



City Council Meeting

September 20, 2021

6:00 p.m.

Cadillac Municipal Complex

Council Chambers

200 N. Lake St.

Cadillac, MI 49601



September 20, 2021 City Council Meeting Agenda
6 p.m. at City Hall - 200 N. Lake St. – Cadillac, MI 49601

We are all accountable

CALL TO ORDER
PLEDGE OF ALLEGIANCE
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. 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 September 7, 2021.
Support Document III-A

IV. FOIA APPEAL

V. COMMUNICATIONS

- A. Cadillac High School Homecoming Parade
Support Document IV-A

Cadillac City Council Agenda

September 20, 2021

Page 2

B. United Way Banner
Support Document IV-B

C. Downtown Sidewalk Café - Roaring 20's Saloon
Support Document IV-C

VI. CITY MANAGER'S REPORT

A. Recommendation regarding purchase of stand-on leaf blower.
Support Document V-A

B. Emergency Purchase – CCTV Broadcasting Equipment.
Support Document V-B

C. Recommendation Regarding Approval of Contract for Services with the Alliance for Economic Success.
Support Document V-C

VII. ADOPTION OF ORDINANCES AND RESOLUTIONS

A. Adopt Resolution to Introduce Ordinance To Approve Transfer Of Real Property (Well Property) And Set A Public Hearing For October 18, 2021.
Support Document VI-A

VIII. MINUTES AND REPORTS OF BOARDS AND COMMISSIONS

A. Planning Commission
Support Document VII-A

B. Downtown Development Authority
Support Document VII-B

IX. PUBLIC COMMENTS

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X. GOOD OF THE ORDER

XI. ADJOURNMENT

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

Respect

Integrity

Trust

Excellence

Guiding Behaviors

We support each other in serving our community

We communicate openly, honestly, respectfully, and directly

We are fully present

We are all accountable

We trust and assume goodness in intentions

We are continuous learners

CITY COUNCIL MEETING MINUTES

September 7, 2021

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: Elenbaas, Schippers, Engels, King, Mayor Filkins
Council Absent: None
Staff Present: Peccia, Ottjepka, Coy, Dietlin, Mott, Wasson

APPROVAL OF AGENDA

2021-162 Approve agenda as presented.

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

Motion unanimously approved.

PUBLIC COMMENTS

Justin Eckelbecker expressed concern that the proposed changes to the sign ordinance may limit political speech.

Glenn Kangas expressed concern that the proposed changes to the sign ordinance are restricting First Amendment rights.

John Saari expressed support for changing the sign ordinance but feels temporary signs may need further definition, such as stability and construction.

CONSENT AGENDA

2021-163 Approve consent agenda as presented.

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

Motion unanimously approved.

PUBLIC HEARINGS

- A. Public hearing to consider adoption of Ordinance Amending Section 46.664 of the Zoning Ordinance Regarding Temporary Use Signs.

Peccia stated one of the primary reasons why this matter was raised is to bring this section of the City's Zoning Ordinance into compliance with the Supreme Court Case Reed v.

Town of Gilbert, which requires content neutrality. He noted the Supreme Court in this case essentially said you cannot regulate signs differently based upon what they say (content), and the City's current temporary sign ordinance does contain regulations that regulate signs differently due to their content such as real-estate signs, political signs, trailer/mobile signs, etcetera. He stated the second reason for the proposed Zoning Amendment is that our current Ordinance does not address how many temporary signs can be placed on a property and the size of those signs. He noted there have been several related complaints and that has also prompted the City to re-evaluate this section of code.

Peccia stated the proposed amendment, that would amend section 46.664 of the City's Zoning Ordinance Regarding Temporary Use Signs, addresses both issues. The amendment places all temporary signs into one category, which would create content neutrality, and then establishes regulations regarding size, placement, and number of signs. Temporary signs in the City will no longer be regulated differently based on content.

Peccia read through the following key changes from the existing sign ordinance:

- Changing and clarifying the number of days allowed for the removal of a temporary sign related to an event from a range of 5-10 days to 7 days.
- Establishing a maximum number of temporary signs for residential property to 4.
- Establishing a maximum number of temporary signs for commercial property to 2.
- Establishing a maximum area of a temporary sign for residential property of 4 square feet.
- Establishing a minimum distance between temporary signs of 10 feet.
- Establishing a minimum setback distance of 10 feet from a right-of-way line.
- Allowing single-family residential properties to have up to two off-site temporary signs on private property for the purpose of directing the public to a residential activity for a commercial purpose (e.g., real estate open house, garage/yard sale, estate sale).
(Currently these signs are not allowed)

Peccia stated following deliberation and discussion City Council may decide to do any of the following: approve the amendment as presented; slightly modify the amendment then approve; remand it back to staff and/or the Planning Commission for further evaluation; not approve it; or table it for another period of time to then reconsider.

Mayor Filkins opened the public hearing.

Justin Eckelbecker urged City Council to vote against the current proposed amendment and consider it at a later date because he believes it would stifle freedom of speech.

Glenn Kangas stated he has received many positive and very few negative responses to his signs.

John Saari stated the proliferation of signs has always been considered a form of pollution. He added we need to address the stability, size, and number of signs.

Kevin Dewey, from Chico's Taco House, stated the flag he displays draws people to the Farmers Market and to Long Road Distillers. He questioned how his fluttering flag could be considered more of a distraction than the banners displayed across Mitchell Street.

Mayor Filkins closed the public hearing.

Mayor Filkins requested a discussion about the American flag that was mentioned during public comments.

City Attorney Mott stated from a legal standpoint there is no clear guidance on the difference between signs and flags.

Schippers asked if the Chico's flag would be considered a fluttering sign and be prohibited.

Mike Coy, Zoning Administrator, stated it would be considered a fluttering sign.

Schippers asked the purpose of including that in the ordinance.

Coy stated the section Prohibited Signs in the Ordinance includes signs that could potentially be a distraction to drivers.

Engels asked the set-back requirement for a flagpole.

Coy stated if it has an American flag it would be exempt. He noted it is addressed in a different section of the sign ordinance, specifically under exempt. He stated there can be another flag too but for it to be exempt it must include an American flag.

Mayor Filkins asked if a flagpole held an American flag and a second flag would that count toward the four (4) signs that would be permitted.

Peccia stated there is no clear legal guidance at this point. He noted we all know that the American flag is not a sign but other things that happen to fly on a flagpole may or may not be considered signs.

Mayor Filkins noted Mike Coy stated that if it is being flown with an American flag then that flag is also exempt and she doesn't know if she agrees with that.

Peccia noted that statement may or may not be correct. He stated the placement of the pole along with the American flag is outside the section of Code that Council is being asked to consider.

King stated a flagpole is a permanent structure that could fall under a different form of regulation.

Engels stated that once a flagpole is installed whether in the ground or on a house, he would be hesitant to regulate any flag that was displayed or even count that as a sign under the sign ordinance. He stated he likes the size of the signs being set at 4 sq. ft. but is not sure the proposed number of signs is practical. He stated the spacing of signs at 10 ft. and the minimum setback from the right-of-way at 10 ft. needs additional clarification. He

noted he doesn't believe signs are distracting if they are less than 10 ft. from the right-of-way. He stated he doesn't believe 4 signs is enough especially during a political season. He noted he supports changing the duration to 7 days and the size of signs is important. He stated he is not in favor of stopping the flags that people are upset about. He noted they are flown as flags on flagpoles that are permanently installed or attached to houses. He stated it does not make sense to allow any flag because there is an American flag included with it or to not give someone a pass because they do not want to fly the American flag with their flag. He noted he does not believe flags should be counted as signs unless they are not displayed as flags.

Peccia stated we will not have a clear legal definition, other than the American flag, as to how all of these flags either count or don't count in terms of signage. He noted it is not even the section of the Code under consideration. He stated the section of Code under consideration is Temporary Use Signs.

Engels asked if a temporary sign is in the intent of the person of how long they want to display it or is it in the construction of the sign.

Peccia stated it is regarding the number of signs not the construction of the signs. He noted we are looking to regulate the signs based on size, spacing, and number permitted on a property.

Elenbaas stated he believes the intent was to put a small dent in blight within the City.

King stated he believes strongly in the First Amendment. He noted that neighbors have a right to have peaceful enjoyment and not have blight so there is a balancing of rights. He noted the proposed amendment is not content focused and that is the right way to handle it. He stated if people have to rotate signs it would not be stepping on the right of free speech.

Peccia stated the following issues should be focused on (1) should the setback be shorter than 10 ft. and (2) should there be a different spacing between signs.

Mayor Filkins stated she believes we need to decide on the number of signs allowed that everyone is comfortable with no matter what time of year. She noted she also believes that 10 ft. from the right-of-way in many cases is too far because there may not be enough space available in the yard for signs to be placed 10 ft. apart which could limit freedom of speech.

Schippers suggested 6 ft. instead of 10 ft. for setback and spacing and increasing the number of signs permitted from 4 to 6.

