelman stated she has worked through some tough times on Council. She noted the first few years were extremely difficult and consisted of many late-night meetings. She mentioned a phone message she received several years ago from someone who stated he didn't know how she managed to hang in there, but he was glad she did. She stated she left that message on her machine for a very long time because she would go back and listen to it occasionally to keep her going and remind her of why she was doing what she was doing because it was very hard back then.

Spoelman stated little by little things started to shift and the Council started to work together and with staff to make some really great things happen. She noted under the leadership of Mayor Filkins, City Manager Marcus Peccia, City Attorney Homier, Director of Finance Owen Roberts, and so many other wonderful and dedicated staff we have seen many new features in our lovely community. She noted the renovation of the Rotary Pavilion and the development of the Cadillac Commons has placed Cadillac on the map. She stated the City is growing, there is economic development happening, and we continue to plan for more and better services for our residents.

Spoelman stated all this is occurring with revenues that grow ever so slightly. She stated public-private partnerships, grants, donations, crowd funding, and other sources have allowed us to forge ahead. She noted one of the initiatives she is most proud of is our emphasis on making Cadillac a walkable and bikeable community. She stated she believes one of our greatest assets is Lake Cadillac and the health of it is also one of our greatest challenges. She noted we will have to put in resources and educate ourselves and our constituents. She stated with the extreme weather events that have occurred recently we may need to make some deep infrastructure revisions to prevent storm water runoff from entering the lakes.

Spoelman stated she has questioned herself on a few decisions she made over the years but for the most part she has no regrets. She noted she voted from her heart when she made the decisions. She stated her heart is influenced by science, logic, and a desire to improve the community for the greater good. She noted sometimes not everyone benefits or agrees with every decision or change that is made.

Spoelman stated over the years she has had the opportunity to reflect on her own personal values and when she finds herself emotionally distraught or passionately engaged on one side of an issue or the other she recognizes that it comes from a place of fairness, equity, and justice. She noted these are the values that have guided her decision-making in her personal, work, and public life.

Spoelman noted there are three (3) things she has noticed and are worthy of commenting on. First, is the value of our residents and our friends that live outside of the City. Even though they don't live or vote in the City they care deeply about the outcomes of our elections because they care deeply about our City. Second, is the value of a good Council. Having a good governing body starts with good leadership and is complimented by good members of a team. She noted she is referring to people who do their homework, educate themselves on issues, weigh the pros and cons, and make informed decisions based on the best outcome for the greater good. Third, we have an amazing group of employees in public safety, streets, parks, water, office personnel and everywhere in between. It is the staff that makes this great City run every day. The leadership through our City Manager and his executive team is forward thinking, approachable, kind, open, transparent, engaging, and creative.

Spoelman stated she is looking forward to stepping back and continuing to watch us grow.

Spoelman thanked Council, staff, Cadillac News, family, friends, and the residents of Cadillac for their kind words and support.

Schippers thanked Council Member Spoelman for being a mentor to her when she joined City Council. She stated she was able to watch someone who was seasoned and educated. She noted Council Member Spoelman has been a great role model and a good friend.

Mayor Filkins stated it has been an honor and a privilege serving with Council Member Spoelman and thanked her for being a wonderful mentor not only to Council but also to the community.

King thanked Council Member Spoelman for her dedication to the City over the past 12 years. He stated it is a risk to serve and she has set an example for people to be involved, be part of what makes us a good republic, and show how important it is to make a difference.

Peccia stated Council Member Spoelman was one of the first people he met in the community. He thanked her for giving him the opportunity to be the City Manager and for her support over the years. He noted public service is part of her and while she may no longer be serving in this current role, he expects she will continue to be involved in civic engagement in the community.

City Attorney Homier stated he has worked with Council Member Spoelman for the past ten (10) years. He described her as prepared, thoughtful, inciteful, and challenging. He noted there was never a rubber stamp but rather thoughtful debate which he believes leads to better decision-making.

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
Tiyi Schippers

Councilmembers
Bryan Elenbaas
Robert J. Engels
Stephen King

RESOLUTION NO. 2020-_____

**RESOLUTION TO ADOPT
ORDINANCE TO AMEND SECTION 10-2 OF CHAPTER 10 OF THE CADILLAC CITY CODE
(RECREATIONAL MARIHUANA ESTABLISHMENTS)**

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 21st day of January, 2020, at 6:00 p.m.

PRESENT: _____

ABSENT: _____

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

WHEREAS, the Michigan Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended, MCL 333.27102 *et seq.* ("MMFLA"), provides that a municipality may adopt ordinances to authorize and regulate one or more types of marihuana facilities within its boundaries; and

WHEREAS, on September 3, 2019, the City adopted its Ordinance to Add New Section 10-2 to Chapter 10 of the Cadillac City Code to Allow Certain Recreational Marihuana Facilities Operated in Accordance with State Law ("Recreational Marihuana Ordinance"); and

WHEREAS, the City wishes to amend the Recreational Marihuana Ordinance to: (1) allow co-location of licensed facilities, subject to certain requirements; (2) allow multiple applicants to submit applications for a single property, regardless of whether co-location is proposed; and (3) extend the application deadline from January 31, 2020, until February 28, 2020; and

WHEREAS, on December 16, 2019, the City introduced an ordinance to implement the desired amendments to Section 10-2; and on January 21, 2020, the City held a public hearing to consider the proposed amendments to Section 10-2; 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 amending Section 10-2 of Chapter 10 of the Cadillac City Code in the form attached as Exhibit A.

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

1. Ordinance No. 2020-____, Ordinance to Amend 10-2 of Chapter 10 of the Cadillac City Code (Recreational Marihuana Facilities) (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. 2020-____, duly adopted at a meeting of the City Council held on the 21st day of January, 2020.

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
Tiyi Schippers

Councilmembers
Bryan Elenbaas
Stephen King
Robert J. Engels

ORDINANCE NO. 2020-____

AN ORDINANCE TO AMEND SECTION 10-2 OF CHAPTER 10 OF THE CADILLAC CITY CODE (RECREATIONAL MARIHUANA ESTABLISHMENTS)

Section 1. Amendment of Section 10.2-02(b). Section 10.2-02(b) of Chapter 10 of the Cadillac City Code is hereby amended as follows:

RECREATIONAL MARIHUANA ESTABLISHMENTS

10.2-02 Authorized Establishments.

(b) *Co-location and stacked licenses.*

(1) Co-location. Co-located establishments are permitted in the City, subject to this subsection and to the extent permitted by state law. On a property with co-location, each licensed establishment counts as a separate establishment. Each licensed establishment must operate within its own distinct and identifiable area on the property, and each licensed establishment must have a separate entrance and exit, separate inventory, separate record keeping, and separate point of sale operations (if applicable). Each licensed establishment must meet all other requirements of this Ordinance and the City Zoning Ordinance. A separate application is required for each proposed licensed establishment on a site with co-location. A medical marijuana facility may be co-located with a recreational marijuana establishment, subject to this subsection.

(2) Stacked grower licenses are prohibited in the City.

Section 2. Amendment of Section 10.2-03(b)(4)(E). Section 10.2-03(b)(4)(E) of Chapter 10 of the Cadillac City Code is hereby amended as follows:

(E) If the current property owner is different than the applicant (e.g. where the applicant has a lease, option, land contract, or other future interest in the property), the property owner's signature is required in addition to the applicant's signature.

- a. An applicant may submit applications for multiple properties.
- b. Multiple applicants may submit applications for a single property, even if co-location is not proposed. However, unless the

requirements for co-location under Section 10.2-02(b) are met, only one license may be issued for a single property.

- c. For sites with co-location, a separate application is required for each proposed licensed establishment.

Section 3. Amendment of Section 10.2-03(c). Section 10.2-03(c) of Chapter 10 of the Cadillac City Code is hereby amended as follows:

(c) *Initial receipt period*. For any establishment type subject to numerical limitations under Section 10-2.02, the initial receipt period will commence on December 9, 2019, and will end on February 28, 2020, at 4:00 P.M. The City Council may extend this initial receipt period by resolution.

Section 4. Publication and Effective Date. 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 20 days after its adoption.

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

CERTIFICATION

As the City Clerk of the City of Cadillac, Wexford County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Cadillac City Council at a meeting held on January 21, 2020.

Date: _____, 2020

Carla Filkins, Mayor

Date: _____, 2020

Sandra Wasson, City Clerk

Introduced: December 16, 2019

Adopted: January 21, 2020

Published: _____, 2020

Effective: _____, 2020

City Council

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



Mayor
Carla J. Filkins

Mayor Pro-Tem
Tiyi Schippers

Councilmembers
Bryan Elenbaas
Stephen King
Robert J. Engels

ORDINANCE NO. 2020-____

AN ORDINANCE TO AMEND SECTION 10-2 OF CHAPTER 10 OF THE CADILLAC CITY CODE (RECREATIONAL MARIHUANA ESTABLISHMENTS)

Section 1. Amendment of Section 10.2-02(b). Section 10.2-02(b) of Chapter 10 of the Cadillac City Code is hereby amended as follows:

RECREATIONAL MARIHUANA ESTABLISHMENTS

10.2-02 Authorized Establishments.

