



## **City Council Meeting**

November 18, 2024

6:00 p.m.

Cadillac Municipal Complex

Council Chambers

200 N. Lake St.

Cadillac, MI 49601



November 18, 2024 City Council Meeting Agenda  
6 p.m. at City Hall - 200 N. Lake St. – Cadillac, MI 49601

*We are continuous learners*

CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
ROLL CALL

I. APPROVAL OF AGENDA

II. PUBLIC COMMENTS

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

III. CONSENT AGENDA

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

A. Minutes from the regular meeting held on October 21, 2024  
Support Document III-A

IV. COMMUNITY SPOTLIGHT

A. Local Development Finance Authority Update

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### **V. INTERVIEWS FOR THE LOCAL DEVELOPMENT FINANCE AUTHORITY APPOINTMENT**

### **VI. APPOINTMENTS**

- A. Recommendation regarding reappointment to the City of Cadillac/Clam Lake Joint Planning Commission.  
Support Document VI-A

### **VII. ADOPTION OF ORDINANCES AND RESOLUTIONS**

- A. Adopt Ordinance to Amend Sections 46-4, 46-186, and 46-216 of the Code of Ordinances.  
Support Document VII-A

### **VIII. MINUTES AND REPORTS OF BOARDS AND COMMISSIONS**

- A. Local Development Finance Authority  
Support Document VIII-A

### **IX. PUBLIC COMMENTS**

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### **X. GOOD OF THE ORDER**

### **XI. CLOSED SESSION**

Adjourn to closed session pursuant to MCL 15.268(1)(a) to consider a periodic personnel evaluation of the city manager at his request.

Adjourn to closed session pursuant to MCL 15.268(1)(h) to consider a confidential written legal opinion, which is exempt from discussion or disclosure by state or federal statute.

### **XII. 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

October 21, 2024

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

### CALL TO ORDER

Mayor Filkins called the City Council meeting to order at approximately 6:00 pm.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

Council Present: Elenbaas, Schippers, Engels, King, Mayor Filkins

Council Absent: None

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

### APPROVAL OF AGENDA

2024-208 Approve agenda as amended.

Motion was made by Schippers and supported by Elenbaas to approve the agenda as amended to remove Item VI-C regarding The Market Renovations.

Motion unanimously approved.

### PUBLIC COMMENTS

Mayor Filkins noted City Council received a couple of communications via email prior to the meeting.

Bill Barnett commented on PFAS, the LDFA, and requested transparency.

Andy VanAlst commented on allowing bed and breakfasts.

Jeff Anderson expressed concerns about water quality.

Tony Rubio commented on water quality and the need for transparency.

Lorri King commented on the proposed changes to the City Manager's contract.

Art Stevens commented on the proposed changes to the City Manager's contract.

Rick Torres commented on water quality and the need for transparency.

### CONSENT AGENDA

2024-209 Approve consent agenda as presented.

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

Motion unanimously approved.

## PUBLIC HEARINGS

- A. Public hearing to consider adoption of Ordinance to Add a New Section 46-754 to and Amend Sections 46-526 and 46-745 of the Code of Ordinances.

Peccia stated this item is regarding utility-scale battery energy storage systems.

City Attorney Homier explained that PA-233 was enacted by the legislature in 2012 and doesn't actually take effect until November 29th of this year. He noted what it does is it vests in the MPSC authority to cite renewable energy land uses after that date if the local municipality does not have what they define as a compatible ordinance. He stated there's some dispute about what a compatible ordinance is. He stated on October the 10th, the MPSC issued a 168-page order that, in my view, overstepped its authority. He noted we currently have probably in excess of 20 municipalities that are going to appeal that order. He stated the proposed ordinance is to have local approval of these facilities, specifically about where they can be located. He noted you still have to meet the compatibility requirements under PA 233, those are set forth in Section 226 of Paragraph 8, which have to do with battery storage in particular, noise levels, setback issues, those types of things.

Homier noted there's a whole host of other things that are not regulated by PA-233 that you might want to regulate, for instance, screening. He stated screening is nowhere in that list of items, and yet it might be an important thing depending on where in the city those facilities may be located. He noted if you don't have a compatible ordinance, the MPSC can site those anywhere they want, and your ordinances then are preempted in application to those types of facilities.

Homier stated we think it's important for local municipalities to still maintain the ability to determine where in the city those may be located and the adverse impacts that those could have on adjacent land uses. He noted with respect to battery storage in particular, he thinks those facilities are best located in industrial facilities because they are industrial in nature, and they're smaller. He stated they're between probably 5 and 15 acres and they're like storage containers that are linked together with battery storage inside of them. He noted there are important safety issues as well, like uncontrollable fires, if they should occur. He stated there are certain regulatory aspects that are important, like fire safety plans, fire suppression systems that are built into those containers, things which would control those if they were to happen.

Mayor Filkins opened the public hearing.

There were no public comments.

Mayor Filkins closed the public hearing.

### 2024-210 Adopt Ordinance 2024-12.

Motion was made by Schippers and supported by Elenbaas to approve the resolution to adopt Ordinance to Add a New Section 46-754 to and Amend Sections 46-526 and 46-745 of the Code of Ordinances.

Motion unanimously approved.

- B. Public hearing to consider adoption of Ordinance to Amend Sections 46-4, 46-186, and 46-216 of the Code of Ordinances.

Peccia stated this item is regarding bed and breakfasts. He noted it would provide the Planning Commission with the necessary tools to consider whether or not that use should be allowed as a special use within the zones accordingly.

John Wallace, Community Development Director, provided a presentation regarding Zoning Amendments to Allow Bed and Breakfast Establishments in Multiple-Family Zoning Districts by Special Use Permit (see attachment).

Mayor Filkins opened the public hearing.

Andy Ulrich stated he brought forth the proposal for a bed and breakfast at 312 E. Cass Street. He noted this historic home used to be a bed and breakfast. He described the interior of the home and stated he plans to reside in the home. He noted he talked to the neighbors and they were in support of the home becoming a bed and breakfast. He provided a list of their names and also provided a letter of support from one of the neighbors. He noted approximately half of the home has been refinished at a cost of about \$70,000.

Mayor Filkins closed the public hearing.

King stated this is a tough one because when he came to town that address was an Airbnb run by the Feister family and he thinks it was really neat. He noted what he has caution about is exactly what some of the comments have been today. He stated he thinks the City has gone about things in a way that has caused people not to have confidence in what we're doing and not have confidence in the recommendations. He stated to Andy Ulrich that he appreciates that he has provided input from the neighbors. He noted this is what he's asked our Community Development Director to do which is anytime we're going to go to a district and look at changing the zoning on it, let's talk to our citizens.

King stated he doesn't care what Alma or Adrian are doing. He noted he wants to know how what we're proposing here in Cadillac is going to affect the neighbors around it. He stated he wished that input had been obtained from the neighbors when it had gone to the Planning Commission along with a history so he could understand because he still doesn't. He noted historically it was a bed and breakfast before so why do we have to change the zoning of two districts to allow it again and it is his understanding that no other options were discussed by the Planning Commission.

King stated he received calls all weekend from people about this recommendation because other neighbors weren't talked to and asked why are we doing this when a boarding house was just rejected a block and a half away and we've said what we want our neighborhood to be. He noted he had conversations with people in the audience and explained that a bed and breakfast is very different than a short-term rental, however, he understands their concerns.

King noted when you start a process like this the first and number one thing he thinks we need to know is how the people around there feel about it. He stated Mr. Wallace has said he doesn't have an obligation to go door-to-door or talk to people, but it makes a difference when you do and we have transparency when that happens. He noted then we have neighbors that can see that some of those concerns may not be as sharp as they feel in their mind, but the general public does not trust us at this time in making recommendations to do sweeping changes to RM-1 and RM-2 at this point.

King stated his thought is, and he'll make a motion in a moment, to send this back to the Planning Commission and ask the Planning Commission specifically to get a summary for us to consider as to why we're doing this for one house and explain why we have to change two zoning districts to accomplish it. He noted we need to make sure we've checked the surrounding neighborhood to see if this is a fit for that area and do we need to do it across the board, or is there an option to do this in that area if we think that's a good development idea.

King stated the other issue that was communicated to him is lack of confidence in enforcement. He noted he would ask the Planning Commission to get from staff specifically what the enforcement rules are going to be if we're going to do it as a special use, who is going to be responsible for that enforcement, and are there any consequences as far as losing a license or what the penalties are if the rules are not met. He stated he believes that has to be part of what comes to Council in deciding a change for an entire two districts.

King noted it is important that we do listen to all the people here and we have had a lot of people raise these concerns. He stated he doesn't want it to go to a motion and have it denied when those concerns may be able to be addressed if we send it back the Planning Commission to get that type of direction and then have it come back to Council.

King stated our duty is to maintain public trust, let them know we're doing everything to make sure we're protecting all of them and the nature of our neighborhoods. He noted we have heard the concerns about that loud and clear.

2024-211 Send proposed ordinance back to the Planning Commission.

Motion was made by King and supported by \*Elenbaas to send this matter back to the Planning Commission to provide details regarding the following:

- Provide City Council with a summary and history of why a textual zoning change to two districts is required for accommodating the use for one house.
- Provide a summary of all potential options available to accommodate this request and why these changes to two zoning districts are needed to accomplish it.
- Provide input from direct feedback gathered by City staff from residents and property owners in these districts across the City and explore the need to do it all across the RM-1 and RM-2 districts or just the area of this particular property.
- Request a summary from staff on specific enforcement rules and provisions for this property, how these rules will be adopted (special use permit?), who is responsible to enforce any future non-compliance, and the specific penalties for non-compliance.

Schippers asked when we issue a special use permit, doesn't it always include all those rules and stipulations. She noted every special use permit that has come before her has had very specific stipulations.

Wallace noted generally when somebody comes forward with a special use permit, they have a management plan for how they choose to want to operate.. He stated the ordinance does not contain operational standards specifically addressing bed and breakfast, however, it does address about eight general standards, which deal with compatibility with adjoining land uses, whether it will raise or decrease the value of adjoining properties. He noted there's a number of issues that are looked at, and a full in-depth report is sent to the Planning

Commission when they make those decisions, including showing photos of all the surrounding properties and the nature of development.

Mayor Filkins noted the Planning Commission scheduled a public meeting, we listened to the public, we stepped through the process as it should be managed, and the Planning Commission felt very strongly that this made sense. She stated it may not make sense in every RM-1 and RM-2 district but in this particular one, the Planning Commission did feel it made sense since this facility sits directly across from Kirtland Terrace. She noted there are businesses right next door. She stated she is a member of the Planning Commission and was part of the discussion. She noted she is not here to speak for the Planning Commission but they felt like in this instance with this very special property that it made sense to bring it to the Council for consideration.

Schippers stated that she would also like to add that we were very much opposed to spot zoning and asked that things be uniform. She noted the message that she wanted to convey is that if we're going to do this, if we're going to allow this kind of use, it has to fit in. She stated she could see when she was reading the packet and looking at the two zones that were also listed to be amended for this purpose, the reason probably that the two zones were included is because they allow for the exact same other eight purposes. She noted only the one that they don't allow is bed and breakfast. She stated if we were going to try to be uniform in zoning, then we would want it to be uniform in zoning so this is what the Planning Commission, who is the gatekeeper for zoning, sent to us. She noted these zones all have the same criteria and these are places where it would fit, but it's not given that anybody in those areas can do it, which is another safeguard, because it needs a special use permit.

Schippers stated in those special use permits, we can require that we see the pictures of the place, we look at what's around there and the Planning Commission does the same thing. She noted it would be absolutely reasonable to ask that whenever we are going to do a special use permit that we survey the surrounding neighbors.

Schippers noted we budgeted someone who is in charge of enforcement. She stated we received a report showing all the enforcement that has happened since our last meeting and actually in the last month and year-to-date.

