

City Council Meeting

April 5, 2021 6:00 p.m.

By Remote Electronic Participation

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



April 5, 2021 City Council Meeting Agenda 6 p.m. 200 N. Lake St. – Cadillac, MI 49601 Meeting held by remote electronic participation.

We are continuous learners

CALL TO ORDER ROLL CALL

- I. APPROVAL OF AGENDA
- II. PUBLIC COMMENTS

This opportunity for public comment provides the public with a chance to make a statement regarding any subject matter. Public comment is not an opportunity to necessarily ask questions or converse with City Staff, Council Members or other meeting attendees. Contact information for Council and staff is available on our website, www.cadillac-mi.net, or can be obtained by calling (231) 775-0181. Comment time is limited to 3-minutes, and unused time may not be yielded back or given to someone else to use.

III. COMMUNITY SPOTLIGHT

- A. Paul Owens Mobile Medical Response
- IV. FOIA APPEAL
- V. COMMUNICATIONS
 - A. Rotary Stride for S.T.R.I.V.E. Support Document V-A
 - B. Friends of the Library Support Document V-B
 - C. Cadillac Area Public Schools Support Document V-C

Cadillac City Council Agenda

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VI. APPOINTMENTS

- A. Recommendation regarding reappointment to the Civil Service Commission. Support Document VI-A
- B. Recommendation regarding appointment to the Board of Review. Support Document VI-B
- C. Recommendation regarding appointment to the Zoning Board of Appeals. Support Document VI-C

VII. CITY MANAGER'S REPORT

- A. Schedule a public hearing for April 19, 2021 to discuss the 2021/2022 Annual Operating Budget.
- B. Schedule a public hearing for April 19, 2021 to consider approval of the Fiscal Year 2022-2027 Capital Improvement Program.
- C. COVID-19 Update Support Document VII-C
- D. Recommendation regarding Rotary Pavilion Sign upgrade. Support Document VII-D

VIII. MINUTES AND REPORTS OF BOARDS AND COMMISSIONS

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

IX. PUBLIC COMMENTS

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X. GOOD OF THE ORDER

XI. ADJOURNMENT

Cadillac City Council Agenda

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

Respect
Integrity
Trust
Excellence

Guiding Behaviors

We support each other in serving our community
We communicate openly, honestly, respectfully, and directly
We are fully present
We are all accountable
We trust and assume goodness in intentions
We are continuous learners

Edward D. Van Alst



March 8, 2021

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City of Cadillac 200 N. Lake Street Cadillac, MI 49601

RE: 2021 ROTARY STRIDE FOR S.T.R.I.V.E. MEMORIAL DAY 5K RACE

City of Cadillac:

As we do each year, the Rotary Club of Cadillac is requesting assistance with the 22nd annual STRIDE FOR S.T.R.I.V.E. 5K run/walk event to be held on Memorial Day, May 31, 2021, in the City of Cadillac. The event supports our local S.T.R.I.V.E. mentoring program (Students Taking a Renewed Interest in the Value of Education) which assists local high school students who struggle in school.

Enclosed please find completed City of Cadillac forms: Request Planning Guide; Race Request Form with detailed schedule for the day, historically allowed route map, and Certificate of Liability Insurance; and Street and Parking Lot Closure Request Form.

This event attracts hundreds of adult and student (Kids on the Run, Girls on the Go) runners, walkers and spectators. We plan to manage traffic on the route with signs and volunteers at key locations. We have asked MMR to be present in case of injury and volunteers will be stationed with cell phones to notify of any emergencies. An awards ceremony will be held at the stadium following the event.

We ask that you forward a copy of this letter to appropriate entities that may be involved. Please contact me at 231-878-1628 or educational.com to let me know if further action needs to be taken by Rotary. Your assistance with this important traditional event is most appreciated.

Regards,

Edward D. Van Alst

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City Receiv	ed Date	V=	

Request Planning Guide

This form must be completed and return to the City <u>60 days</u> before an event. Additionally a representative for the event must meet with City Event Team to verify all details for the event before going to City Council for approval.

Failure to comply will result in a denial of your event. Please call (231) 775-0181 x 120 if you have questions.

Applicant Name (Print) Rotan Club of Calilla Contact Address	
Contact Phone(s) Contact Email	
Sponsoring Organization Rota, Clas of Cal. Ilac Private Mon-Profit Purpose of Event Fundraiser Approx # of Attendees 500 - 600	
Purpose of Event Fundraiser Approx # of Attendees 500 - 600	
Beginning Date: 5/31/2021 Ending Date: 5/31/2021 Reoccurring: YES NO	
1st Day 5/31/2011 Set-up 6:00 AM/PM Start 8:30 AM/PM End 10:30 AM/PM Clean-up 11:00 AM/PM	
2nd Day Set-up:AM/PM	
3rd Day Set-up:AM/PM	
4th Day Set-up:AM/PM	
Please answer the following questions: YES X NO Will you be requesting permission to close any streets or parking lots? YES NO Will you be requesting permission to display any off site signage? YES NO Will you be requesting permission to display a banner over Mitchell Street? YES NO Will you be requesting permission to reserve any of the City of Cadillac facilities Please Circle	
Market at Cadillac Commons Rotary Pavilion City Park Cadillac Commons Plaza	
YES NO Will you be requesting permission to have a parade? YES NO Will you be requesting permission to hold any races? YES NO Will you be requesting permission to serve alcoholic beverages? YES NO Will your event include use of generators, food trucks, grills, fireworks display, or a tent/membrane structure? Serve of the provided for the parameters of the paramet	

If you answered <u>YES</u> to any of the above questions, additional form(s) must be completed for each one. All forms must be completely filled out and all information provided before requests will be brought to City Council for approval.

