

# **City Council Meeting**

March 7, 2022 6:00 p.m.

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



March 7, 2022 City Council Meeting Agenda 6 p.m. at City Hall - 200 N. Lake St. – Cadillac, MI 49601

#### We trust and assume goodness in intentions

CALL TO ORDER
PLEDGE OF ALLEGIANCE

I. OATH OF OFFICE

Mayor Carla J. Filkins

**ROLL CALL** 

II. APPROVAL OF AGENDA

#### III. 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, <a href="www.cadillac-mi.net">www.cadillac-mi.net</a>, 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.

#### IV. CONSENT AGENDA

All items listed on the consent agenda are considered routine and will be enacted by one motion with roll call vote. There will be no separate discussion of these items unless a Council Member so requests it, in which event the items will be removed from the consent agenda and discussed separately.

A. Minutes from the regular meeting held on February 7, 2022 Support Document IV-A

#### V. COMMUNITY SPOTLIGHT

A. Republic Services

#### VI. COMMUNICATIONS

- A. Presentation of FY2021 Audit Results by Joe Verlin of Gabridge & Co.
- B. Downtown Sidewalk Cafes Support Document VI-B

#### VII. APPOINTMENTS

- A. Recommendation regarding appointment to the Election Commission. Support Document VII-A
- B. Recommendation regarding appointment to the Downtown Development Authority. Support Document VII-B
- C. Recommendation regarding reappointment to the Downtown Development Authority. Support Document VII-C

#### VIII. CITY MANAGER'S REPORT

- A. Setting of Budget Related Work Sessions
  - Goals & Capital Improvement Program Review on March 21, 2022 at 3:15 p.m.
  - Fiscal Year 2023 Budget Review on April 4, 2022 at 4:15 p.m.
- B. Hardship (Poverty) Exemption Policy Support Document VIII-B
- C. Concept Plans for Potential Snowmobile Routes Support Document VIII-C
- D. Consideration of Award for Legal Services Support Document VIII-D
- E. Recommendation regarding purchase of Valve Support Document VIII-E

#### IX. INTRODUCTION OF ORDINANCES

A. Adopt resolution to introduce Ordinance to Amend Section 22-99 of the City Code Regarding Noisy or Riotous Persons and set a public hearing for March 21, 2022. Support Document IX-A

- B. Adopt resolution to introduce Ordinance to Amend Section 40-25 of the City Code Regarding Exhibition Driving and set a public hearing for March 21, 2022. Support Document IX-B
- C. Adopt resolution to introduce Ordinance to Amend Section 16-144 of the City Code Regarding Motor Vehicle Noise and set a public hearing for March 21, 2022. Support Document IX-C
- D. Adopt resolution to introduce Ordinance to Add Section 22-139 to the City Code Regarding Marihuana Odor Mitigation and set a public hearing for March 21, 2022. Support Document IX-D
- E. Adopt resolution to introduce Ordinance to Authorize Sale of Real Property (Portion of 514 Wright Street) and set a public hearing for April 4, 2022.
  Support Document IX-E
- F. Adopt resolution to introduce Ordinance Amending the City Zoning Map and set a public hearing for April 4, 2022.

  Support Document IX-F

#### X. ADOPTION OF ORDINANCES AND RESOLUTIONS

A. Adopt Resolution for Local Government Approval for a DDA Liquor License for G&D Liquor Store. <u>Support Document X-A</u>

#### XI. MINUTES AND REPORTS OF BOARDS AND COMMISSIONS

- A. Downtown Development Authority Support Document XI-A
- B. Planning Commission Support Document XI-B

#### XII. PUBLIC COMMENTS

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#### XIII. GOOD OF THE ORDER

#### **Cadillac City Council Agenda**

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XIV. 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**

February 7, 2021

Cadillac City Hall - 200 N. Lake St. - Cadillac, Michigan 49601

#### **CALL TO ORDER**

Mayor Pro-Tem Schippers called the City Council meeting to order at approximately 6:00 pm.

#### PLEDGE OF ALLEGIANCE

#### OATH OF OFFICE

City Clerk administered the Oath of Office to Council Members Tiyi Schippers and Stephen King. Schippers will represent Ward Two and her term will expire on December 31, 2025. King will represent Ward Four and his term will expire on December 31, 2025.

#### **ROLL CALL**

Council Present: Elenbaas, King, Mayor Pro-Tem Schippers

Council Absent: Engels, Mayor Filkins

Staff Present: Peccia, Roberts, Wallace, Dietlin, Payne, Bertram, Homier, Wasson

#### APPROVAL OF AGENDA

#### 2022-001 Approve agenda as presented.

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

Motion unanimously approved.

#### **PUBLIC COMMENTS**

There were no public comments.

#### **CONSENT AGENDA**

#### 2022-002 Approve consent agenda as presented.

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

Motion unanimously approved.

#### COMMUNITY SPOTLIGHT

#### A. Special Recognition – Shop-with-a-Cop Program

Sgt. Nick Bertram, Cadillac Police Department, stated the Shop-with-a Cop Program began in 2017. He noted the goal was to help establish a good relationship between the Police Department and elementary school age children. He stated the schools select students they deem good candidates for shopping with the Police Department. He noted the kids are taken to Meijer to select presents for family members and then members of the Police Department

choose gifts for the kids. He stated after shopping they take the kids for a meal at various locations. He noted in 2021 the kids were taken to the Cadillac Armory for a meal provided by Chartwells Schools.

Sgt. Bertram noted the Disabled American Veterans rented a charter bus for the shopping trip and wrapped the presents that were purchased. He stated he is very grateful for their time and effort. He presented a Certificate of Appreciation to Jim Helmboldt, Commander of the Disabled American Veterans for this area.

It was noted that Sgt. Bertram would present the Certificate of Appreciation to the Meijer representative when he arrives at the meeting.

#### **APPOINTMENTS**

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

#### 2022-003 City Council appointments to the Board of Review.

Motion was made by King and supported by Elenbaas to appoint Council Member Engels as the regular member and Council Member Schippers as the alternate member to the Board of Review for a 1-year term to expire on February 7, 2023.

Motion unanimously approved.

B. Recommendation regarding reappointment to the Planning Commission.

#### 2022-004 Approve reappointment to the Planning Commission.

Motion was made by Elenbaas and supported by King to approve the reappointment of John Putvin Jr to the Planning Commission for a 3-year term to expire on February 7, 2025.

Mayor Pro-Tem Schippers noted John Putvin Jr. has been serving on the Planning Commission for 24 years.

Motion unanimously approved.

C. Recommendation regarding reappointment to the Zoning Board of Appeals.

#### 2022-005 Approve reappointment to the Zoning Board of Appeals.

Motion was made by Elenbaas and supported by King to approve the reappointment of Shari Ault to the Zoning Board of Appeals for a 3-year term to expire on February 7, 2025.

Motion unanimously approved.

Mayor Pro-Tem Schippers noted Shari Ault has been serving on the Zoning Board of Appeals for 18 years.

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

#### 2022-006 Approve reappointment to the Zoning Board of Appeals.

Motion was made by Elenbaas and supported by King to the approve reappointment of Louis Nichols to the Zoning Board of Appeals for a 3-year term to expire on February 7, 2025.

Mayor Pro-Tem Schippers noted Louis Nichols has been serving on the Zoning Board of Appeals for 30 years. She stated we have some wonderful volunteers in this community.

Motion unanimously approved.

The Meijer representative joined the meeting.

Sgt. Bertram noted Meijer has been involved since the beginning of the Shop-with-a Cop Program. He stated they have donated at least \$10,000 over the past 5-years. He noted Meijer sets up specific registers to accommodate the shopping trip. He presented a Certificate of Appreciation to Brandon Sutton, Manager of Meijer Cadillac. Mr. Sutton stated it is nice to give back to the community.

#### CITY MANAGER'S REPORT

#### A. Residential Façade Grant Program.

Peccia noted the City of Cadillac was the recipient of a \$250,000 Neighborhood Revitalization Grant from the Consumers Energy Foundation. He stated \$20,000 of that grant was set aside for façade improvement matching grants for eligible homeowners in the City of Cadillac. He noted Habitat for Humanity has an existing façade program and has the infrastructure and experienced staff available to manage the projects to ensure they are completed up to code. He stated it is being recommended that Council approve the City's partnership with Wexford Osceola Habitat for Humanity to co-manage the Residential Façade Grant Program portion of the Consumers Energy Grant.

#### 2022-007 Approve partnership regarding the Residential Façade Grant Program.

Motion was made by King and supported by Elenbaas to approve the City's partnership with Wexford Osceola Habitat for Humanity to co-manage the Residential Façade Grant Program portion of the Consumers Energy Grant.

Motion unanimously approved.

B. Bids and recommendation regarding Roof Maintenance – Cadillac Municipal Complex.

Peccia stated maintenance to the roof at City Hall was last done 30 years ago. He noted the roof has held up, but we are at a point in time where some major work needs to be done. He stated competitive bids were received and the recommendation is to award the contract for roof maintenance to Kawkawlin Roofing Co. to include Alternate 3 (Roof Scan) in the amount of \$140,500. He noted DK Design assisted the City with drawings and specifications for the project.

#### <u>2022-008</u> Award contract for Roof Maintenance – Cadillac Municipal Complex.

Motion was made by Elenbaas and supported by King to award the contract for roof maintenance at the Cadillac Municipal Complex to Kawkawlin Roofing Co. including the costs of Alternate 3, for a total contract amount of \$140,500.

Motion unanimously approved.

C. Bids and recommendation regarding Roof Replacement – 120 W. Chapin Street (EGLE Building).

Peccia noted the roof needs to be replaced on the building at 120 W. Chapin St. which is owned by the City and rented to the State of Michigan. He stated DK Design assisted the City with drawings and specifications for the project. He noted competitive bids were received and the recommendation is to award the contract to Cole Incorporated, including the costs of Alternate 1-3 for a total contract amount of \$149,324 plus the costs of any required sheathing at the unit replacement cost of \$5.00/sf. He stated funds are available in the Building Authority Operating Fund which is the fund that manages that facility.

#### <u>2022-009</u> Award contract for Roof Replacement – 120 W. Chapin Street.

Motion was made by King and supported by Elenbaas to award the contract for the replacement of the roof at 120 W. Chapin Street to Cole Incorporated, including the costs of Alternate 1-3 for a total contract amount of \$149,324 plus the costs of any required sheathing at the unit replacement cost of \$5.00/sf.

Motion unanimously approved.

D. Bids and recommendation regarding Radio Replacement.

Peccia stated this is regarding the radio system used in the Utilities and Public Works Departments. He noted competitive bids were received and the recommendation is to award the radio replacement project to Grand Traverse Mobile Communications in accordance with their bid; and to approve a 5% contingency should the City determine that additional equipment is desired as the project is implemented, for a total awarded price of \$40,563.79.

#### 2022-010 Award Radio Replacement Project.

Motion was made by Elenbaas and supported by King to award the radio replacement project to Grand Traverse Mobile Communications in accordance with their bid; and to approve a 5% contingency should the City determine that additional equipment is desired as the project is implemented, for a total awarded price of \$40,563.79.

Motion unanimously approved.

E. Bids and recommendation regarding Industrial Monitoring Program Update.

Peccia stated the City was recently informed by the Michigan Department of Environment, Great Lakes and Energy (EGLE) that the Industrial Monitoring Program needs to be updated. He noted this program is used to monitor wastewater discharge from the industries in the City. He stated once updated, the program will be codified in the City Code. He noted competitive bids were solicited and one (1) bid was received from Fleis & Vandenbrink in the amount of \$32,000.

#### 2022-011 Award contract regarding Industrial Monitoring Program Update.

Motion was made by Elenbaas and supported by King to award the contract for updating the Industrial Monitoring Program to Fleis & Vandenbrink in the amount of \$32,000.

Motion unanimously approved.

F. Bids and recommendation regarding Work Trucks.

Peccia noted competitive bids for six (6) work trucks were solicited and only one (1) bid was received. He stated pricing was high and availability was estimated to be 11-13 months depending on the model. He noted City staff reached out to MiDEAL dealers and through those dealers have access to three (3) trucks. He stated the recommendation is to reject the bid for work trucks and award the purchase to the MiDEAL dealers in accordance with the information presented.

Owen Roberts, Director of Finance, stated in conversations with these MiDEAL vendors the trucks they have available are very close to matching our specifications but don't exactly match which is why they didn't submit a bid. He noted the trucks available from the MiDEAL dealers are less expensive.

#### 2022-012 Award purchase of Work Trucks.

Motion was made by King and supported by Elenbaas to reject the bid for work trucks and award the purchase to the MiDEAL dealers in accordance with the information presented.

Motion unanimously approved.

#### ADOPTION OF ORDINANCES AND RESOLUTIONS

A. Adopt MDOT Performance Resolution for Municipalities.

Peccia noted the Performance Resolution for Municipalities is required by the Michigan Department of Transportation (MDOT) for purposes of issuing to a Municipality an "Individual Permit for Use of State Highway Right of Way" and/or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".

#### 2022-013 Adopt MDOT Performance Resolution for Municipalities.

Motion was made by King and supported by Elenbaas to adopt the MDOT Performance Resolution for Municipalities as presented.

Motion unanimously approved.

#### PUBLIC COMMENTS

Glenn Kangas submitted two documents dated January 1, 2022 and February 3, 2022. He stated they are assessments of what is going on in our country.

#### GOOD OF THE ORDER

Elenbaas stated Shop-with-a Cop is a good program.

Elenbaas noted Jim Helmboldt is also part of the Cadillac Area Honor Guard. He stated when a veteran is interred the Honor Guard play taps and perform a 21-gun salute. He noted when he worked at Maple Hill Cemetery he heard many compliments about the Cadillac Area Honor Guard.

Elenbaas mentioned we just spent \$362,000 on infrastructure. He noted we are doing well on the budget and thanked everyone involved.

#### <u>ADJOURNMENT</u>

Respectfully submitted,

Carla J. Filkins, Mayor

Sandra L. Wasson, City Clerk

#### **Council Communication**

Re: Downtown Sidewalk Café's

#### Introduction

Clam Lake Beer Company, Hermann's European Cafe, Raven Social, and the Roaring 20's Saloon have requested approval to place sidewalk cafés in front of their downtown Cadillac restaurants in 2022. Staff has requested and received site plans showing the placement of the tables, chairs, and barriers from the four businesses. The four site plans show the café placement near the building front walls with adequate room for pedestrian traffic meeting the 60 inches of clearance required in the ordinance. The Raven additionally will have seating on the balcony in addition to the street level.