Mayor Filkins stated she agrees the distance from the right-of-way needs to be shorter.

King suggested if there is a sidewalk signs can be placed immediately adjacent to the sidewalk. He added if there is not a sidewalk than it would be 6 ft. from the road.

Engels stated he would support setting the number at 6 signs. He noted he does not understand the reasoning for spacing the signs 10 ft. apart.

Peccia stated the purpose of the spatial separation requirement is reducing what could be perceived by others as blight or as a proliferation of signs.

Mayor Filkins asked if it could be stated that the signs be equally distanced from each other.

King stated there is not enough space for 6 signs on a lot that is 50 ft. wide.

Engels stated he would support a minimum spacing between signs of 2 ft.

Peccia summarized the discussion as follows:

- Increase the number of total signs to 6
- Reduce the separation between signs from 10 ft. to 2 ft.
- Reduce the setback from the right-of-way from 10 ft. to the following:
 - 6 ft. from the road right-of-way line, essentially where the curb is, if there is no sidewalk
 - immediately adjacent to the sidewalk as long as the signs do not overhang the sidewalk

Peccia stated if Council agrees with the summary provided it could move forward as a motion.

2021-164 Approve Ordinance 2021-13 as amended.

Motion was made by Engels and supported by Schippers to approve motion as stated by the City Manager.

Motion unanimously approved.

Schippers stated any ordinance can be revisited in the future, if necessary.

Peccia stated a Frequently Asked Questions (FAQ) document to explain the updates will be released to the media in the next few weeks.

Schippers asked that the FAQ document include clarification that content cannot be regulated.

Mayor Filkins stated throughout the process there was very thoughtful discussion during the Planning Commission meetings and between the Council Members tonight. She noted she appreciates the members of the public who attended to provide their feedback. She stated the intent is to continue to make our community beautiful and respecting our neighbors.

COMMUNICATIONS

A. Zion Lutheran Church Craft Show

Mayor Filkins noted because Zion Lutheran Church is requesting signs be displayed in the City right-of-way it requires approval by the City Council.

2021-165 Approve sign request for Zion Lutheran Church Craft Show.

Motion was made by Schippers and supported by Elenbaas to approve the sign request for the Zion Lutheran Church Craft Show as presented.

Motion unanimously approved.

B. Toy Town Toy Trot

2021-166 Approve street closure for Toy Town Toy Trot.

Motion was made by Elenbaas and supported by Engels to approve the closure of Lake St. between Harris St. and Cass St. from 7:00 am to 11:00 am on November 20, 2021 for the Toy Town Toy Trot 5k.

Motion unanimously approved.

C. White Pine Ride

2021-167 Approve parking lot closure for White Pine Ride.

Motion was made by Schippers and supported by Elenbaas to approve the closure of the parking lot on Lake St. south of the pavilion from 7:00 am to 7:00 pm on October 2, 2021 for the White Pine Ride.

Motion unanimously approved.

APPOINTMENTS

A. Recommendation regarding appointment to the Downtown Development Authority.

2021-168 Approve appointment to the Downtown Development Authority.

Motion was made by Elenbaas and supported by Schippers to approve the appointment of Miranda Grunow to the Downtown Development Authority for a 4-year term to expire on September 7, 2025.

Motion unanimously approved.

B. Recommendation regarding appointment to the City of Cadillac/Clam Lake Joint Planning Commission.

2021-169 Approve appointment to the City of Cadillac/Clam Lake Joint Planning Commission.

Motion was made by Schippers and supported by Elenbaas to approve the appointment of Miranda Grunow to the City of Cadillac/Clam Lake Joint Planning Commission for a 3-year term to expire on September 7, 2024.

Motion unanimously approved.

C. Recommendation regarding appointment to the City of Cadillac/Clam Lake Joint Planning Commission.

2021-170 Approve appointment to the City of Cadillac/Clam Lake Joint Planning Commission.

Motion was made by Elenbaas and supported by Engels to approve the appointment of Mark Lagerwey to the City of Cadillac/Clam Lake Joint Planning Commission for a 3-year term to expire on September 7, 2024.

Motion unanimously approved.

D. Recommendation regarding appointment to the Planning Commission.

2021-171 Approve appointment to the Planning Commission.

Motion was made by Schippers and supported by Elenbaas to approve the appointment of Dale Rice to the Planning Commission (representing Ward 3) for a 3-year term to expire on September 7, 2024.

Motion unanimously approved.

E. Recommendation regarding appointment to the Zoning Board of Appeals.

2021-172 Approve appointment to the Zoning Board of Appeals.

Motion was made by Elenbaas and supported by Engels to approve the appointment of Ben Dean to the Zoning Board of Appeals for a 3-year term to expire on September 7, 2024.

Motion unanimously approved.

Mayor Filkins stated she appreciates the individuals who serve on the various boards and commissions and encouraged others to consider serving if they are interested.

CITY MANAGER'S REPORT

A. Construction Updates

Connie Houk, Prein & Newhof, provided an update on the various construction projects:

- Chestnut Street – opened to traffic approximately 2-weeks ago; permanent signs and pavement markings are completed; street has new wider bike lanes
- Roundabout (Crosby Road & Division Street) – construction began 2-weeks ago; project is scheduled to be completed by November 15th; a side road is in place for emergency vehicles
- Evert Street – is a 7-block project that began in June; underground work is completed; concrete curb and flatwork on the driveways are completed; paving is tentatively scheduled for September 13th
- Stimson Street – began in late August; some additional work remaining on sewer & watermain; curb; gutter and flatwork in the drive approaches is scheduled in about 10-days from now; some neighbors on Stimson Street expressed concern about the placement of one of the hydrants so they are reviewing a few alternatives which may require a change order, and possibly come back before Council at a future meeting
- Mason Street and Bremer Street – projects were completed last year but there was an issue with grass seed taking; areas were reseeded and grass is now growing
- Trailhead Project – revised plans were resubmitted to the DNR after Council approved several months ago how the project should be bid; several of the items in the grant application were removed from the project; project is nearly ready to go out for bid; however, changing out from picnic shelter to the clock tower may free up some of the

grant funding because the state is no longer considering the clock tower a shade structure. The grant funds may be used to still build a shade/picnicking area, just not on the reinstallation of the clock tower.

ADOPTION OF ORDINANCES AND RESOLUTIONS

A. Adopt Resolution to Amend Fee Schedule for Business Licenses.

Peccia stated following the successful opening of a new business in downtown Cadillac, Long Road Distillers, a modification to our transient merchant licensing program specific to food vending has become necessary. He noted the proposed resolution would add the opportunity for there to be a monthly license and a weekly license. He stated it was requested by a Council Member to have the monthly and weekly fees be the same for both motorized and non-motorized devices.

Peccia noted there is also a recommendation of creating a third category which would provide an option for private property owners or businesses to acquire an annual \$1,000 license that would allow them to have any peddlers, solicitors and transient merchants vending any food items from mobile carts, stands, tables, or any similar device, or from any vehicle propelled by a motor that are not owned by said private property owners.

Peccia stated the recommendation is to adopt the Resolution to Amend Fee Schedule for Business Licenses as amended to make the monthly and weekly fees be the same for both motorized and non-motorized devices.

King stated it is critical we make sure it is known if the property owner decides to pay that \$1000 fee it covers any inspections the City is required to do and it also means the vendors are not required to pay an additional fee.

2021-173 Adopt Resolution to Amend Fee Schedule for Business Licenses.

Motion was made by Schippers and supported by King to adopt the Resolution to Amend Fee Schedule for Business Licenses with the amendment as stated by the City Manager.

Motion unanimously approved.

B. Adopt resolution regarding Local Governmental Unit Approval for Social District Permits.

Peccia noted the City of Cadillac was a very early adopter of the opportunity the State of Michigan created for the Social District and Social Zone Program. He stated up until a month ago, the City had not received any applications to participate in the program. He noted Long Road Distillers was the first business to apply for the permit. He stated Council Member King and Miranda Grunow were very helpful in soliciting applications from local businesses. He noted because of that effort we have received applications from five (5) different businesses. He stated the Cadillac Area Visitors Bureau and the Chamber of Commerce are eager to start creating some type of marketing and branding initiative to help people understand that this will now be available in Cadillac.

Peccia stated because we are trying to incentivize some of the other establishments to participate, Council is being asked to consider a motion that would waive the City's application fee until January 1, 2022 and reimburse that same fee to Long Road Distillers.

Peccia stated Council is also being asked to approve a motion to accept the application from Clam Lake Beer Company, Hermann's Café & Restaurant, Raven Social, Roaring 20's Saloon, and Willow Market & Meats.

2021-174 Waive Social District Permit application fee until January 1, 2022 and reimburse that same fee to Long Road Distillers.

Motion was made by King and supported by Schippers to waive the City's Downtown Cadillac Social District Permit Application fee until January 1, 2022 and reimburse that same fee to Long Road Distillers.

