

CADILLAC CITY COUNCIL
SPECIAL MEETING AGENDA

Thursday, July 30, 2020
4:00 p.m.

Special Meeting held by remote electronic participation.

200 N. Lake St.
Cadillac, MI 49601

CALL TO ORDER

ROLL CALL

I. APPROVAL OF AGENDA

II. PUBLIC COMMENTS

III. CONSENT AGENDA

A. Minutes from the regular meeting held on July 20, 2020.
Support Document III-A

IV. UPDATE THE RESOLUTION DESIGNATING A SOCIAL DISTRICT AND
DEFINING A COMMONS AREA
Support Document IV-A

V. ADJOURNMENT

City Council

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



Mayor
Carla Filkins

Mayor Pro-Tem
Tiyi Schippers

Councilmembers
Stephen King
Robert Engels
Bryan Elenbaas

RESOLUTION NO. _____

RESOLUTION REVISING A SOCIAL DISTRICT AND REVISING COMMONS AREA

At a special meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held at the City Hall, 200 North Lake Street, Cadillac, Michigan 49601, on the 30th day of July 2020, at 4:00 p.m.

PRESENT: _____

ABSENT: _____

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

WHEREAS, Section 551 of Act 58 of the Public Acts of Michigan of 1998, as amended ("Section 551"), provides that the City Council may, on its own initiative, designate one or more social districts within the City wherein purchasers of alcoholic liquor may consume alcohol purchased on the premises of a qualified licensee within a City-defined commons area; and

WHEREAS, on July 20, 2020, the City adopted Resolution No. 2020-3374, entitled Resolution Designating a Social District and Defining a Commons Area; and

WHEREAS, pursuant to Resolution No. 2020-3374, the City designated as social district entitled the "Cadillac Plaza Social District No. 1" and defined a commons area within it

known as the “Plaza Commons.”

WHEREAS, the City continues to recognize that the recent public health emergency caused by the COVID-19 global pandemic has caused the shut down of certain non-essential businesses for varying amounts of time, and when open, other social distancing recommendations and requirements have resulted in reduced occupancies that have impacted City businesses and the citizens employed by them; and

WHEREAS, the City has determined there exists a need to expand the Cadillac Plaza Social District No. 1, to further foster and strengthen the local economy which has been impacted by the reduced occupancies that social distancing requirements and recommendations have imposed upon local businesses; and

WHEREAS, in order to alleviate the negative impact social distancing requirements and recommendations have had on local businesses, the City wishes to designate additional common area within which businesses can expand business operations outdoors as otherwise authorized by the City and onto property owned and/or operated by the City within the Cadillac Plaza Social District No. 1; and

WHEREAS, in order to appropriately identify the newly expanded Cadillac Plaza Social District No. 1 and the newly expanded Plaza Commons, the City wishes to rename the Cadillac Plaza Social District No. 1 and the Plaza Commons; and

WHEREAS, the public health, safety and welfare will be served by expanding and renaming both the Cadillac Plaza Social District No. 1, and the Plaza Commons.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City hereby renames the Cadillac Plaza Social District No. 1 and it shall hereafter be known as the “Downtown Cadillac Social District.” All references in Resolution

No. 2020-3374, to Cadillac Plaza Social District No. 1 shall be deemed to refer to the Downtown Cadillac Social District.

2. The City hereby renames the Plaza Commons and it shall hereafter be known as the “Downtown Social Zone.” All references in Resolution No. 2020-3374, to Plaza Commons shall be deemed to refer to the Downtown Social Zone.

3. The City Council hereby amends the area included within the originally named Cadillac Plaza Social District No. 1 and now known as the Downtown Cadillac Social District to include all the area consisting of certain parcels of property depicted in the attached **Exhibit A.1**, which depiction is incorporated by reference and which is inclusive of all the area originally included within Cadillac Plaza Social District No. 1. The City shall not close a road within this district without the permission of the governing road authority.

4. The City Council hereby amends the area originally named the Plaza Commons and now known as the Downtown Social Zone to include all the area consisting of certain public property and rights of way, the boundaries of which are set forth in the attached **Exhibit A.1**, which depiction is incorporated by reference and which is inclusive of all the area originally included within the Plaza Commons.

5. The City Council hereby directs the City Manager to create a logo which bears the new name of the Downtown Social Zone commons area and that is similar to the logo adopted by the City pursuant to Resolution No. 2020-3374, and attached as **Exhibit C** to that Resolution, and cause that logo to be printed on signs that clearly mark and define the Downtown Social Zone commons area.