Forms can be mailed or delivered to the above address or emailed to: javila@cadillac-mi.net

All events require liability insurance: Required Min. general aggregate amount of \$1,000,000, naming the City of Cadillac as Certificate Holder and as additionally insured

Cover Updated May 2015



Today's Date	3/8/2021

City Received Date

MUST BE OFFICIALLY CITY DATE STAMP

Race Request Form

Name of Race <u>Cadillac</u>	Roting Stride for S.	T.R.Z.V.E.
Purpose of Race Fundraiser -	School Program: Stu	bents Taking a Renewal Interest
Requesting Organization Roky	Club of Codiller	in the Value of Education
Contact Person(s) Flued Va	in Alst	
Contact Phone	Contact Email	
Date of Race 5/31/2021	Approx. number of participa	tes 500-600
Registration Location Stadium	Registration Time7:00 AN	Л УРМ
Starting Time 8:30 AM/PM	Ending Time 10:30 MPM	
 The City's designated route must If marking the route, washable sidents Spray paint is not allowed and with organizations are responsible for The Police Department does not organizations are responsible for No streets are to be blocked off the participates must follow all State organizations are responsible for The following marking for the following mar	dewalk chalk or small signs place I be strictly enforced & fines will all clean-up including removal of provide escorting services providing designated safety and nless reviewed with City Staff & & City laws providing their own tables, tent nust be provided with this re & City of Cadillac named as add	of signs and pavement markings disecurity workers & escorts approved by City Council es, porta johns etc quest:
Proof of Marine Permit from DNR if Approval from Wexford Road Comm	경기가 하고 있는데 이번 나를 가게 하는 것이 되었다면 하지만 하는데 하는데 하는데 되었다.	Dept. if race is outside of City Limits
Detailed Daily schedule/agenda of ra	ces and events	
Form must be mailed or delivered to the above I understand and agree to these requirement Print Name Edward O. Van Akt	s & understand if these are not met	the request will be denied. Date 3 / 8 / 2021
	• • • • • • • • • • • • • • • • • • • •	eeded and/or if request is approved or denied.
Streets	For Office Use Only Date Approved	Comments
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City Council	pate Approved	Comments



Today's Date	3/8/2021
Today S Date	3/0/000

City Received Date

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Street & Parking Lat Clasure Paguest Form

Stre	Please fill out a separate form for	•
Reason for Request Rotes	Club of Glillar Stride	For S.T.R.Z.V.E. 5k.
Contact Person Educal		
Contact Phone	Contact Email	
Date: 5/31/2021	Street Closures	
	Beginning Location	hestnat and Division Sto Ending Location
	Beginning Time 8:00 AM/PM	
Street Name	Beginning Location	Ending Location
Extraction and the state of the	Beginning Time:AM/PM	Ending Time:AM/PM
Street Name	Beginning Location	_ Ending Location
	Beginning Time:AM/PM	Ending Time:AM/PM
Street Name	Beginning Location	Ending Location
	Beginning Time:AM/PM	Ending Time:AM/PM
Date//	Parking Lot Closure	S
Lot Location	StreetN	earest Cross Street
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Lot Location	Street N	earest Cross Street
		AM/PM Ending Time:AM/PM
Lot Location	Street N	earest Cross Street
	Beginning Time:	AM/PM Ending Time:AM/PM
Form must be mailed or delivered	to the above address or emailed to	: javila@cadillac-mi.net (No Faxes accepted)
		are not met the request will be denied.
		7 /81
Print Name EJULA D. Va	1 Ms Signature 50	Date 3 18 1 2021
Request will be reviewed & you w	ill be notified if additional information	is needed and/or if request is approved or denied.
	For Office Use Only	
Streets	Date Approved	Comments
Parks	Date Approved	
Fire	Date Approved	
Police	Date Approved	
City Manager	Date Approved	
City Council	Date Approved	Comments

ROTARY CLUB OF CADILLAC



ANNUAL STRIDE FOR STRIVE 5k RUN/WALK

RACE DAY SCHEDULE

6:00 am Rotary Volunteers set up for event on

the field and under the Veterans'

Memorial Stadium at the high school

7:00 am Runner Registration opens –

Participants gather at Veterans'