Motion unanimously approved.

2021-175 Approve the Local Governmental Unit Resolution of Approval for Social District Permits.

Motion was made by Elenbaas and supported by King to approve the Local Governmental Unit Resolution of Approval for a Social District Permit for the aforementioned businesses as presented (Clam Lake Beer Company, Hermann's Café & Restaurant, Raven Social, Roaring 20's Saloon, and Willow Market & Meats).

Motion unanimously approved.

PUBLIC COMMENTS

Glenn Kangas stated he disagrees with the size of the sign allowed because it is not large enough to express his freedom of speech. He questioned if the flags he currently has are permitted.

GOOD OF THE ORDER

Schippers mentioned she saw a heartwarming post today about a 5-year-old child that dropped off a thank-you sign and some flowers thanking one of her neighbors for their Halloween display.

ADJOURNMENT

Respectfully submitted,

Carla J. Filkins, Mayor

Sandra L. Wasson, City Clerk



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

Today's Date 5/25/21

City Received Date

Parade Request Form

Name of Parade Homecoming - Cadillac High School
Purpose of Parade Showcase school organizations, sports, floats, etc.
Requesting Organization Cadillac High School
Contact Person(s) Anne Koschmider
Contact Phone (231) 87 [REDACTED] Contact Email [REDACTED]
Date of Parade 10 / 8 / 21 [REDACTED] Approx. number of participating groups [REDACTED]
Requested Route ☐ Lake Street ☒ Mitchell Street Staging Time 4 : 00 AM/PM
Starting Time 5 : 00 AM/PM Ending Time 6 : 00 AM/PM

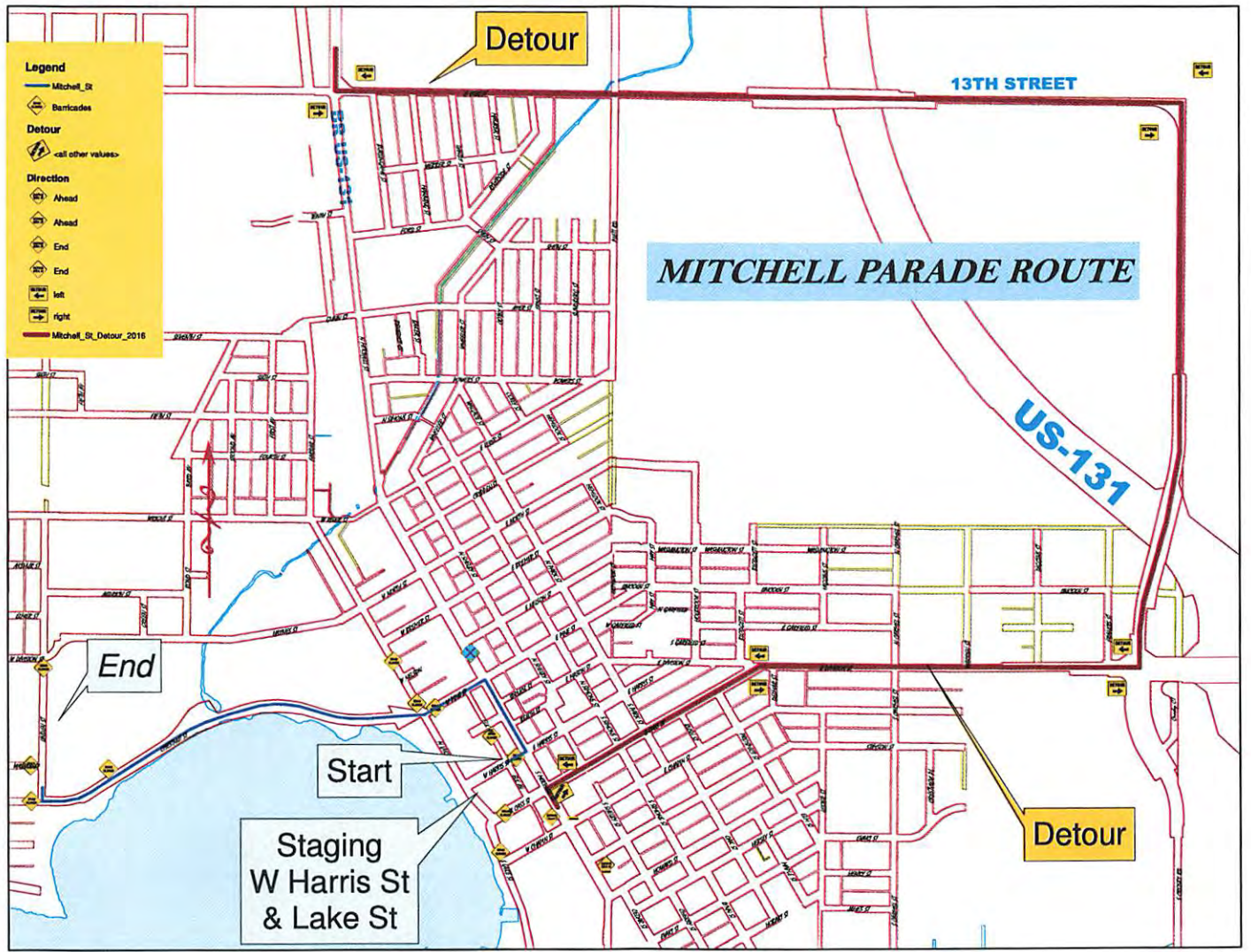
City of Cadillac & State of Michigan Rules

- Parade requests must be turned in a minimum of 6 weeks before parade
- Only one (1) parade is allowed per month
- Parades are only allowed on Holiday mornings, Saturday mornings, or Weekday evenings.
- Parades must use the designated route (See back side for the two (2) route options)
- Lake Street Parade Route is preferred so closure of US-131 can be avoided
- Mitchell Street Parade Route is only granted under special circumstances. The parade must be a well-established, annual parade with 40+ participating groups.

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

I understand and agree to these requirements & understand if these are not met the request will be denied.

Anne Koschmider
Signature





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

Today's Date _____

City Received Date

Banner Request Form

Monday Banner Start Date 9/27/21

Monday Banner End Date 10/4/21

(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 Celebrate United Way Campaign

Organization United Way Wexford Mission Inc

Contact Person Pet Goggin

Contact Phone [REDACTED] Contact Email Pet@HelpOthersNow.org

City of Cadillac & State of Michigan Guidelines:

- ☐ Banner requested date is a minimum of 2 months prior to display date requested.
- ☐ I understand the City reserves the right to determine when the banner is hung during inclement weather.
- ☐ I understand 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.
- ☐ Banner picture or a design proof is attached with this request 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 6th Street and hours. Call Street Supervisor at (231)920-7800 to schedule time.
- ☐ Banner will be picked up within 1 week after being displayed; if it is not picked up, the banner will be disposed of.
- ☐ I understand and agree to these requirements and understand if these are not met the request will be denied.
- ☐ Form must be mailed or brought to: **(Email or Fax will not be accepted)**

Cadillac City Hall
Attn: Public Works Department-Events
200 N. Lake Street
Cadillac, MI 49601

Print Name Pet Goggin Signature [Signature] Date / /

Request will be reviewed & you will be notified if additional information is needed and/or if request is approved or denied.

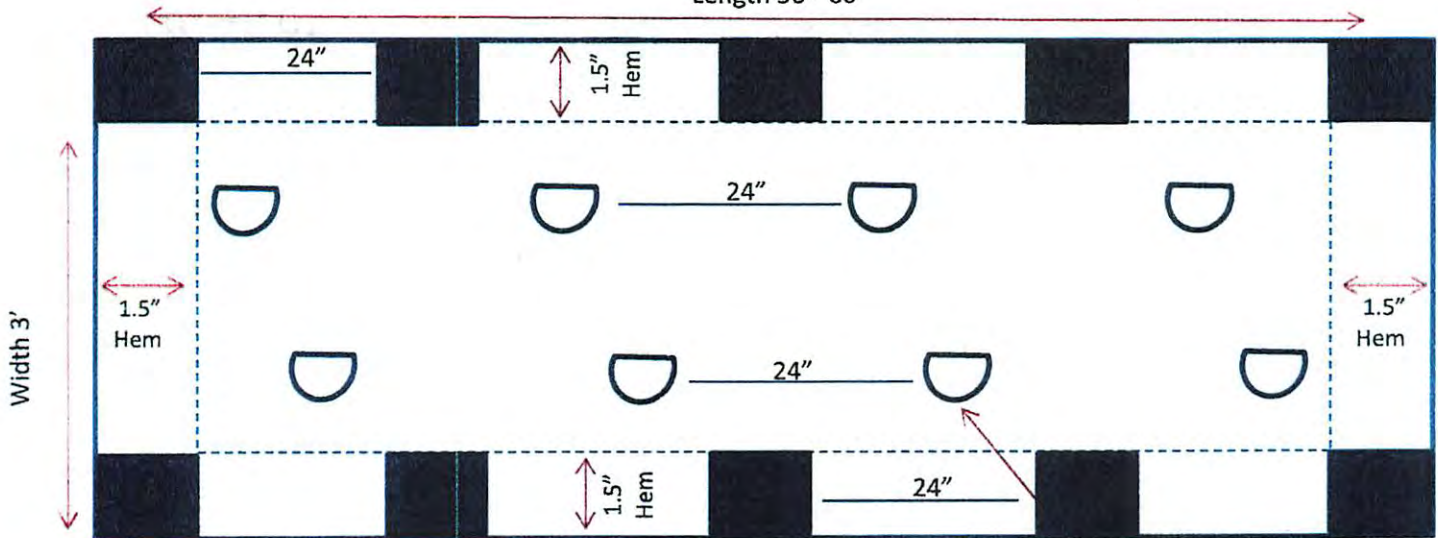
For Office Use Only

Public Works _____	Comments _____	Date Approved _____
City Clerk _____	Comments _____	Date Approved _____
City Council _____	Comments _____	Date Approved _____
State of Michigan _____	Comments _____	Date Approved _____