(b) *Co-location and stacked licenses.*

(1) Co-location. Co-located establishments are permitted in the City, subject to this subsection and to the extent permitted by state law. On a property with co-location, each licensed establishment counts as a separate establishment. Each licensed establishment must operate within its own distinct and identifiable area on the property, and each licensed establishment must have a separate entrance and exit, separate inventory, separate record keeping, and separate point of sale operations (if applicable). Each licensed establishment must meet all other requirements of this Ordinance and the City Zoning Ordinance. A separate application is required for each proposed licensed establishment on a site with co-location. A medical marihuana facility may be co-located with a recreational marihuana establishment, subject to this subsection.

(2) Stacked grower licenses are prohibited in the City.

Section 2. Amendment of Section 10.2-03(b)(4)(E). Section 10.2-03(b)(4)(E) of Chapter 10 of the Cadillac City Code is hereby amended as follows:

(E) If the current property owner is different than the applicant (e.g. where the applicant has a lease, option, land contract, or other future interest in the property), the property owner's signature is required in addition to the applicant's signature.

- a. An applicant may submit applications for multiple properties.
- b. Multiple applicants may submit applications for a single property, even if co-location is not proposed. However, unless the

requirements for co-location under Section 10.2-02(b) are met, only one license may be issued for a single property.

- c. For sites with co-location, a separate application is required for each proposed licensed establishment.

Section 3. Amendment of Section 10.2-03(c). Section 10.2-03(c) of Chapter 10 of the Cadillac City Code is hereby amended as follows:

(c) *Initial receipt period*. For any establishment type subject to numerical limitations under Section 10-2.02, the initial receipt period will commence on December 9, 2019, and will end on February 28, 2020, at 4:00 P.M. The City Council may extend this initial receipt period by resolution.

Section 4. Publication and Effective Date. 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 20 days after its adoption.

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

CERTIFICATION

As the City Clerk of the City of Cadillac, Wexford County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Cadillac City Council at a meeting held on January 21, 2020.

Date: _____, 2020

Carla Filkins, Mayor

Date: _____, 2020

Sandra Wasson, City Clerk

Introduced: December 16, 2019

Adopted: January 21, 2020

Published: _____, 2020

Effective: _____, 2020

City Council

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



Mayor
Carla J. Filkins

Mayor Pro-Tem
Tiyi Schippers

Councilmembers
Bryan Elenbaas
Robert J. Engels
Stephen King

RESOLUTION NO. 2020-_____

**RESOLUTION TO ADOPT
ORDINANCE TO AMEND SECTION 10-3 OF CHAPTER 10 OF THE CADILLAC CITY CODE
(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 21st day of January, 2020, at 6:00 p.m.

PRESENT: _____

ABSENT: _____

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

WHEREAS, the Michigan Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended, MCL 333.27102 *et seq.* ("MMFLA"), provides that a municipality may adopt ordinances to authorize and regulate one or more types of marihuana facilities within its boundaries; and

WHEREAS, on September 3, 2019, the City adopted its Ordinance to Add New Section 10-3 to Chapter 10 of the Cadillac City Code to Allow Certain Medical Marihuana Facilities Operated in Accordance with State Law ("Medical Marihuana Ordinance"); and

WHEREAS, the City wishes to amend the Medical Marihuana Ordinance to: (1) allow co-location of licensed facilities, subject to certain requirements; (2) allow multiple

applicants to submit applications for a single property, regardless of whether co-location is proposed; and (3) extend the application deadline from January 31, 2020, until February 28, 2020; and

WHEREAS, on December 16, 2019, the City introduced an ordinance to implement the desired amendments to Section 10-3; and on January 21, 2020, the City held a public hearing to consider the proposed amendments to Section 10-3; 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 amending Section 10-3 of Chapter 10 of the Cadillac City Code in the form attached as Exhibit A.

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

1. Ordinance No. 2020-____, Ordinance to Amend 10-3 of Chapter 10 of the Cadillac City Code (Medical Marihuana Facilities) (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. 2020-____, duly adopted at a meeting of the City Council held on the 21st day of January, 2020.

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
Tiyi Schippers

Councilmembers
Bryan Elenbaas
Stephen King
Robert J. Engels

ORDINANCE NO. 2020-____

AN ORDINANCE TO AMEND SECTION 10-3 OF CHAPTER 10 OF THE CADILLAC CITY CODE (MEDICAL MARIHUANA FACILITIES)

Section 1. Amendment of Section 10.3-02(b). Section 10.3-02(b) of Chapter 10 of the Cadillac City Code is hereby amended as follows:

10.2-02 Authorized Facilities.

(b) *Co-location and stacked licenses.*

(1) Co-location. Co-located facilities are permitted in the City, subject to this subsection and to the extent permitted by state law. On a property with co-location, each licensed facility counts as a separate facility. Each licensed facility must operate within its own distinct and identifiable area on the property, and each licensed facility must have a separate entrance and exit, separate inventory, separate record keeping, and separate point of sale operations (if applicable). Each licensed facility must meet all other requirements of this Ordinance and the City Zoning Ordinance. A separate application is required for each proposed licensed facility on a site with co-location. A medical marihuana facility may be co-located with a recreational marihuana establishment, subject to this subsection.

(2) Stacked grower licenses are prohibited in the City.

Section 2. Amendment of Section 10.3-03(b)(4)(E). Section 10.3-03(b)(4)(E) of Chapter 10 of the Cadillac City Code is hereby amended as follows:

(E) If the current property owner is different than the applicant (e.g. where the applicant has a lease, option, land contract, or other future interest in the property), the property owner's signature is required in addition to the applicant's signature.

- a. An applicant may submit applications for multiple properties.
- b. Multiple applicants may submit applications for a single property, even if co-location is not proposed. However, unless the requirements for co-location under Section 10.3-02(b) are met, only one license may be issued for a single property.

- c. For sites with co-location, a separate application is required for each proposed licensed facility.

Section 3. Amendment of Section 10.3-03(c). Section 10.3-03(c) of Chapter 10 of the Cadillac City Code is hereby amended as follows:

(c) *Initial receipt period*. For any facility type subject to numerical limitations under Section 10-2.02, the initial receipt period will commence on December 9, 2019, and will end on February 28, 2020, at 4:00 P.M. The City Council may extend this initial receipt period by resolution.

Section 4. Publication and Effective Date. 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 20 days after its adoption.

YEAS: Council Member(s) _____

NAYS: Council Member(s) _____

ABSTAIN: Council Member(s) _____

ABSENT: Council Member(s) _____

CERTIFICATION

As the City Clerk of the City of Cadillac, Wexford County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Cadillac City Council at a meeting held on January 21, 2020.

Date: _____, 2020

Carla Filkins, Mayor

Date: _____, 2020

Sandra Wasson, City Clerk

Introduced: December 16, 2019

Adopted: January 21, 2020

Published: _____, 2020

Effective: _____, 2020

City Council

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



Mayor
Carla J. Filkins

Mayor Pro-Tem
Tiyi Schippers

Councilmembers
Bryan Elenbaas
Stephen King
Robert J. Engels

ORDINANCE NO. 2020-____

AN ORDINANCE TO AMEND SECTION 10-3 OF CHAPTER 10 OF THE CADILLAC CITY CODE (MEDICAL MARIHUANA FACILITIES)

Section 1. Amendment of Section 10.3-02(b). Section 10.3-02(b) of Chapter 10 of the Cadillac City Code is hereby amended as follows:

10.2-02 Authorized Facilities.

(b) *Co-location and stacked licenses.*

(1) Co-location. Co-located facilities are permitted in the City, subject to this subsection and to the extent permitted by state law. On a property with co-location, each licensed facility counts as a separate facility. Each licensed facility must operate within its own distinct and identifiable area on the property, and each licensed facility must have a separate entrance and exit, separate inventory, separate record keeping, and separate point of sale operations (if applicable). Each licensed facility must meet all other requirements of this Ordinance and the City Zoning Ordinance. A separate application is required for each proposed licensed facility on a site with co-location. A medical marihuana facility may be co-located with a recreational marihuana establishment, subject to this subsection.

(2) Stacked grower licenses are prohibited in the City.

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- b. Multiple applicants may submit applications for a single property, even if co-location is not proposed. However, unless the requirements for co-location under Section 10.3-02(b) are met, only one license may be issued for a single property.

- c. For sites with co-location, a separate application is required for each proposed licensed facility.

Section 3. Amendment of Section 10.3-03(c). Section 10.3-03(c) of Chapter 10 of the Cadillac City Code is hereby amended as follows:

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Section 4. Publication and Effective Date. 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 20 days after its adoption.

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NAYS: Council Member(s) _____

ABSTAIN: Council Member(s) _____

ABSENT: Council Member(s) _____

CERTIFICATION

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Date: _____, 2020

Carla Filkins, Mayor

Date: _____, 2020

Sandra Wasson, City Clerk

Introduced: December 16, 2019

Adopted: January 21, 2020

Published: _____, 2020

Effective: _____, 2020

January 21, 2020

Council Communication

Re: Board of Review Meeting & Training Dates

Required training to be held on February 19, 2020 at Evergreen Resort.
Training to be held from 11:30 am – 4:30 pm.

The Board of Review will be meeting on the following dates and times.

