



City Council Meeting

October 4, 2021

6:00 p.m.

Cadillac Municipal Complex

Council Chambers

200 N. Lake St.

Cadillac, MI 49601



October 4, 2021 City Council Meeting Agenda
6 p.m. at City Hall - 200 N. Lake St. – Cadillac, MI 49601

We trust and assume goodness in intentions

CALL TO ORDER
PLEDGE OF ALLEGIANCE
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 20, 2021.
Support Document III-A

IV. COMMUNICATIONS

- A. Cadillac Band Boosters
Support Document IV-A
- B. Cadillac Area Symphony Orchestra
Support Document IV-B

Cadillac City Council Agenda

October 4, 2021

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C. Vote – City of Cadillac Election
Support Document IV-C

D. Cadillac Garden Club – Holiday Home Tour
Support Document IV-D

V. MINUTES AND REPORTS OF BOARDS AND COMMISSIONS

A. Zoning Board of Appeals
Support Document V-A

VI. PUBLIC COMMENTS

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VII. GOOD OF THE ORDER

VIII. CLOSED SESSION

Adjourn to closed session to consult with the City Attorney regarding trial or settlement strategy in connection with Cubitt v. City of Cadillac et al, Western District of Michigan Case No. 1:20-cv-01084.

IX. 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 20, 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, Wallace, Dietlin, Roberts, Homier, Smith

APPROVAL OF AGENDA

2021-176 Approve agenda as amended.

Motion was made by King and supported by Engels to approve the agenda as amended to add a Recommendation Regarding Purchase of Engraved Bricks for Leadership Project under the City Manager's Report as Item VI-D

Motion unanimously approved.

PUBLIC COMMENTS

Amanda Siggins expressed concerns about the intersections of Lester/Stimson St. at Franklin Elementary and Ayer/Wheeler St. at Lincoln School. Amanda requested the City of Cadillac place daytime no parking signs along the intersections by the school pick up line to prevent possible accidents.

Howard Heuker at 135 W Bremer St. stated that he is having serious problems with flooding and sewer troubles at his residence.

CONSENT AGENDA

2021-177 Approve consent agenda as presented.

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

Motion unanimously approved.

FOIA APPEAL

City Attorney Homier stated that council was given a memo explaining the fee appeal and how it is broken down into three different sections. (1.) The first is the City of Cadillac failed to identify the nature of the high costs and to charge time for the search. (2.) The City of Cadillac cannot require the fees to be paid upfront after a request is granted. (3.) The City of Cadillac must deliver the documents before the fee can be applied.

Homier advised that in their opinion there is no merit to the grounds raised for the appeal. Homier stated that the City of Cadillac has the authority and ability to waive those fees, the recommendation was relayed in the memo that council received.

Mayor Filkins provided Mr. Bodary with the opportunity to comment on his appeal and noted he is allotted six (6) minutes.

Mr. Bodary referenced the nature of the high costs having no merit. The high costs being \$28.00. He noted that the city failed to fill out the itemized deduction on the form.

Schippers inquired about the form Mr. Bodary was referencing. Homier stated there is an itemized fee schedule that council was provided. The charges are \$27.81 and identified as labor under the itemized fee schedule. Schippers asked if there was a section not filled out. Homier stated that the document he has and the document that council received was filled out with charges indicating \$27.81; hourly wage of \$18.54 at 1.5 hours of labor.

Schippers stated that it's important to understand that when a FOIA is requested that it requires staff time to collect the information. Citizens have the right to that information, but citizens also have a responsibility to cover the costs to acquire that information.

2021-178 Action regarding FOIA Appeal.

Motion was made by Schippers and supported by King to deny the appeal in full.

Motion unanimously approved.

COMMUNICATIONS

A. Cadillac High School Homecoming Parade

2021-179 Approve parade route for the Cadillac High School Homecoming Parade.

Motion was made by Schippers and supported by Elenbaas to approve the parade route for the Cadillac High School Parade on October 10, 2021 as presented.

Motion unanimously approved.