Banner Specifications

- Banner must be made of a minimum of 18 oz. vinyl or of comparable material
- Hem must be 1.5" double folded and stitched on inside & outside
- Grommets must be a minimum of # 4 Spur and not more than 24" apart along top & bottom
- Wind Vents must 12-18" semi-circle openings and not be more than 24" apart

Length 30' - 60'



Grommets:
Minimum of #4 Spur
Spaced maximum of 24" apart

****Drawing is not to scale****

Wind Vents:
12" diameter semi-circle openings
Spaced maximum of 24" apart

Attach a photo of the banner or provide a detailed design proof

(Request will not be approved without a proof or picture)





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

Today's Date _____

City Received Date

Banner Request Form

Monday Banner Start Date 10/4/21

Monday Banner End Date 10/11/21

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(Banners may only be requested for one week at a time per form)*

Reason for Banner Celebrate United Way Campaign
Organization United Way Washtenaw Mission Inc Contact Person Pat Goggin
Contact Phone [REDACTED] Contact Email Pat@HelpOthersNow.org

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Cadillac City Hall
Attn: Public Works Department-Events
200 N. Lake Street
Cadillac, MI 49601

Print Name Pat Goggin Signature [Signature] Date / /

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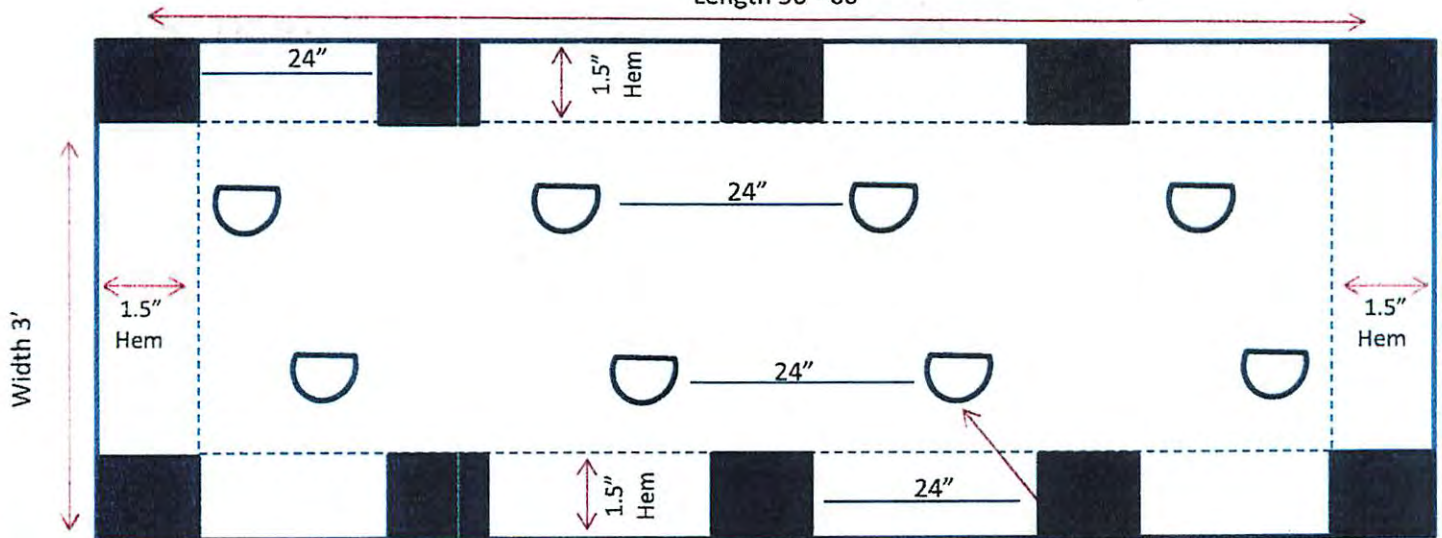
For Office Use Only

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City Clerk _____	Comments _____	Date Approved _____
City Council _____	Comments _____	Date Approved _____
State of Michigan _____	Comments _____	Date Approved _____

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Helping You Help Others





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

Today's Date _____

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Organization United Way Westland Mission Lee Contact Person Pat Goggin
Contact Phone [REDACTED] Contact Email Pat@HelpOthersNow.org

City of Cadillac & State of Michigan Guidelines:

- ☐ Banner requested date is a minimum of 2 months prior to display date requested.
- ☐ I understand the City reserves the right to determine when the banner is hung during inclement weather.
- ☐ I understand 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.
- ☐ Banner picture or a design proof is attached with this request 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 6th Street and hours. Call Street Supervisor at (231)920-7800 to schedule time.
- ☐ Banner will be picked up within 1 week after being displayed; if it is not picked up, the banner will be disposed of.
- ☐ I understand and agree to these requirements and understand if these are not met the request will be denied.
- ☐ Form must be mailed or brought to: **(Email or Fax will not be accepted)**

Cadillac City Hall
Attn: Public Works Department-Events
200 N. Lake Street
Cadillac, MI 49601

Print Name Pat Goggin Signature [Signature] Date / /

Request will be reviewed & you will be notified if additional information is needed and/or if request is approved or denied.

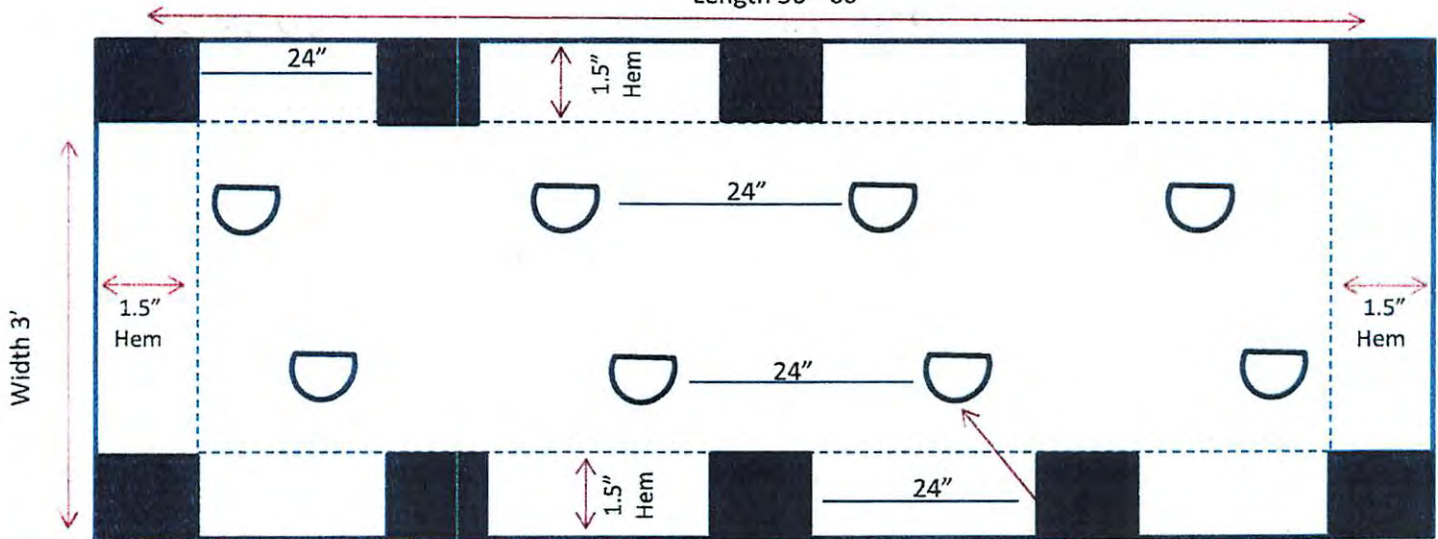
For Office Use Only

Public Works _____	Comments _____	Date Approved _____
City Clerk _____	Comments _____	Date Approved _____
City Council _____	Comments _____	Date Approved _____
State of Michigan _____	Comments _____	Date Approved _____

Banner Specifications

- Banner must be made of a minimum of 18 oz. vinyl or of comparable material
- Hem must be 1.5" double folded and stitched on inside & outside
- Grommets must be a minimum of # 4 Spur and not more than 24" apart along top & bottom
- Wind Vents must 12-18" semi-circle openings and not be more than 24" apart

Length 30' - 60'



Grommets:
Minimum of #4 Spur
Spaced maximum of 24" apart

****Drawing is not to scale****

Wind Vents:
12" diameter semi-circle openings
Spaced maximum of 24" apart

Attach a photo of the banner or provide a detailed design proof

(Request will not be approved without a proof or picture)



September 20, 2021

Council Communication

Re: Downtown Sidewalk Café's

Introduction

The Roaring 20's Saloon has requested approval to have sidewalk café seating in front of their downtown Cadillac restaurant in 2021. Staff has requested and received a site plan showing the placement of where the tables, chairs, and barriers will be located. The site plan shows 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 current alcohol license for the Roaring 20's Saloon with the State of Michigan does not include the verbiage "Outdoor Service Area". The Michigan Liquor Control Commission has instructed the owner Jim Feister that they would like City of Cadillac approval included with his application to have Outdoor Service Area included in his State of Michigan alcohol license.