Schippers stated she has concerns with saying it's not transparent because it has followed the public process. She noted, every step of the way, from the Planning Commission where people had a chance to get up and speak. She noted some people also spoke at our last meeting when we first said we were going to have this hearing and they were also at the Planning Commission meeting. She stated this is absolutely transparent and this is how government works. She noted everything in the packet is available to the public so she is having a hard time thinking that we need to send it back for a second look when the Planning Commission has done their job and passed it to us with all of this really pertinent information.

Mayor Filkins stated she would like to mention to Council that this part of the public hearing is for our discussion it's not to talk to the people in the room. She noted it's for us to talk so they can hear us, but we talk to one another about the concerns.

Engels stated he is supportive of this house becoming a bed and breakfast and he's not sure of the alternate ways we could have accomplished that. He noted when we talk about the housing crisis, one of the main differences between a bed and breakfast and an Airbnb is that

a bed and breakfast is a home. He stated if a member of our community wanted to start their own bed and breakfast, they'd still have to live there and they would have to move to an RM-1 or RM-2 district. He noted Andy lives in this house so it isn't taking away a home.

Engels stated sometimes people say just say no to things. He noted we said no to the Pine Street house and we said no to the boarding house. He stated with a lot of the discussions we've had with the community, much of it has revolved around protecting the all of the single-family neighborhoods (R-1, R-2, and R-3). He noted he doesn't have a strong aversion to spot zoning or overlays, but a bed and breakfast almost seems like an improvement in the RM-1 or RM-2 district over a group home or something like that. He stated when he looks at the list as what is allowed, and what isn't allowed, it's kind of hard to see how the bed and breakfast is a bridge too far. He noted he is still a little on the fence.

Elenbaas asked when Andy and his wife or family go on vacation, are they just going to shut it down or is there somebody in place.

\*Elenbaas noted he supports the motion made by Council Member King.

Engels stated to be clear because of what Council Member Elenbaas just pointed out is that it is spelled out that they can only have tenants when they're there and he's sure that is a requirement. He noted as far as buying any house in the RM-1 and RM-2 and turning it into a bed and breakfast, there's parking requirements. He stated if we are feeling that some of these RM houses weren't contacted, like the feedback hasn't been there, or that the other options haven't been explored, he is willing to let this go back down and not pass it tonight with a specific list of what exactly we are looking for from the Planning Commission.

Engels noted other than more public awareness, nothing might change when it comes back to us from the Planning Commission. He stated members of the public are welcome to contact him and he pointed out that he lives in this neighborhood.

King stated the motion was to get the summary of the history of that home, to have the options, because he thinks it's important any time that we consider something, we know what all the options are, just not one pointed option. He added why we would do one option over the other and have that survey, the public awareness is exactly part of his point, so that there is public awareness and knowledge in making this decision and trust in our making our decision once that's done. He noted he does think we have to frame out what the rules are and why we're either doing it in option A form, in that this is in the best interest of our citizens, or we're doing it in option B, if that is, or we're saying no, because neither of those fit.

Engels asked Council Member King if part of his motion is requiring letters to be sent out to the homes.

Wallace stated when we get to the point where the actual use would be considered, it would be people within 300 feet of the site but for a text amendment, it's just a general notice in the paper.

Engels noted he is asking about the letters because he doesn't want to get to the point where the request wasn't clear.

King stated for text change, letters were not sent. He noted Andy getting these letters is awesome but we need to know that outreach is made to the other people. He stated we may find in doing that, because it's all of RM-1 and RM-2, that there's a vast majority around

Andy's home that support it, that therefore if there's an overlay suggestion, that may be the best one if the people in the other neighborhoods in RM-1 and RM-2 say, no, this is not what we want.

Peccia noted the law doesn't require letters for a text change but he doesn't want to come back and say, we sent it to people within 500 feet of X if he and Council are on different pages of what that X is. He stated we have to remember that before us tonight isn't the specific house. He noted it's the specific house tonight that brought all this to being because they had requested that we allow them the ability of doing it and so to be able to do that is why we're looking at the zoning amendment.

Mayor Filkins stated there's another opportunity in the process, as it is written, for us to gather that information that you're looking for.

Peccia noted we don't get there until they apply for a special use permit, which they can't do until the special use permit option exists.

Mayor Filkins stated it has to go back to the Planning Commission in the homeowner's next steps, so that's when he has his business plan and when they have all of the details down on that property and then that's when all the people are going to be notified. She noted there is another opportunity for it to go back through the rest of the process so that these things that are being asked about are going to be addressed in the next step.

King noted the distinction right now is that before we do a total overhaul of RM1 and RM2 we're getting the information, changing it throughout with text change for both sections.

Mayor Filkins noted it is not a total overhaul.

King stated it's going to give us feedback and it's going to let those options be looked at to see what's the best and the least negatively impactful in those districts.

Schippers asked what they would do differently because right now you cannot apply for a special use permit because this is the first step. She asked if it would be better to not make these changes and just spot zone or create an overlay zone.

King stated he doesn't know until he gets that information, and he wants to know what the options are for that.

Peccia noted one of those options was a part of the presentation this evening, which was instead of bringing forward to the Planning Commission for consideration, the amendment to the RM-1 and RM-2 zoning districts, it was to look at a full rezoning of changing the zoning classification itself into tourist (TS-2). He stated that option did not get fully explored because there was consensus with moving forward with the RM-1 and RM-2.

Engels stated he prefers to have consensus and feels we are close. He noted what we are asking for is going to result in some inconveniences for Andy, but more public awareness. He stated he isn't sure that this isn't just a needless delay, but let's go down that road and see what the process uncovers.

Schippers stated she thinks what we are looking for is options other than adding the eighth component to these zones, with shelters, businesses and recreational activities. She asked is there an option other than just adding item seven and item nine to the different groups.

Engels noted it gives the community a little longer to render objections if some people that are in the R3 on the edge of the RM-1 or people that have homes in RM-1 another chance to be vocal because he hasn't heard from any of them. He stated he has heard some positive things but all the people that are coming out to speak against this don't live in this neighborhood.

Schippers asked Council Member King if he would be willing to amend his motion to narrow it down and to remove its focus from this specific property.

King stated he thinks it is important to find out what the people in these districts think, even though we don't have to at this point, because people don't trust us with our zoning recommendations and we need to build that trust. He noted let's see what the people really want and what the least harmful, impactful way to do it is.

Bill Barnett asked Mayor Filkins to open the public hearing again because people have been hearing this good discussion and he thinks there are people in the audience that would like to speak.

Mayor Filkins reopened the public hearing.

Steve Marquardt noted he lives in RM-1, actually right on South Street, next to the Four Winds Test Site Center. He stated no one in his apartment complex received any notification or survey.

Robb Munger stated in his experience there has been very clear transparency.

Andy VanAlst stated the main concern he is hearing from people is changing all of RM-1 and RM-2.

Rick Torres commented on transparency and listening to what people want.

Jeff Anderson commented on transparency.

Art Stevens commented on trust and transparency.

Mayor Filkins closed the public hearing.

Schippers noted that this is not about the one house, it is about the first step to make a special use permit possible in those areas.

City Attorney Homier stated this is a text amendment so you can't even begin to apply for the use until you allow the use in the district. He added if the district doesn't allow for the use, then it's not permitted not by right and not by special use permit. He noted this is just a proposed amendment to amend the district by text amendment to allow it as a use permitted by special use permit. He stated when somebody applies you apply those standards and then you exercise some discretion in the application of those standards either saying yes or no or yes but with these additional reasonable conditions such as hours of operation, noise limitation, light issues, and those types of things. He noted you can't even get to that step two if the Council decides not to add it as a use within the district.



Homier noted you can't just say, yes, we'll grant a special use permit when it's not permitted in the district to begin with. He stated it's a step-by-step process to determine whether or not you first want to allow that in that district or not and that's where we're at in the process.

Homier stated with respect to transparency, there are two types of amendments. He noted one is text, which allows for notice by publication and that's because it's general to the ordinance itself, not specific to a specific piece of property. He stated when you have a special use permit and a public hearing is required under the Zoning Enabling Act, then notice must be published and also mailed to everybody within 300 feet of that property. He noted that does not mean that the City is precluded from sending out additional notice because you could send out additional notice anytime you want.

Homier noted, as an example, we went through the battery storage ordinance today. He stated that was a text amendment which only required published notice because it doesn't deal with specific property. He stated it only deals with the general requirements of the ordinance. He noted you could very well mail a notice to every resident in the City if you choose to do so but it is not required by law.

Mayor Filkins noted when we were first talking about VRBOs we were being criticized. She stated people had concerns about us spot zoning. She noted it was never in our ordinance that VRBOs were allowed anywhere. She asked if we are trying to correct something that wasn't actually correct in the first place.

Homier stated if you go back to the short-term rentals, short-term rentals are a fairly newer phenomenon and were not included in your ordinance because they didn't anticipate that use, along with a lot of other uses like medical marijuana and renewable energy facilities. He noted all these uses are emerging land uses. He stated Mr. Wallace interpreted the zoning ordinance to only allow short-term rentals in particular zoning districts and that's within his purview to make those interpretations, they happen every day. He noted Mr. Wallace posted a memo on the City's website saying they were only permitted in these districts.

King stated as a Council Member, he has a motion on the table. He noted you can take a vote and if you want to vote no, you can vote no. He stated when a motion is put on the table and it's been seconded, we vote on it. He noted this is part of the perception problem with the public not trusting.

Mayor Filkins noted we always have discussion.

Schippers stated she is curious as to what Council Member King is asking, because if we cannot do a special use, as our attorney has told us, without it being allowed in that district, then if we send it back to the Planning Commission, what are we asking them to do.

King stated to give us the options that is his question.

Engels stated the memo happened and then we clarified. He noted at some point in there, the interpretation of what we passed completely banned a use that was allowed.

Homier stated what the City did was codify that interpretation so now that is part of your zoning ordinance. He noted the City Council certainly has the ability to send it back to the Planning Commission for further review. He stated spot zoning on its face is unlawful and it wouldn't comply with your master plan and that's why it presents some problems. He noted the overlay district certainly is possible. He stated you could have an overlay which doesn't

open all of the district up, but may identify certain areas in a particular district that might be suitable for that land use.

Mayor Filkins noted she just needed to understand that, and that's why she sought that clarification. She stated she thinks that that type of discussion is really good, because somebody else might have had that same question that she did.

Motion (as previously made by Council Member King and supported by Council Member Elenbaas) was unanimously approved.

C. Public hearing to consider adoption of Resolution Approving Brownfield Plan - North Lake Street Flats.

Peccia stated this is perhaps a final step in a rather laborious process, and that is a presentation of the Brownfield Plan regarding the North Lake Street Flats project which is something that we began talking about at least a couple of years ago. He noted this is a project that's going to bring much needed housing to the City of Cadillac. He introduced Mr. Gary Pitsch, owner of the property.

Gary Pitsch noted he has done developments in other places. He stated he did the condominium project across the road from this one. He stated he started purchasing property across the road and did it in six different acquisitions. He noted he tore down a couple of buildings that were there. He stated he is asking for Council support to get a tax increment financing approved so we can do this project. He noted the State of Michigan has given us a grant, and they've given us a model of what we have to build to and how much we can charge for these units.

Mac McClelland, Brownfield Consultant for the Brownfield Authority, provided a presentation regarding North Lake Street Flats Workforce Housing Brownfield Plan Amendment (see attachment).

Peccia noted that location is right off Lake St. about a block north of City hall behind G&D Pizza & Party Store.

Mayor Filkins opened the public hearing.

Bill Barnett stated Mr. Pitsch did a great job with the condominiums and thanked him for investing in Cadillac. He noted he doesn't fault him for asking to have 48 apartments here. He stated he believes it will be too cramped, and it ignores all zoning rules.

Paul Kurtzman noted he is one of the owners of G&D and the G&D property. He noted they are not against having more apartments, especially for working-class people. He stated they do feel this area is a little small. He noted the property owned by G&D and the Kurtzman family is for them and for them to use for their business.