B. United Way Banner

2021-180 Approve display of banner for the United Way's 2021 Celebrate United Way Campaign

Motion was made by Elenbaas and supported by King to approve the display of a banner from September 27, 2021 to October 18, 2021 for the United Way's Celebrate United Way Campaign.

Motion unanimously approved.

C. Downtown Sidewalk Café – Roaring 20's Saloon

2021-181 Approve request for an outdoor sidewalk café in front of Roaring 20's Saloon.

Motion was made by Schippers and supported by Elenbaas to approve outdoor sidewalk café subject to the conditions noted.

Motion unanimously approved.

CITY MANAGER'S REPORT

A. Recommendation regarding purchase of stand-on leaf blower.

Peccia stated the recommendation is to approve the recommendation of the Maple Hill Cemetery Board regarding the purchase of a stand-on leaf blower from Ellens Equipment of McBain, Michigan in the amount of \$9,531. Cost of the stand-on leaf blower will be split between the cemetery operations budget and the parks department of the general fund allowing optimal use between departments.

2021-182 Approve purchase of Stand-On Leaf Blower to Ellens Equipment at \$9,531.

Motion was made by Elenbaas and supported by Schippers to award the purchase of an additional stand-on leaf blower to Ellens Equipment of McBain in the amount of \$9,531.

Motion unanimously approved.

B. Emergency Purchase-CCTV Broadcasting Equipment

Peccia informed the council of an emergency purchase of broadcasting equipment. A rainstorm damaged broadcasting equipment allowing CCTV to broadcast live meetings. A purchase was made of \$9,250 to replace the electronics allowing the broadcast of live meetings and streaming capabilities. Reported as required by charter.

C. Recommendation regarding Approval of Contract for Services with Alliance for Economic Success (AES).

Peccia stated the recommendation regarding approval of contract for services with the Alliance for Economic Success. Peccia noted discussions started with a public appearance from AES board members and stakeholders on August 2, 2021 when they appeared before city council. AES reported on efforts in reshaping their organization and bringing on executive director and restructuring to model Northern Lakes Economic Alliance (NLEA) and partnering with Michigan State University (MSU). Peccia introduced Mark Lagerway from AES. Mark Lagerway provided copies of a presentation. (See Attachment) He outlined the restructuring, the partnerships in place within AES and the future hiring of an executive director of AES. Mark discussed hiring process of the executive director position and how funding will be handled.

AES current executive committee consists of Jeremy Winkle (Chair) and Kelly Smith. AES is asking for funding and a representative from city council to serve on the executive committee.

Jeremy Winkle addressed council noting the historical collaborative conversations on economic development and previous donations received when first starting out. Through these conversations and donations several economic studies were obtained. The economic studies were key in bringing new businesses and developments into the city. Winkle discussed with council the fee structure and the long-term goals of the organization.

Mayor Filkins stated she strongly feels that \$7,800 is undervalued at what has come into our community from AES. Peccia agreed that having an economic development resource available locally could be helpful. Filkins noted that the AES director is not hired yet, but as a member of the board we could be involved in the discussions. King stated that he is in support of a collaborative economic development. King raised concern on committing to a three-year contract before the executive director is hired. Schippers stated her approval of participating in AES. Schippers stated that it would not matter who participates thus far. Schippers stated that she would like the city to take that leadership role. King stated that until that key position is filled there are no answers as to the direction and how things are going to be handled. Schippers noted the quality of individuals on this committee who are responsible for hiring someone would find the perfect candidate.

Winkle stated the individuals who make up the committee that would hire the executive director are: Shari Spoelman(MSU Director), Kelly Smith, Caitlyn Berard, Mark Lagerway and David Emmel (Director NLEA).

Peccia suggested pushing the effectiveness date of the implementation of the agreement out effective January 1, 2022 so that consensus regarding the proposal could be reached today. King stated that his concern is committing the city to contract without knowing the true parameters or direction. King stated he needs to know who is leading it and what the vision is. Engels stated that AES provides value, and the studies that have been provided by AES have been appreciated.