Memorial Stadium and on Linden Street between Chestnut and Division Streets

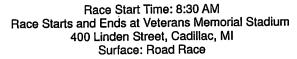
8:30 am Start 5k

10:30 am Race finishes and clean-up

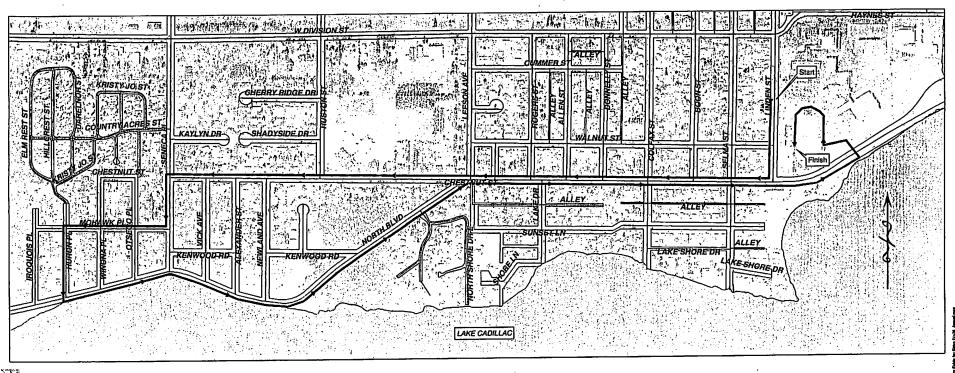


Rotary Club of Cadillac - Annual Stride for Strive 5K

Memorial Day









. Note: The course is marked and Rotarians are on the course to provide directions and safety.



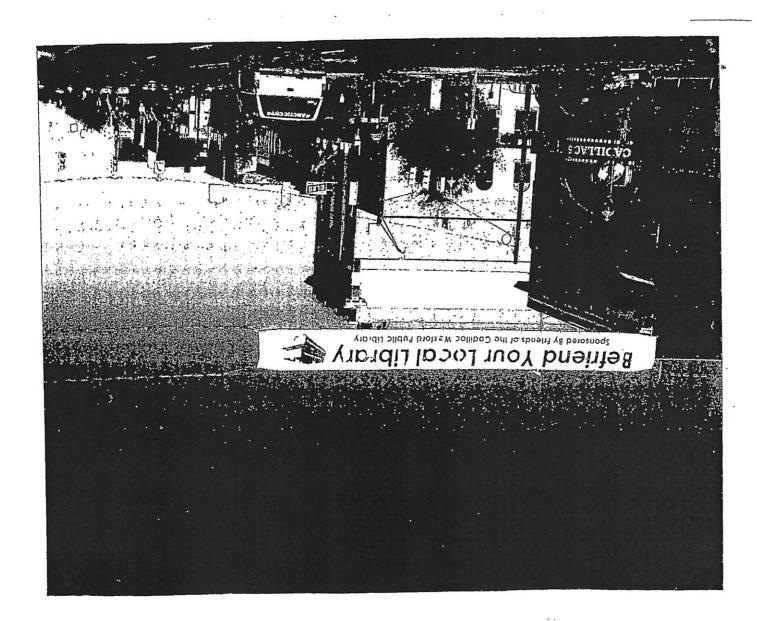
loday's Date	
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City Received Date

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Banner Request Form

<u> </u>
Monday Banner Start Date 04/06/2021 Monday Banner End Date 04/12/2021
(Banners are installed and removed on Mondays unless it is a Holiday, then it will be the following day)
(Banners may only be requested for one week at a time per form)
Reason for Banner National Library (1)88k
Organization Friends of the Cadillackex Publiship Contact Person Vicke Jonay
Contact Phone Contact Email
Sometiment and the second and the se
City of Cadillac & State of Michigan Guidelines:
Banner requested date is a minimum of 2 months prior to display date requested.
Banner picture or a design proof is <u>attached with this request form</u> or it will not be approved.
The City reserves the right to determine when the banner is hung during inclement weather.
The City is not responsible for any damages to the banner.
Banner requested is for a reasonable and public purpose.
Banner does not display any legend or symbol which may be construed to advertise, promote the sale of, or
publicize any merchandise or commodity, or be political in nature.
The legend may contain the name of the sponsor paying for the banner if such is not an obvious advertising of and promotion of the sale of the sponsor's goods or services.
The lettering of the sponsor's name or a logo does not exceed three inches if on a single line or two-inches if on
more than one line.
Banner does not contain an address or directions to location.
Banner meets all the design specifications on the back of this form.
The banner will be delivered to City Garage a minimum of 1 week before banner is to be displayed.
City Garage is located at 1001 6 th Street and hours. Call Street Supervisor at (231)920 -7800 to schedule time.
Banner will be picked up within <u>1 week after</u> being displayed; if it is not picked up, the banner will be disposed of
Form must be mailed or delivered to the above address or emailed to: javila@cadillac-mi.net (No Faxes accepted)
I understand and agree to these requirements & understand if these are not met the request will be denied.
Print Name Vick Long Signature Oick Jong Date 09/14/2020
Request will be reviewed & you will be notified if additional information is needed and/or if request is approved or denied.
++++++++++++++++++++++++++++++++++++++
For Office Use Only
Streets Date Approved Comments
City Manager Date Approved Comments State of Michigan Date Approved Comments
State of Michigan Date Approved Comments City Council Date Approved Comments
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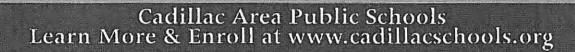
City Received Date