Mayor Filkins closed the public hearing.

Schippers asked if we didn't already, at a point in the past, change the zoning on this to make this possible. She noted she has been to many of housing summits, and talking about the need

for workforce housing is not the fault of the people here, it is the change in society and our community. She stated the ages of her children and their needs for housing, is not the big estate-type home or even vast apartments with tons of parking. She noted there are workforce people who work in the community that don't need all that extra space and prefer affordable housing. She stated we're a small city, but we have people who need a place to live in order to work and to make that happen, things like this are the way that we do that. She noted this is happening all over northern Michigan, all over northwest lower Michigan especially and communities are being applauded for doing this sort of thing.

Elenbaas stated Mr. Barnett is correct that it's not a perfect site but we need the housing.

2024-212 Adopt Resolution Approving Brownfield Plan - North Lake Street Flats.

Motion was made by Engels and supported by Elenbaas to adopt Resolution Approving Brownfield Plan - North Lake Street Flats.

Motion unanimously approved.

COMMUNICATIONS

A. Trunk or Treat Food Drive

2024-213 Approve street closure for Trunk or Treat Food Drive.

Motion was made by Elenbaas and supported by Engels to approve the closure of Hemlock St. between E. River St. to where Crippen St. meets N. Park St. from 4:00 pm to 9:00 pm on October 26, 2024 for the Trunk or Treat Food Drive.

Motion unanimously approved.

B. Holiday Market

2024-214 Approve parking lot closure for the Holiday Market.

Motion was made by Elenbaas and supported by Schippers to approve the closure of the north parking lot of the Market for three weekends in December from 12:00 pm to 7:00 pm for the Holiday Market.

Motion unanimously approved.

C. Cadillac Band Boosters

2024-215 Approve display of a banner for the Cadillac Band Boosters.

Motion was made by Schippers and supported by Elenbaas to approve the display of a banner from November 4-11, 2024 for the Cadillac Band Boosters Hobby & Craft Show.

Motion unanimously approved.

D. Lighted Holiday Garland

2024-216 Approve display of the Lighted Holiday Garland.

Motion was made by Elenbaas and supported by Engels to approve the display of the Lighted Holiday Garland from November 25, 2024 to January 3, 2025.

Motion unanimously approved.

## CITY MANAGER'S REPORT

### A. Recommendation regarding Fire Department Turnout Gear Grant.

Peccia noted the City was successful in receiving a 100% grant to fund the purchase of 10 sets of gear which includes turnout coats, pants, and firefighting boots for all full-time members of the Fire Department. He stated the FD would like to go with the Lion-branded turnout gear. He noted the request does ask for a waiver of bid to purchase the equipment from Dinges Fire Company located in Illinois which is a sole source provider.

#### 2024-217 Waive competitive bidding regarding Firefighter Turnout Gear.

Motion was made by Elenbaas and supported by Engels to waive competitive bid regarding Firefighter Turnout Gear.

Motion unanimously approved.

#### 2024-218 Approve purchase of Firefighter Turnout Gear.

Motion was made by Elenbaas and supported by Engels to approve the purchase of ten (10) sets of Firefighter Turnout Gear from Dinges Fire Company in the amount of \$34,827.50.

Motion unanimously approved.

### B. Recommendation regarding Sanitary Sewer Repair.

Peccia stated the next item is a request to approve Change Order #1 to the Sanitary Sewer Repair Contract that we have currently with CJ's Excavating. He noted 30 additional feet were required to get the job done. He stated the request would increase the amount to \$71,893.99 and the additional amount of work performed was \$14,563.69.

Owen Roberts, Director of Finance, noted even with the addition this is still below what the second lowest bidder was for the original project.

#### 2024-219 Approve Change Order #1 to the Sanitary Sewer Repair Contract.

Motion was made by Schippers and supported by Elenbaas to approve Change Order #1 to the Sanitary Sewer Repair Contract with CJ's Excavating to increase the total approve amount to \$71,893.99.

Motion unanimously approved.

## PUBLIC COMMENTS

Bill Barnett thanked Council for reopening the public hearing. He noted the LDFA is now a 10-member board and he commented on the three new people. He requested Council pass a resolution to notify people to have their private wells tested.

## TABLED ITEMS

### A. COLA Update & Request

Peccia noted the information in the packet is the same information that was presented at the last meeting.

King thanked Council Member Elenbaas for having this item tabled while he was gone. He stated to Mr. Peccia that he thought it was absolutely underhanded that he stuck this on an agenda and called it a COLA update when it was a request for a raise and benefits for yourself. He noted it was also a request to try to block Council from acting in their Charter duties in relation to if we're not satisfied with your performance, making a resolution by a simple majority to remove you. He stated to say that you wanted a supermajority vote that is only allowed when we're appropriating funds or selling public lands is unconscionable. He noted you want the benefit of a majority vote, three out of five, to renew your contract, to approve a raise, to do everything else but if you're not doing your job, you want a supermajority vote to ask you to leave.

King stated your job under the Charter, under 7.2, is to uphold the Charter. He noted he thinks your move specifically tries to circumvent and go around the Charter. He stated he knows of no other city in the State of Michigan that allows a manager to have his contract approved, his compensation approved by a simple majority and then says, your hands are tied by a four-fifths vote. He noted it was unconscionable.

King noted to say that you want a guaranteed raise based on the union and non-union contracts, guaranteed to you, when you are a participatory person when those contracts are negotiated, that's unconscionable and is a conflict of interest.

King stated you're the highest compensated management person in the City of Cadillac and are the top CEO. He noted you say, I get over \$140,000 with salary and benefits, but I want what the little guy gets also, that is unconscionable. He noted he asked when are we doing Marcus's evaluation and he heard nothing before he left. He stated he had asked if anything was going to happen while he was gone and he was told no, nothing like that will happen while you're gone. He noted it not only happens, but it comes under a deceptive agenda item. He stated agendas are critical to tell the public exactly what's going to be discussed in a meeting and to tell them exactly what we're thinking about doing. He noted a COLA update and request does not say the City Manager is requesting a raise while a Council Member who doesn't agree with him is gone and we haven't done our evaluation. He stated you wanted to slip this in, and you want as part of the vote that to undo it, it's going to take a supermajority vote. He noted that is unconscionable, in his opinion.

King stated he was contacted after the MML convention and was told Mr. Peccia is interviewing for a job in Sterling Heights and it is his right to go out and look for another job to increase his opportunities. He noted knowing that, you have the gall to put in our agenda, it would take a four-fifths vote to get rid of you. He stated you want freedom to be able to advance yourself, go to another community, and do the best you can, which I don't fault you for, but you want to handcuff us from being able to do the best we can do for our community. He noted your contract requires an evaluation and we've done one every year. He stated to try to suggest while he's gone that we would somehow circumvent that process

and he doesn't see any excuse or explanation as to why you would do that other than to circumvent the intent of the Charter.

King stated we have to deny this request and immediately set an evaluation for Mr. Peccia. He noted in his opinion, trying to sneak something like this through would be grounds for us to consider a resolution for termination of the contract. He stated you didn't have to tell me that you were interviewing somewhere else but you better tell me if you're going to try to slip something like this through because the benefit is for you and the deficit is for the entire City and the citizens of Cadillac.

King noted conflict is part of our job. He stated by Charter, City Council must be responsible and supervise and manage the manager. He noted Section 7.2 states the City Manager shall hold office at the pleasure of the City Council, not us at his pleasure and not us with the supermajority vote.

King stated he is putting a motion on table to deny this request and he wants it noted for the record that he thinks it was a dishonest and underhanded request. He added those terms, in his opinion, aren't strong enough for what happened because he knew I was gone, we had talked about this and it wasn't going to be on the agenda. He noted he had asked Council Member Elenbaas why we haven't done Marcus's evaluation yet because Marcus always comes to us to try to negotiate a new contract and ask for a raise which is ok. He stated when he found out Marcus was interviewing in Sterling Heights, he told Council Member Elenbaas this makes sense because he is moving on and doesn't want to negotiate with us.

2024-220 Deny request from City Manager, conduct evaluation, and consider resolution for termination.

Motion was made by King and supported by Elenbaas to deny this request, to move as quickly as we can to do an evaluation of Mr. Peccia and consider a resolution for termination based on this behavior.

Ayes: Elenbaas, King

Nays: Engels, Schippers, Mayor Filkins

Motion failed.

Peccia stated that just to clear the air, he is not interviewing in Sterling Heights or anywhere. He noted he is aware of an assistant position open or will potentially be opened in Sterling Heights as well as one opened in Ann Arbor. He stated he had a private conversation with another member of City Council, as we had talked about how salaries are, just generally within the area, and that as assistant positions these positions were nearly double what a City Manager position goes for in this neck of the woods. He noted by no means did he ever say he was actually going to be applying or interviewing. He stated in fact, to the contrary, he said how Cadillac is his home, he loves it here, he loves this community, and that this is where he's happy. He noted he does not know where that information is coming from, that he's somehow interviewed or planning to interview or seeking another job in Sterling Heights or somewhere else, but it's just simply not happening.

Peccia noted in terms of the requests, he doesn't disagree because we have typically gone through some form of an evaluation process that would be done in May, June, or July. He stated nothing had happened and he did message City Council around the middle to end of September saying how this was something that he was thinking about and looking at moving forward.

King asked if the email was sent to the entire Council.

Peccia stated it was in the weekend bullets, and he had listed everything that was in the Council Communication. He noted he doesn't agree with the premise that he has done anything underhanded, unethical, or inappropriate. He stated he apologizes if Council Members feel that way but he figured that this would be an opportunity to look at essentially receiving a cost-of-living adjustment. He noted he does not see it as a raise because there is a difference, in his mind, between a cost-of-living adjustment and a raise.

Peccia noted he didn't think it was an inappropriate request to receive a cost-of-living adjustment that's the same as the non-union staff. He stated he did communicate with our legal counsel prior to putting the request forward as to whether or not there were any Charter issues and was advised that there didn't appear to be in terms of looking at a four-fifths vote on termination of the agreement.

King asked Mr. Peccia if you're asking advice for an increase in wage in a contract from our City Attorney, who, by the way, is supposed to be representing the Council in the City of Cadillac, and it never would be in the public's interest to lockstep a raise. He noted you can negotiate with the Council for raise, but never would it be in the public's interest to allow you to tie a guaranteed raise in relation to contracts that you're a participant as a manager.

Peccia stated he wasn't negotiating with the City Attorney.

King stated you were getting a legal opinion from the City Attorney for you asking for your raise and I would have wanted to know that as a Councilperson.

King noted if the City Attorney is going to give an opinion to the manager only without addressing Council as to this question it appears you're using them as your own personal counsel in negotiating that raise. He stated that's the appearance of impropriety.

Engels stated it should come as no surprise that he gave the City Manager favorable reviews. He noted he definitely supports the City Manager. He stated we've had some good responsiveness in the last year with enforcement, with turning the boat around. He noted he doesn't support any of the listed contract changes. He stated he doesn't want to give up the evaluations, but they haven't changed in the in the 5-years that we've been together as a Council. He noted he doesn't manage Marcus once a year. He stated he gives his feedback throughout the year and evaluates his performance throughout the year. He noted if something's not going well this month or next month, he's not going to wait until the evaluation to do that.

Engels stated he does want to continue doing evaluations but, in the year, when a vote of no confidence was held, two members voted yes, but that vote did not pass. He noted part of him does wonder what's the point. He stated we see that the evaluations have been manipulated publicly a little bit and people will say, how does Marcus get a raise when he gets a C average. He noted that's not how any of that worked because there were five evaluations and three people gave him close to an A or meets or exceeds expectations.