- March 3rd, 2020: 9:00 am (approx. 1 hr. Organizational Meeting)
- March 9th, 2020: 9:00 am – 4:00 pm (1 hr. Lunch break)
- March 13th, 2020: 3:00 pm – 9:00 pm
- March 18th, 2020: 9:00 am (approx. 1 hr. Wrap-Up Meeting)

There will be an additional meeting in July and December. Those meeting dates and times have not been yet set.

January 21, 2020

COUNCIL COMMUNICATION

Re: Reappointment of Jennifer Brown to a Four-Year Term on the Local Development Finance Authority (LDFA).

Jennifer Brown has expressed interest in continuing her service on the Local Development Finance Authority (LDFA). Jennifer is the Superintendent of the Cadillac Area Public Schools and was originally appointed in 2015.

Recommended Council Action:

Reappoint Jennifer Brown to a four-year term on the Local Development Finance Authority (LDFA), which will expire on 1/21/24.

January 21, 2020

COUNCIL COMMUNICATION

Re: Reappointment of Mike Figliomeni to a Three-Year Term on the Brownfield Redevelopment Authority.

Mike Figliomeni has expressed interest in continuing his service on the Brownfield Redevelopment Authority for another three-year term. He was originally appointed in 2005.

Recommended Council Action:

Reappoint Mike Figliomeni to a three-year term on the Brownfield Redevelopment Authority, which will end on 1/21/2023.

January 21, 2020

COUNCIL COMMUNICATION

Re: Reappointment of Larry Bontrager to a Three-Year Term on the Zoning Board of Appeals

Larry Bontrager has expressed interest in continuing his service on the Zoning Board of Appeals for another three-year term. He was originally appointed in 2003.

Recommended Council Action:

Reappoint Larry Bontrager to a three-year term on the Zoning Board of Appeals, which will end on 1/21/2023.

January 21, 2020

COUNCIL COMMUNICATION

Re: Reappointment of Charles LaBar to a Three-Year Term on the Cemetery Board

Charles LaBar has expressed interest in continuing his service on the Cemetery Board for another three-year term. He was originally appointed in 2012.

Recommended Council Action:

Reappoint Charles LaBar to a three-year term on the Cemetery Board, which will end on 1/21/2023.

January 21, 2020

COUNCIL COMMUNICATION

Re: Appointment of Jereme Olson to a Four-Year Term on the Election Commission.

Jereme Olson has expressed interest in serving on the Election Commission.

Recommended Council Action:

Appoint Jereme Olson to a four-year term on the Election Commission, which will expire on 1/21/2024.



Application for Appointment to Standing and Special Committees, Boards & Commissions

The information provided on this form is for the use of the Cadillac City Council in its deliberation to fill vacancies on standing and special committees, boards and commissions. Applications may be submitted at any time and will be kept on file for a period of one (1) year. In most cases, you must be a resident of the City of Cadillac to serve on its committees, boards and commissions. Exceptions include the DDA, CBOA, LDFA, Clam River Greenway Committee and Brownfield Redevelopment Authority. Applicants may be required to interview with the City Manager for appointment consideration.

To which committee, board or commission are you seeking appointment? Please check all that apply.

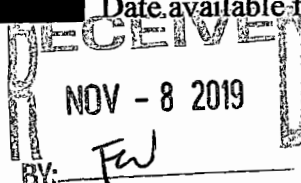
- | | |
|--|---|
| ☒ Airport Authority | ☐ Economic Development Corporation |
| ☒ Board of Review | ☒ Elected Officials Compensation Commission |
| ☐ Brownfield Redevelopment Authority | ☐ Election Commission |
| ☐ Cadillac Area Council for the Arts | ☐ Housing Commission |
| ☐ Cadillac-Wexford Transit Authority | ☒ Local Development Finance Authority |
| ☐ Cadillac West Corridor Improvement Authority | ☒ Planning Commission |
| ☒ Cemetery Board | ☒ Retirement Board to Administer Act 345 |
| ☒ Civil Service Commission | ☒ Zoning Board of Appeals |
| ☐ Clam River Greenway Committee | ☐ Construction Board of Appeals |
| ☐ Historic Districts Commission | ☐ City of Cadillac/Clam Lake Joint Planning Commission |
| ☐ Diggins Hill Tennis Court Fundraising Committee | |
| ☐ Downtown Development Authority | ☐ Other _____ |

Please print or type:

Name Jereme Olson Address [REDACTED]

Telephone: Home _____ Business/cell [REDACTED] [REDACTED] [REDACTED] [REDACTED]

E-mail [REDACTED] Date available for appointment 12-1-19



Please complete the following. You may use additional sheets as needed.

Community Service

List boards, commissions, committees or community service organizations that you are currently serving or have served upon, offices held, and in what municipality or county.

Michigan Masonic Masons, Clan Lake Lodge 331
Steward

Employment and Education

List any employment experience or education that, in your opinion, best qualifies you for this appointment. List job titles, duties (current and past), level of education and any certificates or degrees you have obtained.

See attached Resume

Have you ever worked for the City of Cadillac? ☐ Yes ☒ No
If yes, please list dates and names of departments.

Why do you have interest in serving on this board/commission/committee?

To learn the ins & outs of politics. To eventually run for Michigan Governor.

Personal

Rules of law and ethics prohibit appointees from participating in and voting on matters in which they may have a direct or indirect financial interest. Are you aware of any potential conflicts of interest? ☐ Yes ☒ No

If yes, please indicate potential conflicts.

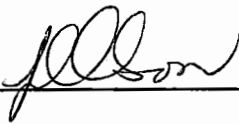
Are you aware of the time commitment necessary to serve on the committee, board and/or commission to which you seek appointment, and will you have such time? ☒ Yes ☐ No

Please provide information about specific training, education, experience or interests you possess that qualify you as an appointee to the position you seek.

As you noticed, I hold a MBA in Human Resources Management. I would state that my military background gives me the discipline to help and the dedication to give some interests in my community. Working for the government, I'm not a stranger to debates and long follow through.

I hereby certify that the preceding information is correct to the best of my knowledge.

Signature



Date 11-8-19

You are invited to attach additional pages, enclose a copy of your résumé or submit supplemental information that you feel may assist in the evaluation of your application.

Mail or return your completed application to:

Marcus Peccia, City Manager
City of Cadillac
200 N. Lake St.
Cadillac MI 49601

Thank you for giving us the opportunity to consider you for appointment.

JEREME L. OLSON



Seeking a position in utilizing my knowledge, education in business management to create new clients and lifelong friends and family in a new industry.

SUMMARY OF QUALIFICATIONS

- One year in barber/styling college
- Four years of business management

EDUCATION

**LANSING BARBER/STYLING SCHOOL
DIPLOMA IN BARBERING**

**LANSING, MI
2018**

- Barber History
- Barber Laws
- Implements
- Bacteriology/ Sterilization and Sanitation
- Anatomy & Physiology
- Skin/ Skin Disorders
- Hair / Treatment of Hair and Scalp
- Shaving
- Facial Massage and treatments

**AMERICAN INTERCONTINENTAL UNIVERSITY
MASTER OF BUSINESS ADMINISTRATION 2010
CONCENTRATION: HUMAN RESOURCES**

SCHAUMBURG, IL

- Business Research for Decision Making
- Economics for the Global Manager
- Global Financial Management
- Strategic Management

**BACHELORS OF BUSINESS ADMINISTRATION 2009 SCHUAMBURG, IL
CONCENTRATION: ORGANIZATIONAL PSYCHOLOGY AND DEVELOPMENT**

- Decision Making
- Economics in a Global Environment
- Statistical Analysis
- Managerial Accounting and Organizational Controls
- Financial Management
- Global Strategic Management
- Employee Training and Development

WORK

Barber-Owner

(2018-Present)

Shaves & Shears, LLC

Cadillac, MI

- Clean and sterilize scissors, combs, clippers, and other instruments
- Drape and pin protective cloths around customers' shoulder
- Cut and trim according to clients' instructions or current hairstyles, using clippers, combs, hand-held blow dryers, and scissors
- Initiates contact with inactive accounts to generate new service business.

Advanced Medical Support Assistant (Float)Retired

(2015-2017)

Department of Veterans Affairs

Cadillac, MI

- Operated with a sense of urgency and demonstrates excellent execution and follow-through
- Began to check in patients, identify them with basic information
- Established regular data validation processes to ensure data integrity and recommends new reports, feeds, and processes to support the business model.
- Assisted internal and external parties with review and analysis of data for completeness, validity and reasonableness as well as assists with projects and training others on the team.

Advanced Medical Support Assistant

(2014-2015)

Department of Veterans Affairs

Cadillac, MI

- Began to check in patients, identify them with basic information
- Helped patients deliver their payments to payment center
- Performs the day-to-day operational maintenance of data; creation, manipulation, and data governance and exception reporting.
- Established regular data validation processes to ensure data integrity and recommends new reports, feeds, and processes to support the business model.
- Assisted internal and external parties with review and analysis of data for completeness, validity and reasonableness as well as assists with projects and training others on the team.

Program Support Assistant (OA)

(2014-2014)

Department of Veteran Affairs

Asheville, NC

- Operated with a sense of urgency and demonstrates excellent execution and follow-through
- Communicated with veterans about their overdue bills
- Performs the day-to-day operational maintenance of data; creation, manipulation, and data governance and exception reporting.
- Established regular data validation processes to ensure data integrity and recommends new reports, feeds, and processes to support the business model.
- Assisted internal and external parties with review and analysis of data for completeness, validity and reasonableness as well as assists with projects and training others on the team.