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

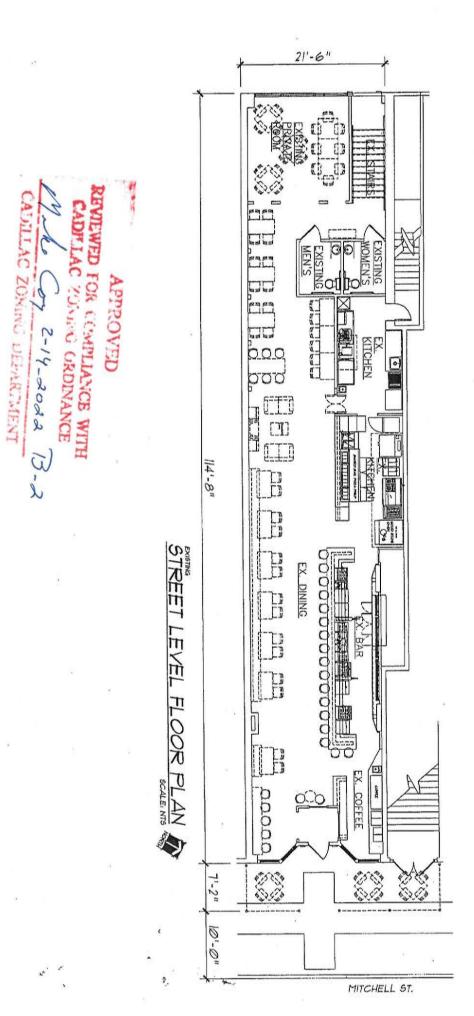
- 1) The Cadillac City Code of Ordinance that relates to sidewalk cafes in Section 46-395 is followed which includes a requirement for a site plan and proof of insurance.
- 2) Businesses with a sidewalk café on Mitchell Street/Business US-131 acquire the needed sidewalk café permit through the State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

#### **Requested Council Action**

Council is asked to approve the request of Clam Lake Beer Company, Hermann's European Café, Raven Social, and the Roaring 20's Saloon to have sidewalk cafes in front of their businesses in 2022 meeting the two requirements listed.

# Clam Lake Beer Co.

106 S. Mitchell Street

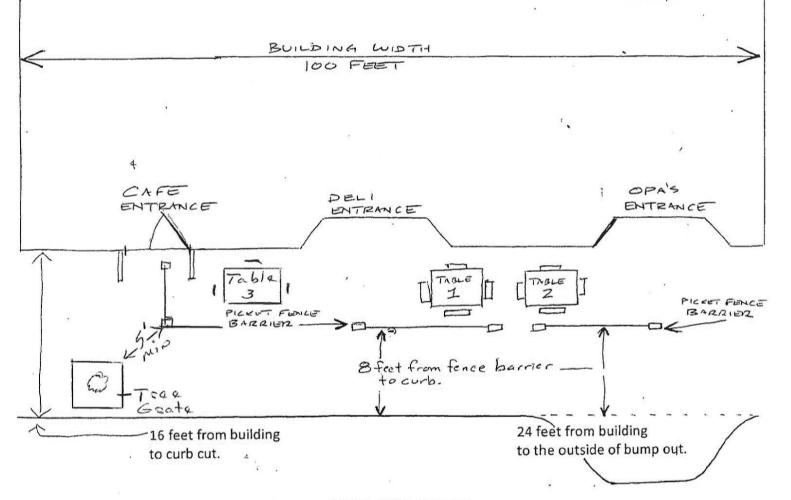


## Hermann's European Café



REVIEWED FOR COMPLIANCE WITH CADPLIAC POWER ORDINANCE

CADILLAC ZONING DEFARTMENT



214 N. Mitchell Street

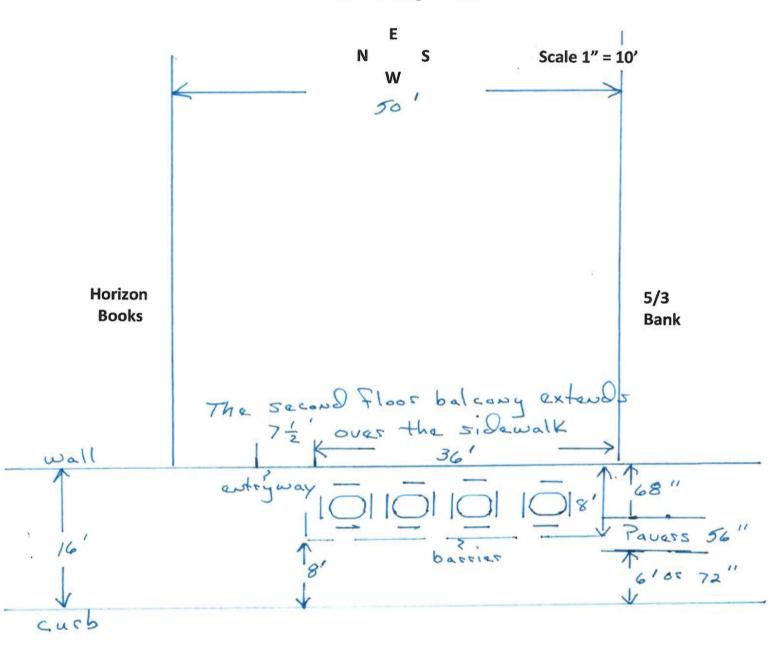
APPROVED

REVIEWED FOR COMPLIANCE WITH CADILLAC TOWNS ORDINANCE

MAR CON B-2 2-14-202.

CADILLAC ZONING MELAPONGO

**Raven Brewing & BBQ** 



119 S. Mitchell St.

# Mitchell Street

# 162 Roaring 20°s Saldon 210 S. mitchell St. CADILLAC, MI Make Coy B-2 2-14-2022 AULLAC ZONING DEPARTMENT (231)884-3618 12561

#### **COUNCIL COMMUNICATION**

Re: Appointment of Mike Coy to a Four-Year Term on the Election Commission.

Mike Coy has expressed interest in serving on the Election Commission.

#### **Recommended Council Action:**

Appoint Mike Coy to a four-year term on the Election Commission, which will expire on 3/7/2026.



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

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

To which committee, board or commission are you	seeking appointment? Please check all that apply.			
☐ Airport Authority	☐ Economic Development Corporation			
☐ Board of Review	☐ Elected Officials Compensation Commission			
☐ Brownfield Redevelopment Authority	Election Commission			
☐ Cadillac Area Council for the Arts	☐ Housing Commission			
☐ Cadillac-Wexford Transit Authority	☐ Local Development Finance Authority			
☐ Cadillac West Corridor Improvement Authority	☐ Planning Commission			
☐ Cemetery Board	☐ Retirement Board to Administer Act 345			
☐ Civil Service Commission	☐ Zoning Board of Appeals			
☐ Clam River Greenway Committee	☐ Construction Board of Appeals			
☐ Historic Districts Commission	☐ City of Cadillac/Clam Lake Joint Planning Commission			
☐ Diggins Hill Tennis Court Fundraising Committee	Commission			
☐ Downtown Development Authority	☐ Other			
Please print or type:				
Name Mike Coy Addre	ss_			
Telephone: Home	Business/cell			
E-mail	Date available for appointment 5eb. 2022			

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

#### Community Service

List boards, commissions, committees or community service organizations that you are currently serving or

have served upon, offices held, and in what municipality or county.

CASA Coach is baseball, softball a soccer when

my children were in alementary, middle, and Jusior High School.

Cadillac Country Club Board of Directors
Club Jecretary as a Director over-seeing
elections, memberships and that by-laws
are followed

#### Employment and Education

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

City of Cadillac Zoning Administrator Statif representative for the Historic District Commission and Zoning Board of Appeals Bachelot of Jeience Degree From Western Michigan University.

Have you ever worked for the City of Cadillac? 

✓ Yes 

✓ No If yes, please list dates and names of departments.

June 24, 2013 - Current employee Community Development Department

Why do you have interest in serving on this board/commission/committee? During my employment at the City of Cadillac I have admired the work and professionalism of our City Clerk and Board of Election Juspectors at election time. They take the responsibility of their position very seriously. I would like to help serve this group of Dedicated citizens.

Personal Rules of law and ethics prohibit appointees from a direct or indirect financial interest. Are you awa	participating in and voting on matters in which they may have are of any potential conflicts of interest?   Yes  No
If yes, please indicate potential conflicts.	
Are you aware of the time commitment necessary you seek appointment, and will you have such tin	y to serve on the committee, board and/or commission to which ne? Yes  No
Please provide information about specific training	ng, education, experience or interests you possess that qualify
you as an appointee to the position you seek.	ng, education, experience or interests you possess that qualify  a a a Master Citizan Plank  a Ducation regularements  to Stay Current with the  Enabling Act 110 of 200  Solve Enabling Act 33 of 200  Division Act 288 of 196
and the contum	to stay current with the
Michigan Zonin	og Enabling Act 110 of 200
· Michigan Plan	Dang Enabling Het 33 of 200
· Michigan Law	DIVISION MET 200
I hereby certify that the preceding information is	
Signature Make Coy	Date 2-2-2022
Signature / / Me Coy	Date
You are invited to attach additional pages, enclo that you feel may assist in the evaluation of your	se a copy of your résumé or submit supplemental information application.
Mail or return your completed application to:	Marcus Peccia, City Manager
	City of Cadillac 200 N. Lake St. Cadillac MI 49601
( • )	Caumac Mi 45001

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

#### **COUNCIL COMMUNICATION**

Re: Appointment of Robert Munger to a Four-Year Term on the Downtown Development Authority (DDA)

Robert Munger has expressed his interest in serving as a member on the Downtown Development Authority (DDA) for a four-year term.

#### **Recommended Council Action:**

Motion to appoint Robert Munger to a four-year term on the Downtown Development Authority (DDA), which will expire on 3/07/2026.



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To which committee, board or commission are you seeking appointment? Please check all that apply.				
☐ Airport Authority	☐ Economic Development Corporation			
☐ Board of Review	☐ Elected Officials Compensation Commission			
☐ Brownfield Redevelopment Authority	☐ Election Commission			
☐ Cadillac Area Council for the Arts	☐ Housing Commission			
☐ Cadillac-Wexford Transit Authority	☐ Local Development Finance Authority			
☐ Cadillac West Corridor Improvement Authority	☐ Planning Commission			
☐ Cemetery Board	☐ Retirement Board to Administer Act 345			
☐ Civil Service Commission	☐ Zoning Board of Appeals			
☐ Clam River Greenway Committee	☐ Construction Board of Appeals			
☐ Historic Districts Commission	☐ City of Cadillac/Clam Lake Joint Planning			
☐ Diggins Hill Tennis Court Fundraising Committee	Commission			
□ Downtown Development Authority	☐ Other			
Please print or type:				
Name Robert D. Munger Address				
Telephone: Home	Business/cell			
E-mail I	Date available for appointment Please Call to Schedule			

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

Community Service List boards, commissions, committees or community service organizations that you are currently serving or have served upon, offices held, and in what municipality or county.  Please see attached BIO
Employment and Education List any employment experience or education that, in your opinion, best qualifies you for this appointment. List job titles, duties (current and past), level of education and any certificates or degrees you have obtained.  Please see attached BIO
Have you ever worked for the City of Cadillac? ☐ Yes ☑ No If yes, please list dates and names of departments.
Why do you have interest in serving on this board/commission/committee?  My interest on being on the DDA is to help promote smart growth in the downtown corridor that makes a positive change. Because of the many years of experience in developing projects and my love for the City of Cadillac I I think I can be of assistance.

Personal Rules of law and ethics prohibit appointees from a direct or indirect financial interest. Are you awar	participating in and voting on matters in which they may have re of any potential conflicts of interest?   ✓ Yes   ✓ No			
abstain	own three buildings in the downtown area I would need to from any voting on these properties. I also understand that not be able to vote on any future properties I may purchase.			
Are you aware of the time commitment necessary	to serve on the committee, board and/or commission to which			
you seek appointment, and will you have such tim				
Please provide information about specific training, education, experience or interests you possess that qualify you as an appointee to the position you seek.				
Please see attached BIO				
I hereby certify that the preceding information is correct to the best of my knowledge.				
Signature Robert D. Munger	Date 2-25-2022			
You are invited to attach additional pages, enclose a copy of your résumé or submit supplemental information that you feel may assist in the evaluation of your application.				
Mail or return your completed application to:	Marcus Peccia, City Manager City of Cadillac 200 N. Lake St. Cadillac MI 49601			
Thank you for giving us the opportunity to consider you for appointment.				

# **Robert Munger**

# **PRESIDENT**



## **ABOUT ME**





Extensive background in corporate climate restructuring by integrating strong ethics and leadership. Proven achievements in sustained EBITA growth in diverse corporate environments.



- Leadership Development
- Management/Budget Planning
- Process Improvements
- Dashboard Design/Implementation
- Profit & Loss Influence
- Change Management
  - Strategic Partnerships



## **TRAINING**

- Board Continuing Education & re-certification-2016
- United States Army
   Numerous Awards and Certificates
- Landmark Leadership Graduate
- Dale Carnegie Graduate



- 2019 Governors Award for Historic Preservation-Cobbs-Mitchell Building-Cadillac, Michigan
- Founded and created a sustainable business model for Exodus Place, which is now the largest non-government transitional housing facility in Michigan.
- Received "Special Tribute" from the Michigan State Senate 2016
- "Person of the Year" Received GVSU Engaged Award for 2014.
- Turned around a failing rescue mission; navigated and reorganized the non-profit to become sustainable.
- Developed and sold a nationally recognized financial organization working with manufactured housing dealers and manufacturers.
- Fee consulted with a focus on strategic business development for the CEO, President, and Regional Vice-Presidents for two manufactured housing companies with revenue in excess of \$1B.
- Grew residential land development business out of a brokerage company that became one of West Michigan's largest developers.



### **EXPERIENCE**

#### President | 2009 - Present

Exodus Place, Grand Rapids, MI

- · Increased revenue annually along with creating and implementing budgets.
- Partnered with Holland Rescue Mission to start Thrift Store.
- Developed relationships with over 45 different agencies and non-profits.
- Led the initiative to create operational procedures, policies, and standards in collaboration with staff, Board members and clients. Implemented a weekly dashboard to communicate key operational and financial metrics.