Engels stated if we were voting on a grade, the grade wouldn't have been a C so to say we gave him a raise based on a C average, that's simply not true. He noted he gave him a raise because he thought he had better than a C, that he met expectations, and the other Council Members agreed with him. He stated he has been, especially in the last year, a little disheartened. He noted we made an effort to change the evaluations and one of the best contributions to that effort was the suggestion that at the end of answering all the questions,

we got together and agreed on some key focuses. He stated the textual part of writing out the same paragraphs, five, six, or seven years in a row, is not meaningful.

King stated he has had specifics for his opinion as to lack of performance. He noted he has taken those evaluations very seriously and each year is different and focuses on specific points. He stated he doesn't believe we can give the City Manager any raise at this point without an evaluation, without following the Charter that says we will set his compensation. He noted that's the five of us, and we may not agree, but we have to follow the Charter.

King noted that Marcus sees him an hour before every meeting and gets his feedback straight to him, so none of this is a surprise.

Engels noted he appreciates that and that is why to overstress the once-a-year evaluation seems a little disingenuous.

King noted you compile everything from the year.

Schippers noted that when Council Member King joined Council, he suggested that we meet privately without Marcus and have a conversation first and go over everything. She stated she suggested that we hybrid it by each writing our own evaluation and then get together which seemed to work. She noted she believes Council Member King had the best idea first and she was reticent in the beginning. She stated she thinks an evaluation similar to how, for example, Jen Brown's evaluation happens, who is another head of an organization in this community, where the five of us get together privately and have a conversation. She noted we go over everything, express our opinions, listen to each other, talk to each other, and instead of coming up with an average, we come up with a consensus and we really listen to each other,

Schippers stated she would very much like to suggest that we take the recommendation from Council Member King and we set up an evaluation and then we come out with a statement to Marcus and we come up with a statement to the public as well.

King noted that is fine and would be done through a work session publicly and not through an agenda item that is snuck in. He stated all of the citizens have to know why each of us are evaluating the manager the way we are because they may say you are not doing your job and we're going to vote for someone else. He added they need to know the specific reasons why we're evaluating the way we are to have the public educated to be able to decide whether they want to vote for us. He stated we don't have the right to fire any of the department heads or any of the staff, that's Marcus's job. He noted our job by Charter is to manage Marcus and set his compensation. He stated the public needs to know exactly how we're doing that and what the reasons are for doing that so they can decide if they want to fire any of us which will enhance transparency. He noted by Charter we cannot make a motion for any raise without an evaluation.

Mayor Filkins stated no one on this Council ever said we aren't going to do an annual evaluation this year. She noted last year we gave it a good shot and used a new tool which was the goal format. She stated conflict is part of our life so we're not avoiding the annual discussion because there is going to be conflict but we as a Council need to come up with a format that provides Marcus on an annual basis with his opportunities for growth, acknowledge the things that he's done well, and agree upon the goals or the things that we want him to focus on for the next year.



Mayor Filkins stated how we handle the City Manager's evaluation in the City of Cadillac troubles her. She noted when we were at Michigan Municipal League Conference, three of us attended a work session that had to do with council and manager relations. She stated one of the things that they talked about was the different formats for a manager's annual evaluation. She noted she feels like our process is broken and doesn't feel like any one of us comes away like we, as a group of five people, have come up with the answer for Marcus for this year. She stated we need to have that conflict and we need to have those difficult discussions and we don't need to simply write down individual responses or lack of responses and share it all with the public.

King stated he disagrees. He noted this year we did have goals for the Manager he has talked to him all the way through it. He stated his evaluation would have been, again, that he has failed in those goals and the public needs to know that. He noted he thinks we need to do an evaluation, give our input as we have on our separate forms, have our discussion and if we want to adjust, that's fine.

Mayor Filkins stated the annual performance is under her purview so she accepts that responsibility. She noted when we come away from this meeting, she wants to schedule the work session and she wants to schedule the beginning of his performance review and an end date for his performance review.

King stated he appreciates that and thanked Mayor Filkins for accepting responsibility for the scheduling of the evaluation. He noted he will not let the Manager skirt the responsibility and, in his opinion, it was unethical to try to stop the Council from doing their job and to lie to a Council Member about not addressing this while he was gone. He stated that this behavior cannot be accepted from the CEO of our City. He noted the Manager should take responsibility for putting that on the agenda in a way that the general public would never know he was asking for a raise.

Peccia addressed Council Member King by stating the Council packet is a public document. He noted the Council Communication clearly and concisely identified the entire request.

King stated the public is not going to know that COLA update and request means the City Manager is asking for a raise without negotiation, not pursuant to the Charter, and a block to put in a supermajority vote.

Peccia addressed Council Member King by stating he does not see any Charter issues.

Mayor Filkins stated we will schedule the evaluation and make it a priority.

Engels stated he thinks we need to do the evaluation as quickly as we can and then move on to the next part, which is evaluating Marcus's requests.

### GOOD OF THE ORDER

Engels stated if we make a motion and there's a second that sometimes he does like to have a conversation and he doesn't fault Council Member King for trying to wrap up that extended conversation, but he did need to hear the end of what was said by City Attorney Homier because he did

provide some good information.

Mayor Filkins stated when we have a motion and we have support, she never wants to shut down discussion.

Engels stated the other issue he wanted to talk about is water. He noted it took him a while to really understand what we're talking about, what systems we have in place, and what we're being asked to do. He stated he would support a filtering system for the wastewater plant to reduce whatever's coming out of there further. He noted he doesn't know if the technology exists to capture all that and reduce it to zero, but if it is, give us a price and give us a plan. He stated just because we're below the surface water threshold doesn't mean that doing that type of work wouldn't have a positive impact in the long term.

Engels noted it started with a presentation on the LDFA talking about the well technology and the way we pumped water out of the ground, cleaned it, and then put it back. He stated if that system can be used or altered to do the same thing with PFAS, we certainly shouldn't be in any hurry to shut that system down. He noted he is not up to date on the technology for taking this stuff out of the environment, but he does understand how the LDFA system and its wells worked. He stated he knows we have a building that cleans that stuff and then sends it to the plant. He noted if that building needs to hold a different set of cleaning supplies or cleaning equipment technology, that's certainly something that we could move towards. He stated if there are technologies to clean our wastewater, to treat our wastewater further before we dump it in the Clam River, then we should be looking at those and looking at the cost of those.

Peccia stated the US EPA will be hosting a meeting on the 6th of November in the Cadillac High School Auditorium.

Mayor Filkins noted at 5:00 pm people and the media will have the opportunity to do interviews and the then actual program starts at 6:00 pm.

Peccia encouraged everyone to attend and noted the EPA and EGLE are facilitating the event.

Peccia noted in regard to the groundwater cleanup that is occurring, it is his limited understanding that carbon-based energy, these filter systems, do take some PFAS out. He stated the filter system that is there is a carbon-based system, it's old but maybe there's a way of updating it and getting a new one or something different that could continue to help not just clean what the LDFA was established to do, but also reduce PFAS.

Peccia stated the Local Development Finance Authority was set up specifically for a certain cleanup program. He noted he can't say that the facility can't continue to run indefinitely, however, the mechanism in which that facility would run and be funded would need to be rethought and not be charged off just to the special assessment area of the LDFA.

Mayor Filkins asked if there is an opportunity to upgrade the filters. She noted the organizations that are going to be in town for the town hall on the 6th, and asked if there is an opportunity for us to have any time with them separately and would it be beneficial.

Jeff Dietlin, Director of Utilities, stated he can certainly ask them because he's in an email group with them, so he can tell them Council wants to talk to them and see what say. He noted as for the wastewater plant cleanup, our levels are lower than the Parkside plant, which is down by Rockford, but they've just been told that they're going to have \$7 million a year carbon. exchange program so every year they'll have to do another \$7 million. He stated their stuff's pretty hot coming into their plant, so it is a huge

cost to do that. He noted we are below the surface water discharge limits, below 12, and we only have to report if we're above 12, so he thinks with the carbon we could get even lower.

Dietlin stated there is no way to retrofit the carbon we have, but there is room that we could put in something else. He noted the carbon we have only serves one well, and so we have 20 wells coming in there.

Mayor Filkins stated she would like to better understand what that looks like. She noted if that possibility is there, it sounds like we need to take that next step.

Dietlin stated we can do something else, but we can't use what we have currently.

Schippers asked Jeff Dietlin when he said get away with, she thinks what he was referring to is that we will not need a system as great as Rockford.

Dietlin stated that is correct. He noted we can do it for less than \$7 million.

Schippers noted our system could be less than \$7 million and be effective.

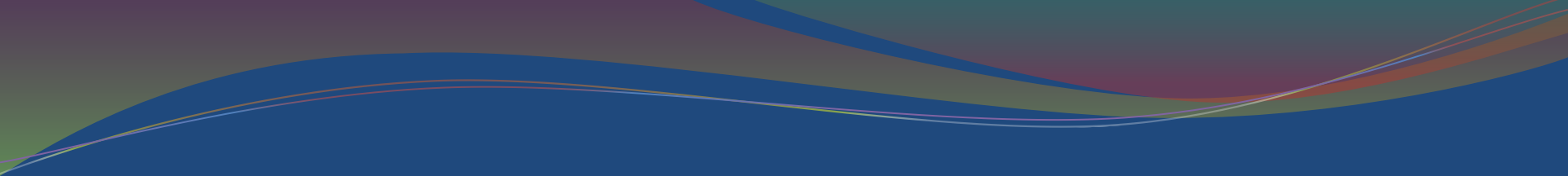
Dietlin stated it would probably be less than \$1 million, because their stuff is so hot coming in.

#### ADJOURNMENT

Respectfully submitted,

Carla J. Filkins, Mayor

Sandra Wasson, City Clerk



# **Zoning Amendments to Allow Bed and Breakfast Establishments in Multiple-Family Zoning Districts By Special Use Permit**

# Background on Amendment Request

*Andy Ulrich, the owner of property at 312 E. Cass Street is interested in using the home at this address for a bed and breakfast. The home had formerly been used as a bed and breakfast and more recently as apartments. The property is located in the RM-1 Zoning District which is primarily a multiple-family district.*

# Background on Amendment Request

*Andy Ulrich appeared before the Planning Commission seeking input on his goal to have a bed and breakfast at 312 E. Cass. John Wallace offered two options to achieve this which included rezoning the property to TS-2, or allowing bed and breakfasts to be considered as a special land use in the RM-1 and RM-2 districts. The planning commission supported adding bed and breakfasts as special uses in the RM-1 and R-2 districts.*

# Bed and Breakfast Definition Amendment

*Bed and breakfast* means a single-family dwelling unit in which up to eight rooms are available for rent to transient tenants, for fewer than 30 days, during which time the innkeeper resides in the dwelling unit. The term “bed and breakfast” is also known as a “tourist home”.

# Amendment of Section 46-186 of the City Zoning Ordinance (special land uses in the RM-1 District)

Sec. 46-186. - Special land uses permitted.

The following uses of land and structures will be allowed, as stipulated in article VI of this chapter, special land uses:

- (1) Recreational activities.
- (2) Offices and/or business in an existing building.
- (3) Office and/or business in a dwelling (mixed use).
- (4) Family shelter.
- (5) Group shelter.
- (6) Combination group/family shelter.
- (7) Bed and breakfast.



# Amendment of Section 46-216 of the City Zoning Ordinance (special land uses in the RM-2 District)

Sec. 46-216. - Special land uses permitted.

The following uses of land and structures will be allowed, as stipulated in article VI of this chapter, special land uses:

- (1) Recreational activities.
- (2) Mobile home parks.
- (3) Office and/or business in an existing building
- (4) Office and/or business in a dwelling (mixed-use)
- (5) Family shelter.
- (6) Group shelter.
- (7) Combination group/family shelter.
- (8) Accessory buildings and uses customarily incident to any of the special land uses in subsections (1) through (7) of this section.
- (9) Bed and breakfast.