Substitute Teacher

EDUStaff, LLC

(2013-2018)

Grand Rapids, MI

- Greeted students, informs them what the plan of the hour is
- Communicated ideas to them and gets feedback
- Helped the students when there are questions

Medical Support Assistant

Reynolds Army Community Hospital

(2012-2013)

Fort Sill, OK

- Performed administrative responsibilities such as word processing, preparing copies, creating envelopes and mailing labels.
- Documented all activity in agency database(s).
- Performed your job in such a manner that other employees will consider it a pleasure and privilege to work with you.

SOLDIER/ Sergeant

U.S. Army

(2000-2007)

World Wide

- Metal fabricator in South Korea, Fort Sill, Ok
- Petroleum Supply in logistics, Fort Campbell, KY, Iraq
- Maintained Accountability of equipment, soldiers, petroleum supplies
- Initiates contact with inactive accounts to generate new service business.
- Responsible for all daily logistical matters and departmental tasks as assigned.
- This support includes installs, repairs, upgrades, preventive maintenance, workshop/show support and removal of equipment.

January 21, 2020

COUNCIL COMMUNICATION

Re: Appointment of Jim Clements to the Cadillac-Wexford Airport Authority.

Jim Clements has expressed interest in serving on the Cadillac-Wexford Airport Authority. Jim would be serving the remainder of the term vacated by Fred Osborn.

Recommended Council Action:

Appoint Jim Clements to the Cadillac-Wexford Airport Authority for a partial term, which will expire on 2/22/2021.



Application for Appointment to Standing and Special Committees, Boards & Commissions

The information provided on this form is for the use of the Cadillac City Council in its deliberation to fill vacancies on standing and special committees, boards and commissions. Applications may be submitted at any time and will be kept on file for a period of one (1) year. In most cases, you must be a resident of the City of Cadillac to serve on its committees, boards and commissions. Exceptions include the DDA, CBOA, LDFA, Clam River Greenway Committee and Brownfield Redevelopment Authority. Applicants may be required to interview with the City Manager for appointment consideration.

To which committee, board or commission are you seeking appointment? Please check all that apply.

- | | |
|--|--|
| ☒ Airport Authority | ☐ Downtown Development Authority |
| ☐ Board of Review | ☐ Economic Development Corporation |
| ☐ Brownfield Redevelopment Authority | ☐ Elected Officials Compensation Commission |
| ☐ Cadillac Area Council for the Arts | ☐ Election Commission |
| ☐ Cadillac-Wexford Transit Authority | ☐ Housing Commission |
| ☐ Cadillac West Corridor Improvement Authority | ☐ Local Development Finance Authority |
| ☐ Cemetery Board | ☐ Planning Commission |
| ☐ Civil Service Commission | ☐ Retirement Board to Administer Act 345 |
| ☐ Clam River Greenway Committee | ☐ Zoning Board of Appeals |
| ☐ Courthouse Hill Historic District Commission | ☐ Construction Board of Appeals |
| ☐ Diggins Hill Tennis Court Fundraising Committee | ☐ Other _____ |

Please print or type:

Name Tim Clements Address [REDACTED]

Telephone: Home [REDACTED] Business/cell [REDACTED]

E-mail [REDACTED] Date available for appointment 1-1-2020

Please complete the following. You may use additional sheets as needed.

Community Service

List boards, commissions, committees or community service organizations that you are currently serving or have served upon, offices held, and in what municipality or county.

I HAVE BEEN EMPLOYED WITH THE CHAMBER OF COMMERCE FOR 8 MONTHS AND HAVE WORKED WITH COMMUNITY OUTREACH WITH THE CHAMBER. COMMUNITY SERVICE WITH FIRST BAPTIST CHURCH + AFTER 26 WITH COMMUNITY OUTREACH

Employment and Education

List any employment experience or education that, in your opinion, best qualifies you for this appointment. List job titles, duties (current and past), level of education and any certificates or degrees you have obtained.

OWNER OF SOCIALITE, SOCIAL MEDIA COMPANY.
CHAMBER OF COMMERCE FOR 8 MONTHS.
MARKETING & SOCIAL MEDIA RESPONSIBILITIES -
COMMUNICATION.

HIGH SCHOOL ID PREVIOUS YEARS WHICH SPARKS INTEREST
FO HACC TOWN - COMMUNITY SERVICES IN DUTCHMAN NC
TO KNOW CH COMMUNITY + OUTREACH ORGANIZATION

Have you ever worked for the City of Cadillac? ☐ Yes ☒ No

If yes, please list dates and names of departments.

Personal

Rules of law and ethics prohibit appointees from participating in and voting on matters in which they may have a direct or indirect financial interest. Are you aware of any potential conflicts of interest? ☐ Yes ☒ No

If yes, please indicate potential conflicts.

Are you aware of the time commitment necessary to serve on the committee, board and/or commission to which you seek appointment, and will you have such time? ☒ Yes ☐ No

Please provide information about specific training, education, experience or interests you possess that qualify you as an appointee to the position you seek.

FITTING AS A YOUNGER ADULT AND ALWAYS
HAVE BEEN INTERESTED IN AVIATION AND LOOKING TO BE A
VITAL PART OF WEXTON COUNTY AND ADVANCE VISIBILITY
OF CADILLAC BUSINESSES AND INFRASTRUCTURE TO SUPPORT
LOCAL VISIBILITY AND INVOLVEMENT

I hereby certify that the preceding information is correct to the best of my knowledge.

Signature _____

Date _____

You are invited to attach additional pages, enclose a copy of your résumé or submit supplemental information that you feel may assist in the evaluation of your application.

Mail or return your completed application to:

Marcus Peccia, City Manager
City of Cadillac
200 N. Lake St.
Cadillac MI 49601

Thank you for giving us the opportunity to consider you for appointment.

January 21, 2020

Council Communication

Re: Downtown Sidewalk Café's

Introduction

Clam Lake Beer Company, Hermann's European Cafe, and the Raven BBQ and Brewery have requested approval to place sidewalk cafés in front of their downtown Cadillac restaurants in 2020. Staff has requested and received site plans showing the placement of the tables, chairs, and barriers from the three businesses. The three site plans show the café placement near the building front walls with adequate room for pedestrian traffic meeting the 60 inches of clearance required in the ordinance. The Raven in 2020 may also include seating on the balcony in addition to the street level.

Staff has reviewed the request and supports the program subject to the following conditions:

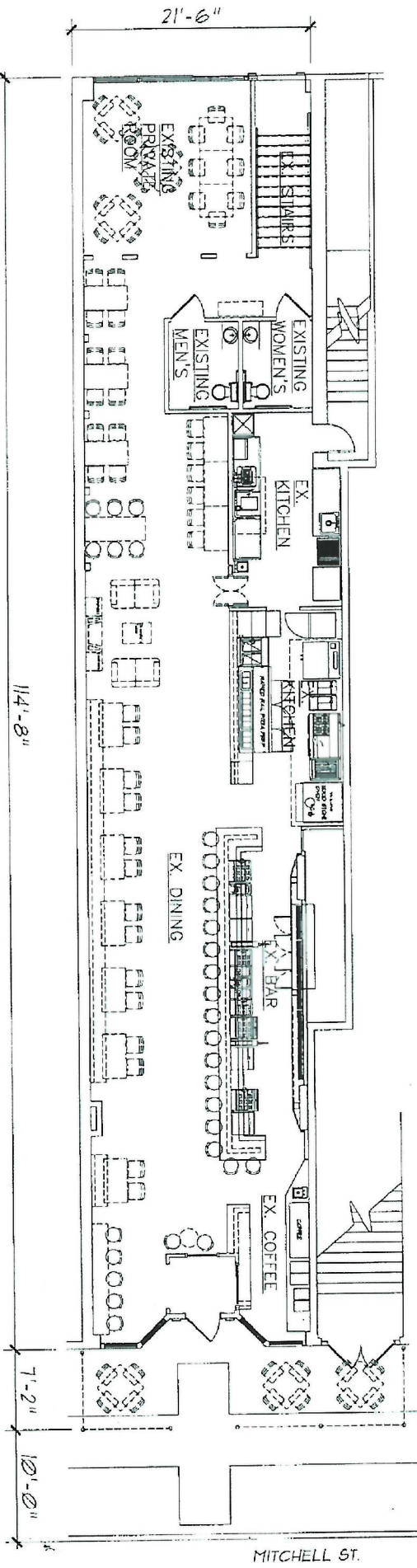
- 1) The Cadillac City Code of Ordinance that relates to sidewalk cafes in Section 46-395 is followed which includes a requirement for a site plan and proof of insurance.
- 2) Businesses with a sidewalk café on Mitchell Street/Business US-131 acquire the needed sidewalk café permit through the State of Michigan.

Requested Council Action

Council is asked to approve the request of Clam Lake Beer Company, Hermann's European Café, and the Raven BBQ and Brewery to have sidewalk cafes in front of their businesses in 2020 meeting the two requirements listed.

Clam Lake Beer Co.