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Banner Request Form

Monday Banner Start Date	7119121 1	Monday Banner End Date 5/3/2/	
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Contact Phone	Contact Email CO	ri. lindell-denmany a Cadubasno	6
Cell:	or Cauillac & State of I	(lunderscore) pro)
Banner requested date is a n	ninimum of 2 months prior	to display date requested.	
		quest form or it will not be approved.	
		er is hung during inclement weather.	
The City is not responsible for			
Banner requested is for a rea			
		y be construed to advertise, promote the sale of, or	
publicize any merchandise o	or commodity, or be political	I in nature.	
		for the banner if such is not an obvious advertising of	
and promotion of the sale of			
	s name or a logo does not ex	ceed three inches if on a single line or two-inches if on	
more than one line.			
Banner does not contain an a			
Banner meets all the design s			
The banner will be delivered t	to City Garage a minimum o	f <u>1 week before</u> banner is to be displayed.	
City Garage is located at 1001	6" Street and hours. Call S	treet Supervisor at (231)920 -7800 to schedule time.	
Banner will be picked up with	in <u>1 week after</u> being displa	yed; if it is not picked up, the banner will be disposed of.	
		ed to: <u>javila@cadillac-mi.net</u> (No Faxes accepted)	
I understand and agree to these requi	irements & understand of the	ese are pot met the request will be denied.	
Print Name CDn Indell-	SNUAPHOFure	uid Danmasno 3,25,21	
Request will be reviewed & you will	be notified if additional infor	mation is needed and/or if request is approved or denied.	
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City ManagerState of Michigan	Date Approved Date Approved	Comments Comments	
City Council		Comments	
		Comments	
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COUNCIL COMMUNICATION

Re: Reappointment of Jim Blackburn to a Six-Year Term on the Civil Service Commission.

Jim Blackburn has expressed interest in continuing his service on the Civil Service Commission. Jim has been on the Civil Service Commission since 1996.

Recommended Council Action:

Motion to reappoint Jim Blackburn for a six-year term on the Civil Service Commission, which will expire on April 16, 2027.

COUNCIL COMMUNICATION

Re: Appointment to Board of Review – Tracy Mickelson

Tracy Mickelson has indicated her interest in being appointed to serve on the Board of Review as an Alternate Representative for the First Ward.

Recommended Council Action:

Motion to appoint Tracy Mickelson to the Board of Review as an Alternate Representative (First Ward) for a two-year term, which will expire on April 5, 2023.

COUNCIL COMMUNICATION

Re: Appointment of Benjamin Dean to a Three-Year Term on the Zoning Board of Appeals.

Benjamin Dean has expressed his interest in being appointed to serve as an alternate member on the Zoning Board of Appeals for a three-year term.

Recommended Council Action:

Motion to appoint Benjamin Dean to a three-year term on the Zoning Board of Appeals as an alternate member, which will end on April 5, 2024.

City of Cadillac - Pandemic Financial Response Plan

Department: City Complex	\$356,400	\$279,400	(\$77,000)
Amended Line Items Detail			
Capital Outlay	77,000	0	(77,000)

Purpose: Freeze funding for Staff Car (\$27,000) and Backup Generator Replacement (\$50,000).

Department: Parks	\$256,300	\$231,300	(\$25,000)
Amended Line Items Detail			
Capital Outlay	25,000	0	(25,000)

Purpose: Freeze funding for three planned capital projects: Lakefront Lighting (\$10,000), Shoreline Stabilization (\$7,500), Riding Mower (\$7,500).

Department: Various - all departments

Amended Line Items Detail
Travel and Education 65,300 49,000 (16,300)

Purpose: Freeze funding for 25% of all Travel and Education budgets in the General Fund.

General Fund Summary	Prior Proposed	Amended
Revenues	7,159,600	7,019,600
Expenditures	7,158,200	7,039,900
Revenues Over (Under) Expenditures	\$1,400	(\$20,300)

The deferment of these line items represents \$118,300 of postponed spending. The Response Plan maintains Police and Fire related projects, because deferring these purchases could negatively impact the City's ability to respond to public safety emergencies with the most up-to-date tools available. These public safety items are the only capital purchases that would remain authorized in the General Fund. This Plan also would anticipate the use of \$20,300 in reserves on-hand, an amount that would not impact the City's ongoing compliance with fund balance policies.

In addition to the plan above for the FY2021 budget, the City has also delayed a current year project (Rotary Pavilion Sign Upgrade), that saves \$20,000 in the current budget and results in a total of \$138,300 of deferred spending.

Note - Personal Property Tax Reimbursement Update

As reported in prior years, the personal property tax reimbursement provided by the State of Michigan has exceeded projections since its inception in FY2017. This was the reimbursement tool passed into law when eligible manufacturing personal property (EMPP) was removed from property tax rolls. On May 26, 2020, the City received the second portion of this payment for FY2020. Similar to prior years, this revenue source, originally budgeted at \$500,000 for FY2020, will be well in excess of projections, with nearly \$350,000 more than budget received. This unexpected additional revenue will provide funds to help maintain service delivery and support capital projects.

City of Cadillac - Pandemic Financial Response Plan

Major and Local Street Funds

Because the updated projections from MDOT staff indicate that the City should still receive full budgeted revenues for FY2021, no changes to the initial proposed appropriations are recommended for the Major and Local Street Funds. If the impact of the crisis becomes greater than projected and future revenues fall further below current State projections, there are sufficient reserves in both funds to help mitigate the immediate impact of the reduction while further decisions are made. Funds will still be appropriated for Chestnut Street, Evart Street, and Stimson Street as originally planned and approved in the 6-Year Capital Improvement Program.