2021-183 Approve contract for services with the Alliance for Economic Success as presented.

Motion was made by Engels and supported by Schippers to the contract for services with the Alliance for Economic Success as presented.

Ayes: Schippers, Engels, Mayor Filkins

Nays: Elenbaas, King

Motion carried.

2021-184 Approve appointment to the Alliance for Economic Success.

Motion was made by Schippers and supported by Elenbaas to approve the appointment of Mayor Filkins to serve as an executive member to the board of Alliance for Economic Success.

Motion unanimously approved.

D. Recommendation regarding purchase of Engraved Bricks for Leadership Project.

Peccia stated the recommendation to waive bidding and award the purchase to Brick Markers USA in the amount of \$13,052 for engraved bricks for the shay showcase project. Funds have been raised by the Cadillac Chamber of Commerce's Leadership Class Project in the amount of \$13,052 which have been on deposit with the city.

2021-185 Waive Competitive Bidding for Engraved Bricks for Shay Showcase Project.

Motion was made by Elenbaas and supported by Schippers to waive competitive bidding approve the purchase of engraved bricks for the Shay Showcase project from Brick Markers USA in the amount of \$13,052.

Motion unanimously approved.

2021-186 Approve the purchase of Engraved Bricks from Brick Marks USA for \$13,052.

Motion was made by Engels and supported by Elenbaas to approve the purchase of engraved bricks for the Shay Showcase project from Brick Markers USA in the amount of \$13,052.

Motion unanimously approved.

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.

Peccia stated this transfer of property is a well that is adjacent to the co-generation plant. The city and co-generation plant had a contract that was signed in 1994. Per that contract which expires on October 31, 2021, the city is to transfer property back as of that date. Dietlin noted this is a well that supplies co-generation plant with water and in return we receive electricity at no cost.

2021-187 Set public hearing for Ordinance 2021-14.

Motion was made by Schippers and supported by Engels to adopt the resolution to introduce ordinance 2021-14 to approve transfer of real property (Well Property) to Beaver Michigan and set a public hearing for October 18, 2021.

Motion unanimously approved.

MINUTES AND REPORTS OF BOARDS AND COMMISSIONS

A. Planning Commission

B. Downtown Development Authority

PUBLIC COMMENTS

Glenn Kangas made a statement regarding the new sign ordinance.

Terrell Bodary made a statement regarding the dialogue that others have gotten.

Howard Heuker made a statement regarding his flooding and sewer problems.

Caitlyn Berard thanked the council for the continued support for AES.

GOOD OF THE ORDER

Peccia stated he will have a traffic engineer that provides the city service, check into the Lincoln School area as well as Leeson/Division area. Peccia will be in communication with CAPS to inquire if they have any thoughts on how the pick-up/drop-off can be improved.

Peccia stated he is aware of the flooding issue on Bremer St. Insurance claim form for damages has been issued and has not been returned yet.

Peccia noted he will request AES to supply the city with the bio of the new hire so he can share with council.

Schippers stated with public comments and the public part of the meeting, council does not interact. It can be very intimidating for the person doing the public speaking to have comments thrown back at the speaker. She stated that it's a way to be respectful to the person making the public comments. Schippers stated that at the specific hearing issue Mr. Bodary was given 6 minutes to address the issue. Council had all the information in front of them to address the appeal. Schippers stated that they are not picking sides they are trying to maintain a specific policy. Schippers stated school is back in session and to drive carefully and Homecoming is back on.

Peccia noted no fireworks this year. Peccia stated at a later time he would like to bring before council to allow for the administrative approval of fireworks on days other than the Fourth of July.