6. The Downtown Cadillac Social District and the Downtown Social Zone may be revoked by motion or resolution by the City Council without a public hearing upon the City

Council's determination in its sole discretion that the Downtown Cadillac Social District and/or the Downtown Social Zone threatens the health, safety, or welfare of the public or has become a public nuisance.

7. All provisions of Resolution No. 2020-3374 that are not inconsistent with this Resolution remain in full force and effect. All resolutions or portions of resolutions that are inconsistent with this Resolution are hereby repealed.

YEAS: _____

NAYS: _____

THE RESOLUTION WAS DECLARED ADOPTED.

STATE OF MICHIGAN)
)
COUNTY OF WEXFORD)

I, the undersigned, the duly qualified and acting City Clerk of the City of Cadillac, Wexford County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the City Council at a meeting held on the 30th day of July, 2020, at 4:00 p.m.

Sandra Wasson, City Clerk

**EXHIBIT A.1
CITY OF CADILLAC
COUNTY OF WEXFORD, MICHIGAN**

**AMENDED DESIGNATION OF LAND TO BE INCLUDED WITHIN THE
DOWNTOWN CADILLAC SOCIAL DISTRICT AND DOWNTOWN SOCIAL ZONE**

**Downtown Cadillac Social District
and Downtown Social Zone**



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. 2020-3374

RESOLUTION DESIGNATING A SOCIAL DISTRICT AND DEFINING A COMMONS AREA

**CADILLAC PLAZA SOCIAL DISTRICT NO. 1
PLAZA COMMONS**

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held at the City Hall, 200 North Lake Street, Cadillac, Michigan 49601, on the 20th day of July, 2020, at 6:00 p.m.

PRESENT: COUNCIL MEMBERS: Elenbaas, Engels, King, Mayor Filkins

ABSENT: COUNCIL MEMBER: Schippers

The following resolution was offered by Council Member King and supported by Council Member Engels.

WHEREAS, the City recognizes that the recent public health emergency caused by the COVID-19 global pandemic has caused the shut down of certain non-essential businesses for varying amounts of time, and when open, other social distancing recommendations and requirements have resulted in reduced occupancies that have impacted City businesses and the citizens employed by them; and

WHEREAS, the City has determined there exists a need for a social district and a commons area in the City to foster and strengthen the local economy which has been impacted by the reduced occupancies that social distancing requirements and

recommendations have imposed upon local businesses; and

WHEREAS, in order to alleviate the negative impact social distancing requirements and recommendations have had on local businesses, the City wishes to allow businesses within a social district designated by the City to expand business operations outdoors into a regulated commons area and onto property owned and/or operated by the City within that district and commons area; and

WHEREAS, Section 551 of Act 58 of the Public Acts of Michigan of 1998, as amended ("Section 551"), provides that the City Council may, on its own initiative, designate one or more social districts within the City wherein purchasers of alcoholic liquor may consume alcohol purchased on the premises of a qualified licensee within a City-defined commons area; and

WHEREAS, the City wishes to designate property in the City as a social district; and

WHEREAS, the City wishes to define a commons area within the social district where qualified licensees pursuant to Section 551 and other city businesses may extend business operations after obtaining a permit from the City; and

WHEREAS, the public health, safety and welfare will be served by designating a social district and commons area as described above in the City.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City Council hereby designates a social district known as the "Cadillac Plaza Social District No. 1" (the "Plaza Social District") consisting of certain parcels of land, the depiction of which is set forth in the attached **Exhibit A**, and which depiction is incorporated by reference. The City shall not close a road within this district without the permission of the governing road authority.

2. The City Council hereby defines a commons area within the Plaza Social District (the "Plaza Commons") consisting of certain public property and rights of way, the boundaries of which are set forth in the attached **Exhibit B**, and which depiction is incorporated by reference.

3. The City Council hereby adopts the logo attached as **Exhibit C**, as the unique logo for the Plaza Commons and the city manager is hereby directed to cause signs bearing this logo to be erected that clearly mark and define the Plaza Commons.

4. The city manager is hereby directed to establish a management and maintenance plan for the Plaza Social District and the Plaza Commons, that at a minimum, includes the following:

- a. Hours of operation, for the Plaza Commons;
- b. A provision that states that no business may sell any goods or services, nor operate, conduct, maintain or manage any such business within any common area defined by the City without, in addition to the license or permit required under the City of Cadillac Code, a social district permit issued by the City.
- c. A provision that qualified licensees, as that term is defined in Section 551, shall not engage in the sale of alcohol within the commons area, unless otherwise permitted by the City, and the Michigan Liquor Control Commission.
- d. A requirement that business who obtain a social district permit from the City operate in compliance with any and all applicable state and local orders related to COVID-19, including social distancing, party size limitations, masking, etc.;
- e. Area and location limitations;

- f. Spacing limitations for tables, chairs and the like;
- g. Separation from parking and vehicular traffic;
- h. Provision for litter and waste;
- i. Continued access to any fire hydrants and Fire Department connections;
- j. Insurance requirements.