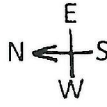
106 S. Mitchell Street



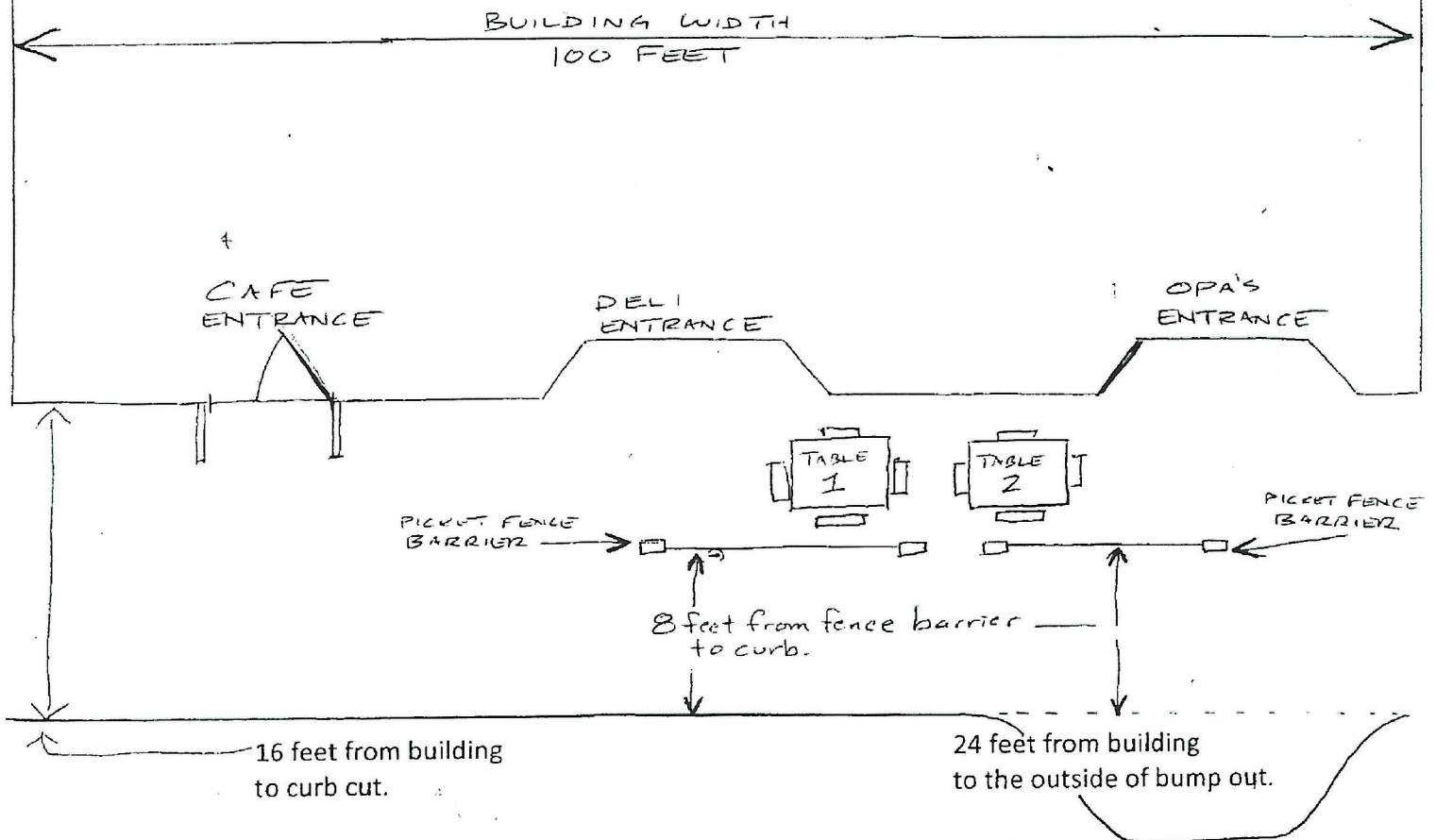
EXISTING
STREET LEVEL FLOOR PLAN
SCALE: NTS 1/8"=1'-0"

APPROVED
REVIEWED FOR COMPLIANCE WITH
CADILLAC ZONING ORDINANCE
Mike Coy B-2 1-15-2020
CADILLAC ZONING DEPARTMENT

Hermann's European Café

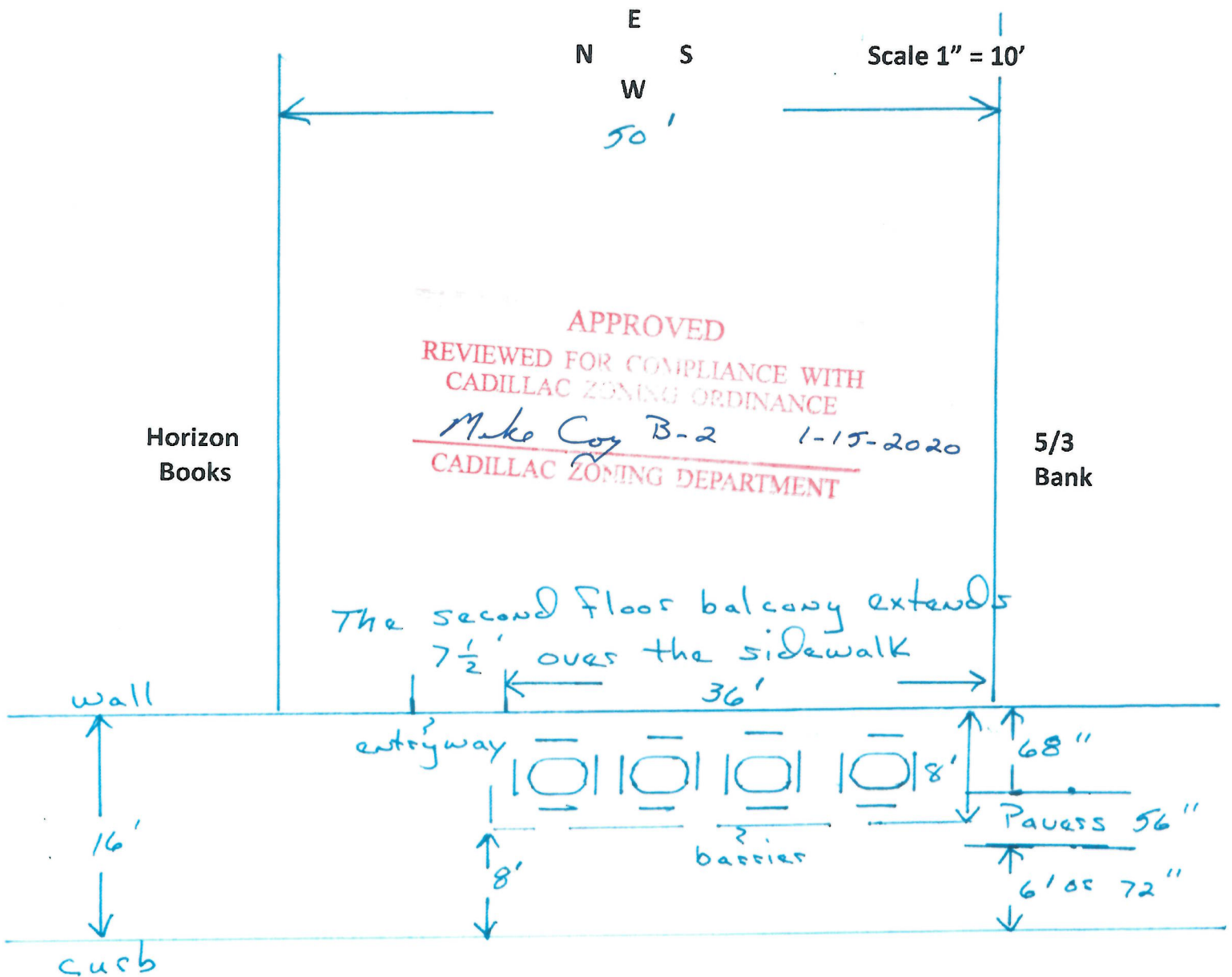


APPROVED
REVIEWED FOR COMPLIANCE WITH
CADILLAC ZONING ORDINANCE
Mark Coy B-2 1-15-2020
CADILLAC ZONING DEPARTMENT



214 N. Mitchell Street

Raven Brewing & BBQ



119 S. Mitchell St.

January 21, 2020

Council Communication

Re: Municipal Water Supply Well Drilling - Change Order #1

At the regular City Council meeting held on November 18, 2019, the city council awarded a contract for well drilling to C.S. Raymer Water Supply Contractors in the amount of \$229,200. This contract was to install the remaining wells at the new well field location on E. 44 Road.

Based on the current condition of the site, the contractor is unable to access one of the well installation locations. The site is holding water on top of the ground which makes driving from one well site to the next well site impossible. In working with the contractor and the City's project engineer, C2AE, a solution was proposed that would involve installing the base layer of the new permanent road between these wells immediately so that the well equipment could move between well sites to complete the installation of the wells. Construction of this road is in the final project plans so there will be no wasted infrastructure by installing it now. The cost to install this part of the road is estimated at \$30,000. The City has negotiated with the contractor to be responsible for half of the cost of installing this road base. Because this wasn't in the initial bid a change order will have to be approved by Council to add it to the contract.

A change order has been received to install the base layer of the permanent road to the well locations. The change order is for a maximum cost of \$15,000 for this additional work.