ADJOURNMENT

Respectfully submitted,

Carla J. Filkins, Mayor

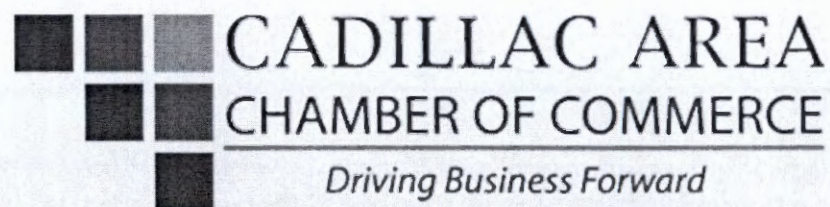
Keri L. Smith, Deputy Clerk

COMMUNITY & ECONOMIC DEVELOPMENT PARTNERSHIP

A COLLECTIVE VISION FOR WEXFORD AND MISSAUKEE COUNTIES



MICHIGAN STATE
UNIVERSITY | Extension



COLLECTIVE VISION

To work collaboratively together to:

- Increase community development
- Improve the quality of life
- Grow the economy
- Promote collaboration
- Address problems and emerging issues

WORKING TOGETHER WE WILL:

- Maximize resources and talents
- Expand program outreach
- Grow economic opportunity
- Build business resilience
- Secure public and private funding
- **Address associated challenges and emerging issues:** Broadband, infrastructure, housing, workforce, education/training, childcare, corridor improvement, environment, recreation, placemaking, leadership, marketing, and more

LEVERAGING RESOURCES:

- **MSU Extension** – Focusing on education in tourism and recreation, entrepreneurship, place-making, land use, fiscal sustainability, youth development, good governance, leadership, and more
- **Baker College** – Private four-year college providing, at no-cost, a 1,900 square foot office home for MSU Extension and AES to incubate ideas and programs
- **AES** – Coordinating economic and community development initiatives and grants that strengthen the fundamental economic climate of the Wexford-Missaukee region
- **Cadillac Area Chamber of Commerce** – Attracting businesses to the area, support place-making, developing leaders, leveraging affiliations

THE AGREEMENTS:

- **AES and the Cadillac Area Chamber of Commerce**

- Memorandum of Understanding to initiate and coordinate delivery of associated community and economic development activities

- **MSU and Baker College of Cadillac**

- Lease agreement providing 1,900 square feet of office space at Baker College to be shared by MSU Extension and AES at no rental cost to either party

- **MSU and AES**

- Memorandum of Understanding for staffing and management of a full time MSU Extension Educator to serve as AES Executive Director

OVERSIGHT

- **Separate leadership.** Each partner maintains its own governing and advisory committees
- **Partnership Stakeholder Advisory Committee.** This newly formed committee will guide the ongoing success of the partnership to ensure the goals of the partnership are met.

FUNDING

- The Partnership represents a significant shared investment of public and private sector resources:
 - Budgeted funding by Wexford and Missaukee county, cities, and townships
 - Local business and industry sponsorships
 - Federal and state grants
 - Local, state, and federal Extension funding

ALLIANCE FOR ECONOMIC SUCCESS

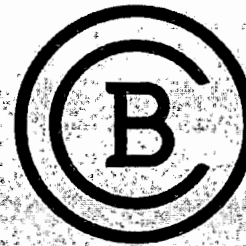
- Kelly Smith, Board of Directors President
- Tonya Smith, President Munson Health Care
- Jeremy Winkle, Owner VanDrie Home Furnishing
- Doug DeYoung, Community Affairs Regional Manager Consumers Power
- **STAFF:** Mark Lagerwey, Lisa Leedy

The letters 'AFS' are rendered in a large, bold, black sans-serif font. The letters are slightly overlapping, with the 'A' and 'F' positioned to the left of the 'S'. The background of the slide is a light gray with a fine, grainy texture.