#### Interim Executive Director | 2008 - 2009

Guiding Light Mission, Grand Rapids, MI

- Balanced the budget within nine months and increased net income (four consecutive years of net losses preceded my term as Interim Executive Director).
- Developed dashboard to effectively understand and communicate key financial and cash flow metrics with staff and Board Members
- Secured first time capital grants of nearly \$1M through strategic partnerships.
- Secured major annual gifts following successful, personal face-to-face solicitations amounting to an increase of \$103,000 in additional gifts compared to the previous year.

#### **President** | 1997 - 2008

DuRay Development LLC., Grand Rapids, MI

- Negotiated land purchases, entitlement, construction management of roads and infrastructure. Executed action
  plans for marketing and sales.
- Created and developed showcase land development programs in Michigan and Houston, Texas area.
- Total development history of nearly 2,000 lots with an estimated value of \$90M.
- Contracted and constructed office buildings for medical use and professional CPA's.

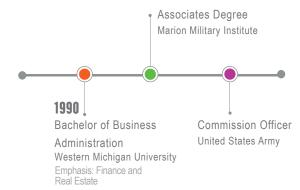
#### President | 1999 - 2003

National Floor Plan Corporation, Grand Rapids, MI

- Directly responsible for creating a process that minimized capital investment and focused on overall rate of return.
- Achieved a 36% rate of return on capital by strategically planning the cash flow process with the manufacturers and clients.
- Worked collaboratively with a team of attorneys and accountants to facilitate the sale and acquisition to an equity partner.
- Created a web based invoicing system and a defined payment plan that utilized ACH fund transfers to minimize late payments and increase the rate of return on capital.



## **EDUCATION**



#### **COUNCIL COMMUNICATION**

Re: Reappointment of Chris Huckle to a Four-Year Term on the Downtown Development Authority (DDA)

Chris Huckle has expressed interest in continuing his service on the Downtown Development Authority (DDA) for another four-year term. He was originally appointed in 2006.

#### **Recommended Council Action:**

Motion to reappoint Chris Huckle to a four-year term on the Downtown Development Authority (DDA), which will expire on 3/07/2026.

#### **Council Communication**

Re: Hardship (Poverty) Exemption Policy

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

The City of Cadillac has adopted and incorporated the federal poverty guidelines established by US Department of Health & Human Services. The revision to our existing policy establishes the 2021 Health and Human Services Poverty guidelines. The Board of Review utilizes these guidelines when a hardship (poverty) application comes before them.

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

#### Council Action

Adopt the updated Hardship (Poverty) Exemption Policy utilizing the 2021 Health and Human Services Poverty guideline as well as a \$50,000 asset guideline, excluding the primary home.

**POLICY:** Hardship (Poverty) Exemption

**DATED:** January 21, 1997

**REVISED:** February 16, 1998; March 1, 1999; February 6, 2006; May 7, 2007;

December 15, 2008; December 11, 2012; November 18, 2013;

March 5, 2018; February 18, 2019; January 21, 2020;

January 19, 2021

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

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

- 1. Be the owner and occupant of property that is his/her principal residence for the year for which the exemption is requested. If requested by the Board of Review, a copy of the deed, land contract, or other evidence of ownership of the property. MCL 211.7u (2) (a)+(d)
- 2. Not own any other real estate and/or recreational vehicles in or out of the State of Michigan.
- 3. Fully complete the Declaration of Poverty Request for tax relief application, including the asset and income schedule.
- 4. Hardship exemption may be granted up to a maximum of 50 percent.
- 5. The exemption is also dependent upon the total household income of the applicant meeting the guidelines established by the City of Cadillac.
  - a. Total household income is defined as money, wages, and salaries before deductions; net receipts from non-farm self-employment, business, professional, enterprise, or partnership after deductions; payments from social security, retirement, unemployment compensation, veteran's payments, public assistance; alimony, child support, military family allotments or other regular support from an absent family member or someone not living in the household; private pensions, government pensions, annuity or insurance payments; scholarships, grants, fellowships, assistantships; dividends, interest, rental income, royalties, periodic receipts from estates or trusts, gambling or lottery winnings.
  - b. In compliance with *Ferrero v Walton Township*, 295 Mich App 475: 813 NW2d 368 (2012), when determining "total household income" of the applicant, the City shall not include or consider monies the applicant received from claiming homestead property tax credit.

1

- 6. Provide a current or preceding year federal and state income tax returns for all persons residing in the principal residence
- 7. Provide a valid driver's license or other form of identification if requested by the Board of Review. MCL 211.7u (2)(c)
- 8. Meet the City of Cadillac's income standards for "Poverty Threshold" for the calendar year in question. As its "Poverty Threshold", the City of Cadillac has adopted and incorporated the federal poverty guidelines updated annually in the Federal Register by the United States Department of Health and Human Services. (under authority of Section 673 of subtitle B of Title VI of the Omnibus Budget Reconciliation Act of 1981, Public Law 97-35, 42 USC 9902)

#### 2021 HHS POVERTY GUIDELINES

Ρ	ersons in Family/Household	Poverty Guideline
	1	\$12,880
	2	\$17,420
	3	\$21,960
	4	\$26,500
	5	\$31,040
	6	\$35,580
	7	\$40,120
	8	\$44,660

<sup>\*</sup>Families with more than 8 persons, add \$4,540 for each person.

- 9. Even if the income guidelines are met, assets shall not exceed \$50,000 with the exception of the Primary home.
- 10. This policy applies only to individuals and is not for trusts or other types of ownerships such as corporations, limited liability companies, partnerships, associations, and co-owners (the only exception being the individual owner of a life estate).
- 11. Only the assessed value of the principal residence of an owner of a life estate shall apply, but the incomes of the owner of a life estate and income of all interested persons and household members shall be combined for determination of the poverty threshold. The owner of the life estate must reside and use the property as his or her principal residence.
- 12. Any tax exemption given to an individual under these guidelines shall be for the one (1) year's taxes. A new application will be required each year an exemption is requested.
- 13. During the deliberation process, the Board of Review must remain totally objective and ensure that their decisions is in no way arbitrary. The Board of Review must follow this hardship exemption policy and the guidelines set forth within.

- 14. The City Assessor and the Board of Review shall notify in writing all applicants whose application for exemption is being denied. The applicant may appeal the decision by applying to the Michigan Tax Tribunal and filing the appeal in writing prior to June 30<sup>th</sup> for a March Board of Review action. For July and December Board of Review actions the appeal must be filed with the Tax Tribunal within 30 days of receipt of your answer from the Board of Review. The address is Michigan Tax Tribunal, 611 West Ottawa, PO Box 30232, Lansing, Michigan 48909.
- 15. The assessor will act as an advisor for the Board of Review. The Board of Review will have the final determination for a hardship exemption. A person who files a claim is not prohibited from also appealing the assessment on the property for which that claim is made before the Board of Review in the same year.

  MCL211,7u (6).
- 16. The application filing for an exemption under this policy shall be filed after January 1, but before the day prior to the last day of the Board of Review.

  MCL 211.7U (3)

Date: March 7, 2022

#### **Council Communication**

Re: Concept Plans for Snowmobile Routes into Downtown and To Willow Mercantile and G&D Pizza

#### **Introduction**

The Community Development Department was asked to evaluate potential snowmobile routes into the downtown and to the specific businesses of G&D Pizza and the Willow Mercantile.

Before describing the rationale behind the proposed conceptual routes for snowmobiles in this document I would like to explain the overarching goals. The main goals behind the routes are as follows:

- Limit conflict between snowmobiles and walkers
- Limit conflict between snowmobiles and auto traffic.
- Limit the length of time snowmobiles would have to run on streets or sidewalks.
- Keep snowmobile parking on grass areas.
- Keep routes as far away from residential development as possible (due to noise considerations)
- Keep routes on publicly controlled land as much as possible unless there is a willing private development which is willing to except snowmobiles.
- A recognition that while Lake Cadillac cannot be considered a formal snowmobile route, there will be people who will use the Lake to access downtown.

Currently snowmobiles are allowed on the White Pine Trail outside of the city limits. One option would be to allow snowmobiles to use the White Pine Trail within the city limits. This idea was rejected due to the fact the city plows the White Pine Trail and there are regular winter walkers who use the White Pine Trail. Fortunately, there is a wide grass strip which runs along the White Pine Trail which can be used from the south city limit to Granite Street. At Granite there is an Option 1 which makes use of the city's sidewalk system along Granite and Laurel to connect to a route which would run down Pollard Street to the Willow Mercantile. There is also an Option 2 which continues the route adjacent to the White Pine Trail to Pollard Street and then goes east right to the Willow Mercantile. Pollard is an unpaved street which is more suitable for snowmobile traffic. Option 2 would require more evaluation and would require some grading work to make it feasible.

From Laurel and Pollard the proposed route would continue northward between Laurel and the White Pine Trail to Cottage Street. The route would cross Laurel on the north side of Cottage Street at which point it would follow a state-owned right-of-way to the Cadillac Library. This is the same right-of-way which for a time was being considered for the extension of the White Pine Trail. The snowmobile route would stop just before the primary library parking lot at which point it would go west out to Lake Cadillac.

Snowmobile parking options along the route which parallels the White Pine Trail would be available at the Willow Mercantile, City property across from Marina Shores Condominiums, and the Cadillac Library.

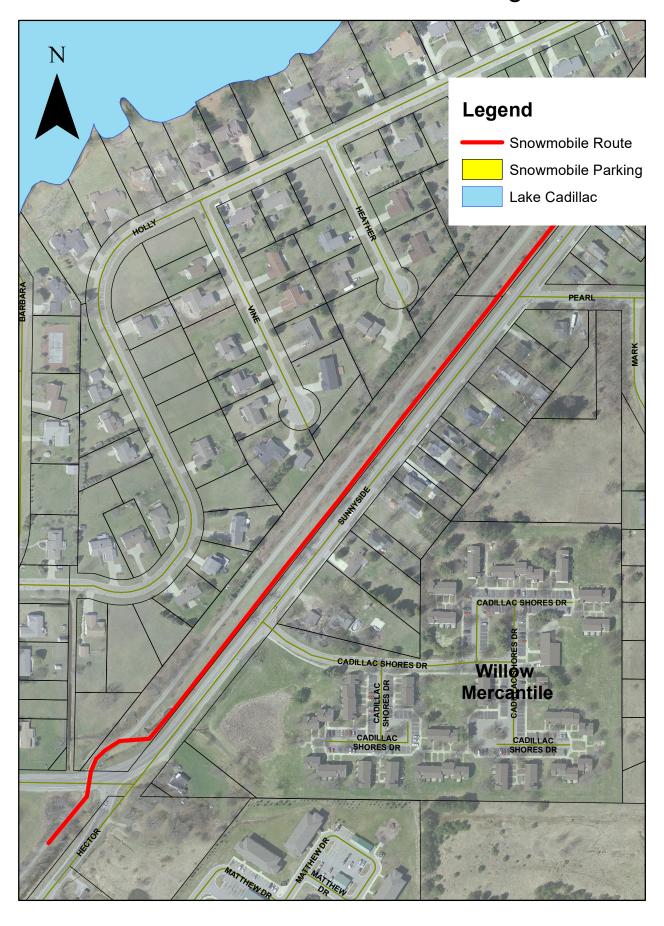
A short route is also proposed to run from Lake Cadillac near the dock to a parking area located on the north side of City Park.

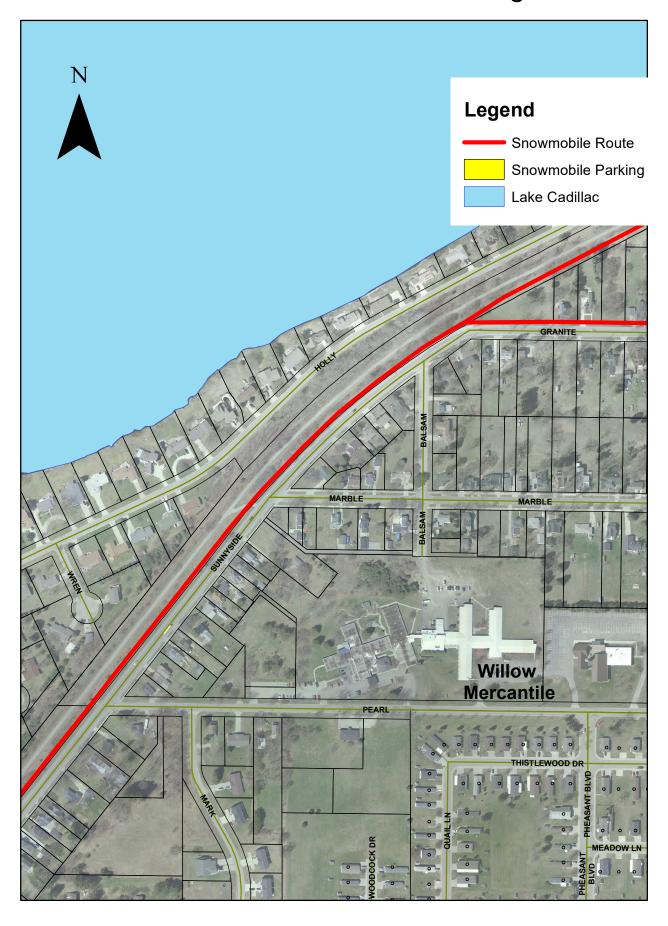
There is a second proposed route which addresses getting snowmobile to G&D Pizza. This routing starts at the boat launch facility on Chestnut just west of Lake Street. This route follows Chestnut to Lake Street. The route then follows the north side of Lake Street to a point where it either follows Option 1 or Option 2 onto the G&D property. Options 1 and 2 follow public alleys. Option 1 is more direct however it would involve putting a gate in the fencing along the G&D property line and may also require a small amount to grading. Option 2 is a longer route but does not require going through an existing fence. This route in addition to going to G&D Pizza has a short extension to a parking area which could be created in a grass area just north of the Chamber of Commerce building.