## Intent of RM-1 and RM-2 Zoning Districts

The intent of the RM-1 and RM-2 zoning districts are to provide for multiple-family development and related uses which will generally serve as zones of transition between nonresidential districts and lower density single-family districts.

# Planning Commission Action on Proposed Amendments

The Planning Commission held a public hearing on the proposed amendments at their September 23, 2024 meeting and by a 6-1 vote recommended approving the amendments to the City Council.

## City Council Action:

To approve the resolution adopting the amendments to Sections 46-4, 46-186, and 46-216 of the code of ordinances.

# NORTH LAKE STREET FLATS WORKFORCE HOUSING BROWNFIELD PLAN AMENDMENT



Cadillac City Council  
October 21, 2024

# OPPORTUNITY

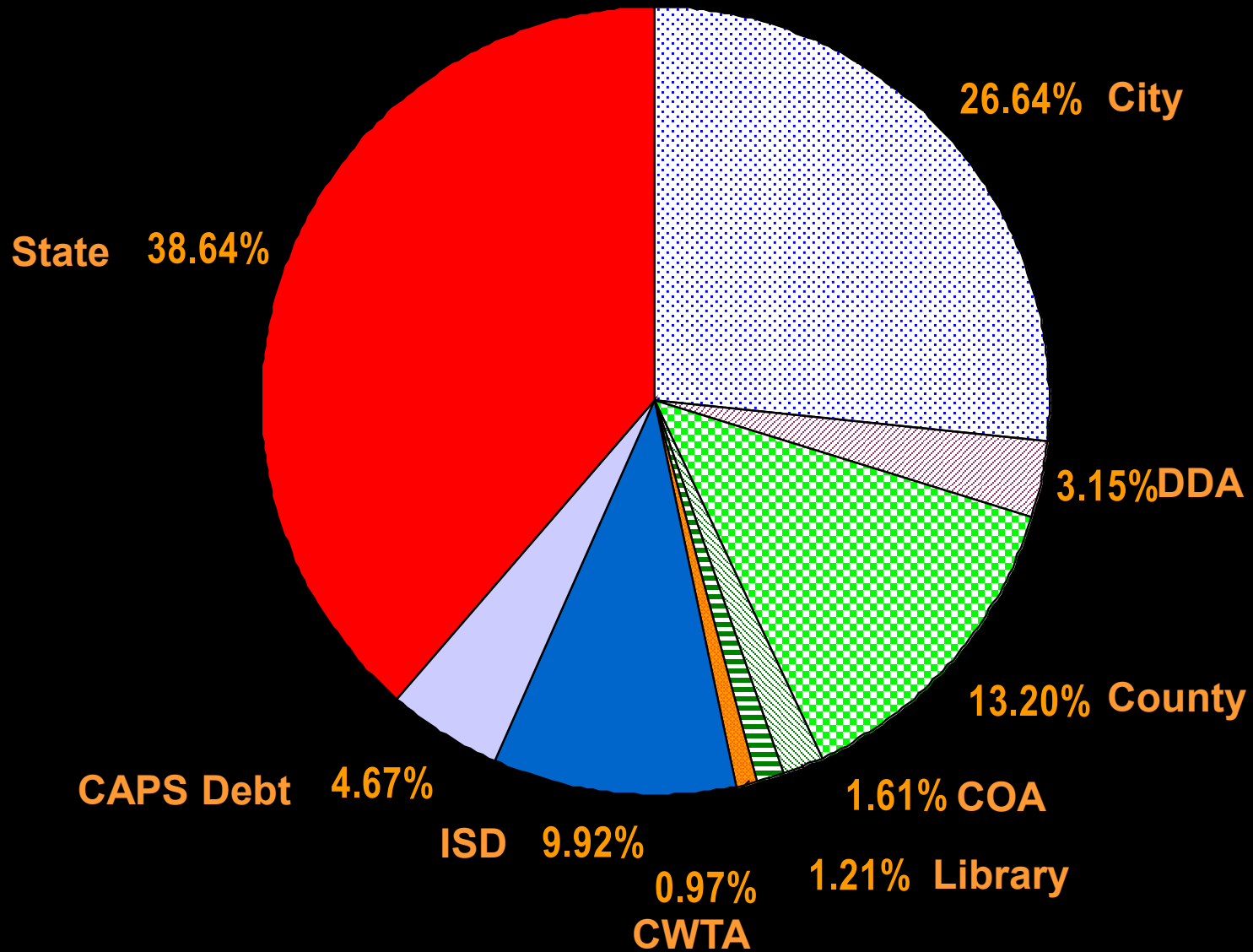
- Recent amendments to Act 381 added financial support for workforce housing (80% - 120% Area Median Income)
- Provides reimbursement for gap between development costs and revenues from capture of future incremental taxes.
- Lowers monthly rental rates (average \$290 per month)
- Provide 40.79% state funding for workforce housing in Cadillac. (\$1,055,750 State Grant over time)
- Brownfield Plan approval by Brownfield Authority and City Council, Act 381 Work Plan approval by MSHDA for State tax capture.



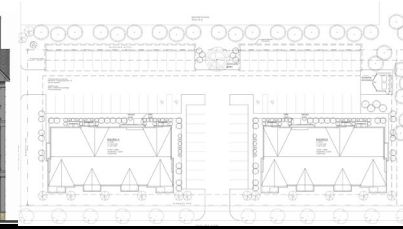
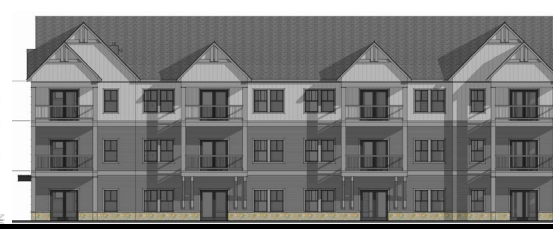
# BROWNFIELD TAX INCREMENT FINANCING

- The increased taxes generated by additional private investment are captured and used to reimburse approved eligible activities over time.
- Taxes are only captured on Brownfield Eligible Property.
- Capture is limited to the amount spent on Brownfield Eligible Activities or a term set in the Brownfield Plan.
- State and Local Taxes are captured; debt is exempt from capture

# Brownfield Tax Capture Allocation

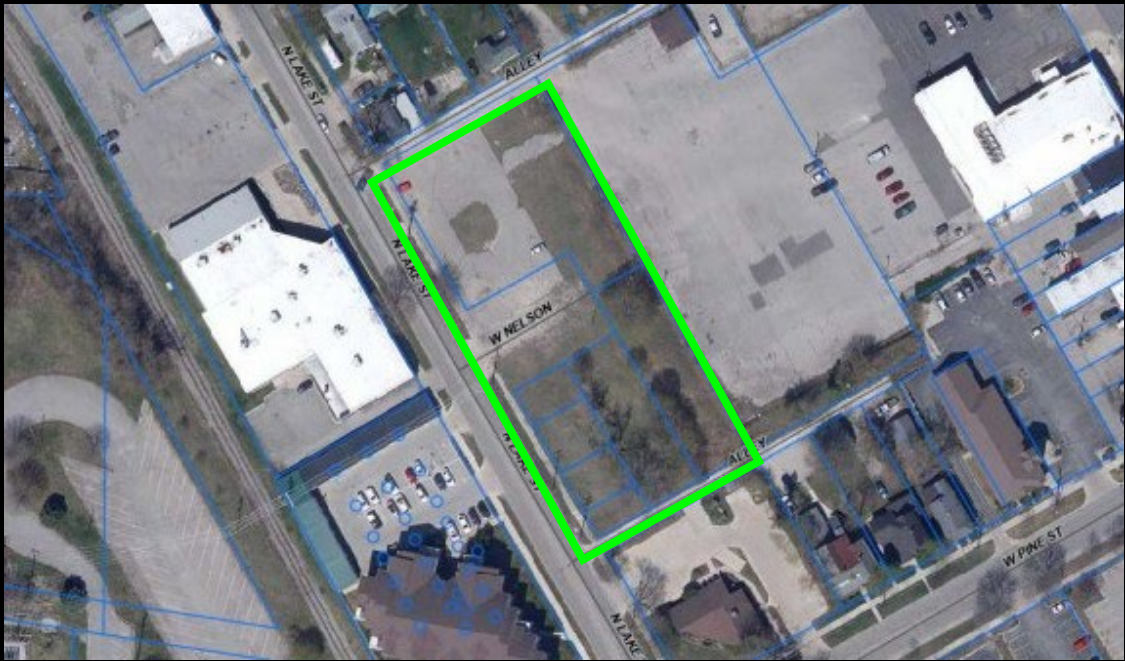






## NORTH LAKE STREET LOFTS

- Property has been vacant for a number of years.

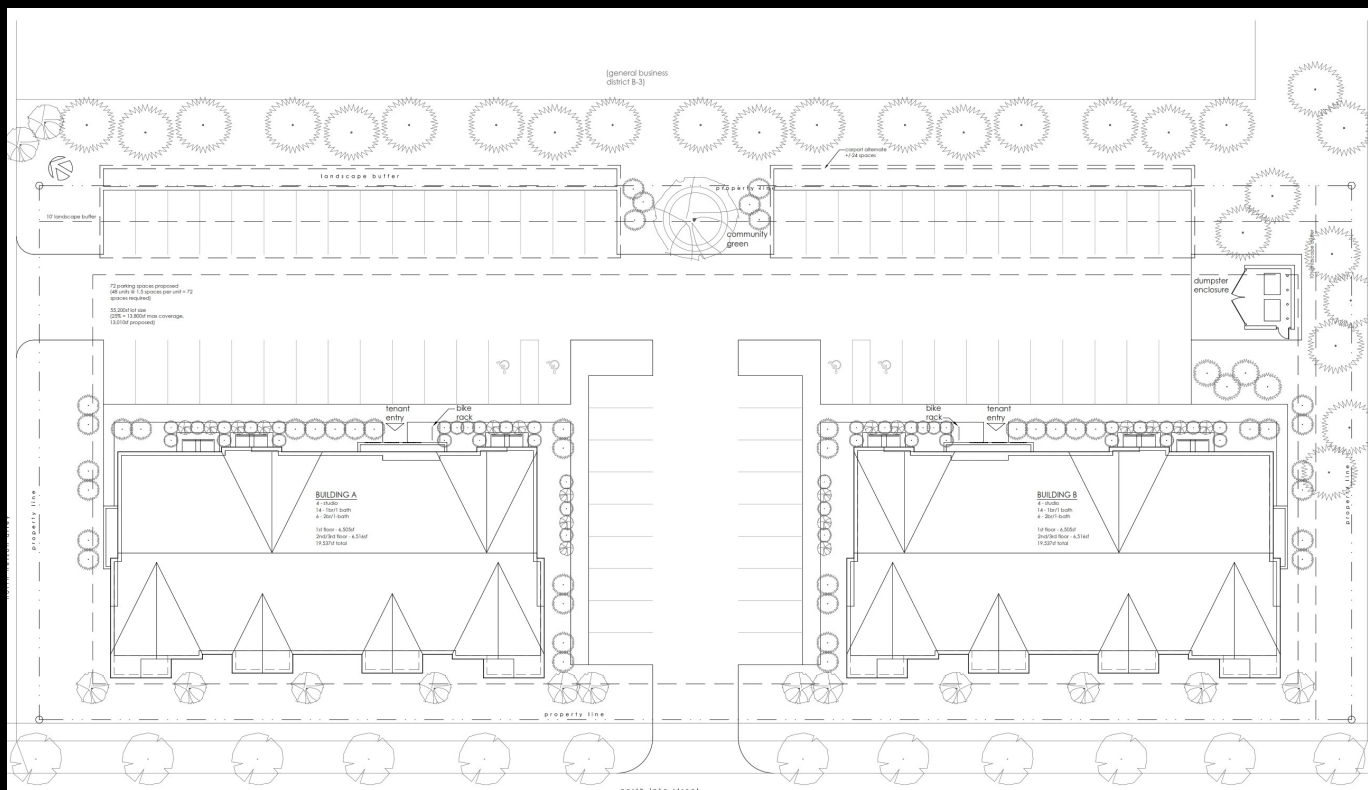




## NORTH LAKE STREET LOFTS

- Property has been vacant for a number of years.
- Proposed 48 workforce housing units in two buildings in near downtown location near Lake Cadillac.