BAKER COLLEGE OF CADILLAC

Kelly Smith, President

- Randy Hill, Vice President of Academics
- Mark Lagerwey, Emeritus and Coordinator of AES



**Baker
College**

MICHIGAN STATE UNIVERSITY EXTENSION



Shari Spoelman, District 6 Director

MICHIGAN STATE
UNIVERSITY

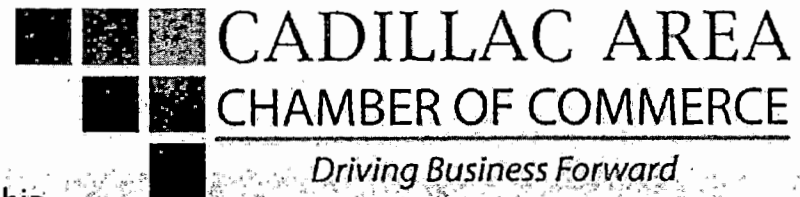
Extension

• **STAFF:**

- Jessica Ackerson, Office Manager
- Sara Keinath, 4-H Career Exploration/Work Force Prep
- Erin Lizotte, Agriculture Educator
- Laura Quist, Shorting Sports and Environmental & Outdoor Education Instructor
- 4-H Program Coordinator
- Community Nutrition Instructor

CADILLAC AREA CHAMBER OF COMMERCE

Caitlyn Berard, President

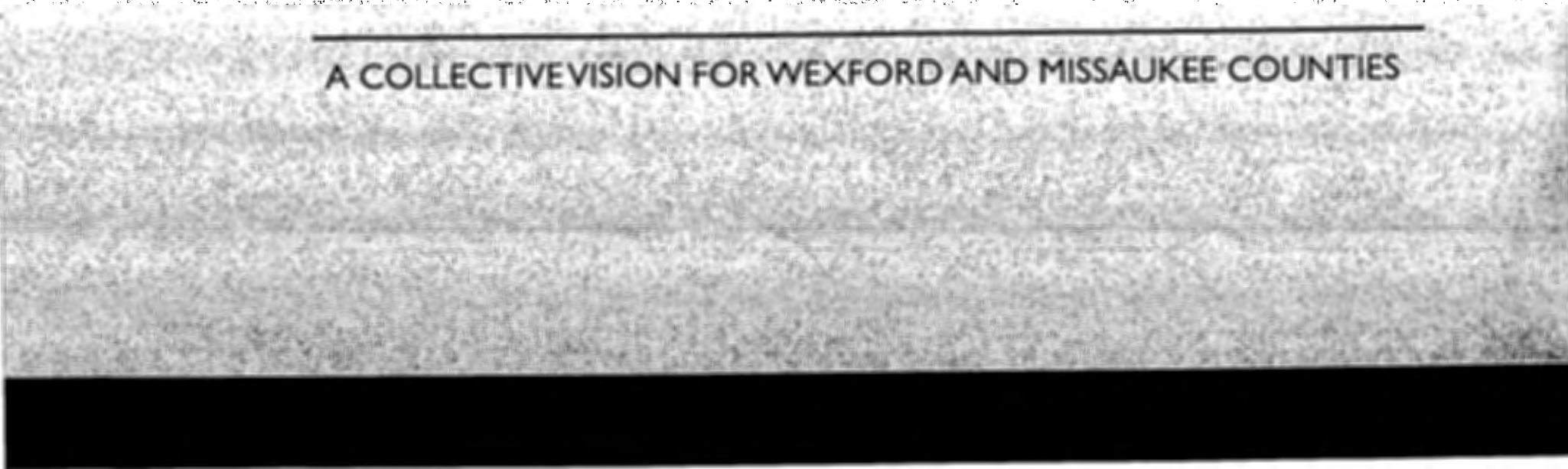


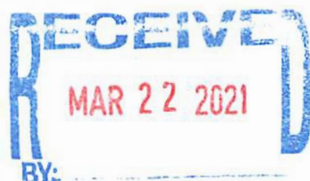
• **STAFF:**

- Miranda Grunow, Director of Membership
- Kate DeKam, Director of Leadership
- Bethany Miller, Administrative Assistant

PARTNERSHIP

A COLLECTIVE VISION FOR WEXFORD AND MISSAUKEE COUNTIES





Today's Date 3.22.2021

City Received Date

MUST BE OFFICIALLY CITY DATE STAMP

Banner Request Form

Monday Banner Start Date 11/1/21

Monday Banner End Date 11/8/21

(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 Band Boosters Art and Craft Show
Organization Cadillac HS Band Boosters Contact Person Heather Koczan
Contact Phone [REDACTED] Contact Email [REDACTED]

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 attached with this request form 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 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.