Recommended Action:

It is recommended that the City Council approve Change Order #1 for the Municipal Water Supply Well Drilling contract with C.S. Raymer Water Supply Contractors in the amount of \$15,000. Funds are available in the Water and Sewer Fund.

Date of Issuance: January 13, 2020
Owner: City of Cadillac
Contractor: C.S. Raymer Company, Inc.

Effective Date: January 20, 2020
Owner's Contract No.: 1
Contractor's Project No.:
Engineer's Project No.: 170089
Contract Name: Contract No. 1

Engineer: C2AE
Project: E. 44 Road Well Field
Municipal Water Supply Well Drilling

The Contract is modified as follows upon execution of this Change Order: Description: Add clearing, earthwork and road construction to construct a permanent access road to allow well drilling equipment to access Production Well 14 and OW-14. Access road finished work to be 21AA aggregate surface suitable for paving under future contract.

Work shall be constructed on a time and material basis, with 50% City/50% contractor cost contribution, with a maximum City share of \$15,000. The project cost below is based on the maximum of \$15,000 City cost and will be adjusted by future change order if actual cost is less.

Attachments: Revised construction drawing.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES [note changes in Milestones if applicable]
Original Contract Price: \$ <u>229,200.00</u>	Original Contract Times: Substantial Completion: _____ Ready for Final Payment: <u>May 15, 2020</u> days or dates
[Increase] [Decrease] from previously approved Change Orders No. ___ to No. ___: \$ <u>0.00</u>	[Increase] [Decrease] from previously approved Change Orders No. ___ to No. ___: Substantial Completion: <u>n/a</u> Ready for Final Payment: <u>n/a</u> days
Contract Price prior to this Change Order: \$ <u>229,200.00</u>	Contract Times prior to this Change Order: Substantial Completion: _____ Ready for Final Payment: <u>May 15, 2020</u> days or dates
[Increase] [Decrease] of this Change Order: \$ <u>15,000.00</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>n/a</u> Ready for Final Payment: <u>n/a</u> days or dates
Contract Price incorporating this Change Order: \$ <u>244,200.00</u>	Contract Times with all approved Change Orders: Substantial Completion: _____ Ready for Final Payment: <u>May 15, 2020</u> days or dates

RECOMMENDED:
By: Lawrence Fox
Title: Engineer (if required)
Date: 1/13/2020

ACCEPTED:
By: _____
Title: Owner (Authorized Signature)
Date: _____

ACCEPTED:
By: [Signature]
Title: President
Date: 1-14-2020

January 21, 2020

Council Communication

Re: Hardship (Poverty) Exemption Policy

Public Act 390 states that the governing body of the local assessing unit shall determine and make available to the public, the policy and guidelines the local assessing unit uses for granting hardship (poverty) exemptions. Furthermore; MCL 211.7u requires local units to **annually** adopt a policy, including an asset test used to approve or deny poverty exemptions.

The City of Cadillac has adopted and incorporated the federal poverty guidelines established by US Department of Health & Human Services. The revision to our existing policy establishes the 2020 Health and Human Services Poverty guidelines. The Board of Review utilizes these guidelines when a hardship (poverty) application comes before them.

The Audit of Minimum Assessing Requirements (AMAR) requires the local unit to set an actual dollar amount for assets with the exemption of the primary resident. We have included language in this policy to set the amount of \$50,000 as the asset amount not to exceed, excluding the primary home.

Council Action

Adopt the updated Hardship (Poverty) Exemption Policy utilizing the 2020 Health and Human Services Poverty guideline as well as a \$50,000 asset guideline, excluding the primary home.

POLICY: Hardship (Poverty) Exemption

DATED: January 21, 1997

REVISED: February 16, 1998; March 1, 1999; February 6, 2006; May 7, 2007; December 15, 2008; December 11, 2012; November 18, 2013; March 5, 2018, February 18, 2019

PURPOSE: Public Act 390 of 1994 was passed by the Michigan legislature and signed by the Governor on December 29, 1994, and said Public Act makes significant changes to the poverty exemption policy found in 211.70 as amended, of the Michigan Compiled laws. Public Act 390 states that the governing body of the local assessing unit shall annually determine and make available to the public, the policy and guidelines the local assessing unit uses for granting hardship (poverty) exemptions. The City of Cadillac develops a hardship exemption policy of real and personal property of persons, who, in the opinion of the Board of Review, by reason of poverty, are unable to contribute towards the public charges. MCL 211.7u (1)

POLICY: In order to be eligible for a hardship (poverty) exemption, the claimant must establish or comply with all of the following:

1. Be the owner and occupant of property that is his/her principal residence for the year for which the exemption is requested. If requested by the Board of Review, a copy of the deed, land contract, or other evidence of ownership of the property.
MCL 211.7u (2) (a)+(d)
2. Not own any other real estate and/or recreational vehicles in or out of the State of Michigan.
3. Fully complete the Declaration of Poverty Request for tax relief application, including the asset and income schedule.
4. Hardship exemption may be granted up to a maximum of 50 percent of the amount of the property tax considering any amount returned pursuant to the Michigan Homestead Property Tax Credit. In no case shall the combination of the Michigan Homestead Property Tax Credit and the hardship exemption granted by the City of Cadillac exceed 100 percent of the total property taxes levied.
5. The exemption is also dependent upon the total household income of the applicant meeting the guidelines established by the City of Cadillac.
 - a. Total household income is defined as money, wages, and salaries before deductions; net receipts from non-farm self-employment, business, professional, enterprise, or partnership after deductions; payments from social security, retirement, unemployment compensation, veteran's payments, public assistance; alimony, child support, military family allotments or other regular support from an absent family member or someone not living in the household; private pensions, government pensions, annuity or insurance payments; scholarships, grants, fellowships, assistantships; dividends, interest, rental income, royalties, periodic receipts from estates or trusts, gambling or lottery winnings.
 - b. In compliance with *Ferrero v Walton Township*, 295 Mich App 475: 813 NW2d 368 (2012), when determining "total household income" of the

applicant, the City shall not include or consider monies the applicant received from claiming homestead property tax credit. Returns concerning the homestead property tax credit may be used only to ensure compliance with Paragraph 4 of this policy.

6. Provide a current or preceding year federal and state income tax returns for all persons residing in the principal residence, including any property tax credit returns. The applicant must include a copy of the Michigan Homestead Property Tax Credit Statement. An exemption shall not be given for the amount of property tax refundable by any organization or governmental agency.
7. Provide a valid driver's license or other form of identification if requested by the Board of Review. MCL 211.7u (2)(c)
8. Meet the City of Cadillac's income standards for "Poverty Threshold" for the calendar year in question. As its "Poverty Threshold", the City of Cadillac has adopted and incorporated the federal poverty guidelines updated annually in the Federal Register by the United States Department of Health and Human Services. (under authority of Section 673 of subtitle B of Title VI of the Omnibus Budget Reconciliation Act of 1981, Public Law 97-35, 42 USC 9902)

2020 HHS POVERTY GUIDELINES

Persons in Family/Household	Poverty Guideline
1	\$12,490
2	\$16,910
3	\$21,330
4	\$25,750
5	\$30,170
6	\$34,590
7	\$39,010
8	\$43,430

*Families with more than 8 persons, add \$4,420 for each person.

9. Even if the income guidelines are met, assets shall not exceed \$50,000 with the exception of the Primary home.
10. This policy applies only to individuals and is not for trusts or other types of ownerships such as corporations, limited liability companies, partnerships, associations, and co-owners (the only exception being the individual owner of a life estate).
11. Only the assessed value of the principal residence of an owner of a life estate shall apply, but the incomes of the owner of a life estate and income of all interested persons and household members shall be combined for determination of the poverty threshold. The owner of the life estate must reside and use the property as his or her principal residence.
12. Any tax exemption given to an individual under these guidelines shall be for the one (1) year's taxes. A new application will be required each year an exemption is requested.

13. During the deliberation process, the Board of Review must remain totally objective and ensure that their decisions is in no way arbitrary.
14. The Board of Review must follow this hardship exemption policy and the guidelines set forth within, unless it determines there are substantial and compelling reasons to deviate from this policy and guidelines. MCL 211.7u(5)
Substantial and compelling reasons are defined as those that:
 - a. Are objective and verifiable,
 - b. Keenly or irresistibly grab one's attention,
 - c. Are of considerable worth in deciding whether to grant the exemption,
 - d. Exist only in exceptional cases.
15. When exercising the discretion to deviate from this policy, the Board of Review must articulate the substantial and compelling reasons found, and must communicate the reasons in writing to the applicant requesting the exemption. Examples of substantial and compelling reasons might include excessive medical expenses or excessive expenses relating to the care of elderly or disabled persons.
16. The City Assessor and the Board of Review shall notify in writing all applicants whose application for exemption is being denied. The applicant may appeal the decision by applying to the Michigan Tax Tribunal and filing the appeal in writing prior to June 30th for a March Board of Review action. For July and December Board of Review actions the appeal must be filed with the Tax Tribunal within 30 days of receipt of your answer from the Board of Review. The address is Michigan Tax Tribunal, 611 West Ottawa, PO Box 30232, Lansing, Michigan 48909.
17. The assessor will act as an advisor for the Board of Review. The Board of Review will have the final determination for a hardship exemption. A person who files a claim is not prohibited from also appealing the assessment on the property for which that claim is made before the Board of Review in the same year.
MCL211.7u (6).
18. The application filing for an exemption under this policy shall be filed after January 1, but before the day prior to the last day of the Board of Review.
MCL 211.7U (3)



WODA COOPER COMPANIES

500 South Front St
10th Floor
Columbus, Ohio 43215
Office: 614.396.3200
www.wodagroup.com

January 10, 2020

Mr. Marcus Peccia
City Manager
City of Cadillac
200 North Lake Street
Cadillac, Michigan 49601

Re: PILOT Extension Request; Maple Hill Apartments

Ms. Peccia,

In follow up to our conversation, Woda Cooper Companies, Inc. would like to formally request a PILOT extension be approved for the Maple Hill Apartments 24-unit multi-family development located at 207, 209 and 211 Pearl Street.