## NORTH LAKE STREET LOFTS

- Property has been vacant for a number of years.
- Proposed 48 workforce housing units in two buildings in near downtown location near Lake Cadillac.
- Rents cannot exceed 120% AMI values and households must have incomes of 120% AMI or less.
- Total investment of \$10,356,625
- Project also received a \$1.4 million MEDC grant.
- Detailed financial analysis and review indicates an overall \$2,510,000 financial gap between the cost of development and rental revenues.

# KEY FACTORS

- North Lake Street Flats will provide 48 workforce housing units that cannot be financed without Brownfield incentives.
- The estimated gap between cost of development and revenues is \$2,510,000, along with \$12,000 in environmental assessment costs.
- State capture will provide 40.79% of the Brownfield TIF capture.
- Schools are held harmless through State Foundation Grants and the ISD is reimbursed through the State Education Fund.
- Capture is capped at \$2,522,000 or 15 years, whichever is less.
- The Brownfield Plan includes capture for an additional 5 years for the Local Brownfield Revolving Fund to support future projects in the City.

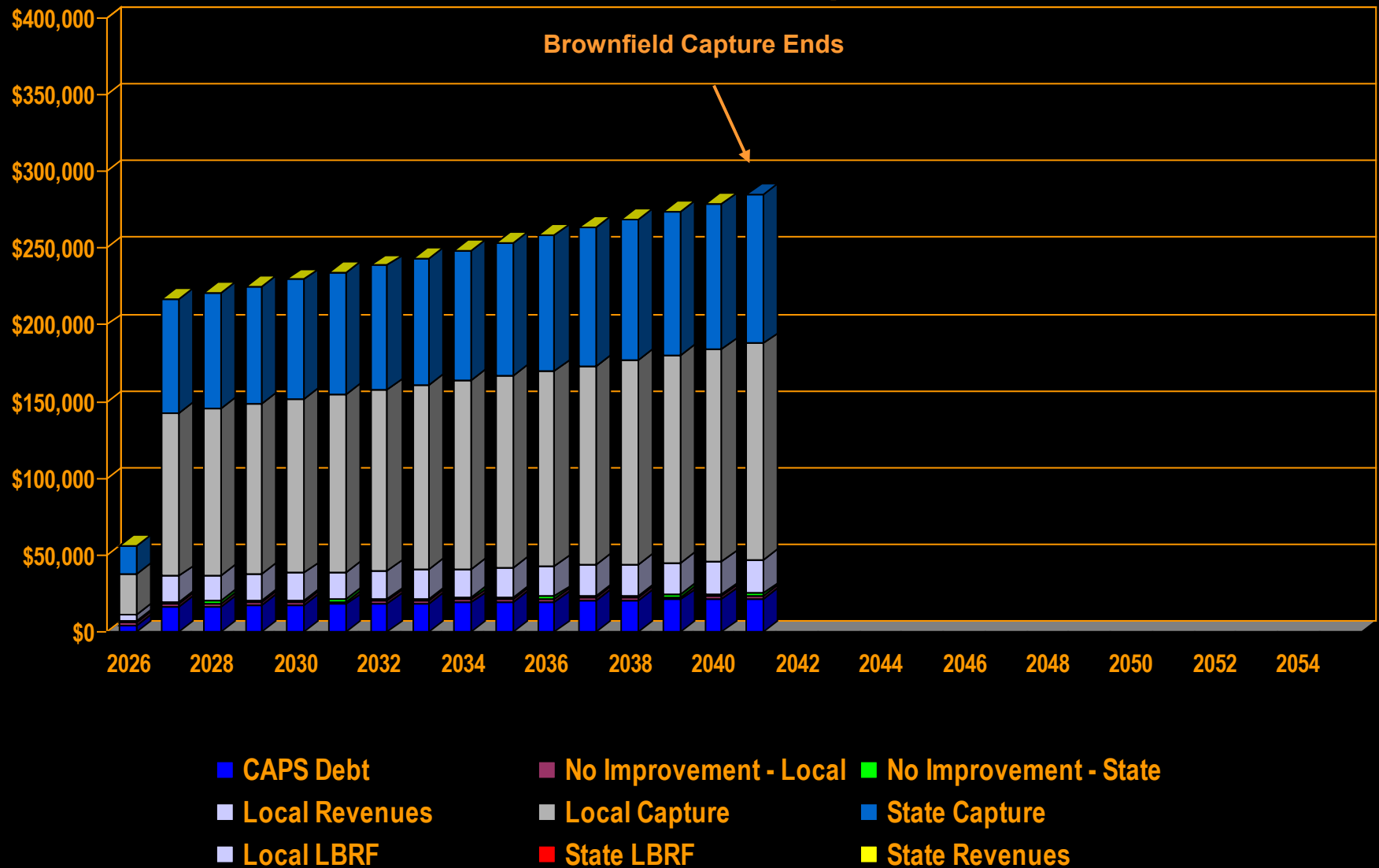
# No Improvement



- |                  |                          |                          |
|------------------|--------------------------|--------------------------|
| ■ CAPS Debt      | ■ No Improvement - Local | ■ No Improvement - State |
| ■ Local Revenues | ■ Local Capture          | ■ State Capture          |
| ■ Local LBRF     | ■ State LBRF             | ■ State Revenues         |