Form must be mailed or delivered to the above address or emailed to: javila@cadillac-mi.net (No Faxes accepted)

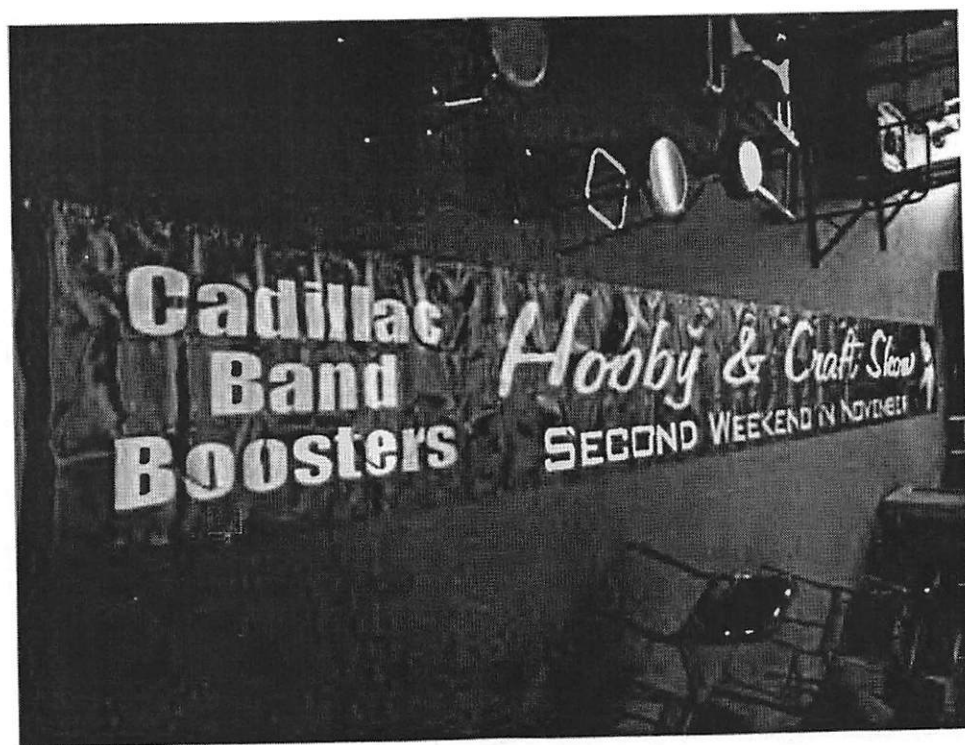
I understand and agree to these requirements & understand if these are not met the request will be denied.

Print Name Heather Koczan Signature Heather Koczan Date 3/22/2021

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 _____
City Council _____	Date Approved _____	Comments _____





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

Today's Date 5-27-2021

City Received Date



Banner Request Form

Monday Banner Start Date 11 / 15 / 2021

Monday Banner End Date 11 / 22 / 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 advertising a concert

Organization Cadillac Area Symphony Orchestra

Contact Person Stephanie Horlocker

Contact Phone [REDACTED] Contact Email [REDACTED]

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.
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- ☐ Banner meets all the design specifications on the back of this form.
- ☐ Banner picture or a design proof is attached with this request form.
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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 Stephanie Horlocker