Rationale:

In July 2018, Woda Cooper received Council approval for an extension to their 2016 PILOT (Resolution No. 2016-3138) due to a delay in construction start. Permits were issued in December 2018 because of budget challenges/changes which required additional approvals by Rural Development before construction could start.

Construction commenced in January 2019 and to date one building (211) is completed and 209 is near completion. All buildings are scheduled to be completed by April 1, 2020. Once completed, all Maple Hill Apartments will be fully rehabbed with updated units, energy efficient appliances, water saving faucets/toilets and other lifestyle upgrades that will be enjoyed by current and future residents for many years to come.

During the construction period Woda has retained all residents who have desired to remain at Maple Hills and temporarily relocated residents (at Woda expense) while their respective units were being rehabbed. Rents have remained restricted and affordable rents during the process. Once Woda Construction completes the rehab, Woda Cooper Companies will have invested an estimated \$3,165,274.

To comply with the approved PILOT, construction must be completed within 18 months of PILOT approval. Given the projected completion date of August 2020, a PILOT extension is required to keep the current PILOT in effect. A valid PILOT is essential to the long-term viability of the property; thereby keeping operating expenses on budget.

In September 2016 Woda Cooper Companies Inc. received approval for a 6% PILOT plus a Municipal Services Agreement yielding \$6,000.00 annually directly to the City.

I appreciate you considering this request and I look forward to updating City leadership at the upcoming Council meeting on January 21.

Sincerely



P. Craig Patterson,
Senior Vice President



City Council

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



Mayor
Carla J. Filkins

Mayor Pro-Tem
Tiyi Schippers

Councilmembers
Stephen King
Robert J. Engels
Bryan Elenbaas

RESOLUTION NO. 2020-_____

**RESOLUTION INTRODUCING AND SETTING PUBLIC HEARING FOR
ORDINANCE TO AMEND SECTION 12-84 OF CITY CODE REGARDING DURATION OF
THE MAPLE HILL APARTMENTS SERVICE CHARGE IN LIEU OF TAXES**

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 21st day of January, 2020, at 6:00 p.m.

PRESENT:_____

ABSENT:_____

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

WHEREAS, pursuant to the State Housing Development Authority Act of 1966, PA 346, as amended, MCL 125.1401 *et seq*) (the "Act"), the City of Cadillac adopted an Ordinance No. 2016-10 to provide for a service charge in lieu of taxes for dwelling units for low to moderate income persons identified as Maple Hill Apartments; and

WHEREAS, the City wishes to consider an ordinance amending Ordinance No. 2016-10 to change the duration of the Ordinance's effect from thirty-six (36) months to fifty-four (54) months; and

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

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

1. Pursuant to Section 5.2 of the City Charter, the City introduces Ordinance No. 2020-____, Ordinance to Amend Section 12-84 of City Code Regarding Duration of the Maple Hill Apartments Service Charge in Lieu of Taxes (the "Ordinance," attached as Exhibit A).

2. A public hearing regarding the Ordinance shall be held on February 3, 2020, at 6:00 p.m. in the Council Chambers, Cadillac Municipal Complex, 200 Lake Street, Cadillac, Michigan.

3. The City Clerk is directed to publish a summary of the Ordinance in a newspaper of general circulation in the City of Cadillac, together with a notice setting the time and place for a public hearing on the Ordinance, within seven days. The summary and notice of the hearing shall be substantially in the form of Exhibit B.

4. A copy of the Ordinance shall be available for examination at the office of the City Clerk, and copies may be provided for a reasonable charge.

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

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)
COUNTY OF WEXFORD)

I, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. 2020-____, duly adopted at a regular meeting of the City Council held on the 21st day of January, 2020.

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
Tiyi Schippers

Councilmembers
Stephen King
Robert J. Engels
Bryan Elenbaas

ORDINANCE NO. 2020-_____

**ORDINANCE TO AMEND SECTION 12-84 OF CITY CODE REGARDING DURATION
OF THE MAPLE HILL APARTMENTS SERVICE CHARGE IN LIEU OF TAXES**

THE CITY OF CADILLAC ORDAINS:

Section 1. Amendment of Section 12-84.

Section 12-84 of the City Code regarding the duration of the Maple Hill Apartments Service Charge in Lieu of Taxes Ordinance is hereby amended to read, in its entirety, as follows:

Sec. 12-84. – Duration.

This division shall remain in effect so long as the longer of (a) the project mortgage loan remains outstanding and unpaid, (b) the housing development remains subject to income and rent restrictions pursuant to Section 42 of the Internal Revenue Code of 1986, as amended, (c) the authority has any interest in the project (including without limitation regulatory agreement restrictions), provided that rehabilitation of the housing development occurs within **fifty-four (54) months** from the effective date of this division; provided, however, that in no event shall this division remain in effect for longer than 16 years after completion of rehabilitation. Notwithstanding the above, the exemption shall cease for that portion of the project which is not operated consistent with section 12-79 above.

Section 2. Validity and Severability.

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

Section 3. Repealer.

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

Section 4. Effective Date.

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

Approved this _____ day of _____, 2020.

Sandra Wasson, Clerk

Carla Filkins, Mayor

I, Sandra Wasson, City Clerk of the City of Cadillac, Michigan, do hereby certify that a summary of Ordinance No. 2020-_____ was published in the Cadillac News on the _____ day of _____, 2020.

Sandra Wasson, City Clerk

City Council

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



Mayor
Carla J. Filkins

Mayor Pro-Tem
Tiyi Schippers

Councilmembers
Stephen King
Robert J. Engels
Bryan Elenbaas

NOTICE OF PROPOSED ORDINANCE AND PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held in the Council Chambers, Cadillac Municipal Complex, 200 Lake Street, Cadillac, Michigan, on February 3, 2020, at 6:00 p.m., at a Meeting of the City Council, to consider the adoption of Ordinance No. 2020-__, Ordinance to Amend Section 12-84 of City Code Regarding Duration of the Maple Hill Apartments Service Charge in Lieu of Taxes. The City of Cadillac complies with the "Americans with Disabilities Act." If auxiliary aids or services are required at a public meeting for individuals with disabilities, please contact Sandra Wasson, City Clerk, at least three (3) business days prior to any such meeting. Copies of the proposed ordinance are available for examination at the office of the City Clerk and copies may be provided at a reasonable charge. The following is a summary of the proposed ordinance.

ORDINANCE TO AMEND SECTION 12-84 OF CITY CODE REGARDING DURATION OF THE MAPLE HILL APARTMENTS SERVICE CHARGE IN LIEU OF TAXES

Section 1 of the proposed ordinance amends Section 12-84 of the City Code to change the duration of the service charge in lieu of taxes from thirty-six (36) months to fifty-four (54) months.

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

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

Section 4 provides the effective date of the ordinance.

CITY COUNCIL OF THE
CITY OF CADILLAC, MICHIGAN

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



**MEETING MINUTES
Cadillac Zoning Board of Appeals
5:30 P.M.
September 19, 2019**

CONVENE MEETING

Chairperson Nichols called to order a meeting of the Cadillac Zoning Board of Appeals at 5:30 p.m. on September 19, 2019.

ROLL CALL

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

APPROVAL OF MEETING AGENDA

Motion by Paveglio to approve the September 19, 2019 agenda. Support by Bontrager. The motion was unanimously approved on a roll call vote.

APPROVE THE JULY 18, 2019 MEETING MINUTES

Motion by Bontrager to approve the July 18, 2019 meeting minutes as presented. Support by Genzink. The motion was unanimously approved on a roll call vote.

Nichols turned the meeting over to Coy. Using a power-point presentation Coy went through the staff report prepared for this public hearing.

PUBLIC HEARINGS

1. A Variance Application from Tim Birtles, owner of Birtles Automotive 2330 W. Division St. to allow for him to use the R-2 One-family setback and lot coverage standards when creating a site plan for the addition to his building he would like to construct. The R-2 front yard setback is 25 feet. Mr. Birtles was present.

Coy explained that these standards were used for this area of West Division St. prior to October of 1989 when City Council changed the zoning to MH Mobile Home Park. Included with the staff report to the Zoning Board of Appeals (ZBA) was information from Section 46-629 within the Code of Ordinances which showed the differences in setbacks and lot coverages allowed between the two districts. Aspen Enterprises who owned what is currently called Country Acres Mobile Home Park was the applicant for the re-zoning.