# Captured Taxes and Revenues

## North Lake Street Flats – Capture and Revenues

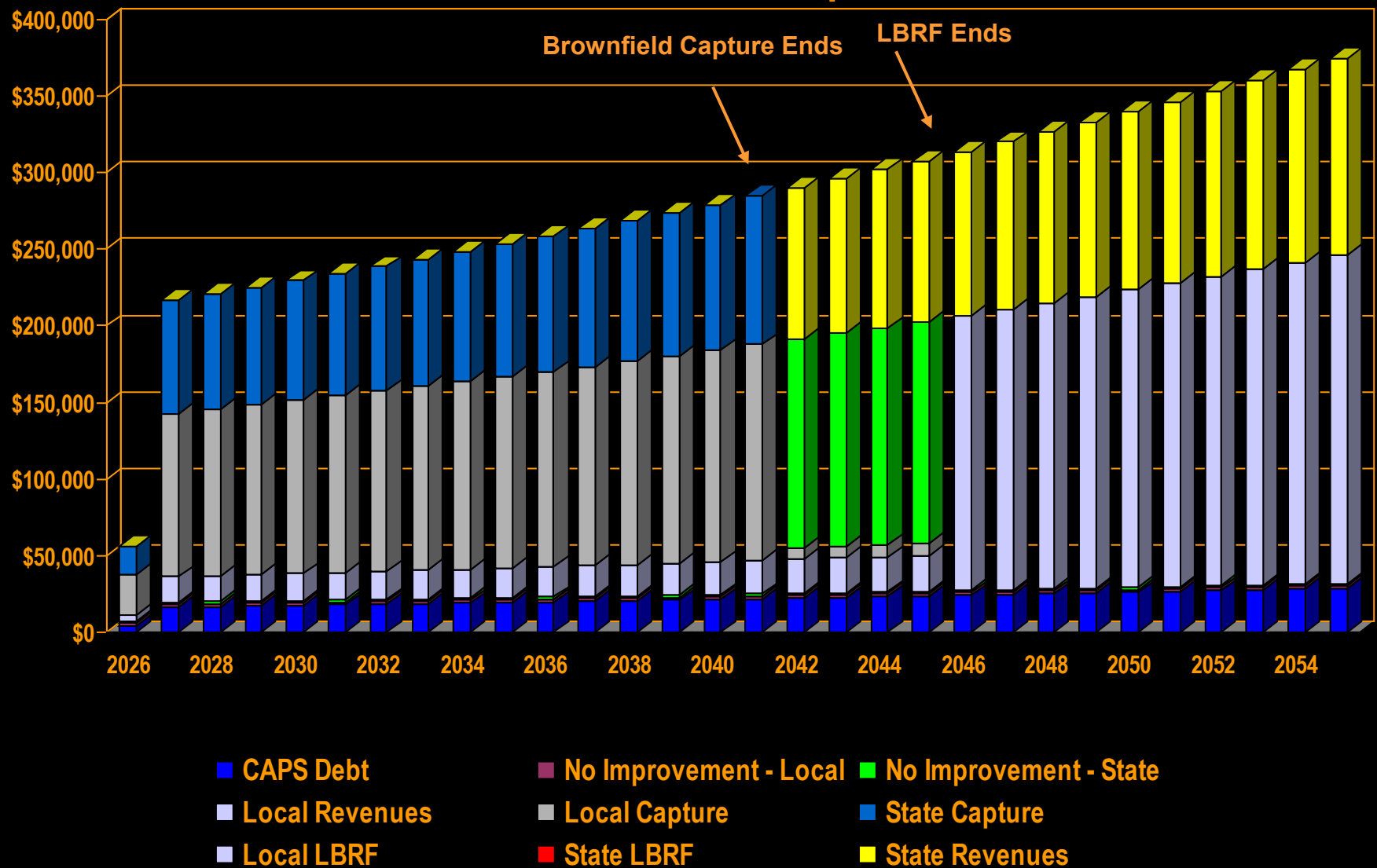




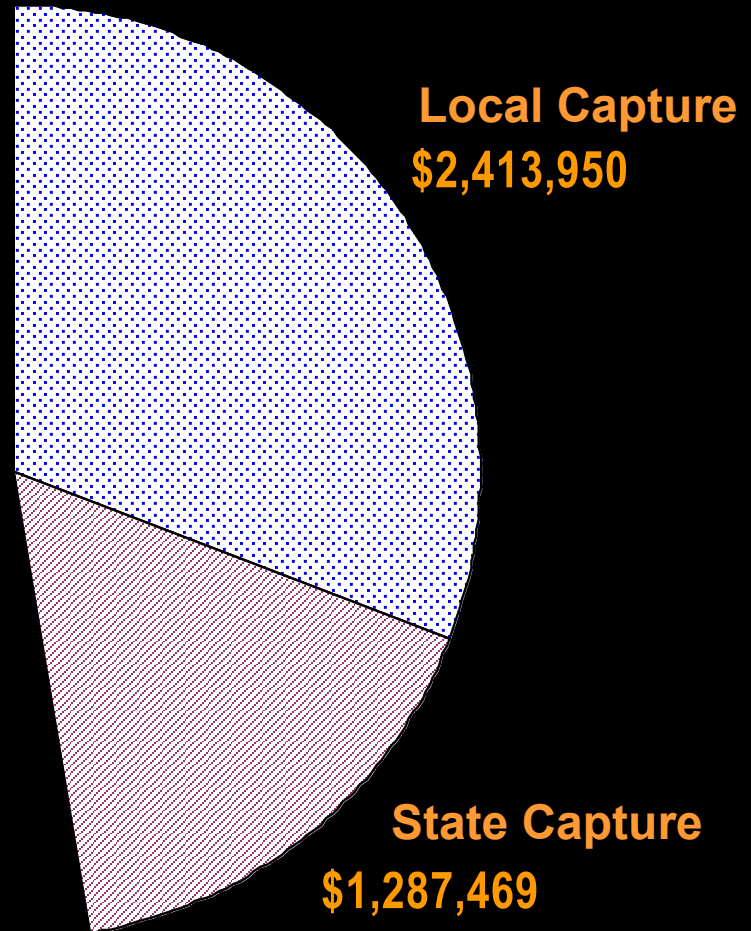


# Captured Taxes and Revenues

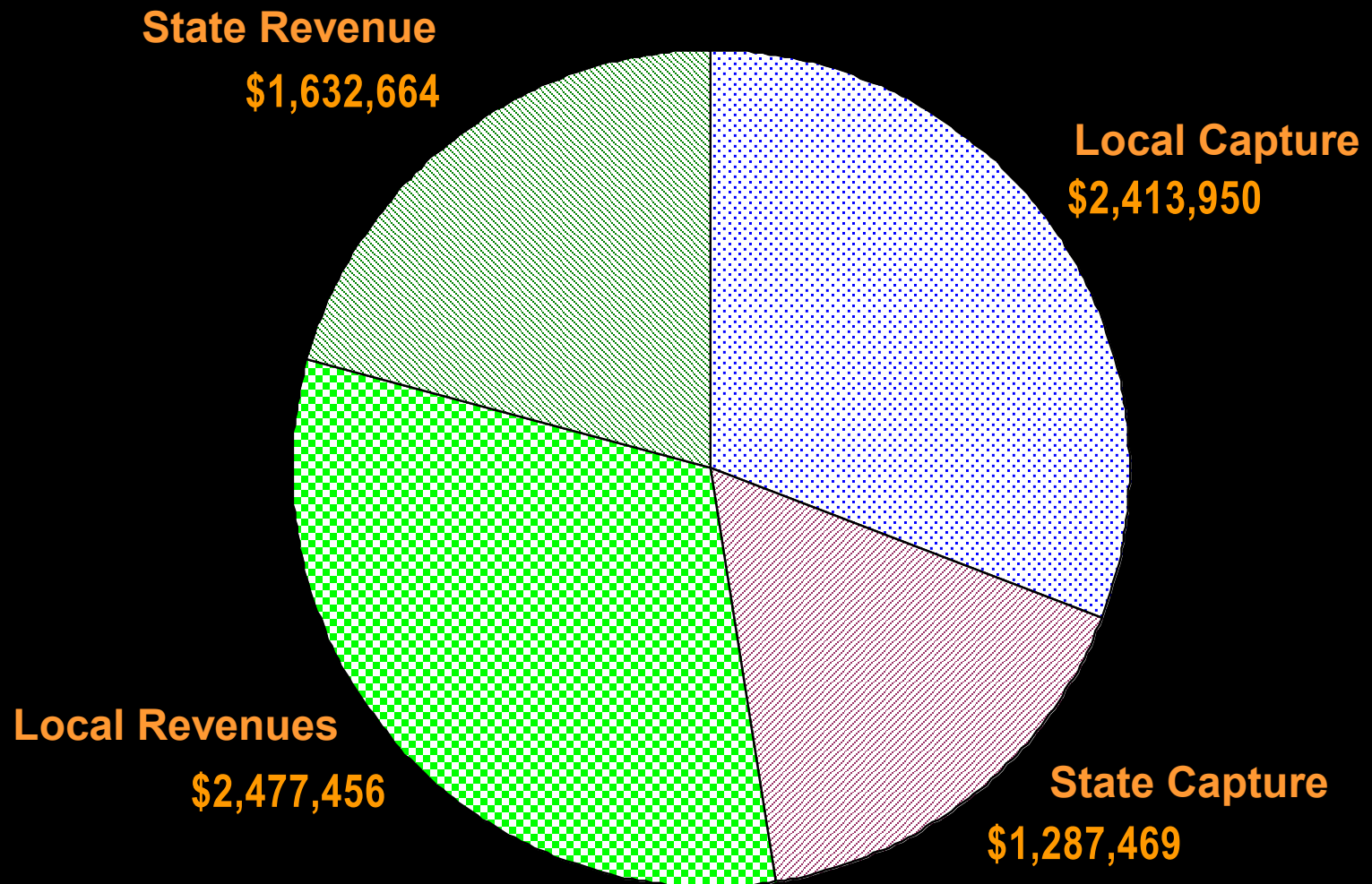
## North Lake Street Flats – Capture and Revenues



# Brownfield Capture - Revenues



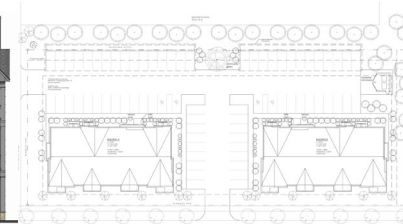
# Brownfield Capture - Revenues





## NORTH LAKE STREET LOFTS SUMMARY

- Workforce housing cannot be built without financial incentives.
- Amendments to Act 381 allow for TIF capture to close the gap between development costs and revenue.
- Brownfield TIF grows the pie with each project.
- Financial analysis limited capture to \$2,522,000 or 15 years, whichever is first.
- Owners will have to provide documentation of rent and household incomes; TIF reimbursement tied to requirements.
- Forty-eight residential units close to downtown has significant spin-off benefits.



## REQUEST

Adopt resolution to approve North  
Lake Street Flats Brownfield Plan

# NORTH LAKE STREET FLATS WORKFORCE HOUSING BROWNFIELD PLAN AMENDMENT



Cadillac City Council  
October 21, 2024





## 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.**

- |                                                                          |                                                                               |
|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| <input type="checkbox"/> Airport Authority                               | <input type="checkbox"/> Economic Development Corporation                     |
| <input type="checkbox"/> Board of Review                                 | <input type="checkbox"/> Elected Officials Compensation Commission            |
| <input type="checkbox"/> Brownfield Redevelopment Authority              | <input type="checkbox"/> Election Commission                                  |
| <input type="checkbox"/> Cadillac Area Council for the Arts              | <input type="checkbox"/> Housing Commission                                   |
| <input type="checkbox"/> Cadillac-Wexford Transit Authority              | <input checked="" type="checkbox"/> Local Development Finance Authority       |
| <input type="checkbox"/> Cadillac West Corridor Improvement Authority    | <input type="checkbox"/> Planning Commission                                  |
| <input type="checkbox"/> Cemetery Board                                  | <input type="checkbox"/> Retirement Board to Administer Act 345               |
| <input type="checkbox"/> Civil Service Commission                        | <input type="checkbox"/> Zoning Board of Appeals                              |
| <input type="checkbox"/> Clam River Greenway Committee                   | <input type="checkbox"/> Construction Board of Appeals                        |
| <input type="checkbox"/> Historic Districts Commission                   | <input type="checkbox"/> City of Cadillac/Clam Lake Joint Planning Commission |
| <input type="checkbox"/> Diggins Hill Tennis Court Fundraising Committee | <input type="checkbox"/> Other _____                                          |
| <input type="checkbox"/> Downtown Development Authority                  |                                                                               |

**Please print or type:**

Name William Barnett Address [REDACTED]

Telephone: Home [REDACTED] Business/cell [REDACTED]

E-mail [REDACTED] Date available for appointment Immediately



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.

Over 100 boards & commissions since 1995  
City Council 1995-1999  
Wixford Co. Commissioner 2000-2007  
Mayor of Cadillac 2007-2013

**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.

I have researched the LDFA for over a decade & was the citizen who exposed the city's mishandling of this PFAS matter. I serve on a 'MPART Citizens' Committee & have since 2019.

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?

I believe my knowledge can assist the board in protecting the environment & human health.

**Personal**

Rules of law and ethics prohibit appointees from participating in and voting on matters in which they may have a direct or indirect financial interest. Are you aware of any potential conflicts of interest? ☐ Yes ☒ No

If yes, please indicate potential conflicts.

*Not at this time.*

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 time? ☒ Yes ☐ No

Please provide information about specific training, education, experience or interests you possess that qualify you as an appointee to the position you seek.

*\* See employment + education.*

I hereby certify that the preceding information is correct to the best of my knowledge.

Signature



Date

*11/8/24*

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.*



## 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.

RECEIVED

NOV 12 2024

To which committee, board or commission are you seeking appointment? Please check all that apply.

- |                                                                          |                                                                               |
|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| <input type="checkbox"/> Airport Authority                               | <input type="checkbox"/> Economic Development Corporation                     |
| <input type="checkbox"/> Board of Review                                 | <input type="checkbox"/> Elected Officials Compensation Commission            |
| <input type="checkbox"/> Brownfield Redevelopment Authority              | <input type="checkbox"/> Election Commission                                  |
| <input type="checkbox"/> Cadillac Area Council for the Arts              | <input type="checkbox"/> Housing Commission                                   |
| <input type="checkbox"/> Cadillac-Wexford Transit Authority              | <input checked="" type="checkbox"/> Local Development Finance Authority       |
| <input type="checkbox"/> Cadillac West Corridor Improvement Authority    | <input type="checkbox"/> Planning Commission                                  |
| <input type="checkbox"/> Cemetery Board                                  | <input type="checkbox"/> Retirement Board to Administer Act 345               |
| <input type="checkbox"/> Civil Service Commission                        | <input type="checkbox"/> Zoning Board of Appeals                              |
| <input type="checkbox"/> Clam River Greenway Committee                   | <input type="checkbox"/> Construction Board of Appeals                        |
| <input type="checkbox"/> Historic Districts Commission                   | <input type="checkbox"/> City of Cadillac/Clam Lake Joint Planning Commission |
| <input type="checkbox"/> Diggins Hill Tennis Court Fundraising Committee |                                                                               |
| <input type="checkbox"/> Downtown Development Authority                  | <input type="checkbox"/> Other _____                                          |

Please print or type:

Name Michael Solomon Address [REDACTED]

Telephone: Home [REDACTED] Business/cell [REDACTED]

E-mail [REDACTED] available for appointment 11/12/24



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.

Planning & Zoning Chair  
Zoning Board of Appeals Chair  
Board of Public Works Chair  
Solid Waste Committee  
Well Head Protection  
MSU Extension Council Chair  
Lake Mitchell Improvement Board Chair  
MI Chapter N Am Lakes Mgt Society - Board of Dir

**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.

BS Forestry MSU  
MS Hydrology  
Senior Hydrologist USFS  
Senior Hydrologist / Lake Manager Restorative Lake  
Sciences  
Wexford County Drain Commissioner

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?

To protect Ground water, Drinking water & Clan  
River from possible contaminants

**Personal**

Rules of law and ethics prohibit appointees from participating in and voting on matters in which they may have a direct or indirect financial interest. Are you aware of any potential conflicts of interest? ☐ Yes ☒ No

If yes, please indicate potential conflicts.

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 time? ☒ Yes ☐ No

Please provide information about specific training, education, experience or interests you possess that qualify you as an appointee to the position you seek.

*Knowledge of groundwater and water contaminants  
Working with Municipalities, EGLE & EPA  
Extensive history of working with Boards in a  
public forum,  
Open meetings act experience*

I hereby certify that the preceding information is correct to the best of my knowledge.

Signature

*Michele J. Selam*

Date

*2/10/24*

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.*

November 18, 2024

## **COUNCIL COMMUNICATION**

*Re: Reappointment of David Bunce to a Three-Year Term on the City of Cadillac/Clam Lake Joint Planning Commission.*

David Bunce has expressed his interest in continuing to serve on the City of Cadillac/Clam Lake Joint Planning Commission for a three-year term.

### **Requested Council Action:**

Motion to reappoint David Bunce to a three-year term on the City of Cadillac/Clam Lake Joint Planning Commission, which will end on 11/18/2027.

November 18, 2024

## **Council Communication**

*Re: Resolution to amend Sections 46-4, 46-186, and 46-216 of the Code of Ordinances*

The Cadillac Planning Commission voted 6-1 at their September 23, 2024, meeting to approve and recommend that Council approve the adoption of the amendments to Sections 46-4, 46-186 and 46-216 of the Cadillac City Code of Ordinances. The amendments pertain to allowing the Bed and Breakfast in the RM-1 and RM-2 zoned districts only by Special Land Use Permit.

At the October 21, 2024, Council meeting, Council voted unanimously to remand the proposed amendments back to Planning Commission and requested they review a series of questions. At the Planning Commission's meeting on October 28, 2024, they discussed Council's request and voted 8-1 to reaffirm their previous recommendation of the amendments to Council and addressed Council's questions. The following memorandum summarizes the Planning Commission's discussion and action.