Water and Sewer Fund

Based on the challenge of projecting usage once the economy is reopened, City staff will be closely monitoring monthly usage trends and will look to respond accordingly to financial challenges in the system as necessary. As part of this effort, this Response Plan identifies the following items that may be temporarily deferred:

Table 5 - Water and Sewer Fund Financial Response Recommendations

	Current Budget	Pandemic Response Plan	Increase (Decrease)
WATER AND SEWER FUND			
Department: Revenue	\$4,447,000	\$4,447,000	\$0
Amended Line Items Detail			
* No specific reductions recommended at this time	0	0	0

Purpose: No specific recommendations are being made to reduce projected revenues at this time. Instead, certain expenses and capital purchases will be essentially frozen until further Council action depending on actual impact to revenue throughout the year.

Department: Capital	\$10,037,000	\$9,615,000	(\$422,000)
Amended Capital Investment Detail			
Capital Investment	10,037,000	9,615,000	(422,000)
Projects Deferred:			
Service Truck	28,000		
LIMS/WIMS Software	75,000		
Revolution Blower	200,000		
Ultraviolet Bulbs	34,000	(Need to buy	\$6,000)
Manhole Rehabilitation	25,000		
Storage Barn	35,000		
Water Well Inspection	25,000		
Total Projects Deferred:	422,000		

Purpose: Freeze funding for projects referenced above. Purchases/projects are still recommended but will be readdressed as the year progresses.

In addition to the project deferrals referenced above, the Utilities Department is analyzing scheduling and staffing options to provide further cost reductions if needed.

City of Cadillac - Pandemic Financial Response Plan

SUMMARY OF CHANGES

In summary, the City will respond to the impacts that the crisis may have on the FY2021 budget in a thoughtful and flexible way. In the City's largest funds, this response is summarized as follows:

	Current Budget	Pandemic Response Plan	Increase (Decrease)
General Fund			
Capital Expenditures	157,000	55,000	(102,000)
Travel and Education	65,300	49,000	(16,300)
			(118,300)
Water and Sewer Fund			
Capital Projects	10,037,000	9,615,000	(422,000)
		Total	(\$658,600)

RECOMMENDED CITY COUNCIL ACTION

In accordance with the information and guidelines outlined in this Response Plan, it is recommended that City Council consider approval by resolution the proposed Cadillac Pandemic Financial Response Plan that freezes spending for the items detailed in the 'SPENDING AND APPROPRIATION ADJUSTMENTS' section.

Based on the information and guidelines outlined in this Pandemic Financial Response Plan, it is also recommended that City Council adopt by ordinance the General Appropriations Act as originally presented with the inclusion of the Downtown Infrastructure Project Fund as described in Addendum A.

FUTURE OUTLOOK

It is anticipated that throughout the upcoming fiscal year updated action may be necessary as is typical in most years. However, due to the pandemic, this upcoming fiscal year certainly may be unique.

The spending adjustments identified in this Response Plan can be readdressed during the year should the pandemic ease and the economy and revenues begin to stabilize. Indicators such as stable or "normal" tax receipts, water/sewer revenues and shared revenue income could indicate a stronger level of comfort in restoring appropriations. These projects otherwise would not be able to be implemented until subsequent action is taken by the City Council to restore their appropriation. Council will be provided with financial status updates in order to stay abreast of current financial conditions.

This will be a unique budget year! However, this is a resilient organization that will continue its proud tradition of being fiscally conservative while also providing high quality services and doing whatever possible to provide an environment where Cadillac will continue to thrive and prosper.

Council Communication

Re: Rotary Pavilion Sign Upgrade

The City Council recently requested that the Rotary Pavilion Sign Upgrade project be brought back for consideration. Attached is the original communication that provides all the original information regarding the bids and other pertinent details of the project, including an estimate of timing of the project once awarded.

Staff reached out to the recommended vendor, Pro Image Design, Inc. of Traverse City to inquire about potential pricing changes since bids were received about a year ago. The company indicated that prices would be honored if the project is approved now but they expect that price increases on materials are imminent and as such the cost of the project will increase if not done now.

Recommended Action

It is recommended that the Rotary Pavilion Sign Upgrade projected be awarded to Pro Image Design, Inc. in the amount of \$19,992.20. Funds are available in the General Fund.

Council Communication

Re: Rotary Pavilion Sign Upgrade

The FY2020 Annual Operating Budget includes an appropriation of \$30,000 for the purchase an installation of an electronic message board insert to upgrade the informational sign at the Cadillac Rotary Pavilion. The upgrade will enable the sign messaging to be changed via smartphone or computer and will enhance the messaging capabilities of the sign. Competitive bids were recently sought for this project, and the following bids were received:

Vendor	Bid
Valley City Sign Comstock Park, Michigan	\$19,378
Amor Sign Manistee, Michigan	\$20,742
Universal Sign Boyne Falls, Michigan	\$19,939
United Signs Norcross, Georgia	\$14,900
Pro Image Design, Inc. Traverse City, Michigan	\$15,966
Curb Appeal Concepts, Inc. Boyne Falls, Michigan	\$17,225

The low bidder, United Signs, is from out of state and provided no references for any work done in the State of Michigan. In addition, the second low bidder offered a full five-year warranty on the sign. Local service will be an important part of this project and potential warranty work in the future. As such, Pro Image Design, Inc. is the recommended vendor for the project.