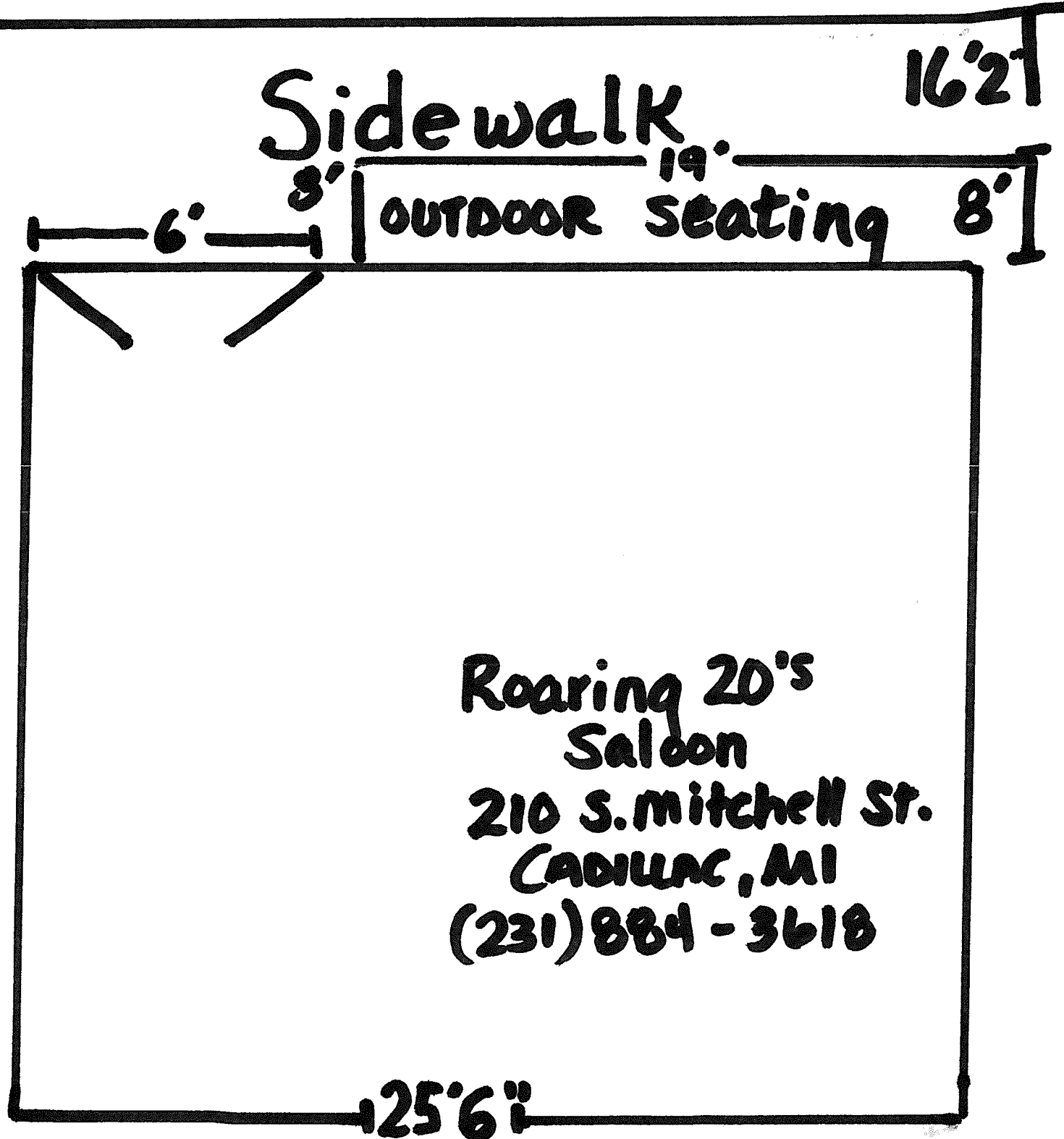
Staff has reviewed the request and supports the program subject to the following conditions:

- 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 the Roaring 20's Saloon to allow for placement of table and chairs for use as a sidewalk café for the year 2021. A new request will be required in 2022.

Mitchell Street



September 20, 2021

Council Communication

Re: Stand-On Leaf Blower Purchase

The Maple Hill Cemetery Board passed a motion at a recent meeting to recommend the purchase of an additional stand-on leaf blower to further enhance the efficiency of fall cleanup operations. After discussion with the board, it was determined that the cost of the blower should be split between the Cemetery operating budget and the budget for the Parks Department in the General Fund. This enables the blower to be deployed on a flexible basis to multiple operations as needed.

Attached to this communication is a communication from 2020 detailing bids that were received for identical equipment. The City contacted the successful low bidder from the 2020 bid and the company, Ellens Equipment, offered to sell a new model of a blower for the same bid price of \$9,351.

Recommended Action

It is recommended that the purchase of one additional stand-on leaf blower be awarded to the Ellens Equipment in the amount of \$9,351. Funds are available in the Cemetery Operating Fund and the Parks Department of the General Fund.

February 3, 2020

Council Communication

Re: Stand-On Leaf Blower Purchase

The City recently invited bids for the purchase of one (1) stand-on leaf blower to be used in spring and fall cleanup activities at Maple Hill Cemetery and in the City parks system. The following bids were received:

Contractor	Bid Price
Ellens Equipment McBain, MI	\$9,351
Weingartz Cedar Springs, MI	\$10,500

Recommended Action

It is recommended that the purchase of one (1) stand-on leaf blower be awarded to the lowest bidder Ellens Equipment in the amount of \$9,351. Funds are available in the Cemetery Operating Fund and the Parks Department of the General Fund.



September 20, 2021

Council Communication

Re: Emergency Purchase of CCTV Broadcast Equipment

Electronic equipment required to live-broadcast City meetings on the Spectrum Public, Education & Government (PEG) channel failed due to a major storm event just prior to the last City Council meeting. This equipment failure prevented the September 7 City Council meeting from broadcasting live on the PEG channel.

In an effort to keep additional meetings from being unable to broadcast live, the City worked with Eric Wotila, whose company operates the PEG channel, Cadillac Community TV, on a contractual basis via the Wexford-Missaukee Career Technical Center, in order to secure new equipment to restore these operations as soon as possible.

New equipment was ordered it is now expected that beginning with the September 20, 2021, council meeting, the live broadcast functionality will be restored.

The total cost of the purchase, including programming and installation, was \$9,250.

September 20, 2021

Council Communication

Re: Recommendation Regarding Approval of a Contract for Services with the Alliance for Economic Success

As a part of the City Council's Strategic Priority Programs and Projects, under the Priority titled "Improve Capacity to Encourage and Facilitate Local Economic Development", one of the initiatives includes the goal of establishing a more formal collaboration or agreement with the Alliance for Economic Success (AES). To achieve that objective, the City and the Alliance have been discussing for quite some time how best services can be provided and utilized. At the regular City Council meeting on August 2, 2021, the AES briefed Council on their organizational status and on-going discussions with the City to formalize a services agreement.

Identical to the model used by the Northern Lakes Economic Alliance for many years that serves the Petoskey region, the AES is now structured the same, including a partnership with Michigan State University to employ their Executive Director that will bring much needed resources to our City and region. The services agreement is also structured similarly to how the Northern Lakes Economic Alliance provides services to their municipal partners, with the cost for services based on a taxable value formula ($.000031 \times \text{Total Ad Valorem Taxable Value}$). The City's current taxable value is \$254,297,417, which calculates to an annual contract amount of \$7,883, which will adjust annually.

Recommended Action

It is recommended that City Council approve the Contract for Services with the Alliance for Economic Success. Funds are available in the Cadillac Development Fund.