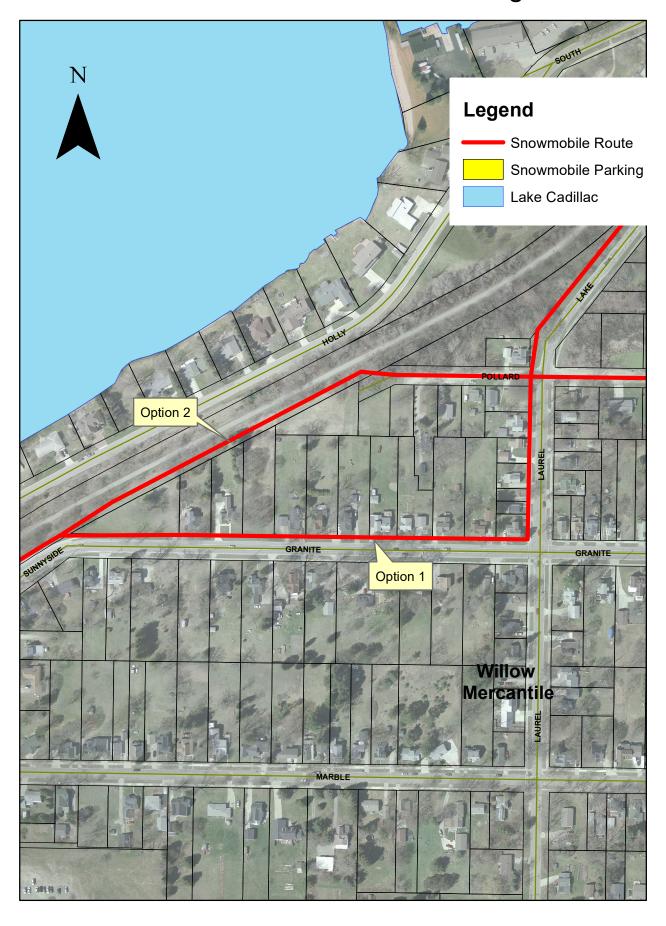
These proposed conceptual routes provide options for snowmobiles to access downtown and the two businesses of G&D Pizza and the Willow Mercantile. While there is no ideal route to the downtown these routes represent the best design alternatives which address the overarching design goals.

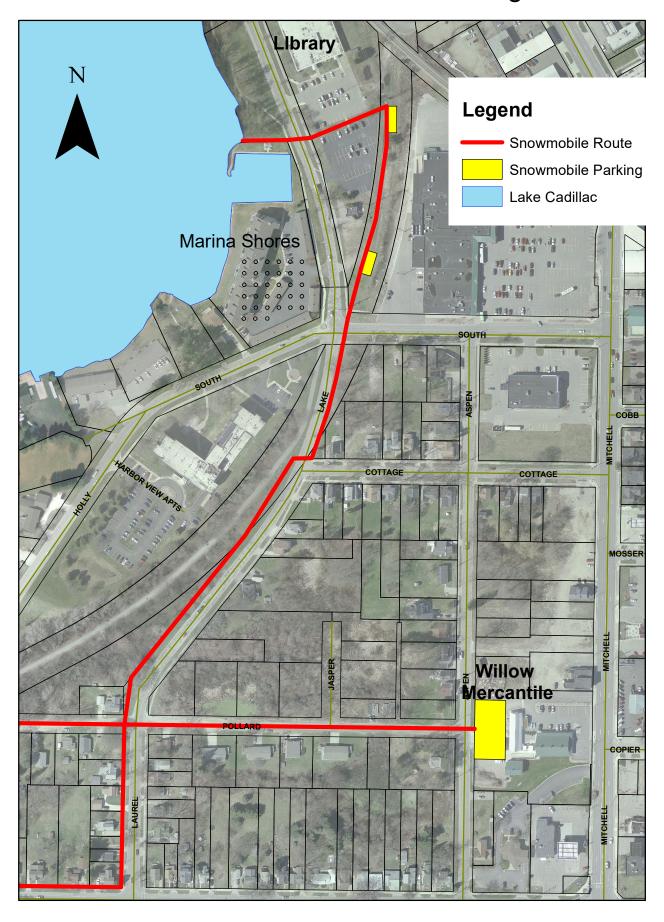
#### **Requested Council Action**

To accept as information and use as base information for further discussions on setting city policy regarding snowmobile routes into downtown and to the G&D Pizza and Willow Mercantile businesses.

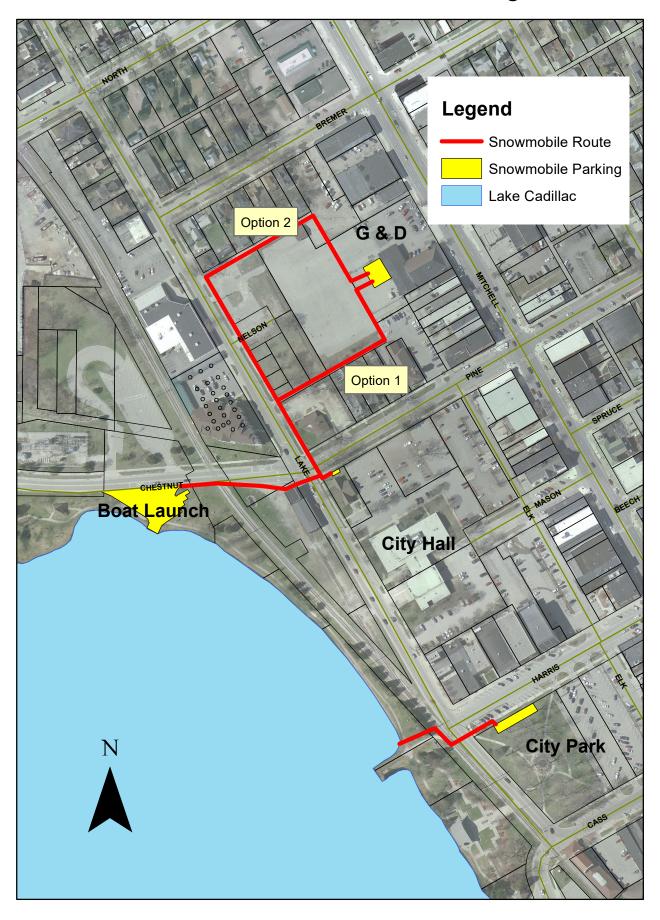








### Snowmobile Routes and Parking



#### **Council Communication**

Re: Consideration of Award for Legal Services

Foster, Swift, Collins & Smith, P.C. has satisfactorily served as the City Attorney since 2010 without any adjustment to their rates for services. In accordance with a recent City Council directive, a request for proposals was issued for full-service law firms. The RFP sought firms that have municipal practice experience as well as practice sections and/or multiple attorneys that cover a wide variety of specialty areas including general counsel services, environmental law services, labor and employment services, tax tribunal services, and bond and financial services. Five proposals were received, and the table below summarizes the results:

Firm	Bid (hourly rates)	Compliance	Notes
Foster Swift – Grand Rapids	\$200 for General, Employment & Labor Counsel \$250 for Litigation	Full-service firm with comprehensive municipal practice section and extensive municipal experience	No charge for travel.
Dickinson Wright- Grand Rapids	\$250	Full-service firm with extensive municipal experience	Charge for all out-of- pocket expenses
Garan Lucow – Traverse City	\$185	Does not have a full municipal practice group	Charge for all out-of- pocket expenses
Giamarco, Mullins & Horton - Troy	\$150 \$65 for paralegal	Does not have a full municipal practice group	Other Expenses/Rates TBD
Kelly Firm – Auburn Hills	\$175	Does not have a full municipal practice group	Other Expenses/Rates TBD

#### **Recommended Action**

Based on the proposals received, and the City's positive experiences with Foster Swift, it is being recommended to continue using Foster Swift for legal services in accordance with their proposal and engagement letter.



Lansing

313 S. Washington Square Lansing MI 48933

333 W. Fort Street - Suite 1400 Detroit MI 48226

Walter S. Foster 1878-1961 Richard B. Foster 1908-1996 Theodore W. Swift John L. Collins 1926-2001

Webb A. Smith Scott A. Storey Charles A. Janssen Charles E. Barbieri Scott L. Mandel Michael D. Sanders Brent A. Titus Brian G. Goodenough Matt G. Hrebec Deanna Swisher Thomas R. Meagher Douglas A. Mielock Scott A. Chernich Paul J. Millenbach Dirk H. Beckwith Brian J. Renaud

Lawrence Korolewicz James B. Doezema Anne M. Seurynck Michael D. Homier David M. Lick Scott H. Hogan Richard C. Kraus Benjamin J. Price

Lynwood P. VandenBosch

28411 Northwestern Highway - Suite 500 Southfield MI 48034

Holland

Southfield

151 Central Avenue - Suite 260 Holland MI 49423

Jonathan J. David Andrew C. Vredenburg Jack A. Siebers Julie I. Fershtman Todd W. Hoppe Jennifer B. Van Regenmorter Thomas R. TerMaat Frederick D. Dilley David R. Russell Joel C. Farrar Laura J. Genovich Karl W. Butterer, Jr. Mindi M. Johnson Ray H. Littleton. II Jack L. Van Coevering Anna K. Gibson

Michael J. Liddane Ryan E. Lamb Clifford L. Hammond Matthew S. Fedor Andrea Badalucco John W. Mashni Stefania Gismondi Leslie A. Abdoo Julie L. Hamlet Michael C. Zahrt Gilbert M. Frimet Stephen W. Smith Mark T. Koerner

Patricia J. Scott

Nicholas M. Oertel

Alicia W. Birach

Adam A. Fadly

Warren H. Krueger, III Sarah J. Gabis Amanda Afton Martin Steven J. Tjapkes Jacquelyn A. Dupler Daniel S. Zick Scott R. Forbush Taylor A. Gast Rachel G. Olney Tyler J. Olney Mark J. DeLuca Thomas K. Dillon Robert A. Easterly Robert A. Hamor Michael A. Cassar Hilary J. McDaniel Stafford

Emily R. Wisniewski

St. Joseph MI 49085 Lydia H. Kessler Brandon M. H. Schumacher Alexander J. Thibodeau Cody A. Mott Alaina M. Nelsor Caroline N. Renner Joseph B. Gale Sydney T. Steele DeVaughn J. Swanson Kaitlyn E. Manley Kathrine A. Ruttkofsky Anthony M. Dalimonte Jim W. Scales Mariah M. Silverstein

Benjamin C. Dilley

1700 E. Beltline NE - Suite 200

Grand Rapids MI 49525

800 Ship Street - Suite 105

Grand Rapids

St. Joseph

Fax: 517.367.7120 Writer's Direct Phone: 616.726.2230 Reply To: Grand Rapids Email: MHomier@fosterswift.com

February 17, 2022

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

Re: 2022 Updated Engagement Agreement

#### Dear Marcus:

We are pleased that the City of Cadillac (the "City") has decided to continue the long relationship with Foster Swift (the "Firm") as the City's attorney. It is customary in the legal profession to initiate a relationship between an attorney and client through an engagement letter. This engagement letter will serve as an agreement about the nature and scope of our relationship with the City and will supersede and replace any previous agreements between the City and the Firm.

We will serve as the City's attorney for an indefinite period of time when we are in receipt of a signed copy of this letter approved by the City. This signed letter acknowledges the City's understanding of the legal fees for the work we undertake for the City.

Our services to the City will be billed on the basis of hourly rates for the time incurred. Hourly rates differ between attorneys and subject matter, but are generally in the range of \$200 per hour to \$550 per hour. My standard hourly rate is \$450 per hour. However, we are sensitive to governmental budgets and offer our municipal clients a substantial reduction for public work.



City of Cadillac February 17, 2022 Page 2

The hourly rate for our general counsel services provided to the City will be capped at \$200 per hour, and the hourly rate for litigation services will be \$250 per hour, meaning that regardless of the attorney working on a particular matter, the City will never be billed more than \$200 per hour for general counsel services, and \$250 an hour for litigation services. The Firm will continue to waive the mileage and/or travel time expenses for attendance at meetings where legal assistance is needed for the City.

Specialty counsel serviced involving environmental issues, labor negotiations, liquor licenses and laws, bond and public finance work, public-private partnerships and condemnation and eminent domain will be billed at different rates and will be discussed prior to commencing any work. That specialty work will be initiated through a letter agreement or other approval by the City, but all of the other terms and conditions of this engagement letter will otherwise be applicable to work initiated under such letter agreement.

The hourly rate for legal services we provide to the City will remain in effect until December 31, 2022, after which the Firm may adjust its rate annually, but not by an amount equal to the greater of a) three percent (3%) or b) the annual consumer price index for all urban consumers (CPI-U) as published by the U.S. Bureau of Labor Statistics. The City will also be billed for photocopies and other out-of-pocket expenses by the Firm on the City's behalf. The costs and attorney fees will be billed monthly. **Our invoices will be sent by e-mail, unless you direct us to send them in some other fashion.** If an invoice is not timely paid, a late charge may be added to any portion not paid within thirty (30) days. The late charge will be computed at the rate of .58% per month (7% annual) starting thirty (30) days after the date of the invoice.

Based on the information you have provided, the Firm believes that its representation of the City complies with the Michigan Rules of Professional Conduct. However, if we determine that a conflict of interest arises during this engagement, the Firm may take appropriate steps to remedy the conflict, including withdrawal.

Our responsibility in representing the City is, of course, to do so in a manner that is consistent with the customary professional practices and requirements for handling the City's legal matters. In turn, we will need the City's full and timely cooperation. This will likely include providing us with various materials relating to the matters for which the City is utilizing our services. Further, the City agrees that our work may be authorized and directed by any individual, officer or agent of the City, unless the City advises us to the contrary in writing.

The Firm will pursue the City's legal matters conscientiously and without delay, but with regard for the Firm's workload and the nature of the legal system. The Firm will keep the City reasonably informed about the status of this matter and welcomes requests for information.

We have enjoyed the many years working with the City and intend to continue our mutually rewarding and enduring relationship with the City as its legal counsel. Nevertheless, the City is free to terminate our services at any time by written notice to us to that effect.



City of Cadillac February 17, 2022 Page 3

We may also terminate our services to the City, by written notice to the City to that effect, if the City unreasonably fails to cooperate with us, if our monthly statements are not paid in a timely manner, or if we determine that our continued representation of the City would violate the rules of professional responsibility applicable to lawyers or would otherwise be impractical.

If the City terminates our representation, the Firm will return to the City any original materials in the Firm's files that belong to the City. The Firm will dispose of its files (including the Firm's work product) related to City matters as it sees fit.