When discussing the project with Pro Image Design, Inc., they recommended that the City explore a higher resolution sign for the project (10mm v. 16mm). This will provide higher resolution images and colors that will greatly enhance the appearance and readability of the messaging. The quote provided for this higher resolution was \$19,992.20. Because of the additional resolution and quality of this upgrade, the 10mm sign is preferred solution for this project. This upgrade is still well within the available budget for the project which is \$30,000.

City staff recently reached out to Pro Image Design to discuss the details of the project and the opportunities to enhance the ability of the City to provide important messaging to the community through the utilization of the new electronic messaging system. This could be especially important and advantageous as the community begins to reopen as appropriate as we move out of the current crisis. Also discussed was the timeline of the project and when the new sign could be reinstalled.

Council Communication – Rotary Sign Upgrade

Page 2

The following are the highlights of the conversation:

- Project should be completed within thirty (30) days of approval;
- Sign will be removed from the site for up to two weeks to be retrofitted with the electronic insert, at which time it will be reinstalled in its current location;
- Sign is fully programmable from any internet connection with appropriate security credentials. Messages can be altered and changed from any such location which does not require the user to be in close proximity to the sign;
- Messages are fully customizable and can include imaging, graphics, animation and even video;
- Sign is capable of scrolling multiple messages in any order, and is programmable up to 99 years in advance;
- Final costs are approximately \$10,000 below appropriations.

Recommended Action

It is recommended that the Rotary Pavilion Sign Upgrade projected be awarded to Pro Image Design, Inc. in the amount of \$19,992.20. Funds are available in the General Fund.



MEETING MINUTES Cadillac Zoning Board of Appeals 5:30 P.M.

January 21, 2021 Virtual Meeting on GoToMeeting.com

CONVENE MEETING

Chairperson Nichols called to order a meeting of the Cadillac Zoning Board of Appeals at 5:30 p.m. on January 21, 2021

ROLL CALL

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

MEMBER ABSENT: Walkley STAFF PRESENT: Coy, Wallace

APPROVAL OF MEETING AGENDA

Motion by Knight to approve the January 21, 2021 agenda. Support by Ault. The motion was unanimously approved on a roll call vote.

APPROVE THE NOVEMBER 19, 2020 MEETING MINUTES

Motion by Paveglio to approve the November 19, 2020 meeting minutes as presented. Support by Knight. The motion was unanimously approved on a roll call vote.

PUBLIC HEARINGS-

1.Application from Phil Seybert with P.S. Equities, Inc. for an extension as required in Section 46-72(b) in the ordinance for him to obtain the needed building, demolition, and soil erosion permits for the development of the Cadillac Castle Senior Apartments on South Mitchell Street. Coy spoke and explained that Mr. Seybert is planning to again apply for federal housing credits administered through the Michigan State Housing Development Authority (MSHDA). Our ordinance reads that if construction on a development is not started within one year the developer will need to come back before the ZBA for an extension. Coy added that there are no changes to the most recent plan Mr. Seybert submitted to the city in 2019 and no additional variances are being requested.

Mr. Seybert spoke and said he's heard from the MSHDA that with this one round of applications for the program in 2021 the MHSDA will allow for more consideration on projects in rural communities. In the past, the housing credits have been given almost exclusively to developments in larger cities such as Detroit and Lansing.

A motion was made by Knight to extend for one year the time for Mr. Seybert and P.S. Equities to apply for needed construction permits. Support from Ault. On a roll call vote the motion passed with a unanimous vote.

2. Application from Fresh Coast Provisioning, LLC (Dunegrass Co.) for a variance to construct a projecting sign that will extend 60 inches from the west wall at 115 N. Mitchell Street off Elk Avenue and to be of a total size of 13.875 square feet. Both the projection and size require a variance from the standards allowed in the B-2 Central Business District. The Sign Ordinance in Section 46-664, Schedule B for the B-2 Central Business District reads that for projecting signs over a public right-of-way the projection cannot exceed 42 inches and the size cannot exceed six square feet. Members of the Zoning Board of Appeals were given in their meeting packets a copy of the narrative from Fresh Coast Provisioning explaining their reasons for why approving the variance application would be appropriate. In attendance was Nick Piedmonte CEO of Fresh Coast Provisioning/Dunegrass and Tom Amor with Amor Sign located in Manistee.

Coy said that signage for retail recreational businesses if located downtown can only be placed on the rear of the building and are not allowed on the Mitchell Street side of the building. Knight asked who made this a condition and Coy answered City Council. Coy added that this is in the B-2 Core Downtown Business District only and does not apply in the B-3 General Business District.

Coy went over the standards for approving a variance in the City Ordinance and the standards in the Michigan Zoning Enabling Act 110 of 2006.

The standard in Section 46-69(2) from the City Code of Ordinances 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."