5. The city manager is hereby directed to develop and promulgate an application for a social district permit that contemplates the management and maintenance plan set forth in paragraph 4 of this Resolution and to establish procedures for the completion and submission of the same to the city manager or his designee for consideration and approval. The permit application at a minimum shall include all of the following:

- a. A copy of the business's tier 1, 2 or 3 business license as required by City of Cadillac Code.
- b. The social district and common area defined and designated by the City within which the business intends to operate.
- c. If the business is engaged in the sale of alcohol, a copy of the business's liquor license issued pursuant to 1998 PA 58 (Michigan Liquor Control Code, MCL 4361101 et seq.).
- d. If the business is engaged in the sale of alcohol, a copy of its application for a social district permit to the State of Michigan Liquor Control Commission ("Commission") for approval by the City before the application is submitted to the Commission.
- e. A statement that approval of the applicant's application to the Commission does not constitute approval by the City of the applicant's request for a social district

permit from the City. Final approval by the City of a social district permit shall not be approved until the applicant's application to the Commission is approved. Approval by the Commission does not constitute approval by the City. Approval of a social district permit issued by the City is within the City's discretion notwithstanding any approval by the Commission. Revocation by the Commission of a social district permit issued by the Commission constitutes automatic revocation of a social district permit issued by the City, without appeal as otherwise provided by the Cadillac City Code. The issuance of a social district permit to an applicant does not create a vested right in the operation of the business in a commons area. The City may revoke a social district permit within its discretion at anytime.

- f. If the business is engaged in the sale of alcohol, a description and visual depiction of each container it intends to use in the commons area defined by the City within the social district designated by the City, and which displays and/or demonstrates all of the following:
 1. The trade name or logo or some other mark that is unique to the applicant business.
 2. The City adopted logo that is unique to the commons area within which the business intends to operate.
 3. The container is not glass.
 4. The container has a liquid capacity that does not exceed 16 ounces.
 5. Such other information the city manager deems reasonably necessary to determine whether the requirements of Cadillac City Code and the social

district management and maintenance plan have been met.

g. The fee required by this Resolution, or duly adopted fee ordinance of the City.

6. There shall be a non-refundable fee in the amount of \$250, or as otherwise set by a duly adopted fee ordinance of the City, that must accompany the application for a social district permit.

7. A social district permit that is issued by the City shall be renewed annually. Social district permit renewal applications shall be submitted annually in the manner prescribed by this Resolution and on an application form approved by the city. Renewal applications shall, at a minimum, require the applicant to confirm or update all of the information originally required by this Resolution, including its application to the State of Michigan Liquor Control Commission. The city clerk may request from the applicant any additional information reasonably necessary to determine whether there has been a significant change in business operations.

8. Social district permits shall be subject to the requirements of Article II, Chapter 10 of the Cadillac City Code, that are generally applicable to all permits issued by the City.

9. Cadillac Plaza Social District and Plaza Commons designated and defined by this Resolution may be revoked by motion or resolution by the City Council without public hearing upon the City Council's determination in its sole discretion that the Cadillac Plaza Social District and/or the Plaza Commons threatens the health, safety, or welfare of the public or has become a public nuisance.

10. All resolutions or portions of resolutions that are inconsistent with this Resolution are hereby repealed.

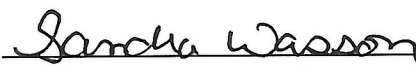
YEAS: COUNCIL MEMBERS: Engels, King, Mayor Filkins

NAYS: COUNCIL MEMBER: Elenbaas

THE RESOLUTION WAS DECLARED ADOPTED.

STATE OF MICHIGAN)
)
COUNTY OF WEXFORD)

I, the undersigned, the duly qualified and acting City Clerk of the City of Cadillac, Wexford County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the City Council at a meeting held on the 20th day of July, 2020, at 6:00 p.m.


Sandra Wasson, City Clerk

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

**DESIGNATION OF LAND TO BE INCLUDED WITHIN
CADILLAC PLAZA DISTRICT NO. 1**



EXHIBIT B

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

DEFINITION OF BOUNDARY OF PLAZA COMMONS



EXHIBIT C

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

DEPICTION OF PLAZA COMMONS LOGO



Conceptual Downtown Social Zone Logo