This engagement letter is intended to govern all of the legal services that we may render to the City unless and until the Firm and the City mutually agree in writing to a different arrangement with respect to providing our legal services to the City.

Should you have any questions, please do not hesitate to call us. If the City agrees with the above, please execute this engagement letter at the bottom on behalf of the City.

We look forward to continuing to serve the City of Cadillac.

Sincerely,

FOSTER SWIFT COLLINS & SMITH PC

Michael D. Homier

MDH:ajz



City of Cadillac February 17, 2022 Page 4

99999:AZINT:6003311-1

AGREED:
CITY OF CADILLAC
By:
Dated:
Email Address for Invoices:



#### **Additional Terms of Engagement**

#### **Scope of Engagement:**

Our engagement is on behalf of the parties expressly named in our agreement. As way of example, our representation of an entity does not include a representation of the interests of the individuals that are directors, shareholders, or officers of that entity.

#### **Cooperation:**

You agree to fully, accurately, and truthfully disclose to us all facts that may be relevant to the matter or that we may otherwise request to keep us apprised of developments relating to the matter. You agree to cooperate fully with us in all matters related to the preparation and presentation of your claims. We will be relying on the completeness and accuracy of the information you provide when we perform our services.

#### **No Promise or Guarantee of Results:**

You agree that we have made no promises or guarantees regarding the outcome of your case. Either at the beginning or during the course of our representation, we may express our opinions or beliefs concerning the matter or various courses of action and the results that might be anticipated. Any such statement made by any attorney, employee, or agent of our firm is intended to be an expression of opinion only, based on information available to us at the time, and must not be construed by you as a promise or guarantee of any particular result. In addition, the advice and communications we render on your behalf are not intended to be disseminated to or relied on by any other parties without our prior written consent.

#### Consultations with Internal and Outside Counsel to the Firm:

We represent a large number of clients on a wide variety of complex matters. In the course of our representation, we may consult with the firm's internal counsel with expertise in legal ethics issues and in the past have considered such consultations to be attorney-client privileged. Recent court rulings have indicated that in some circumstances such consultations may not be deemed privileged. Our firm believes that expert advice and analysis regarding legal ethics issues would positively benefit our clients.

You agree that if we determine during the course of the representation that it is either necessary or appropriate to consult with our firm's internal counsel or outside counsel to the firm, we have your consent to do so and that our representation of you shall not, thereby, waive any attorney-client privilege.



#### **E-mail Policy:**

Our firm's attorneys, employees, and agents may utilize e-mail for communications in this matter unless you notify us, in writing, not to use this means of communication. Unless you request in writing that we encrypt out-going e-mail and we have agreed in writing to reasonable and mutually acceptable protocols, documents sent to you by e-mail will not be encrypted.

Our firm expends reasonable efforts to exclude any virus or other defect that might affect any computer or IT system from our e-mails and electronic documents. We do not accept liability for any loss or damage resulting from the use of commercial software, or the receipt or use of electronic communications from us containing a virus or defect that was not created by us.

#### **Circular 230 Notices:**

Congress has passed legislation imposing reporting requirements and penalties, which the IRS has implemented by amending Circular 230 and setting forth various rules about written tax advice. As a result, you may notice that we will often have a Circular 230 statement on written communications about reliance on what you receive.

#### Attorney's Lien:

All payments by way of recovery, award, judgment, or settlement to you from third parties shall be made jointly payable to you and us. If you obtain a monetary judgment or award, we shall have a lien on the proceeds to the extent of any of our unpaid fees, disbursements, or other charges.

#### **Relationship Term:**

When we have completed the specific professional legal services agreed to in this engagement, our attorney-client relationship shall end, regardless of the date you are billed or pay for our services.

Any agreement to provide non-professional services (facilities use, file storage, copies of old client files) does not revive the attorney-client relationship. The newsletters, e-mails, or other publications that we may occasionally send to you containing general updates on areas of the law of interest to you do not revive an attorney-client relationship.

#### **Future Representation:**

If our attorney-client relationship has ended, we have no obligation to represent you in connection with related matters unless we have agreed to do so in writing in our engagement agreement. Regardless of whether we are representing you in other matters, we have no duty to accept new engagements from you unless mutually agreed.

#### **Council Communication**

Re: Purchase of 20" Valve

While reviewing the plans to decommission the 8<sup>th</sup> Street Wellfield for the Phase II Wellfield Relocation Project, it was noted that water would have to be shut off for several of the City's largest industrial users for several days. It is not known exactly when the project will be to this stage, so it was determined that the City should prepare for this transition in order to keep the water on for these industries while the demolition occurs. Evaluation of the system routing in the area revealed that placing a 20" valve in an existing line the industries would not have to lose water during the demolition process.

The City's water infrastructure specifications - which are approved by the Department of Environment, Great Lakes and Energy - indicate that a Flowmaster valve manufactured by East Jordan Iron Works is the optimal make and model of valve that should be installed in the system. City staff contacted several distributors of this valve and received the following quotes:

Michigan Pipe and Valve (Traverse City, MI)	\$15,498.00
Ferguson Waterworks (Kentwood, MI)	\$15,525.00
ETNA (Grand Rapids, MI)	\$16,343.00
East Jordan Iron Works (East Jordan, MI)	\$16,573.92

Michigan Pipe and Valve has one valve in stock and therefore has the quickest delivery time. All the other vendors indicate a 10-to-12-week lead time. Because of the unknown regarding the progress of the project and when this portion of it may be undertaken, this valve should be procured as soon as possible.

#### **Recommended Action**

Because of the timeliness of availability, it is recommended that City Council waive competitive bidding and award the purchase of an East Jordan Iron Works Flowmaster 20" valve to Michigan Pipe and Valve for \$15,498. Funds are available in Water and Sewer Fund.

#### **Council Communication**

Re: Amendments and an Introduction to Code Enforcement Related Ordinances

Noisy or riotous persons; noise (from motor vehicles); exhibition driving; and marihuana odors are matters the City Police Department are responsible to manage. Through verbal feedback received over time from residents, business owners and elected and appointed officials, it has become clear that regulations that govern those matters need to be updated in order for our Police Officers to be able to take proper enforcement action that will create a safer and less disruptive environment for residents, businesses and visitors in our City. The following pages summarize the proposed ordinances in a frequently asked questions style format. Copies of the ordinances along with the related documentation are also included after the summary.

#### **Recommended Action**

- Adopt a resolution to introduce Ordinance to Amend Section 22-99 of the City Code Regarding Noisy or Riotous Persons and set a public hearing for March 21, 2022.
   Support Document IX-A
- Adopt a resolution to introduce Ordinance to Amend Section 40-5 of the City Code Regarding Exhibition Driving and set a public hearing for March 21, 2022.
   Support Document IX-B
- Adopt a resolution to introduce Ordinance to Amend Section 16-144 of the City Code Regarding Motor Vehicle Noise and set a public hearing for March 21, 2022.
   Support Document IX-C
- Adopt a resolution to introduce Ordinance to Add Section 22-139 to the City Code Regarding Marihuana Odor Mitigation and set a public hearing for March 21, 2022.
   Support Document IX-D



#### Frequently Asked Questions Regarding Pending Code Updates

Noisy or Riotous Persons; Exhibition Driving; Motor Vehicle Noise; and Marihuana Odor Mitigation

On March 7, 2022 during the City Council's regularly scheduled 6 PM meeting, the Council will be introduced to four ordinances that amend the City's Code. The legislative action for City Council to consider on March 7<sup>th</sup>, is to set the four Public Hearings for the pending Code amendments for the Council's regularly scheduled 6 PM meeting on March 21<sup>st</sup>. On March 21<sup>st</sup>, during any of the Public Hearings scheduled for that agenda, anyone from the public has an opportunity to provide comments to the City Council, however it is not a discussion with City Council.

At the close of any Public Hearing, City Council may further discuss the proposal, approve the proposal, amend and then approve the proposal, remand the item to another board if appropriate, or take no action.

#### 1. What topics are being covered that the pending ordinances to update Cadillac's Code?

- **a.** Answer: The proposed Code amendments cover the following:
  - Noisy or Riotous Persons (Amends the City's Disorderly Conduct Regulations in Section 22-99 of the City Code)
  - Noise from Motor Vehicles (Amends the City's Noise Regulations in Section 16-144 of the City Code)
  - Exhibition Driving (Amends the City's Uniform Traffic Code Regulations in Section 40-25 of the City Code)
  - Marihuana Odors (Updates the City's Code by adding Section 22-139, Marihuana Odor Mitigation)

#### 2. Noisy or Riotous Persons - What is the background regarding this pending Ordinance?

**a.** Answer: This Code amendment disallows property owners from allowing illegal activity from occurring at their residence. Currently, if a property is not owner-occupied, the City is only able to cite the tenant(s). The proposed amendment specifically proposes that it shall

be unlawful for any person to operate or permit to be operated in any house or place the following, and subsequently allows the City to cite the property owner for:

- Prostitution
- Gambling
- Illegal sale or use of intoxicating liquor or controlled substances
- Any other illegal activity

#### 3. Motor Vehicle Noise - What is the background regarding this pending Ordinance?

**a.** Answer: This Code amendment proposes the inclusion of motor vehicles within our pre-existing noise ordinance. The Code already in place regarding noise only references radios, TVs, phonographs, musical instruments, or music of any type, coming from homes or other dwellings. By amending the Code to include motor vehicles, this will provide the City with the ability to cite noise violators from noise emitting from motor vehicles. One example of a potential violation would be music coming from a motor vehicle that is loud enough to vibrate adjacent windows in other vehicles, homes or businesses.

#### 4. Exhibition Driving – What is the background regarding this pending Ordinance?

- **a.** Answer: This Code amendment does not ban or prohibit motorcycles, classic vehicles or other licensed vehicles from legally operating within the City. This Code amendment updates the Uniform Traffic Code to add a new civil infraction regarding exhibition driving, which is defined in the proposed amendment by the following acts:
  - Rapid acceleration
  - Squealing, peeling or burning of tires
  - Swaying of the motor vehicle from side-to-side, more commonly referred to as "fishtailing"
  - Racing or running of the engine of a motor vehicle at such speed to cause excessive or unusual noise
  - Unnecessary and excessive changing of lanes
  - Emission of any unreasonably loud, raucous, disturbing, or unnecessary noise from the engine or exhaust system of any motor vehicle

Currently, the City may cite anyone if noise from their vehicle exceeds what the State of Michigan currently allows (MCL 257.707), which varies by vehicle weight, and this Code amendment does not change or further restrict anyone from what is already in place.

City Police may currently cite anyone if they are driving carelessly under MCL 257.626(b), typically, if they violate a minimum of two of the above acts. Additionally, City Police may cite anyone for driving recklessly under MCL 257.626(2), typically, if they violate a minimum of three of the above acts; however, by having this additional option available, the City would be able to cite anyone if they violate only one of the above acts.

The option of citing anyone under the proposed Exhibition Driving Code versus citing someone under careless or reckless driving, even though it is likely that more than one act has been committed, reduces the financial burden to the violator as well as the number of points getting assessed against their license. The proposal also gives additional flexibility to the City's Police Department, and under the officer's discretion, provides another option.

#### 5. Marijuana Odor – What is the background regarding this pending Ordinance?

- **a.** Answer: This Code amendment requires odor mitigation for all individuals who cultivate marihuana plants in the City for any purpose. Reasonable action individuals could use, for example purposes, may include the following:
  - Use of activated carbon and charcoal filters
  - Use of air purifiers or air filters
  - Use of industrial odor-control system
  - Use of a bio-filtration system
  - Other common industry methods for odor mitigation

This Code amendment also prohibits marihuana odors caused by anyone cultivating or using it to where it results in a nuisance to the public or endangers the comfort, health or safety of the public. The proposed code further defines or establishes how an odor is objectionable, should either of the following conditions be met:

- Odor detectable in the ambient air is greater than a 7/1 dilution threshold (D/T) for two samples or observations not less than 15 minutes apart within a one-hour period measured by a field olfactometer device beyond the boundaries of the property.
- The City receives three or more formal complaints from individuals or entities within a 24-hour period, and the complaints are related to a single odor source. Formal complaints filed by members of the same household will be considered one complaint.

Marihuana odors caused by any licensed facility, such as a growing or cultivation facility, are currently covered in a separate section of City Code that requires mitigation control measures.

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. 2022-xxxx**

# RESOLUTION INTRODUCING AND SETTING PUBLIC HEARING FOR ORDINANCE TO AMEND SECTION 22-99 OF THE CITY CODE REGARDING NOISY OR RIOTOUS PERSONS

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held on the $\_\_$ day of $\_\_\_$ , 2022, at 6:00 p.m.
PRESENT: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBER:
The following preamble and resolution was offered by and seconded by
WHEREAS, the City wishes to adopt an amendment to the City's disorderly conduct
regulations in section 22-99 of the City's Code to add language regulating permitting illegal
activity in homes;
WHEREAS, the City wishes to consider an Ordinance amending section 22-99 of the
City's Code accordingly.
NOW, THEREFORE, the City Council of the City of Cadillac, Wexford County,
Michigan, resolves as follows:
1. Pursuant to Section 5.2 of the City Charter, the City introduces Ordinance No.
2022-xx, Ordinance to Amend Section 22-99 of the City Code Regarding Noisy or Riotous

Persons (the "Ordinance," attached as Exhibit A).

- 2. A public hearing regarding the Ordinance shall be held on March 21, 2022, at 6:00 p.m.
- 3. The City Clerk is directed to publish a summary of the Ordinance once in a newspaper of general circulation in the City of Cadillac, together with a notice setting the time and place for a public hearing on the Ordinance, within seven (7) days. The summary and notice of the hearing shall be substantially in the form of Exhibit B.
- 4. A copy of the Ordinance shall be available for examination at the office of the City Clerk, and copies may be provided for a reasonable charge.
- 5. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

YEAS: COUNCIL MEMBERS:	
NAYS:	
STATE OF MICHIGAN	)
COUNTY OF WEXFORD	)ss )
•	f the City of Cadillac, hereby certify this to be a true and b. 2022-xxxx, duly adopted at a meeting of the City Counci, 2022.
	Sandra Wasson
	Cadillac City Clerk

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
Robert J. Engels
Stephen King
Bryan Elenbaas

ORDINANCE NO. 2022-

## ORDINANCE TO AMEND SECTION 22-99 OF THE CITY CODE REGARDING NOISY OR RIOTOUS PERSONS

#### THE CITY OF CADILLAC ORDAINS:

#### **Section 1**

Section 22-99 of the City Code is hereby amended to read as follows:

- (a) It shall be unlawful for any person to permit any noise or riotous persons to assemble in any house owned, occupied or controlled by him, to the annoyance or disturbance of the neighborhood and the public peace.
- (b) It shall be unlawful for any person to operate or permit to be operated in any house or place the following:
  - i. prostitution,
  - ii. gambling,
  - iii. the illegal sale or use of intoxicating liquor or controlled substances,
  - iv. any other illegal activity.
- (c) This section is punishable as a municipal civil infraction.