AGREEMENT FOR SERVICES OF ALLIANCE FOR ECONOMIC SUCCESS

THIS AGREEMENT is made between the City of Cadillac, a Michigan municipal corporation, with an address of 200 N Lake Street, Cadillac, Michigan 49601 ("City"), and Alliance for Economic Success, a Michigan non-profit corporation, with an address of 2141 Plett Rd, C108, Cadillac, Michigan 49601 ("AES").

Recitals

WHEREAS, the City wishes to encourage economic development and job creation and retention within its boundaries; and

WHEREAS, the AES has provided community economic development services in the northern Michigan area since 2008, and desires to continue to provide such services to include Cadillac City Limits.

Agreement

NOW THEREFORE, in consideration of an annual investment in operational funds by the Township of \$7,883 – an amount of .000031 of the city's taxable value of \$254,297,417 – and the mutual agreements and benefits to the parties, the parties agree as follows:

1. SERVICES TO BE PROVIDED. The AES shall serve as a resource throughout the region for various community economic development services, including but not limited to, the following: strategic planning, industrial/business park development, community development efforts, business attraction, business start up, business retention, business expansion, assistance in obtaining federal, state and other economic development grants, serving as liaison with federal and state governments, grant administration services, economic assessment and analysis, brownfield redevelopment assistance, and historic preservation. An annual report of initiatives will be provided to all funders.
2. TERM. The term of this Agreement will be three (3) years commencing on September 1, 2021 and ending on August 30, 2024.
3. PAYMENT. Payment to be made annually in not more than 4 payments, with total paid no later than March 31st each year.
4. RELATIONSHIP OF PARTIES. The AES is an independent contractor, and is not an employee, agent or partner of the City.
5. REPRESENTATION ON THE AES BOARD OF DIRECTORS. The Cadillac City Council shall nominate two individuals to serve on the AES Board of Directors. One nominee (only one) shall be a current elected member of the City Council. Nominees are subject to approval by the full AES Board of Directors.
6. NONDISCRIMINATION. The AES shall not discriminate against a person to be served, or any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, marital status,

pregnancy, or protected activity, or because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of these covenants may be regarded as a material breach of this Agreement.

7. **INDEMNIFICATION.** The AES shall indemnify, defend and hold harmless the City, its elected and appointed officials, employees and volunteers, against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed, or recovered against or from them, by reason of personal injury, including bodily injury or death and/or property damage, including loss of use, which arises out of or is in any way connected or associated with this Agreement. Such indemnification will survive the termination of this Agreement. By entering this Agreement, neither party waives any immunity provided by law.

8. **DISCLOSURE OF CONFLICTS OF INTEREST.** The AES shall disclose to the City any actual or potential conflict of interest between the AES, its key employees, or their family, business or financial interests and the services to be provided under this Agreement.

9. **RECORD KEEPING; AUDITS.** The AES shall keep complete and accurate records and maintain audited financial reports according to its bylaws.

10. **COMPLIANCE WITH LAW.** The parties shall comply with all applicable federal, State and local laws, ordinances and rule and regulations.

11. **TERMINATION.** Either party may terminate this Agreement, with or without cause, at any time upon providing the other party no less than six-months prior written notice of the intent to terminate. Any outstanding balance owed either party for membership services will be refunded based on the date of termination. Payment to be made within thirty (30) days of termination date.

12. **WAIVER.** The failure or delay on the part of the City in exercising any right, power, or privilege under this Agreement shall not operate as a waiver thereof or of the right to enforce any right, power, or privilege in the future.

13. **AMENDMENT.** The parties can amend this Agreement only by a written document signed by both parties.

14. **ASSIGNMENT.** A party cannot assign this Agreement or any right or obligation under this Agreement without prior written consent of the other party.

15. **SEVERABILITY.** Each provision of this Agreement must be interpreted in a way that is valid under applicable law. If any provision is held invalid, the rest of the Agreement will remain in full effect.

16. **APPLICABLE LAW.** This Agreement will be governed and interpreted by Michigan law.

17. **NOTICES.** All required notices must be in writing and shall be considered given when delivered (1) personally, or (2) by registered or certified mail, return receipt requested, addressed as follows (or any other address that is specified in writing by either party):

If to the City:

City of Cadillac
City Hall and Offices
200 N Lake Street
Cadillac, MI 49601
Attention: City Manager

If to the AES:

Alliance for Economic Success
2141 Plett Rd C108
Cadillac, MI 49601
Attention: AES Executive Director

18. TITLES AND HEADINGS. Titles and headings are inserted in this Agreement for reference purposes only, and must not be used to interpret the Agreement.

19. COUNTERPARTS. This Agreement may be signed in one or more counterparts, and each counterpart shall be considered an original Agreement. All of the counterparts shall be considered one document and become a binding agreement when one or more counterparts have been signed by each of the parties and delivered to the other.

20. ENTIRE AGREEMENT. This Agreement contains the entire understanding between the parties.

AGREED to this _____ day of _____, 2021, at Cadillac, Michigan.

WITNESSES:

ALLIANCE FOR ECONOMIC SUCCESS

Lisa Leedy, Executive Director

CITY OF CADILLAC

Name/Title

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. 2021-3430

**RESOLUTION TO INTRODUCE ORDINANCE TO APPROVE
TRANSFER OF REAL PROPERTY
(WELL PROPERTY)
AND SET A PUBLIC HEARING FOR OCTOBER 18, 2021**

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, conducted on the 20th day of September, 2021, at 6:00 p.m.

PRESENT: _____

ABSENT: _____

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

WHEREAS, the City of Cadillac ("City") is authorized by statute to buy, own and sell
real property (MCL 117.4e); and

WHEREAS, the Charter of the City provides that the City may, by ordinance and
upon the affirmative vote of four or more members of the Council, transfer any real
property (Charter Sec. 5.6); and

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

WHEREAS, in 1994, the City and the Cadillac Local Development Finance Authority ("LDFA") entered into a Water Supply Agreement (copy attached) with Beaver Michigan Associates Limited Partnership ("Beaver") pursuant to which the City and the LDFA owned real property and a well that provided water to Beaver; and

WHEREAS, the Water Supply Agreement provides that it expires on October 31, 2021, at which time the well is to be transferred to Beaver; and

WHEREAS, Cadillac Renewable Energy LLC is the successor in interest to Beaver; and

WHEREAS, the City and the LDFA wish to transfer the well and the related real property and improvements (the "Well Property") to Cadillac Renewable Energy LLC; and

WHEREAS, the City wishes to consider adopting an ordinance that approves the transfer by quit claim deed of the Well Property owned by the City and/or the LDFA:

BEG AT SW COR OF LOT 7; N 161 FT; E 185 FT; S 218 FT; NWLY ALG THE S LN OF LOT 7 TO POB, BEING PART OF LOT 7, HARRY VANDERJAGT INDUSTRIAL PARK PLAT. CITY OF CADILLAC.

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

1. Pursuant to Section 5.2 and 5.6 of the City Charter, the City introduces Ordinance No. 2021-14, Ordinance to Authorize Transfer of Real Property (Well Property) (the "Ordinance," attached as Exhibit 1) and set a public hearing for October 18, 2021.

2. A public hearing regarding the Ordinance shall be held on the 18th day of October, 2021, at 6:00 p.m. at the City Municipal Complex, 200 North Lake Street, Cadillac, Michigan 46901.

3. The City Clerk is directed to publish a summary of the Ordinance in a newspaper of general circulation in the City of Cadillac, together with a notice setting the time and place for a public hearing on the Ordinance, in accordance with the Charter. The summary and notice of the hearing shall be substantially in the form of Exhibit 2.

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

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

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)
COUNTY OF WEXFORD)

I, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. 2021-3430, duly adopted at a meeting of the City Council held on the 20th day of September, 2021.

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

ORDINANCE NO. 2021-14

**ORDINANCE TO APPROVE TRANSFER OF REAL PROPERTY
(WELL PROPERTY)**

THE CITY OF CADILLAC ORDAINS:

Section 1.

Pursuant to MCL 117.4e, the Charter of the City of Cadillac and other applicable authority, the City hereby approves the transfer to Cadillac Renewable Energy LLC of real property owned by the City, described as: BEG AT SW COR OF LOT 7; N 161 FT; E 185 FT; S 218 FT; NWLY ALG THE S LN OF LOT 7 TO POB, BEING PART OF LOT 7, HARRY VANDERJAGT INDUSTRIAL PARK PLAT. CITY OF CADILLAC (including a well and related improvements) (the "Well Property"), City of Cadillac, Wexford County, Michigan, as described in a 1994 Water Supply Agreement between the City and Beaver Michigan Associates Limited Partnership, predecessor to Cadillac Renewable Energy LLC.

Section 2.

The Mayor and City Clerk are hereby authorized to execute any and all documents and to take any and all actions necessary or appropriate to close upon the transfer of the Well Property.