### **Recommended Action**

Council is asked to consider the ordinance amendment to Sections 46-4, 46-186, and 46-216 of the Cadillac City Code.



**Community Development Department**

200 N. Lake Street  
Cadillac, MI 49601  
(231) 775-0181

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MEMORANDUM

**To:** Members of Council  
**From:** John Wallace, Community Development Director  
**Subject:** Bed & Breakfast Zoning Ordinance Amendment  
**Date:** November 18, 2024

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The City of Cadillac Planning Commission met for a regular meeting on October 28, 2024, to address the proposed Bed & Breakfast Zoning Ordinance amendment that was remanded by the Council.

The Planning Commission voted 8-1 to reaffirm its previous recommendation of the amendments to City Council. In response to Council's questions, the Planning Commission reached a consensus as to the following responses:

- 1. Request planning commission provide City Council a summary and history of why a textual zoning change to two districts is required for accommodating the use for one house.*

When the City received an inquiry concerning a possible Bed & Breakfast use, the City's staff researched potentially appropriate areas for this land use. Staff determined that RM-1 and RM-2 are potentially suitable districts, given that they allow more intensive multi-family uses such as offices, family and group shelters, multi-family homes, and (in RM-2) mobile home parks. The purpose was not solely to accommodate one interested applicant, but rather to update the Zoning Ordinance to allow for this use where suitable.

- 2. Provide a summary of all potential options available to accommodate this request and why these changes to two zoning districts are needed to accomplish it.*

Beyond a text amendment, a property owner could request rezoning to TS-1 or TS-2, where tourist homes and short-term rentals are permitted. However, this could result in "spot" zoning, and it does not address the larger picture of providing a "place" (one or more districts) where B&Bs are suitable.

- 3. Provide input from direct feedback gathered by City staff from residents and property owners in these districts across the City and explore the need to do it all across the RM1 and RM2 districts or just the area of this particular property.*

The Planning Commission's consensus was that the appropriate time and manner to get feedback is when a property owner applies for a special land use permit for a B&B land use. At that time, notice will be published and mailed to neighbors, who will then have any opportunity to submit a written comment or speak during the public hearing.



4. *Request a summary from staff on specific enforcement rules and provisions for this property, how these rules will be adopted (special use permit?), who is responsible to enforce any future non-compliance, and the specific penalties for non-compliance.*

The Planning Commission's consensus was that property-specific rules will be imposed at the special land use approval phase. Violations of the SLUP can lead to the Planning Commission revoking the SLUP following notice and a hearing (as it has done in the past for SLUP violations in other contexts).

**City Council**

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



**Mayor**  
Carla J. Filkins

**Mayor Pro-Tem**  
Tiyi Schippers

**Councilmembers**  
Robert Engels  
Stephen King  
Bryan Elenbaas

**RESOLUTION NO. 2024-\_\_\_\_\_**

**RESOLUTION TO ADOPT ORDINANCE NO. 2024-\_\_\_\_\_,  
AN ORDINANCE TO AMEND SECTIONS 46-4, 46-186, AND 46-216 OF THE CODE OF  
ORDINANCES, CITY OF CADILLAC, MICHIGAN**

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held  
in the Council Chambers, Cadillac Municipal Complex, 200 North Lake Street, Cadillac,  
Michigan, on \_\_\_\_\_, 2024, at \_\_\_\_\_ p.m.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following preamble and resolution was offered by \_\_\_\_\_ and  
supported by \_\_\_\_\_.

WHEREAS, pursuant to the Michigan Zoning Enabling Act, Act 110 of 2006, MCL  
125.3101 *et seq.* ("MZEA"), the City has authority to adopt and amend zoning ordinances  
regulating land use in the City; and

WHEREAS, the City desires to amend the City's Zoning Ordinance regarding the use of  
land as a bed and breakfast;

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed  
amendments; and

WHEREAS, the Planning Commission voted to recommend the adoption of the proposed  
amendments; and

WHEREAS, the City Council introduced the proposed amendments at a meeting on  
October 7, 2024; and

WHEREAS, the City Council held a duly noticed public hearing on the proposed amendments on October 21, 2024; and

WHEREAS, the City Council desires to adopt the proposed amendments.

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

1. The City adopts Ordinance No. 2024-\_\_\_\_, An Ordinance to Amend Sections 46-4, 46-186, and 46-216 of the Code of Ordinances, City of Cadillac, Michigan (the "Ordinance"), attached as **Exhibit A**.

2. The Ordinance shall be filed with the City Clerk.

3. The City Clerk is directed to publish a Notice of Adoption within 7 days after its adoption. The Notice 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: \_\_\_\_\_

NAYS: \_\_\_\_\_

STATE OF MICHIGAN     )  
                                          )  
COUNTY OF WEXFORD    )

I, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. 2024-\_\_\_\_, duly adopted at a meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Sandra Wasson, Cadillac City Clerk

**EXHIBIT A**

**CITY OF CADILLAC**

**ORDINANCE NO. 2024-\_\_\_\_\_**

**AN ORDINANCE TO AMEND SECTIONS 46-4, 46-186, AND 46-216 OF THE CODE OF ORDINANCES, CITY OF CADILLAC, MICHIGAN.**

The City of Cadillac ordains:

**Section 1. Purpose.**

The purpose of this Ordinance is to regulate the use of land within the City as a bed and breakfast.

**Section 2. Amendment of Section 46-4 of the City Zoning Ordinance.**

The definition of “bed and breakfast” contained in Section 46-4 of the City Zoning Ordinance is amended in its entirety to read as follows:

*Bed and breakfast* means a single-family dwelling unit in which up to eight rooms are available for rent to transient tenants, for fewer than 15 days, during which time the innkeeper resides in the dwelling unit. The term “bed and breakfast” is also known as a “tourist home.”

**Section 3. Amendment of Section 46-186 of the City Zoning Ordinance.**

Section 46-186 of the City Zoning Ordinance is amended by the addition of a new subsection 7 to read in its entirety as follows:

**Sec. 46-186. - Special land uses permitted.**

The following uses of land and structures will be allowed, as stipulated in article VI of this chapter, special land uses:

- (1) Recreational activities.
- (2) Offices and/or business in an existing building.
- (3) Office and/or business in a dwelling (mixed use).
- (4) Family shelter.
- (5) Group shelter.
- (6) Combination group/family shelter.
- (7) Bed and breakfast.

**Section 4. Amendment of Section 46-216 of the City Zoning Ordinance.**

Section 46-216 of the City Zoning Ordinance is amended by the addition of a new subsection 9 to read in its entirety as follows:

**Sec. 46-216. - Special land uses permitted.**

The following uses of land and structures will be allowed, as stipulated in article VI of this chapter, special land uses:

- (1) Recreational facilities.
- (2) Mobile home parks.
- (3) Office and/or business in an existing building.
- (4) Office and/or business in a dwelling (mixed use).
- (5) Family shelter.
- (6) Group shelter.
- (7) Combination group/family shelter.
- (8) Accessory buildings and uses customarily incident to any of the special land uses in subsections (1) through (7) of this section.
- (9) Bed and breakfast.

**Section 5.     Severability.**

If any provision of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining provision of this Ordinance.

**Section 6.     Repealer.**

Any ordinances that conflict with this Ordinance are repealed to the extent necessary to give this Ordinance full force and effect.

**Section 7.     Effective Date.**

This Ordinance takes effect 20 days after its adoption.

**EXHIBIT B**

**NOTICE OF ADOPTION OF  
AN ORDINANCE TO AMEND SECTIONS 46-4, 46-186, AND 46-216 OF THE CODE OF  
ORDINANCES, CITY OF CADILLAC, MICHIGAN**

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Cadillac, Wexford County, Michigan, at a meeting on \_\_\_\_\_, 2024, adopted Ordinance No. 2024-\_\_\_\_\_, An Ordinance to Amend Sections 46-4, 46-186, and 46-216 of the Code of Ordinances, City of Cadillac, Michigan.

A copy of the Ordinance may be inspected or purchased, for a reasonable charge, during regular business hours at City Hall, 200 Lake Street, Cadillac, Michigan 49601.

The following is a summary of the regulatory effect of Ordinance:

The Ordinance redefines “bed and breakfast” in the City Zoning Ordinance and adds bed and breakfast as a special land use permitted in the RM-1 and RM-2 zoning districts.

The ordinance takes effect 20 days after its adoption.

CITY OF CADILLAC, MICHIGAN

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

# **Local Development Finance Authority (LDFA) Board Minutes**

A regular meeting of the LDFA board was held on Thursday October 3rd, 2024 at City Hall.

**Call to Order:** Meeting was called to order by Marcus Peccia at 12:02 pm.

## **I. Roll Call**

Present: Mike Hamner, Marcus Peccia, Jennifer Brown, Emily Kearney, Brian Warner, Julie Theobald

Staff Present: Jeff Dietlin

Charles Barbierri and Michael Homier joined via zoom

## **II. Approval of minutes from August 29<sup>th</sup> Meeting**

1. Mike Hamner made a motion Brian Warner supports. Five yes's,
2. Julie Theobald voted against it because she thought the bylaws were not followed.

## **III. Approval of closed session minutes from August 29<sup>th</sup>**

1. Jennifer Brown made a motion to wait until the next meeting to discuss.  
Seconded by Mike Hamner. 5 yes's, Julie Theobald no.

## **IV. Public Comments**

1. William Barnett asked LDFA to change course they are on. Says PFAS is LDFA responsibility.
2. Don Koschmider commented fluoride is poisonous.

## **V. Metting Notes**

1. Jeff spoke about three homes discovered in an audit to be on wells in the institutional control area. One on Eighth St, Sixth St, and 13<sup>th</sup> St. Eighth St home is connected to city water. 13<sup>th</sup> St is being tested, would like to stay on his well. Multiple attempts to contact 6<sup>th</sup> St owners to no avail. Julie asked if the owner could have a representative speak to Jeff on his behalf for example a family member due to having college and two jobs. Brian Warner is concerned about the 13<sup>th</sup> St home staying on his well. He would like us to advise against it.
2. Jeff discussed meeting with EPA and EGLE. They are both impressed with how the LDFA clean-up is being run. 5-year summary will be available around fall 2025. Brian concurs it is being run well.
3. Jeff discussed testing in the North Park Area. North of the institutional control areas the state is testing 20 homes. MPART PFAS testing, Jeff requested they test for hexavalent chrome and VOC's. They are not going to test for the hexavalent chrome currently unless PFAS is found. At that point a private company would be hired to sample for the

hexavalent chrome. Brian asked about testing the wells closest to Northern Aire S2, S3, S4 and S5. Jeff commented that the effluent is well below discharge levels and is in fact below drinking water levels.

- a. Brian Warner moved to test these wells, Julie Theobald seconds. The board unanimously approved.

4. Chuck discussed legal consultation with Warner, Norcross, and Judd will cost \$20,000.

- a. Jennifer Brown moved not to exceed \$20,000, Julie Theobald seconded. The board unanimously approved.

5. Chuck also discussed using competitive bidding versus using Tetratrec. The board opted to wait to get the bids and decide from there.

6. Mac McClellan from Brownfield came and explained some different ways the LDFA could potentially create more revenue through TIFFs.

#### **VI. Public Comments**

1. William Barnett commented no amount of PFAS is healthy whether it is legal or not.
2. JT Anderson and Becky Anderson questioned why something wasn't done about this 4 years ago?

#### **VII. Committee Comments**

1. Julie Theobald would like extra items in the packets prior to the meeting. She would like each member to have a copy of bi-laws and the audit from 2020.
2. Brian Warner disappointed that we are seeing exposure.
3. Mike Hamner would like the Bi laws made public and reviewed.

#### **VIII. Adjournment**

Marcus Peccia adjourned the meeting at 2:03 pm. Brian seconded with unanimous approval.