#### **Section 2**

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

#### **Section 3**

This Ordinance shall take effect 20 days after its adoption.

	Sandra Wasson, City Clerk	
Dated:		

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 PUBLIC HEARING AND SUMMARY OF PROPOSED ORDINANCE

On March 7, 2022, the City Council of the City of Cadillac introduced Ordinance No. \_\_\_\_\_\_, Ordinance to Amend Section 22-99 of the City Code Regarding Noisy or Riotous Persons.

**NOTICE IS HEREBY GIVEN** that a Public Hearing on the proposed ordinance will be held on March 21, 2022 at 6:00 p.m., at a Regular Meeting of the City Council. For those people who desire to contact members of the City Council to provide input or ask questions on the business that will come before the public body at the meeting, please contact Sandra Wasson, City Clerk, at swasson@Cadillac-MI.net prior to the start of the meeting.

Individuals with disabilities requiring auxiliary aids or services in order to attend electronically should notify the City Clerk at (231) 775-0181 within a reasonable time in advance of the meeting.

Copies of the proposed ordinance are available for examination at the office of the City Clerk and copies may be provided at a reasonable charge. The following is a summary of the proposed ordinance.



### ORDINANCE TO AMEND SECTION 22-99 OF THE CITY CODE REGARDING NOISY OR RIOTOUS PERSONS

Section 1 of the proposed ordinance amends section 22-99 of the City Code to regulate the permitting of illegal activity conducted in a home or place.

Section 2 of the proposed ordinance provides that if any portion of the proposed ordinance is found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of the proposed ordinance. This section also provides that all other ordinances inconsistent with the provisions of the proposed ordinance are repealed but only to the extent necessary to give the proposed ordinance full force and effect.

Section 3 of the proposed ordinance provides that it shall take effect twenty (20) days after its adoption.

# CITY COUNCIL OF THE CITY OF CADILLAC, MICHIGAN

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

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

Michigan, resolves as follows:



**Mayor** Carla J. Filkins

**Mayor Pro-Tem** Tiyi Schippers

Councilmembers
Stephen King
Robert J. Engels
Bryan Elenbaas

#### **RESOLUTION NO. 2022-xxxx**

# RESOLUTION INTRODUCING AND SETTING PUBLIC HEARING FOR ORDINANCE TO AMEND SECTION 40-25 OF THE CITY CODE REGARDING EXHIBITION DRIVING

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held on the $\_\_$ day of $\_\_\_$ , 2022, at 6:00 p.m.
PRESENT: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBER:
The following preamble and resolution was offered by and seconded by
WHEREAS, the City has adopted the Uniform Traffic Code by reference;
WHEREAS, section 40-25 of the City Code incorporates amendments to the Uniform
Traffic Code;
WHEREAS, the City wishes to adopt an amendment to the Uniform Traffic Code to
add a paragraph regulating exhibition driving and designating violations as civil
infractions;
WHEREAS, the City wishes to consider an Ordinance amending section 40-25
accordingly.
NOW, THEREFORE, the City Council of the City of Cadillac, Wexford County,

- 1. Pursuant to Section 5.2 of the City Charter, the City introduces Ordinance No. 2022-xx, Ordinance to Amend Section 40-25 of the City Code Regarding Exhibition Driving (the "Ordinance," attached as Exhibit A).
- 2. A public hearing regarding the Ordinance shall be held on March 21, 2022, at 6:00 p.m.
- 3. The City Clerk is directed to publish a summary of the Ordinance once in a newspaper of general circulation in the City of Cadillac, together with a notice setting the time and place for a public hearing on the Ordinance, within seven (7) days. The summary and notice of the hearing shall be substantially in the form of Exhibit B.
- 4. A copy of the Ordinance shall be available for examination at the office of the City Clerk, and copies may be provided for a reasonable charge.
- 5. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

YEAS: COUNCIL MEMBERS: _	
NAYS:	
STATE OF MICHIGAN	) )ss
COUNTY OF WEXFORD	)
	of the City of Cadillac, hereby certify this to be a true and No. 2022-xxxx, duly adopted at a meeting of the City Counci, 2022.
	Sandra Wasson Cadillac City Clerk

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
Robert J. Engels
Stephen King
Bryan Elenbaas

ORDINANCE NO. 2022-\_\_\_\_

## ORDINANCE TO AMEND SECTION 40-25 OF THE CITY CODE REGARDING EXHIBITION DRIVING

#### THE CITY OF CADILLAC ORDAINS:

#### **Section 1**

Section 40-25 of the City Code regarding amendments to the Uniform Traffic Code is hereby amended to add a subparagraph (4) to read as follows:

- (4) Rule 1490b. Exhibition driving; a violation of this rule is a civil infraction.
  - a. No operator of a motor vehicle shall engage in exhibition driving. The term "exhibition driving" means the driving of a motor vehicle in an unusual manner or out of the usual flow of traffic, whether or not there is anyone present, or consisting of any of the following acts:
    - 1. Rapid acceleration;
    - 2. Squealing, peeling or burning of the tires;
    - 3. The swaying of the motor vehicle from side to side, commonly referred to as "fishtailing";
    - 4. Racing or running of the engine of a motor vehicle at such speed (revolutions per minute) as to cause excessive or unusual noise;
    - 5. Unnecessary and excessive changing of lanes;
    - 6. The emission of any unreasonably loud, raucous, disturbing or unnecessary noise from the engine or exhaust system of any motor vehicle.

#### **Section 2**

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

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This Ordinance shall take effect 20 days a	after its adoption.
	Sandra Wasson, City Clerk
Dated:	

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 PUBLIC HEARING AND SUMMARY OF PROPOSED ORDINANCE

On March 7, 2022, the City Council of the City of Cadillac introduced Ordinance No. \_\_\_\_\_\_, Ordinance to Amend Section 40-25 of the City Code Regarding Exhibition Driving.

**NOTICE IS HEREBY GIVEN** that a Public Hearing on the proposed ordinance will be held on March 21, 2022 at 6:00 p.m., at a Regular Meeting of the City Council. For those people who desire to contact members of the City Council to provide input or ask questions on the business that will come before the public body at the meeting, please contact Sandra Wasson, City Clerk, at swasson@Cadillac-MI.net prior to the start of the meeting.

Individuals with disabilities requiring auxiliary aids or services in order to attend electronically should notify the City Clerk at (231) 775-0181 within a reasonable time in advance of the meeting.

Copies of the proposed ordinance are available for examination at the office of the City Clerk and copies may be provided at a reasonable charge. The following is a summary of the proposed ordinance.

#### ORDINANCE NO. \_\_\_\_\_

### ORDINANCE TO AMEND SECTION 40-25 OF THE CITY CODE REGARDING EXHIBITION DRIVING

Section 1 of the proposed ordinance amends section 40-25 of the City's Code to add a subparagraph (4) to the City's Uniform Traffic Code regulating exhibition driving and designating violations as civil infraction.

Section 2 of the proposed ordinance provides that if any portion of the proposed ordinance is found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of the proposed ordinance. This section also provides that all other ordinances inconsistent with the provisions of the proposed ordinance are repealed but only to the extent necessary to give the proposed ordinance full force and effect.

Section 3 of the proposed ordinance provides that it shall take effect twenty (20) days after its adoption.

# CITY COUNCIL OF THE CITY OF CADILLAC, MICHIGAN

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

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. 2022-xxxx**

# RESOLUTION INTRODUCING AND SETTING PUBLIC HEARING FOR ORDINANCE TO AMEND SECTION 16-144 OF THE CITY CODE REGARDING MOTOR VEHICLE NOISE

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held on the $\_\_$ day of $\_\_\_$ , 2022, at 6:00 p.m.
PRESENT: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBER:
The following preamble and resolution was offered by and seconded by
WHEREAS, the City wishes to adopt an amendment to the City's Noise regulations in
section 16-144 of the City's Code to add language regulating the playing of loud music from
motor vehicles;
WHEREAS, the City wishes to consider an Ordinance amending section 16-144(9) of
the City's Code accordingly.
NOW, THEREFORE, the City Council of the City of Cadillac, Wexford County,
Michigan, resolves as follows:
1. Pursuant to Section 5.2 of the City Charter, the City introduces Ordinance No.
2022-xx, Ordinance to Amend Section 16-144 of the City Code Regarding Motor Vehicle

Noise (the "Ordinance," attached as Exhibit A).

- 2. A public hearing regarding the Ordinance shall be held on March 21, 2022, at 6:00 p.m.
- 3. The City Clerk is directed to publish a summary of the Ordinance once in a newspaper of general circulation in the City of Cadillac, together with a notice setting the time and place for a public hearing on the Ordinance, within seven (7) days. The summary and notice of the hearing shall be substantially in the form of Exhibit B.
- 4. A copy of the Ordinance shall be available for examination at the office of the City Clerk, and copies may be provided for a reasonable charge.
- 5. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

YEAS: COUNCIL MEMBERS:	
NAYS:	
STATE OF MICHIGAN	)
COUNTY OF WEXFORD	)ss )
•	f the City of Cadillac, hereby certify this to be a true and b. 2022-xxxx, duly adopted at a meeting of the City Counci, 2022.
	Sandra Wasson
	Cadillac City Clerk

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
Robert J. Engels
Stephen King
Bryan Elenbaas

ORDINANCE NO. 2022-

## ORDINANCE TO AMEND SECTION 16-144 OF THE CITY CODE REGARDING MOTOR VEHICLE NOISE

#### THE CITY OF CADILLAC ORDAINS:

#### **Section 1**

Section 16-144 of the City Code is hereby amended to add a subparagraph (9) to read as follows:

(9) Radio and musical instruments. The playing of any radio, television set, phonograph, music or any musical instrument including, but not limited to, from a motor vehicle, in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.

#### **Section 2**

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

#### **Section 3**

This Ordinance shall take effect 20 days after its adoption.		
	Sandra Wasson, City Clerk	
Dated:		

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 PUBLIC HEARING AND SUMMARY OF PROPOSED ORDINANCE

On March 7, 2022, the City Council of the City of Cadillac introduced Ordinance No. \_\_\_\_\_, Ordinance to Amend Section 16-144 of the City Code Regarding Motor Vehicle Noise.

**NOTICE IS HEREBY GIVEN** that a Public Hearing on the proposed ordinance will be held on March 21, 2022 at 6:00 p.m., at a Regular Meeting of the City Council. For those people who desire to contact members of the City Council to provide input or ask questions on the business that will come before the public body at the meeting, please contact Sandra Wasson, City Clerk, at swasson@Cadillac-MI.net prior to the start of the meeting.

Individuals with disabilities requiring auxiliary aids or services in order to attend electronically should notify the City Clerk at (231) 775-0181 within a reasonable time in advance of the meeting.

Copies of the proposed ordinance are available for examination at the office of the City Clerk and copies may be provided at a reasonable charge. The following is a summary of the proposed ordinance.



### ORDINANCE TO AMEND SECTION 16-144 OF THE CITY CODE REGARDING MOTOR VEHICLE NOISE

Section 1 of the proposed ordinance amends section 16-144 of the City Code to regulate music emitted from a motor vehicle.

Section 2 of the proposed ordinance provides that if any portion of the proposed ordinance is found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of the proposed ordinance. This section also provides that all other ordinances inconsistent with the provisions of the proposed ordinance are repealed but only to the extent necessary to give the proposed ordinance full force and effect.

Section 3 of the proposed ordinance provides that it shall take effect twenty (20) days after its adoption.

CITY COUNCIL OF THE

#### CITY OF CADILLAC, MICHIGAN

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

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. 2022-xxxx**

# RESOLUTION INTRODUCING AND SETTING PUBLIC HEARING FOR ORDINANCE TO ADD SECTION 22-139 TO THE CITY CODE REGARDING MARIHUANA ODOR MITIGATION

the day of, 2022, at 6:00 p.m.
PRESENT: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBER:
The following preamble and resolution was offered by and seconded by
WHEREAS, the City wishes to adopt an amendment to the City's code to add a
section 22-139 that would impose odor mitigation requirements for marihuana growers in
the City;
WHEREAS, the City wishes to consider an Ordinance addition section 22-139 to the
City's Code accordingly.
NOW, THEREFORE, the City Council of the City of Cadillac, Wexford County,
Michigan, resolves as follows:
1. Pursuant to Section 5.2 of the City Charter, the City introduces Ordinance No.
2022-xx, Ordinance to Add Section 22-139 to the City Code Regarding Marihuana Odor

Mitigation (the "Ordinance," attached as Exhibit A).

- 2. A public hearing regarding the Ordinance shall be held on March 21, 2022, at 6:00 p.m.
- 3. The City Clerk is directed to publish a summary of the Ordinance once in a newspaper of general circulation in the City of Cadillac, together with a notice setting the time and place for a public hearing on the Ordinance, within seven (7) days. The summary and notice of the hearing shall be substantially in the form of Exhibit B.
- 4. A copy of the Ordinance shall be available for examination at the office of the City Clerk, and copies may be provided for a reasonable charge.
- 5. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

YEAS: COUNCIL MEMBERS:	
NAYS:	
STATE OF MICHIGAN	)
COUNTY OF WEXFORD	)ss )
	f the City of Cadillac, hereby certify this to be a true and o. 2022-xxxx, duly adopted at a meeting of the City Council, 2022.
	Sandra Wasson
	Cadillac City Clerk

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
Robert J. Engels
Stephen King
Bryan Elenbaas

#### ORDINANCE NO. 2022-\_\_\_\_

## ORDINANCE TO ADD SECTION 22-139 TO THE CITY CODE REGARDING MARIHUANA ODOR MITIGATION

#### THE CITY OF CADILLAC ORDAINS:

#### **Section 1**

A Section 22-139 is hereby added to the City Code to read as follows:

#### Sec. 22-139. – Marihuana Odor

#### (a) Odor Mitigation

- 1. All individuals who cultivate marihuana plants in the City for any purpose are required to take reasonable action to mitigate odors resulting from or related to the cultivation of marihuana.
- 2. Reasonable action to mitigate odor resulting from or related to the cultivation of marihuana includes, but is not limited to, the following:
  - a. Use of activated carbon and charcoal filters;
  - b. Use of air purifiers or air filters;
  - c. Use of industrial odor-control system;
  - d. Use of a bio-filtration system; and
  - e. Other common industry methods for odor mitigation.
- 3. Use of any of the methods of odor mitigation provided under Section 1(B) will not guarantee compliance with the requirements of Section 2(A) or 2 (B).