Section 3.

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

Section 4.

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

Section 5.

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

Approved this ____ day of _____, 2021.

Sandra Wasson, City Clerk

Carla J. Filkins, Mayor

I, Sandra Wasson, City Clerk of the City of Cadillac, Michigan, do hereby certify that a summary of Ordinance No. 2021-14 was published in the Cadillac News on the ____ day of _____, 2021.

Sandra Wasson, City Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF WEXFORD)

On this ____ day of _____, 2021, before me, a Notary Public, in and for said County, personally appeared Carla J. Filkins, Mayor, and Sandra Wasson, City Clerk, on behalf of the City of Cadillac, who executed the foregoing Ordinance and acknowledged that they have executed it on behalf of the City of Cadillac in their capacity as its Mayor and City Clerk, respectively.

_____, Notary Public

County of _____, State of Michigan

My commission expires: _____

Prepared By and Return To:

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

WELL REAL PROPERTY
(insert legal description)

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

The City of Cadillac hereby gives notice of proposed Ordinance No. 2021-14, Ordinance to Approve Transfer of Real Property (Well Property).

NOTICE IS HEREBY GIVEN that a Public Hearing on the proposed ordinance will be held in the Council Chambers, Cadillac Municipal Complex, 200 N. Lake Street, Cadillac, Michigan, on October 18, 2021, at 6:00 p.m., at a meeting of the City Council. The City of Cadillac complies with the "Americans with Disabilities Act." If auxiliary aids or services are required at a public meeting for individuals with disabilities, please contact Sandra Wasson, City Clerk, at clerk@cadillac-mi.net, 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. If required, the City may conduct the meeting electronically, and a notice will be posted on the City's website. The following is a summary of the proposed ordinance.

ORDINANCE TO APPROVE TRANSFER OF REAL PROPERTY (WELL PROPERTY)

Section 1 of the proposed ordinance provides that pursuant to MCL 117.4e, the Charter of the City of Cadillac and other applicable authority, the City hereby approves the transfer to Cadillac Renewable Energy LLC of real property including a well and related improvements owned by the City, and/or the Cadillac Local Development Finance Authority, described as: BEG AT SW COR OF LOT 7; N 161 FT; E 185 FT; S 218 FT; NWLY ALG THE S LN OF LOT 7 TO POB, BEING PART OF LOT 7, HARRY VANDERJAGT INDUSTRIAL PARK PLAT. CITY OF CADILLAC (the "Well Property"), in fulfillment of a 1994 contract between the City and with Beaver Michigan Associates Limited Partnership, predecessor to Cadillac Renewable Energy LLC.

Section 2 of the proposed ordinance authorizes the Mayor and City Clerk to execute any and all documents and to take any and all actions necessary or appropriate to close upon the transfer of the Well Property.

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

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

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

CITY COUNCIL OF THE
CITY OF CADILLAC, MICHIGAN

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



Planning Commission
June 28, 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, Gregg, Bunce, Bosscher, Baumann, Putvin

Absent: Fent

Staff: Wallace, Coy, Peccia, Pluger

Approval of Agenda for June 28, 2021

- A. Motion to approve the agenda with a change to move New Business to be addressed first; and to permanently delete the first Public Comments section made by Baumann.

Supported by Filkins.

- a. Motion approved unanimously.

Public Comments – None

Approval of April 26, 2021, Meeting Minutes

- A. Motion to approve the minutes with a change to the new business heading by Baumann.

Supported by Filkins.

- a. Motion approved unanimously.

Public Hearings –

- A. **Rezoning Application for Christopher and Jennifer Czekai at 2713 Sunnyside Drive. Request to rezone from R-3 to TS-2.**

- a. Discussion started by Putvin. Wallace presented update from staff report explaining taking a property on the west side of the street and changing it to a TS-2 from R-3. Photos from the staff report show that the property is surrounded by both commercial and residential. This is the juncture of M115 and M-55 and includes a gas station and other commercial buildings. This would be surrounded by TS-2 and makes sense for zoning purposes to allow the change. The Master Plan designates the property as being eligible for a potential soft commercial zoning. The change does match what the Master Plan recommends doing.
- i. The proposed change matches the surrounding uses.
 - ii. This is a compatible change.
 - iii. This matches future zoning changes of the Master Plan.
 - iv. Recommends the rezoning, since it matches all classifications, present and projected future.

- b. Public Hearing Opened by Putvin:
 - i. Diane Patterson: lives two houses down from the proposed site. She prefers leaving this as residential. Has concerned that the house is getting sold in a couple of months and fears that it would get torn down and turned into something different. Wants to see if left residential.
 - ii. Chris Czekai: Commented that it would be VRBO and Airbnb and would stay as residential. Stated that they are not set in stone to sell the home as Diane stated, it is not anything moving forward at this time.
 - iii. Diane Patterson: stated she was glad to hear it is not going up for sale but would prefer to see it stay as a single-family home because we need more housing. Putvin stated if it sells, it can stay a single-family home and does not have to be commercial. Wallace confirmed this zoning is the only way it can be listed as an Airbnb but can stay as single family.
 - iv. Coy commented that all the homes across the road are TS-2 and can be overnight lodging as well. Coy mentioned that Blarney Castle Oil owns most of the properties across the road. Wallace stated there is nothing happening currently with the properties owned by Blarney Castle.
 - v. Closed Public Hearing.
 - c. No comments from board members.
 - d. Wallace Proposed Motion to approve to City Council the Application of Christopher and Jennifer Czekai at 2713 Sunnyside Drive from R-3 to TS-2 based up on the analysis by the staff report and public comments.
 - i. Proposed by Baumann. Supported by Bunce.
 - ii. Motion approved unanimously.
- B. Zoning Ordinance Amendment regarding temporary use signs. Specifically, the ordinance would standardize regulations for all temporary use signs, regardless of their content, and provide a uniform restriction for the number of signs displayed in each parcel, the sign's height, minimum setbacks and spacing from other signs, and limit the amount of time a sign can be displayed after the event referenced concludes.**
- a. Putvin introduced the discussion. Wallace presented explanation that this change is to match a Supreme Court Decision that states there is no regulation for content, but that size and number of signs can be regulated. This groups all types of signs together and provides clear regulation of number and size of signs in all scenarios. This would address the number and size of temporary signs, as outlined in Schedule D, which is a replacement of the current Schedule D. It takes them out of type such as political or real estate and lumps everything into one group. It's an attempt to be compliant with the Supreme court and be able to enforce.
 - b. Putvin questioned about schedule D, sub notes, the last two sentences. States that signs can only be displayed during certain hours. Does that mean the sign needs to be taken down? Peccia stated yes, it is for event-oriented signs. It would be regarding garage sales, open houses, etc. that are put up during the day and not taken down. It requires that they take the sign away after those types of events. Coy stated that it is for "off premise" signs which also require the owner's permission.

- c. Baumann – you mentioned a proliferation of signs. What does the current ordinance say? How much of a change is this? Wallace stated the current ordinance did not have a clear answer for the number of signs, and there were properties with 6-8 signs on a property. Coy stated Schedule D current does not say anything about the number of signs. There have been instances of 8-12 temporary signs along the roadways and there is no current regulation of these items.
- i. Baumann stated he is for controlling blight and content neutrality but has problems with tamping down a resident's right to speech and a government's power to control freedom of speech. Discussion followed that there is a fine line between freedom of speech and controlling blight.
 - ii. Bunce commented that sometimes there is downright unsightly blight, but other times there is one offensive sign. It is a difference between a nuisance and offensive. Wallace commented that some of the signs are created out of unprofessional items that turn into blight more easily.
 - iii. Wallace stated that it is difficult to come to a set number of signs. Some people take advantage and if several lots in a row have lots of signs it turns into an issue. Bunce asked what type of recourse a neighbor must deal with problematic signs next door. Wallace agreed, but also stated that the City has no grounds to do certain things without a legal issue.
 - iv. Filkins – has information been gathered as to how their ordinances look like? Wallace stated that he personally did not but took guidance from the attorneys and assumes they had other experience with other communities.
 - v. Putvin asked for Baumann's recommendations. Baumann stated he supports most of Schedule D, his only issue is regulations on freedom of speech. He could not come up with a number to give. Wallace stated that the size given is what real estate signs usually are at and outlined the changes of the scale from commercial to residential. Wallace stated the real question is how many should be allowed.
 - vi. Peccia commented that there was a situation where there were over 8 signs on the property and several complaints were given. He stated perhaps 2 is too few, but 8 is too much. Peccia stated he was texting the legal team at that time to ask where they got the number of 2. He stated, yes, they are regulating speech, not on a content matter but on a context manner. Baumann stated that he appreciated that the ordinance is now being made constitutional, as this was a 2015 case. Coy commented that interior signs are exempt.
 - vii. Bosscher – if the signs are in or attached to the home how do they line with the ordinance? Coy stated that the current ordinance states if its outside the home and is attached, it is exempt.
 - viii. Wallace commented that the Supreme Court changed things from being temporary to permanent and are harder to deal with now. There is no logical time for signs to go away because the ruling allows for permanent items. Peccia stated that the number of signs can be changed this evening if the board wishes to do so. Wallace stated he would recommend it staying under 4 but would change it to that if the board wishes to do so.