Signature

Stephanie Horlocker

Date 5 / 27 / 2021

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

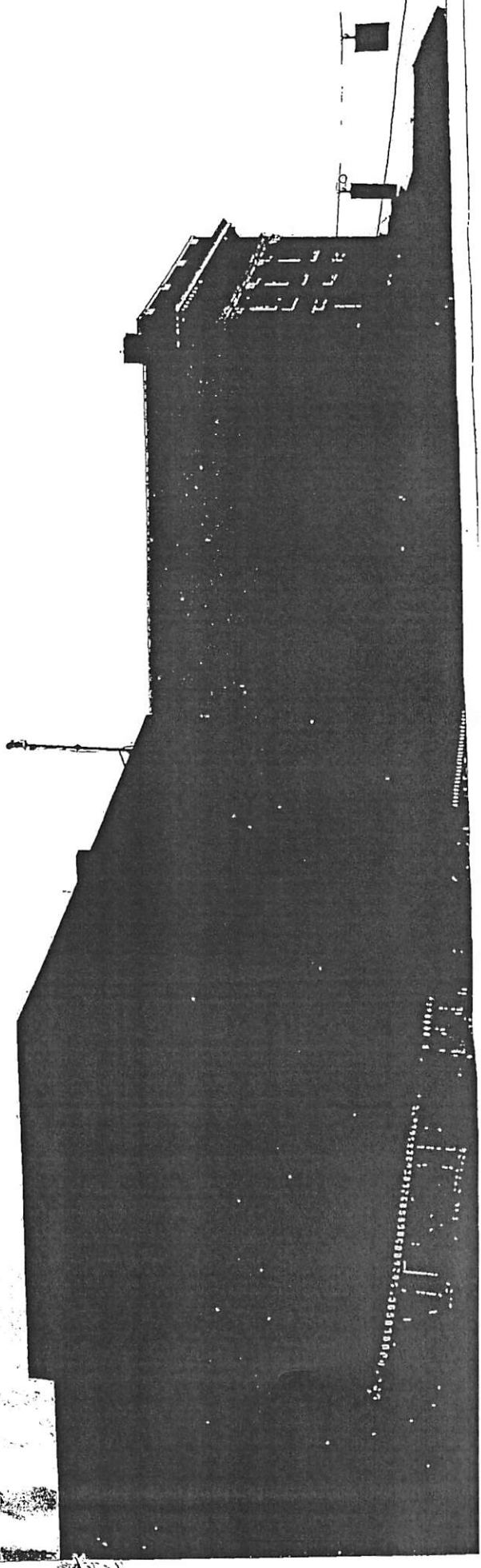
Public Works _____
City Clerk _____
City Council _____
State of Michigan _____

Comments _____
Comments _____
Comments _____
Comments _____

Date Approved _____
Date Approved _____
Date Approved _____
Date Approved _____

Concert-Tues Weekend
community Auditorium

Cadillac Area Symphony Orchestra





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

Today's Date 9/14/21

City Received Date

MUST BE OFFICIAL CITY DATE STAMP

Banner Request Form

Monday Banner Start Date 10/25/21

Monday Banner End Date 11/01/21

(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 ALERT VOTERS TO THE ODD YEAR ELECTION

Organization _____ Contact Person DEAN DEKRYGER

Contact Phone _____ Contact Email _____

City of Cadillac & State of Michigan Guidelines:

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- ☐ Banner will be picked up within 1 week after 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 DEAN DEKRYGER Signature [Signature] Date 9/14/21

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 _____
City Council _____	Date Approved _____	Comments _____



Vote! November 2, 2021 City of Cadillac Elections



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

Today's Date 6/15/2020

City Received Date

Banner Request Form

Monday Banner Start Date 11/8/2021

Monday Banner End Date 11/15/2021

(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 _____

Organization Cadillac Garden Club

Contact Person Lucy McGuire

Contact Phone _____

Contact Email _____

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 prior is attached with this request form and will not be approved
- ☒ The City reserves the right to determine when the banner is hung based on 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 the fee and may contain an address, telephone number and promotion of the sale of the sponsor's goods or services.
- ☒ The lettering of the sponsor's name on a banner does not exceed the space between the top and bottom lines of 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 on file
- ☒ The banner will be delivered to City Garage a minimum of 1 week before being hung to be displayed.
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I understand and agree to these requirements & understand if these are not met the request will be denied.