#### (b) Odor Prohibition - Cultivation and Use

- 1. Any person who cultivates or uses marihuana for any purpose must not propagate objectionable odors that may cause or result in a nuisance to the public or that endanger the comfort, health, or safety of the public.
- 2. An odor is per se objectionable if either of the following conditions are present:
  - a. Odor detectable in the ambient air is greater than a 7/1 dilution threshold (D/T) for two samples or observations not less than 15 minutes apart within a one-hour period measured by a field olfactometer device beyond the boundaries of the property.
  - b. The City receives three or more formal complaints from individuals or entities within a 24-hour period and the complaints are related to a single odor source. Formal complaints filed by members of the same household will be considered one complaint.

#### (c) Penalty

- 1. Any person violating any provisions of this section is subject to a municipal civil infraction. Each day a violation of this section occurs or continues constitutes a separate offense. Enforcement and penalty under this section is cumulative and not exclusive.
- 2. In addition to the remedies described above, the City also may seek equitable relief, including injunctive relief, from any court of competent jurisdiction.

#### **Section 2**

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

#### Section 3

Section 5	
This Ordinance shall take effect 20 days after its ad	loption.
	Sandra Wasson, City Clerk
Dated	

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 PUBLIC HEARING AND SUMMARY OF PROPOSED ORDINANCE

On March 7, 2022, the City Council of the City of Cadillac introduced Ordinance No. \_\_\_\_\_, Ordinance to Add Section 22-139 to the City Code Regarding Marihuana Odor Mitigation.

**NOTICE IS HEREBY GIVEN** that a Public Hearing on the proposed ordinance will be held on March 21, 2022 at 6:00 p.m., at a Regular Meeting of the City Council. For those people who desire to contact members of the City Council to provide input or ask questions on the business that will come before the public body at the meeting, please contact Sandra Wasson, City Clerk, at swasson@Cadillac-MI.net prior to the start of the meeting.

Individuals with disabilities requiring auxiliary aids or services in order to attend electronically should notify the City Clerk at (231) 775-0181 within a reasonable time in advance of the meeting.

Copies of the proposed ordinance are available for examination at the office of the City Clerk and copies may be provided at a reasonable charge. The following is a summary of the proposed ordinance.

#### ORDINANCE NO.

### TO ADD SECTION 22-139 TO THE CITY CODE REGARDING MARIHUANA ODOR MITIGATION

Section 1 of the proposed ordinance adds a section 22-139 to the City Code to impose odor mitigation requirements for individuals who cultivate marihuana plants in the City and penalties for violations of the section.

Section 2 of the proposed ordinance provides that if any portion of the proposed ordinance is found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of the proposed ordinance. This section also provides that all other ordinances inconsistent with the provisions of the proposed ordinance are repealed but only to the extent necessary to give the proposed ordinance full force and effect.

Section 3 of the proposed ordinance provides that it shall take effect twenty (20) days after its adoption.

#### CITY COUNCIL OF THE CITY OF CADILLAC, MICHIGAN

By: Sandra Wasson, City Clerk Cadillac Municipal Complex 200 Lake Street Cadillac, Michigan 49601

Telephone No: (231) 775-0181

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. 2022-\_\_\_\_

# RESOLUTION TO INTRODUCE ORDINANCE TO AUTHORIZE SALE OF REAL PROPERTY (PORTION OF 514 WRIGHT STREET) AND SET A PUBLIC HEARING FOR MARCH 21, 2022

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, at the Cadillac Municipal Complex, 200 N. Lake Street, Cadillac, Michigan on the 7th day of March, 2022, at 6:00 p.m.

PRESENT:		
ABSENT:		
The foll	lowing preamble and resolution was offered by	and
seconded by _	·	
WHERE	EAS, the City of Cadillac ("City") is authorized by statute to be	uy, 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, sell or exchange any real estate (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

City of Cadillac Resolution No. 2022-\_\_\_ Page 2 of 3

WHEREAS, the City wishes to consider adopting an ordinance that approves the sale to the Cadillac Industrial Fund Inc. (the "Fund") of a portion of real property owned by the City located at 514 Wright Street, the exact description of which will be determined by agreement of the City and the Fund (the "Real Property") in the City of Cadillac, Wexford County, Michigan; and

WHEREAS, the Ordinance implements an agreement between the City and the Fund dated February 17, 2020, a copy of which was recorded with the Wexford County Register of Deeds on September 29, 2020, in Liber 688, Page 936.

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. 2022-\_\_\_\_, Ordinance to Authorize Sale of Real Property (Portion of 514 Wright Street) (the "Ordinance," attached as Exhibit 1) and set a public hearing for 6:00 p.m. on April 4, 2022.
- 2. A public hearing regarding the Ordinance shall be held on the 4th day of April, 2022, at 6:00 p.m. at the City offices at Cadillac Municipal Complex, 200 N. Lake Street, Cadillac, Michigan.
- 3. The City Clerk is directed to publish a summary of the Ordinance in a newspaper of general circulation in the City of Cadillac, together with a notice setting the

City of Cadillac Resolution No. 2022-\_\_\_ Page 3 of 3

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	)	
	tion No. 2022	ty of Cadillac, hereby certify this to be a true and, duly adopted at a meeting of the City Council
		Sandra Wasson
		City Clerk

#### ORDINANCE NO. 2022-\_\_\_

## ORDINANCE TO APPROVE SALE OF REAL PROPERTY (PORTION OF 514 WRIGHT STREET)

#### 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 sale to the Cadillac Industrial Fund Inc. (the "Fund") of real property owned by the City located in the City of Cadillac, Wexford County, Michigan and described as a portion of 514 Wright Street as determined by agreement of the City and the Fund (the "Real Property"). The description will be attached as Exhibit A when the determination is made.

#### 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 sale of the Real Property to the Fund or its designee, for a sale price of 10% of the net proceeds from a subsequent sale of the Real Property by the Fund.

#### 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.

Ordinance No. 2022 Page 2 of 3	
Section 5.	
This Ordinance shall take effect twenty (20) d	ays after its adoption and publication.
Approved this 4th day of April, 2022.	
Sandra Wasson, City Clerk	Carla J. Filkins, Mayor
	Cadillac, Michigan, do hereby certify that a ablished in the Cadillac News on the day
	Sandra Wasson, City Clerk
STATE OF MICHIGAN ) ) ss. COUNTY OF WEXFORD )	
said County, personally appeared Carla J. Filk behalf of the City of Cadillac, who executed the	2022, before me, a Notary Public, in and for ins, Mayor, and Sandra Wasson, City Clerk, on e foregoing Ordinance and acknowledged that Cadillac in their capacity as its Mayor and City
	, 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

City of Cadillac Ordinance No. 2022-\_\_\_ Page 3 of 3

#### **EXHIBIT A**

(DESCRIPTION OF A PORTION OF 514 WRIGHT STREET – TO BE DETERMINED)

26499:00053:6105371-1

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. 2022-\_\_\_\_, Ordinance to Approve Sale of Real Property (Portion of 514 Wright Street).

**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 April 4, 2022 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.

## ORDINANCE TO APPROVE SALE OF REAL PROPERTY (PORTION OF 514 WRIGHT STREET)

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 sale to the Cadillac Industrial Fund Inc. (the "Fund") of real property owned by the City located in the City of Cadillac, Wexford County, Michigan, and described as a portion of 514 Wright Street to be determined by the City and the Fund (the "Real Property").

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 sale of the Real Property to the Fund or its designee for a sale price of 10% of the net proceeds from a subsequent sale of the Real Property by the Fund.

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

#### **Council Communication**

Re: Rezoning the property at 1121 Burlingame from RMH Residential Mobile Home to B-3 General Business District.

#### Introduction

TTP Financing Group, LLC (a.k.a. Don's Auto Clinic) went before the Cadillac Planning Commission on February 28, 2022 with an application to rezone 1121 Burlingame to B-3 General Business District so that the parcel would have the same zoning classification as the surrounding properties off Burlingame Street that they own. The Planning Commission held a public hearing on June 28, 2022 and voted unanimously to recommend approval of the rezoning to City Council. The parcel is identified on the GIS aerial below and the home was removed from the parcel after the TTP Financing Group purchased it in 2017. The home on the parcel to the south was also removed after it was purchased by the TTP Financing Group and it was rezoned from RMH Residential Mobile Home to B-3 General Business in 2012 (Ord. 2012-12).



#### **Requested Council Action**

To approve the resolution to introduce the ordinance amending the city zoning map and set a public hearing.

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. 2022-\_\_\_\_

## RESOLUTION TO INTRODUCE ORDINANCE AMENDING THE CITY ZONING MAP AND TO SET A PUBLIC HEARING

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held on the 7th day of March, 2022, at 6:00 p.m.

PRESENT: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBER:
The following preamble and resolution was offered by and seconded by
WHEREAS, TTP Financing Group, LLC (the "Owners") own real property in the City
of Cadillac legally described as follows:
S 45' IF E 144' OF LOT 8, BLOCK U, G.A. MITCHELL PLAT, CITY OF CADILLAC
and whose tax identification number is 10-084-00-047-00 (hereinafter the "Parcel"); and
WHEREAS, the Parcel is currently zoned RMH Residential Mobile Home; and
WHEREAS, the Owners submitted an application (the "Application") to the City
Planning Commission requesting that the Parcel be rezoned to B-3 General Business
District in order to use the Parcel as an Automotive Dealership; and

WHEREAS, upon giving notice in accordance with the Michigan Zoning Enabling Act 110 of 2006, MCL 1253101 *et seq.* ("MZEA"), the City Planning Commission conducted a public hearing regarding rezoning of the Parcel on February 28, 2022; and

WHEREAS, the City Planning Commission has recommended that the City Council amend the City Zoning Map to rezone the Parcel to B-3 General Business; and

WHEREAS, the City Council wishes to conduct a public hearing to hear public comments regarding the Application.

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

- 1. Pursuant to Section 5.2 of the City Charter, the City introduces Ordinance Amending City Zoning Map (the "Ordinance," attached as Exhibit A).
- 2. A public hearing regarding the Application shall be held on April 4, 2022, at 6:00 p.m in the Council Chambers, Cadillac Municipal Complex, 200 Lake Street, Cadillac, Michigan.
- 3. The City Clerk is directed to publish a summary of the Ordinance once in a newspaper of general circulation in the City of Cadillac, together with a notice setting the time and place for a public hearing on the Ordinance, within seven (7) days. The summary and notice of the hearing shall be substantially in the form of Exhibit B.
- 4. A copy of the Ordinance shall be available for examination at the office of the City Clerk, and copies may be provided for a reasonable charge.
- 5. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

YEAS: COUNCIL MEMBERS:	
NAYS:	
STATE OF MICHIGAN ) )ss	
COUNTY OF WEXFORD )	
	f Cadillac, hereby certify this to be a true and _, duly adopted at a meeting of the City Council
	Sandra Wasson Cadillac City Clerk

26499:00005:6167879-1

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.

#### AN ORDINANCE AMENDING THE CITY ZONING MAP

#### THE CITY OF CADILLAC ORDAINS:

#### Section 1.

The City hereby amends the City Zoning Map to change the RMH Residential Mobile Home District zoning designation and established use district as shown on the City Zoning Map for the real property legally described as:

S 45' IF E 144' OF LOT 8, BLOCK U, G.A. MITCHELL PLAT, CITY OF CADILLAC (Tax identification No. 10-084-00-047-00)

to the B-3 General Business District zoning designation and corresponding use district under Chapter 46 of the Cadillac City Code.

#### Section 2.

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

#### Section 3.

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

#### Section 4.

This Ordinance shall take effect two	enty (20) days after its adoption.
Approved thisday of	, 2022.
Sandra Wasson, Clerk	 Carla J. Filkins, Mayor

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 PUBLIC HEARING AND SUMMARY OF PROPOSED ORDINANCE

On March 7, 2022, the City Council of the City of Cadillac introduced Ordinance No. \_\_\_\_\_, An Ordinance Amending the City Zoning Map.

**NOTICE IS HEREBY GIVEN** that a Public Hearing on the proposed ordinance will be held in the Council Chambers, Cadillac Municipal Complex, 200 Lake Street, Cadillac, Michigan, on April 4, 2022 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 least three (3) business days prior to any such meeting. Copies of the proposed ordinance are available for examination at the office of the City Clerk and copies may be provided at a reasonable charge. The following is a summary of the proposed ordinance.



#### AN ORDINANCE AMENDING THE CITY ZONING MAP

Section 1 of the proposed ordinance provides that the City amends the City Zoning Map to change the RMH Residential Mobile Home District zoning designation and established use district as shown on the City Zoning Map for the real property legally described as:

S 45' IF E 144' OF LOT 8, BLOCK U, G.A. MITCHELL PLAT, CITY OF CADILLAC (Tax identification No. 10-084-00-047-00)

to the B-3 General Business District zoning designation and corresponding use district under Chapter 46 of the Cadillac City Code.

Section 2 of the proposed ordinance provides that if any portion of the proposed ordinance is found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of the proposed ordinance.

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

Section 4 of the proposed ordinance provides that it shall take effect twenty (20) days after its adoption.

CITY COUNCIL OF THE CITY OF CADILLAC, MICHIGAN

By: Sandra Wasson, City Clerk Cadillac Municipal Complex 200 Lake Street



#### Michigan Department of Licensing and Regulatory Affairs Liquor Control Commission (MLCC) Toll Free: 866-813-0011 • www.michigan.gov/lcc

Business ID:	
Request ID:	
-	(For MLCC use only)

#### **Local Government Approval**

(Authorized by MCL 436.1501)

#### **Instructions for Applicants:**

• You must obtain a recommendation from the local legislative body for a new on-premises license application, certain types of license classification transfers, and/or a new banquet facility permit.