- ix. Bunce: how do you know when the conclusion of an event is? Wallace stated that the time frame is typically posted. Bunce stated campaign signs are an example he was thinking of. Discussion followed about types of temporary signs.
- x. Bosscher and Baumann stated that they have concerns about the number of signs and the signs being restricted and how it can be enforced and effect freedom of speech and wished for more public feedback. Discussion followed about this. Peccia commented that if the Planning Commission passes this, more public input would be given at the two meetings at City Council Public Hearings. There would be more public comment, and there have been several complaints to City Staff about signs and felt there was a need to do this update. He suggested giving some sort of recommendation to City Council. Wallace agreed that if there is any push back at the City Council meetings, changes can be made in the future with the rewrite of the zoning.
- xi. Filkins stated that this could be sent to council but felt that there is a piece missing. She wants to hear more information about what other communities do, should there be more public hearings etc. That way the City and Council would be ready for any push back that comes. She recommended tabling this item for further research.
- xii. Wallace stated that the research would need to be done only on communities that have followed the supreme court ruling. Discussion followed about wanting to investigate several different communities so that we can see several plans and what other communities have found reasonable. Emphasis was put on this being a “community test” so that this does not come off as a government control issue and that this is something that is good for the community as a whole.
- xiii. Bosscher suggested changing the enforcement to the distance between signs instead of the number. This would allow more for bigger lots, and fewer for small lots. Are there regulations for lot setbacks? This could also help regulate without telling them how many they can have. Peccia commented that this is interesting, could regulate based on lot lines and setbacks.
- xiv. Baumann stated that as much research be done as possible given our climate and that the City Council would be thrown into a freedom of speech issue. It was suggested to reevaluate and rewrite with more research and then have another public hearing meeting with the legal team in attendance to give more background information on where the information came from.
- d. Public Hearing Opened by Putvin. No comments were given. And public hearing was closed.
- e. Recommendation to table this decision pending staff making further study and providing new information at another public hearing.
 - i. Motion by Baumann. Supported by Bosscher.
 - ii. Motion approved unanimously.

New Business –

A. Land division for Linden Street. Legal description E ½ of lot 8 & E ½ lot of 9 Cobbs & Mitchell 3rd add City of Cadillac Split/combined on 5/15/2013 from 10-052-00-016-00.

- a. Presented as open business from Putvin. Coy presented staff report. Property owned by Habitat for Humanity, and they would like to split into two equal sized lots, which meet the standards for R-2 District as outlined in the ordinance. The intent of the lots is not known at this time. They are in a platted area, which signifies that the Planning Commission must approve the division, instead of just administrative approval. Wallace questioned if needed Council approval, Coy updated that it did not. No questions were given from the Board.
 - i. Wallace presented a motion to approve lot split of the property owned by Wexford Osceola Habitat on Linden Street as presented in the application. This would create two equal sized lots.
 - ii. Motion by Filkins. Supported by Baumann.
 - iii. Motion approved unanimously.
- b. Comments of thanks from Amy Gibbs, director of Habitat for Humanity.

Old Business – None

Board Members Comments – None

- A. Coy - appreciated the discussion and different points of view. It is helpful as being the main people to enforce issues, and it is important to understand other viewpoints.

Communications – None

Public Comments – None

Other Business – None

Adjourn

- Adjourned at 7:15 PM

Minutes (Draft)
Downtown Development Authority (DDA)
Business Improvement District (BID) Board
Regular Meeting
April 28, 2021

A regular meeting of the Cadillac Downtown Development Authority (DDA) and Business Improvement District (BID) Board was held electronically at 7:30 a.m. on Wednesday, April 28, 2021.

MEMBERS PRESENT: LeVand, Swanson, Coffey, Kelsey, Schultz, Barnes, Huckle, Peccia

STAFF PRESENT: Wallace, Payne, Pluger

APPROVAL OF Minutes

- Motion to approve meeting minutes from February 24, 2021 by Coffey. Supported by Schultz.
- Motion approved unanimously.

CITY MANAGER REPORTS

- Financial Report explained via Transmittal
 - o Motion to approve the financial report by Coffey and supported by Schultz. None opposed.
- Peccia gave update on White Pine Trailhead updates and hopeful funding opportunities
- Potential Long Road Distilleries coming to 412 Mitchell Street location. Potentially will be a “little fleet” of food trucks to their parking lot. Liquor license is being voted on by City Council next week.
 - o LeVand questioned if this would be up and running this summer? Peccia comment that they are moving forward and hope to be open as soon as possible.
- RRC has been approved and a description of the process was explained.
- Wallace explained the Marijuana locations are moving forward and gave a brief description of each of the three location.
- LeVand Question if the gas station was moving forward. Wallace and Pluger explained the status of the building and demo permits
- LeVand asked if there have been any announcements of businesses going into the Cadillac Lofts. Peccia explained that there is not any new updates.
- Curtis – asked for name of the distillery moving in. Peccia told its Long Road, and can be researched online.
- Curtis – is the distillery in the social district zone? Peccia explained yes, and hopefully they apply for it. Conversation followed about the zone regulations and where people can exit the building with the drinks.
- Curtis questioned about the old Ponderosa building. Peccia and Wallace explained that the business has not spoken to the City about this and they do not know any more details. Peccia explained a Marijuana company was told the building needed over a million dollars of upgrades to be retail. Kelsey commented he toured the building and that it is in rough condition.

DIRECTOR REPORT

- Redevelopment Ready Communities – followed up Peccia’s explanation that the City would be now in some marketing materials and support will be available by the state to us.
- Low/Moderate Income Survey – Wallace explained Lake Superior State University will begin surveying this week or next to determine if the City of Cadillac meets the low-income requirements to get the block grants.
- Peterson’s Funeral Home Parking Expansion – Wallace updated that the retaining wall is in place and they are grading the parking and adding landscaping.
 - o LeVand asked if this is shared parking, and that other people could use their parking. Wallace stated he would speak with them about it.
- Flower Basket Donations are over \$3300 to date.

- Leadership Team Shay Project – has raised about \$50,000 and are still fundraising. Wallace mentioned how donations can be made. Construction should start in May/June.
- Wallace gave update on Newsletter, that it will be tested soon and that the DDA should expect it to be emailed.
 - o LeVand asked if the West Corridor could mirror this and do their own newsletter. Wallace stated that is something they could do in the future.

COMMITTEE REPORTS:

- Parking Committee – Wallace explained the committee met in March. The main focus was getting updated data. Wallace recommended that Staff continue to update this and work on the formulas more in depth later.
 - o LeVand commented that in Arizona they have “parklets” and potential for this to be a concept in Cadillac. He would be bringing pictures back to show Wallace.
- Streetscape Committee – Met in March to discuss the purchasing of banners, which will need to be voted on today. Staff met with Consort about updated banners. The committee spoke about letting organizations be able to sponsor banners and help cover the costs. Wallace explained he and Pluger are still researching banner program to allow others to purchase banners and put them up.

OLD BUSINESS

NEW BUSINESS

- Fall Banner Design for Gateways – Wallace went over the banner choices and asked if there could be a motion made to pick one of the banners. Discussion followed about the colors and pros and cons of each.
 - o LeVand asked if they could add “thank you for visiting” Wallace stated it would probably add cost. Swanson mentioned she thought adding more text would be hard to read.
 - o Motion by Schultz to purchase option #3, the second leaf banner, at the cost of \$1256.00. Seconded by Coffey. None opposed.
- Hope Network Contract – Wallace explained the quote has increased about \$225 a month from last year.
 - o LeVand questioned point 4E, should they also agree to this point? Peccia explained that above it states ‘Mutually’ so they are both covered by the statement.
 - o LeVand questioned if the items in 4A should also be included in the insurance? Wallace explained section 6 covers that.
 - o LeVand Section 6 second paragraph states that they would supply proof of insurance to work at site, shouldn’t that be provided to the City? Wallace stated this couldn’t be posted anywhere specific because they work throughout the City. Peccia stated if it was needed to be posted it would have to be at City Hall.
 - o LeVand – Question about services section, has it changed since the last contract? Wallace explained he believes this is the same, he focused on the cost changes. Peccia mentioned that the Agency has been great to work with and they have been generous with the City and giving jobs to those that need it.
 - o LeVand requested that the DDA send a letter to the workers that are consistently doing the maintenance at the end of the season.
 - o Motion to approve the proposed contract with Hope Network by Coffey. Supported by Schultz. None opposed.

COMMUNICATIONS/OTHER ITEMS – None

PUBLIC COMMENTS – None.

ADJOURNMENT: Meeting Adjourned at 8:30 am as proposed by Coffey