Print Name Lucy McGuire Signature Lucy McGuire Date 6/15/2020

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

Streets _____	Date Approved _____	Comments _____
City Manager _____	Date Approved _____	Comments _____
State of Michigan _____	Date Approved _____	Comments _____
City Council _____	Date Approved _____	Comments _____

CADILLAC GARDEN CLUB'S HOLIDAY HOME TOUR



1ST SATURDAY OF DECEMBER





MEETING MINUTES
Cadillac Zoning Board of Appeals (ZBA)
5:30 P.M.
July 15, 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 July 15, 2021

ROLL CALL

MEMBERS PRESENT: Nichols, Ault, Paveglio, and Dean (Alternate)

MEMBER ABSENT: Bontrager, Walkley, Knight, and Genzink

STAFF PRESENT: Coy

APPROVAL OF MEETING AGENDA

Motion by Paveglio to approve the July 15, 2021 agenda. Support by Ault. The motion was unanimously approved on a roll call vote.

APPROVE THE MARCH 18, 2021 MEETING MINUTES

Motion by Ault to approve the May 20, 2021 meeting minutes as presented. Support by Paveglio. The motion was unanimously approved on a roll call vote.

Nichols turned the meeting over to Coy to present the applications for review.

PUBLIC HEARINGS-

1. Beverly Regts, 2216 North Blvd wishes to construct a 9 foot wide by 12 foot long roof over the deck/porch on the west side of her home which faces Winona Place. The current deck/porch is being replaced and will project off from her home nine feet which is the same distance as the current porch. The door on the west side of her home is used as the main entryway into her home. She purchased the home in 2015. She was unable to attend.

He 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.”

Finding – Coy said he feels there is a exceptional condition along this North Blvd neighborhood which may apply when considering this variance request. He went on to explain that he reviewed properties to the west and east of Ms. Regts home on North Blvd. On North Blvd. to the west the two homes along with the overnight lodging motel at the corner with Huron Place have nonconforming building setbacks. Also, twelve of the fourteen homes to the east of her home going as far east as Alexander Street have setback nonconformities. Ten of the nonconforming structures to her east and west are on corner lots. The majority of the North Blvd nonconformities are side yard setbacks and there also are a number of front yard setbacks that do not meet the minimum standard.

He also added that in October of 2013 the ZBA approved a variance for a carport at 717 Chestnut Street allowing the roof to be three feet from the neighbor’s property line. In August of 2014, the ZBA also approved a variance for a covered porch at 248 Granite Street to be three feet from the side yard property line. Both approvals had the condition included that the carport and porch were not to be enclosed.

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 volume should not change on Winona Place.

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.

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

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

PUBLIC NOTICES

Coy said that notification of the public hearing on this application was 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. Dan McKeown and his wife Sharon who live at 2203 North Blvd and live directly across Winona Place from Ms. Regts sent an email to the city supporting Ms. Regts plans to have a roof constructed over this entryway. The email was included in the packets given to the ZBA.

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. Paveglio asked about the current setbacks of the home and found the ordinance confusing because on corner lots the side lot setbacks need to be a minimum of 20 feet and the front yard setback in the R-3 district shows a minimum 18 foot setback from the property line.

Coy agrees with the confusion in the ordinance regarding corner lots. He added that the current deck/porch is 19 feet from the curb and the house is an additional 9 feet back from the curb for a total of 28 feet. He feels the covered porch will be a few feet east of the property line along Winona Place. Nichols added that back when the home was constructed and others in the neighborhood the structures may have been conforming with the ordinance in place at the time.

After no further comment.

A motion was made by Dean to approve the variance request from Ms. Regts to include a roof over the newly constructed deck/porch of the size 9 feet by 12 feet in size with two conditions. One condition is that the porch cannot become an enclosed porch and must have open walls. The second condition is that the construction of the roof needs to match up architecturally with the current roof for an attractive appearance. Support from Ault.

On a roll call vote the motion was passed with a unanimous vote.

PUBLIC COMMENTS –

None

BOARD MEMBER COMMENTS –

None

ADJOURN

Chairperson Nichols adjourned the meeting at 6:03pm.