#### Instructions for Local Legislative Body:

Print Name of Clerk

At a	meeting of the	City of Cadillac council/		
(regular or special)		(townshi		
called to order by		on	at	
the following resolution was offere	d:		(date)	(time)
Moved by	and supported by			
that the application from G&D Lic				
	• •	corporation or limited lia	bility company, please st	ate the company name)
for the following license(s): DDA Li	cense (MCL 436.1521a(1)(b))	<del></del>		
As he leaded to be a considered to the		(list specific license	es requested)	
to be located at: 319 N. Mitchell St				P. Vy
and the following permit, if applied	l for:			
Banquet Facility Permit Add	ress of Banquet Facility:			
It is the consensus of this body tha	tit		this applicatio	n be considered for
	(recommends/do	es not recommend)	<del></del>	
approval by the Michigan Liquor Co	ontrol Commission.			
If disapproved, the reasons for disa	pproval are			
	<u>v</u>	<u>ote</u>		
	Yeas:			
	Nays:			
	Absent	:		
l hereby certify that the foregoing i	s true and is a complete copy o	of the resolution offe	ered and adopted by	, the
council/board at a	me	eting held on		(township, city, village)
100	gular or special)		(date)	pepalan

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

Signature of Clerk

Please return this completed form along with any corresponding documents to:

Michigan Liquor Control Commission

Mailing address: P.O. Box 30005, Lansing, MI 48909

Hand deliveries or overnight packages: Constitutes 1881 - 525 W. Allegan, Lansing, MI 48933

## Minutes (Draft) Downtown Development Authority (DDA) Business Improvement District (BID) Board

Regular Meeting August 25, 2021

A regular meeting of the Cadillac Downtown Development Authority (DDA) and Business Improvement District (BID) Board was held at 7:30 a.m. on Wednesday, August 25, 2021.

**MEMBERS PRESENT:** LeVand, Kelsey, Crawley, Coffey, Barnes, Huckle, LeVand, Peccia **STAFF PRESENT:** Wallace, Payne, Pluger, Roberts, Coy

#### **APPROVAL OF Minutes**

- Motion to approve meeting minutes from Huckle, Supported by Kelsey.
- Motion approved unanimously.

#### **CITY MANAGER REPORTS**

- Peccia presented the transmittal update of the finance reports for the last two months.
  - o Motion to approve the finance report by Kelsey and supported by Crawley
  - Motion approved unanimously.
- LeVand asked if there is a presentation on the new budget from Roberts. Roberts stated that it was approved by the DDA in May however can revisit it again if the board wishes.
- Peccia gave update of items the office has been working on.
  - O State of MI yesterday in the field trying to get first development with RRC. They bring in a construction estimator and designer to create potential options for developers and give general budgets for these projects. This would normally cost several thousand dollars for a 3<sup>rd</sup> party, but this is done for free by state because of RRC but this can take more time because it's based on their timeframes. This could create action by this board once the development moves forward. The projects could take a year or more to see the outcomes and COVID has created longer waits.
  - o City is once again certified for income-based assistance.
  - o The former G&D facility should be down by the end of this year however they are not sure that he is building will be up at the previous time frame but hopefully will start next year.
    - LeVand: does lofts still have commercial space? Peccia stated yes and they are looking for a tenant for the larger space left available.
  - LeVand asked if there were any trailhead updates? Peccia stated we are waiting to get bids on the DNR. They had a change in staff and lots of vacations. We have been waiting for them to approve us to get bids and hopeful that will happen any day.

#### **DIRECTOR REPORT**

- Wallace reiterated that a meeting took place this week with developers and any help will be given that staff can give.
- CD Development has purchased and implement new software that will help streamline the entire department including building, rentals, and zoning applications. Allows us to report to the RRC with the system
- Shay Locomotive Chamber leadership project is underway. Foundations and roof are up and underway. Hopefully within a few days the final donor bricks will be ordered.
  - o LeVand asked if a ribbon cutting would take place. Wallace confirmed the chamber would do one, but the date has not been set.
- The DDA newsletter is going out. The second just went out about RRC. Wallace invited any that are interested in registering to get the newsletter that Pluger could assist in setting that up.

#### **COMMITTEE REPORTS: NONE**

#### **OLD BUSINESS**

- Crawley asked how the flower basket fundraiser was. Wallace stated that over \$6K was raised.
  - LeVand asked if since there was more donated if there could be more sites to spend the extra money on. Wallace stated he would discuss with Payne of potential options. Conversation followed about locations.

#### **NEW BUSINESS**

- Parking Lot Summer Maintenance: LeVand stated that he feels that the city should have a say in the parking lots. Passed our photos of Pine Street parking lot. He stated they are in horrible shape with weeds and littering. How can we make them look more appealing? Asked Payne how this can be improved?
  - O Payne stated that the overnight parking lots are difficult locations because they fill up so quickly that staff cannot get in. Payne stated that the lot in the picture was recently restoned. The edge where cars park on the curbs are difficult to maintain with vehicles in the lots. Payne encouraged the board to let him know if there are locations they see, and he can address this with staff.
  - O LeVand asked about the passthrough park by Herman's not being maintained. Payne stated that the seasonal workers did work on that this year. Peccia encouraged the board not to wait for a meeting but to text or call the city to report the issues. Peccia stated that there is a struggle this year with staffing, especially since the high school crew has stopped working.
  - o Payne stated that fertilizing the flower baskets and it fertilizes the weeds underneath, so it leads to a lot of time being spent on weeding the main light poles
  - LeVand asked Berard from the Chamber if there is something that can be done to encourage
    the businesses to clean up the weeds in their sidewalks. Discussion followed about how this
    was a project by organizations to assist.
  - LeVand asked for updated from Payne on regular parking lot maintenance. Payne updated
    that there is a paint shortage right now, so they are unable to repaint some lots and street
    intersections. They have two buckets of yellow paint left and will be trying to finish as
    much as they can.
  - o LeVand asked that the parking maintenance schedule be revisited because they got behind. Payne stated they are not behind anymore, they caught up from the COVID delays.
  - o Peccia updated that after 2 years, Consumers has updated lighting on Chestnut between lake street and the football field. There is no longer the rust and corrosion issues.
- Wallace explained that there was a complaint this week about debris and a request to remove benches from the city. Wallace stated he has reviewed lots of cities and the parks are a necessary item in the town. He advised that he believes that parks can't be removed because of littering, but that requests would be reviewed for barrier issues or other items.
  - O Huckle stated it is difficult for business owners because MDOT owns the sidewalk, but the city maintains it. It is very difficult to maintain and improve their sidewalks because its MDOTS property, but owners are expected to maintain. Nobody has "ownership" and maintains it, the business must maintain but have limitations. Recommended speaking to business owners about placement of benches and items because it can be a nuisance for businesses.
  - Conversation followed about how to determine placement of benches, the bench program, and how the DDA accommodates all the businesses. The smoking policy was discussed that is throughout the city.
- LeVand asked if there is any hope for a plan to redo the downtown corridor? Peccia stated that its not clear, the situation with state money causes delays. As new members for the RRC a relationship needs to be built with the state workers and there is no guarantee that we will qualify any time soon.
  - o LeVand asked if the DDA and Council could come to a consensus that its needed. Peccia stated a consensus is not an issue, it's getting the funding to do the projects. Peccia feels

that the streetscape will improve gradually as development happens and our buildings are rehabilitated even if we don't get funding to do a complete streetscape project. There is a plan to get all the boards and commissions together to have a discussion per our RRC requirements, and this could be discussed at that time.

#### **COMMUNICATIONS/OTHER ITEMS** – None

#### **PUBLIC COMMENTS** – None.

- Comments from Caitlyn Berard of the Chamber that she appreciates being a part of the conversation. As part of the West CIA they are learning about how to run a board and how to represent Cadillac in their board.

**ADJOURNMENT**: Meeting Adjourned at 8:27am. Motion by Coffey and supported by Kelsey.



#### Planning Commission Special Meeting November 29, 2021, Meeting Minutes

#### Call to Order

Chairman Putvin called the meeting to order at 6:00 PM.

#### **Roll Call**

Planning Commission: Filkins, Bunce, Bosscher, Baumann, Putvin, Fent, Rice

Staff: Wallace, Pluger, Peccia, Genovich

#### Approval of Agenda for November 29, 2021

- A. Motion to approve the agenda by Fent. Supported by Baumann.
  - a. Motion approved unanimously.

#### **Approval of October 25, 2021, Meeting Minutes**

- A. Motion to approve the minutes Bunce. Supported by Fent.
  - a. Motion approved unanimously.

#### **Public Hearings**

- A. Zoning Amendment to Recreational Marihuana Ordinance
  - a. Putvin asked Peccia to present the topics of the public hearing for the commission. Peccia explained how the city of Cadillac got involved in marihuana, the difference between medical versus recreational. Peccia explained there are about a dozen different types of licenses that can be given, and the city chose to be conservative and chose to only allow one license for each category except for the stores. When the licenses were first announced the only interest was in stores, however, now there has been interest in the grow facilities. Grow facilities are only allowed in the industrial park, except for the micro-facilities which allows for 150 plants to grow, process and sell and must stay in industrial park. Peccia explained that the nearby city of Evart has 20+ licenses under one roof, they are allowed to stack licenses. Our ordinance currently limits stacking the licenses, appropriately in commercial locations, but limit's locations like the industrial parks where there would not be heavy drawbacks. Peccia expressed there is little to no odor or noise coming from the buildings, most odor is during the 9-week period of harvest.
  - b. An amendment like this is requires approval by the Planning Commission and City Council. City Council is currently reviewing this same amendment which will allow for a processing center and stacking licenses to utilize buildings in the industrial parks.
  - c. Peccia explained this will allow for medical and recreational facilities to colocate, it does not create any additional retail licenses, clarifies the Zoning

- Ordinance, allow for stacking grow licenses only in the industrial area and would remove minimum setbacks.
- d. Genovich clarified the difference between co-location and equivalent licenses. Co-location allows multiple types of medical or recreational. This change is being made because city council already changed to allow this, and the Zoning Ordinance was never updated. Equivalent licenses would allow medical and recreational retailers to sell together in the same location.
- e. Peccia explained this presentation and explanation is for both the Medical and Recreational Ordinance changes on the agenda.
- f. Putvin asked could the recreational approach us and ask to have a medical license as well?
  - i. Peccia explained that there are already 2 licenses approved and have not relinquished their licenses. If they relinquish this then they could be given to the other applicants.
- g. Baumann stated that Section 8A is cumbersome, does it mean this change would allow these facilities to be within 1000 feet and adjacent to a school zone?
  - i. Peccia explained yes this would remove the special separations only within the industrial parks. Genovich agreed this keeps the retailers or micro- businesses from 1000 feet from a school. Since these are in the industrial zone, they would be allowed.
  - ii. Discuss followed about if it is 1000 or 500 feet. Baumann asked if we want to allow the facilities to be adjacent to the schools?
  - iii. Peccia explained the types of uses in the industrial zone and that this would match what the other types have.
  - iv. Bosscher asked if this would now match the zoning for any other business wanting to come into the industrial parks? Peccia stated, yes that is the goal.
  - v. Mayor Filkins asked for clarification of the feet, as it says 500 in one location and 1000 in another. Genovich clarified that the statute says 1000 feet unless the ordinance provides otherwise, and this is a note referring to that rule not stating we must follow it.
  - vi. Baumann asked for clarification that this does not state industrial. Genovich clarified that this is by process of elimination stating only in industrial. Discussion followed about the classification of the zones and how to reference this break down.
  - vii. Putvin requested clarification on the number of licenses, will there be caps on the industrial type licensing at all? Peccia explained the caps will stay on the retail locations but will be removed from the industrial park to allow the grow facilities to expand and exist.
- h. Bosscher inquired if there are any specific parcels that are going to be impacted directly? Peccia explained yes, the Mitchell-Bentley property is one that would be able to be completely developed. Baumann clarified that this is within 500 feet of a home and Peccia confirmed.
- i. Baumann asked why the 500 feet was originally in the ordinance? Peccia explained that it was written to mirror the retail ordinance, which was designed to protect homes and schools from the sale of marijuana. The numbers were not

- known and had not been addressed at that point, now staff feels comfortable bringing this use and its side effects to the community.
- j. Baumann asked if there was an industrial site near a school? The board said Heritage Christian is the only school that abuts the industrial park, their back playground would be within 500 feet. Wallace explained if a grower wanted to go in that location, they would need a Special Land Use and this commission could require buffering such as fences or others to keep the schools protected at that time.
- k. The board reviewed and discussed the zoning map.
- 1. Fent asked if this would be allowed in a school? Genovich and Peccia explained the Zoning Ordinance has other safety items listed in place to prevent problems with schools and residential areas.
- m. Bauman explained concern for removing the spaces completely.
- n. Wallace commented that a lot has been learned about the industry in the last year that has brought this change.
- o. Peccia asked Genovich what the special separation between schools and retail locations? Genovich explained that a retailer could not be adjacent to a school and cannot be within 100 feet of a house.
- p. Putvin opened the Public Hearing to Recreation Marihuana Ordinance
  - i. No comments and no communications received by staff.
  - ii. Public Hearing closed by Putvin
  - iii. Motion by Baumann to approve the resolution as proposed with the exception to 8A the last sentence to read "however, an establishment may not be located adjacent to a public or private K-12 school or a college or university." Supported by Filkins
  - iv. Approved Unanimously.
- q. Clarification was given on the terms of adjacent and having a distance. It was explained that the Zoning Ordinance has restrictions and requirements to keep business a distance away from schools.
- B. Zoning Amendment to Medical Marihuana Ordinance
  - a. Putvin opened Public Hearing to Medical Marihuana Ordinance
    - i. No comments and no communications received by staff.
    - ii. Public hearing closed by Putvin
    - iii. Motion by Baumann to approve the resolution as proposed with the exception to 8A the last sentence to read "however, an establishment may not be located adjacent to a public or private K-12 school or a college or university." Supported by Filkins
    - iv. Approved Unanimously.

New Business – None

**Old Business - None** 

**Board Members Comments – None** 

#### **Communications - None**

#### **Public Comments - None**

#### Other Business - None

Adjourned at 7:05 PM