Coy read the standard in Section 46.69(2) from the City Code of Ordinances which reads "To authorize, upon an appeal, a variance from the strict application of the provisions of this chapter where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of

property at the time of enactment of this chapter or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter.”

Finding-Coy said he feels there may be an undue hardship based on the change in zoning was not the result of Mr. Birtles actions. He added that in the aerial GIS provided he could not find a single mobile home in the Country Acres site that met the MH zoned district 50 foot front yard setback.

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

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

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

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

Finding – The requested variance is not anticipated to impact traffic volumes on West Division Street.

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

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

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

Finding – Staff feels this will not diminish neighboring property values

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

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

PUBLIC NOTICES

Coy said that notification of the public hearing on this application was given via first-class mail to all property owners and residents within 300 feet of the subject site 15 days prior to this meeting as was a notice placed in the Cadillac News

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

Coy added that he did not receive any questions or public comment with regard to this variance request.

Nichols opened the meeting to public comments.

Coy asked Mr. Birtles how long Birtles Automotive has been at that location. Birtles answered he purchased the business in 1983. Nichols said it’s been 30 years since the re-zoning and the mobile home park has not expanded to the north where the re-zoning occurred. Genzink asked how big of an addition he was planning. Birtles answered 24 feet to the south and maybe 25 feet to the front. Genzink asked how far it was from his building to the south property line and Birtles answered he thought it is 40 feet. Coy said he could get a close measurement from the GIS maps and let the ZBA know.

Paveglio added that he was not comfortable approving the request without a specific site plan showing the setbacks. He suggested they table the request and give Birtles time to come back with a site plan they can look at. Birtles said he was okay with tabling his request until he puts together a specific site plan.

Paveglio made a motion to table the variance request until a later date giving the applicant time to provide more information. Support by Genzink. The motion passed with a unanimous vote.

2. A Variance Application from Emil Tonello, 1907 Sunnyside Drive asking for a side yard setback variance of one-foot, ten inches so that he may add onto his garage. This is the west side of his home. Mr. Tonello was present.

Coy showed pictures of the exterior of the home. He explained that the two garage doors we see in the picture is actually a one and half car garage. A previous home owner widened the kitchen area off the garage by building a new wall in the garage thus making it difficult to get two cars in the garage area and open car doors.

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

Finding - Coy said the hardship or practical difficulty was not created by Mr. Tonello but by a previous owner of the home.

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

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

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

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

Finding – The requested variance is not anticipated to impact traffic on public streets.

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

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

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

Finding – Staff feels this will not diminish neighboring property values

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

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

PUBLIC NOTICES

Coy said that notification of the public hearing on this application was given via first-class mail to all property owners and residents within 300 feet of the subject site 15 days prior to this meeting as was a notice placed in the Cadillac News.

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

Coy added that he did not receive any questions or public comment with regard to this variance request. He did add that he believes if approved there should be a condition that the west property line be surveyed to make sure the setback is not closer than 8 feet, 2 inches from the property line.

Nichols opened the meeting for public comment.

Mr. Tonello spoke and explained his plan to expand the garage. He said the garage stall closest to the kitchen is narrow and you cannot open a car door on the one side. He's okay with a survey. The contractor he's chosen is Matt Hamacher and he would like to have it constructed before winter. He wants to add 13 feet to the width of his garage so that his large van will fit easily.

Bontrager asked if the garage door closest to the house will remain or be changed. Tonello said the garage door would remain making it look like a three-car garage. He also added that because of the addition to the kitchen the garage door closest to kitchen cannot open all the way. Mr. Tonello also said he's spoken with both of his neighbors about this addition he wishes to do.

Genzink made a motion to approve the variance request for a one foot, ten-inch side yard setback. Including a condition that the west property line be surveyed prior to construction. Support by Bontrager. The motion passed with a unanimous vote.

3. A Variance Application from Krist Oil Co., Iron River, MI for a parking variance to allow for 13 parking spaces, plus 8 spaces at the four gasoline pumps totaling 21 to be sufficient for the convenience store and gasoline station they wish to build at 605 N. Mitchell Street in Cadillac. The convenience store they have in a preliminary site plan is 4,000 square feet in size. The ordinance requires one parking space for each 150 square feet of gross floor space in a convenience store plus one space for each pump. The parking requirement for this sized convenience store is 26.6 spaces plus 8 for the number of pumps they propose.

The applicants were unable to attend due to a family medical issue. Coy made a phone call to Craig Richardson the architect who prepared the preliminary site plan for Krist Oil and put him on speaker phone so that he could participate in the meeting.

Using a power point Coy showed pictures of the site looking west across North Mitchell Street and looking north across North Street.

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

Finding – Coy said he's not able to identify a practical difficulty. He went on to talk about the information he provided in the staff report that gave information on other convenience stores with gas stations and their parking within the city. He included information on the Shell Station on South Mitchell Street which was not in the staff report. He also mentioned how at convenience stores customers often ignore the designated parking spaces and just pull up in front of the stores at times blocking access to the sidewalk.

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

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

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

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

Finding – The requested variance is not anticipated to impact traffic volumes on North Mitchell Street. A convenience store, gasoline station will have an impact on driveway ingress and egress.

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

Finding – The requested variance will not increase the danger of fire or endanger the public safety. Building inspectors and the Fire Marshal will need to do inspections before an occupancy permit is issued.

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

Finding – Staff feels this will not negatively impact neighboring property values and may increase property values for the immediate neighbors.

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

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

PUBLIC NOTICES

Coy said that notification of the public hearing on this application was given via first-class mail to all property owners and residents within 300 feet of the subject site 15 days prior to this meeting as was a notice placed in the Cadillac News

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

Nichols opened the meeting to public comments.

Mr. Richardson representing Krist Oil spoke and talked about the material presented to the Zoning Board of Appeals (ZBA) that was prepared by his office that includes a letter explaining the justification. The material included photos of other Krist Oil sites and it gave examples of other cities parking requirements. He added that the normal Krist Oil store is 5,220 square feet and this one at 4,000 square feet is smaller than the average. Each store handles over 3,000 pieces of merchandise.

Paveglio spoke and said he does not see an undue hardship in Cadillac's ordinance for the parking space requirements.

Walter Kulik who owns property at 627 N. Mitchell Street spoke in support of the variance application. He said he travels regularly to the Upper Peninsula to property he owns and is familiar with the Krist Oil stores. He said they're well kept up and provide plenty of parking.

Rob Montague one of the current owners of the site where Payne Tire is spoke and asked if studies are done to see how long people park and stay when they go into a convenience store? He added that he too sees that people often don't park in marked parking spaces. He supports the variance application. Mike McGuire a realtor representing the Krist family asked that the ZBA look at and consider other similar convenience store, gas stations within the city and how much parking they provide. He too supports the variance application.

Nichols spoke and said "people are parking lot dumb" when they come and go into convenience stores. He added that snow removal should not be a consideration when reviewing a site plan as "it's a cost of doing business" and businesses remove it from the site when it affects parking. He mentioned issues the Dollar General has with snow removal.

Genzink added that if parking spaces are too far from the building people don't use them.

Paveglio spoke and said he does not see an undue hardship in Cadillac's parking space requirement.

Paveglio said he does not see a practical difficulty that would require a variance. Nichols mentioned the short in and out time that customers spend in a convenience store he feels should be considered. Paveglio added that it's not the responsibility of the ZBA to re-write the ordinance. He added that he feels it's the ZBA's role to identify a practical difficulty or undue hardship to grant a variance. The applicant cannot create their hardship or practical difficulty.

Kate Montague asked what about other convenience stores that don't meet the parking standard?

Coy spoke and said that a variance would not be required for parking if they built a 2,000 square foot convenience store instead of the 4,000 square foot store they would like to build. He also mentioned they can buy more property from the neighbor to the west. Mike McGuire asked about how many parking spaces J & H were required to provide. Coy answered 53 parking spaces for J & H Oil were required and they provided 59. He also explained how the parking spaces for J & H Oil was calculated.

Kate Montague asked what the retail floor space for the Krist Oil convenience store is? Coy looked it up and the site plan shows a retail floor area of 3,245 square feet. Using the same formula of one parking space for every 150 square feet of retail floor space the Planning Commission approved for the J & H site this would require Krist Oil to provide 21.6 parking spaces in addition to the fuel pump parking. Rob M. again mentioned that Speedway customers park and quickly go in and out.

Bontrager spoke and said the time it takes for a person to come and go from a convenience store has nothing to do with this variance request. A question was asked as to size of parking spaces. Coy looked up in the ordinance and depending on the angle of parking the most common is for parking spaces to be ten feet wide and 20 feet in length.

There being no other public comments or questions from this Board of Appeals, Nichols asked for a motion.

Genzink spoke and said he feels any vote will be split and thus the variance will not pass. Paveglio suggested that if they table a motion it would allow the applicant to come back and hopefully have more board members present possibly giving them a better chance for approval. Coy spoke with Mr. Richardson and asked if that is something the applicant Krist Oil would prefer versus a denial. Mr. Richardson said yes.

Paveglio made a motion that this variance application from Krist Oil be tabled. Support by Genzink. The motion passed with a unanimous vote.

BOARD MEMBER COMMENTS –

None

ADJOURN

Chairperson Nichols adjourned the meeting at 7:13 pm.