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 – It is expected that traffic will increase on Elk Avenue but not because of the sign or variance application. The marihuana retail businesses in the city downtown area cannot have an entrance on Mitchell Street leaving Elk Avenue as the only alternative. A concern Coy has is that the proposed sign will project over Elk Avenue which is a public street where delivery vehicles and city vehicles such as snowplows travel.

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 negatively impact neighboring property values. Coy added that the building owner has made significant improvement to both the interior and exterior of the property.

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.

Coy concluded by saying that he could not identify a practical difficulty and the applicant can explain further the information in the narrative provided.

PUBLIC NOTICES

Coy said that notification of the public hearing on this application was published in the local newspaper and sent via first-class mail to all property owners and residents within 300 feet of the subject site not less than 15 prior to the meeting. Two property owners contacted his office. One submitted a letter to City Hall this morning objecting to the variance request and Coy emailed it to the ZBA members. The second property owner had a general question and did not express an opinion either for or against the project.

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

Nichols opened the floor up for questions from the ZBA and discussion from the applicant.

Knight asked for Coy to briefly explain the letter from the property owner opposing the variance request as it was sent to Coy today and not included in the board packets with information. Coy said Mr. Tianen feels there are two reasons the application should be denied. One, there is the absence of a practical difficulty or hardship that meets the standards in the Michigan Zoning Enabling Act. Secondly, the applicant admits they are creating their own practical difficulty. Coy added that the applicant in his narrative feels there is a unique condition that is not applicable to other businesses downtown.

Knight spoke and said the ZBA has already given variances for this type of signage to Clam Lake Beer and we cannot pick and choose who we give variances to. Nichols spoke and said he feels each case they review has it's own plus and minuses to consider. Coy added that the square footage size is similar to the Clam Lake sign but the extension from the wall is more. Clam Lake applied for a three-inch variance from the allowed 42 inches. Dunegrass is requesting an 18-inch variance from the standard. He also added that because the sign will extend over the traveled portion of Elk Avenue that City Council may need to approve the encroachment.

Mr. Piedmonte, CEO of Dunegrass spoke. He said Dunegrass has opened retail stores in Manistee and Big Rapids. They were chosen and granted one of two recreational marihuana permits within the City of Cadillac through an exhausting process and their Special Land Use for this retail store was approved by the Cadillac Planning Commission at their October 2020 meeting. He said in his perspective the hardship is created by permit restrictions for retail marihuana businesses. He mentioned the two layers of permitting process the city has which is restrictive because other downtown businesses do not have the same restrictions. As an example, he said other businesses on Mitchell Street have access to their stores off Mitchell Street. They are only allowed access for customers off the rear which is Elk Avenue. Also, they are not allowed signage on the Mitchell Street side of the building. He added that the size of sign they wish to have is needed to be effective. The oval design is a function of their corporate logo and the projection needed. Additionally, there is a utility pole not far from the canopy which partially blocks the view of the entrance area.

Knight said he does not see how the utility pole will interfere with the sign.

Mr. Amor, who's business Amor Sign is located at 432 Fourth Street in Manistee spoke about the design and size of the lettering on the concept. Knight asked about the sign interfering with delivery vehicles. Coy said the sign would as is would definitely project over the traveled portion of Elk Avenue and added that wall signs could be used including the south wall. Nichols added that neighboring businesses have wall signs and they seem adequate. He does not feel a projecting sign should project over Elk Avenue. Piedmonte spoke and said that the neighboring businesses have their wall signs on Mitchell Street which he would prefer. Adding that maybe they could work with a small projecting sign.

Knight asked if this projection could interfere with traffic in the alley. Coy explained that the existing canopy sticks out 48 inches from the wall and the proposed projecting sign would stick out an additional 12 inches. Knight added that he feels this is a destination business and that the signage is not going to be a make it-or break it factor for the business success. Nichols added that the projection over the traveled portion of the avenue is a concern.

Paveglio asked if this is a new ordinance adopted by the city? Coy said yes, the marihuana retail business is new to the ordinance in 2020. Piedmonte gave a timeline of when the ordinance was adopted in early 2020 and when his firm was granted one of the two retail licenses. Coy also answered that when this business use was added to the ordinance the sign ordinance was not changed.

Paveglio mentioned that the marihuana ordinance does address signage and that City Council considered it in the wording of the ordinance in Section 46-752. He read from Sec. 46-752(6) "Signage for marihuana establishments may be approved pursuant to the generally applicable

procedures and standards provided in Section 46-664" regulating signage. Not allowing signage on Mitchell Street was considered by council.

Paveglio also mentioned the second standard for granting a variance which basically says, "because we've approved something in the past does not mean we should grant it in the future". Things may change. When he read the applicant's narritive he got the impression that the hardship is they can only have signage on one side, the rear of the building. He agrees that this will be a destination business.

Mr. Piedmonte spoke and said the practical difficulty is a reasonable debate. He added that our ordinance includes language that says effective signage is necessary for the commerce, health, and safety of our community. He feels a projecting gives them the best visibility.

Nichols spoke and said he is not objecting to a projecting sign, but he personally thinks this is too big. Piedmonte added that the size of this size is comparable to Clam Lakes in square footage and said this was not by accident. They used the Clam Lake sign as an example. Knight added that as a business owner for over 30 years he understands the importance of good signage. The difference is that the Clam Lake sign is over a sidewalk and this sign is over a street. He agrees they are being penalized by not being able to have signage on Mitchell Street. He asked the applicant could they fit a sign within the criteria they (ZBA) are looking for. Mr. Amor spoke about the downtown sign ordinance in Manistee allows for projecting signs to be up to sixteen square feet and that in determining the size safety is considered.

Knight asked Coy if the city has a recommendation for the size? Coy said the ordinance allows for a projecting sign of 42 inches and that the canopy over the door sticks out 48 inches and talked about the other projecting signs downtown. There was a discussion over the height and Coy clarified that the downtown sign ordinance regarding height is specific to the Mitchell Street side of buildings. There was also discussion about a ADA assessable ramp for the rear of the building that needs City Council approval.

Paveglio said "I don't feel this meets the standard of a practical difficulty". Genzink asked the applicant if they could make a 48 inch projecting sign work? Genzink feels a 48 inch projection would work. Piedmonte answered they would need to re-think their design, but it is a possibility. Bontrager questioned if the bracket could be moved closer to the building which would lessen the projection.

After no further comment.

A motion was made by Knight to approve the variance application as presented from Dunegrass, Co. for a projecting sign with the dimensions shown on the concept the applicant provided. Support from Genzink. (This will allow for an 18 inch extension beyond the 42 inches allowed in the ordinance and an allowance of an additional 7.875 square feet above the 6 square feet allowed in the ordinance for a projecting sign in the B-2 Central Business District.)

On a roll call vote the motion was denied with a split vote of three for and three against.

- Votes for were Knight, Bontrager, and Genzink
- Votes against were Paveglio, Ault, and Nichols

PUBLIC COMMENTS

Nichols opened the meeting to public comments and there were none.

ELECTION OF OFFICERS FOR 2021

A motion was made by Paveglio for Nichols to continue as Chairperson and Ault to continue as Vice-Chairperson in 2021. Support from Genzink. On a roll call vote the motion passed with unanimous support.

BOARD MEMBER COMMENTS –

Nichols asked a question on the Krist Oil site. He asked if the city sewer line running through the site will need to be moved as was originally discussed. Coy said he will get back to the ZBA after talking with the City Utilities Director.

Coy emailed the ZBA the next day after discussing with Utilities Director Jeff Dietlin and yes the sewer line will be moved and the developer, Krist Oil will be paying for it. The Utilities Director added that the final site plan was reviewed by the City Engineer.

ADJOURN

Chairperson Nichols adjourned the meeting at 6:48pm.



Cadillac Planning Commission January 25, 2021 Meeting Minutes

Call to Order

Chairman Putvin called the meeting to order at 6:00 PM. The meeting was held virtually on GoToMeeting.com due to the current State of Michigan restrictions on public gatherings and meetings due to COVID-19.

Roll Call

Planning Commission: Filkins, Schultz, Bunce, Baumann, Fent, Putvin

Absent: Gregg, Bosscher

Staff: Peccia, Wallace, Coy, Pluger

Approval of Agenda for January 25, 2021

A. Motion by Bauman to approve minutes. Supported by Bunce. Approved unanimously.

Public Comments – None

Approval of November 23, 2020 and January 11, 2021 Meeting Minutes

- Motion by Filkins to approve the November 23, 2020 and January 22, 2021 minutes with no changes. Support by Baumann. Approved unanimously.

Public Hearings -

- A. Public Hearing for an Ordinance amending the City's zoning ordinance regarding uses permitted in business district.
 - a. Presentation by Wallace: B1, B2, B3 zoning districts. Final step in RRC certification. Make it easier for residentials to be allowed in this area above businesses
 - b. Questions from commission members
 - i. Baumann new subsection 2 concerned about ambiguity. Concerns that it's not clear. Wallace requested any suggestions from him
 - ii. Putvin questions about parking for tenants. Wallace response was that they would have to get an overnight parking pass. Putvin requested the cost, Pluger informed that it is \$82 for a seasonal pass.
- B. Public Comments:
 - a. Jerry Adams: in the past this has always been approved so this just makes it easier for people to utilize the spaces without needing to come before the planning commission. Just making the process faster/easier.
- C. Public Hearing Closed
- D. Commission/Staff Discussion:
 - a. Peccia Supported the ordinance

E. Motion to Approved Resolution 21-2 Ordinance amending City's Zoning Ordinance regarding uses permitted in business district by Bauman. Supported by Filkins. Approved unanimously

New Business - None

- A. Resolution to approve sale of Real Property (within James E. Potvin Industrial Park)
 - a. Peccia gave a presentation on sale of the James E. Potvin Park per earlier approval of land swap with Consumers this is an approval to sell the current land to Spencer Plastics. City Council approved the swap at the last council meeting.
 - b. Motion to approve Resolution 21-3 approval of sale of real property to Spencer Plastics by Bunce. Supported by Fent. Approved Unanimously.

Old Business - None

Board Members Comments - None

Communications – None

Public Comments - None

Other Business - None

Adjourn

- Adjourned at 6:27 pm.