

City Council Meeting

October 21, 2019 6:00 p.m.

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



October 21, 2019 City Council Meeting Agenda 6 p.m. at City Hall – 200 N. Lake St. – Cadillac, MI 49601

We support each other in serving our community

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

- I. APPROVAL OF AGENDA
- II. PUBLIC COMMENTS

It is requested that comment time be limited to three (3) minutes.

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 special meeting held on October 7, 2019. Support Document III-A
- B. Minutes from the regular meeting held on October 7, 2019. <u>Support Document III-B</u>
- C. Minutes from the closed session held on October 7, 2019.

IV. PUBLIC HEARINGS

A. Public hearing to consider adoption of Resolution to Approve an Application for a Commercial Rehabilitation Exemption Certificate Under PA 210 of 2005, as Amended. Support Document IV-A

COMMUNICATIONS

V.

- A. Cadillac Area Visitors Bureau Halloween Decorations Support Document V-A
- B. Cadillac Garden Club Holiday Home Tour Support Document V-B
- C. Seventh-Day Adventist Church Thanksgiving Trot Support Document V-C
- D. Toy Town Toy Trot
 Support Document V-D

VI. APPOINTMENTS

A. Recommendation regarding reappointment to the Zoning Board of Appeals. Support Document VI-A

VII. CITY MANAGER'S REPORT

A. Bids and recommendation regarding Sunset Lane Water Main Improvements. Support Document VII-A

VIII. INTRODUCTION OF ORDINANCES

- A. Adopt resolution to introduce Ordinance to Amend the City of Cadillac Zoning Ordinance to Regulate Certain Recreational/Adult-Use Marihuana Establishments Operated in Accordance with State Law and set a public hearing for November 18, 2019. Support Document VIII-A
- B. Adopt resolution to introduce Ordinance to Amend the City of Cadillac Zoning Ordinance to Regulate Certain Medical Marihuana Facilities in Accordance with State Law and set a public hearing for November 18, 2019.
 <u>Support Document VIII-B</u>

IX. ADOPTION OF ORDINANCES AND RESOLUTIONS

- A. Adopt Resolution to Establish Amount of Application Fees for Recreational Marihuana Establishments and Medical Marihuana Facilities.

 <u>Support Document IX-A</u>
- B. Adopt resolution regarding Local Government Approval for a New On-Premises Tasting Room Permit.
 Support Document IX-B

Cadillac City Council Agenda

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- C. Adopt Resolution Regarding Intent to Designate a Commercial Rehabilitation District and set a public hearing for November 18, 2019.
 Support Document IX-C
- D. Adopt Resolution Regarding Intent to Designate a Commercial Redevelopment District and set a public hearing for November 18, 2019.
 Support Document IX-D

X. MINUTES AND REPORTS OF BOARDS AND COMMISSIONS

- A. Historic Districts Commission Support Document X-A
- XI. PUBLIC COMMENTS

It is requested that comment time be limited to three (3) minutes.

- XII. GOOD OF THE ORDER
- XIII. 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 SPECIAL MEETING MINUTES

5:00 PM – October 7, 2019 Cadillac City Hall – 200 N. Lake St. - Cadillac, Michigan 49601

CALL TO ORDER

Mayor Filkins called the City Council meeting to order at approximately 5:00 pm.

ROLL CALL

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

Council Absent: None

Staff Present: Peccia, Wallace, Coy, Homier, Wasson

APPROVAL OF AGENDA

2019-211 Approve agenda as presented.

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

Motion unanimously approved.

PUBLIC COMMENTS

There were no public comments.

INTERVIEWS FOR THE CITY OF CADILLAC/CLAM LAKE JOINT PLANNING COMMISSION

The order of the interviews was determined by a random drawing.

Mayor Filkins asked the applicants not being interviewed to wait in a different room to ensure the questions would be fair to all applicants.

The interviews were conducted in the following order:

- 1. Gerald Adams
- 2. Joseph Baumann
- 3. Gerald Deer
- 4. David Bunce
- 5. Steven Gregory
- 6. Ryan Schultz

City Council Members asked each applicant all of the pre-determined questions (see attachment), asked follow-up questions as appropriate, and provided each applicant with an opportunity to respond.

2019-212 Approve appointment to the Joint Planning Commission.

Motion was made by Mayor Filkins and supported by Spoelman to appoint Jerry Adams to a 3-year term to expire on October 7, 2022.

Motion unanimously approved.

2019-213 Approve appointment to the Joint Planning Commission.

Motion was made by King and supported by Spoelman to appoint Joe Baumann to a 3-year term to expire on October 7, 2022.

Motion unanimously approved.

2019-214 Approve appointment to the Joint Planning Commission.

Motion was made by Spoelman and supported by King to appoint David Bunce to a 2-year term to expire on October 7, 2021.

Motion unanimously approved.

2019-215 Approve appointment to the Joint Planning Commission.

Motion was made by King and supported by Schippers to appoint Ryan Schultz to a 2-year term to expire on October 7, 2021.

Motion unanimously approved.

2019-216 Approve appointment to the Joint Planning Commission.

Motion was made by Spoelman and supported by King to appoint Steven Gregory to a 1-year term to expire on October 7, 2020.

Motion unanimously approved.

Mayor Filkins expressed gratitude to all of the applicants for their willingness to serve.

City Attorney Homier stated, irrespective of the motions, these are appointments that are made by the Mayor subject to confirmation by the City Council. He noted all motions were unanimous.

Mayor Filkins stated she would have made the same motions.

ADJOURNMENT

Respectfully submitted,

Carla J. Filkins, Mayor

Sandra L. Wasson, City Clerk

CITY OF CADILLAC-CLAM LAKE JOINT PLANNING COMMISSION APPLICANT INTERVIEW QUESTIONS

1. ATTENDANCE AT MEETINGS: It is anticipated that the Joint Planning Commission will meet once a month on an as-needed basis. The meeting time will likely be set for 6:00 p.m. on a weekday (Tuesday-Thursday). Do you see any conflicts with meeting this schedule?
2. PERSONAL INTEREST OR GOAL: Does your interest in serving on the Joint Planning Commission stem from a personal interest or goal? Is there something in particular you hope to accomplish while serving on the Joint Planning Commission? Please elaborate.
3. DECISION MAKING: Occasionally, the Joint Planning Commission will need to render decisions (i.e. make recommendations) that may be somewhat controversial. Are you willing to take on the responsibly of making decisions that are in the best interest of the public even though they may be somewhat controversial?
4. EXPERIENCE IN PLANNING/ZONING AND RELATED ACTIVITIES The Joint Planning Commission's role will largely involve the review of private development proposals for compliance with adopted planned unit development (PUD) zoning regulations. Activities will involve the review of building design, site layout, public infrastructure (streets, sidewalks, utilities, lighting etc.), storm drainage and landscape design. Please identify your past experience with these or related activities.
5. NEGOTIATION AND COMPROMISE: The nature of reviewing and finalizing development plans using a custom zoning technique such as a planned unit development many times involves a certain amount of negotiation and compromise balancing the competing interests of cos and design quality. Please address times you have been involved in negotiation and compromise in a professional capacity.
6. CONFLICT OF INTEREST: Do you have any interest in or participate in any professional or personal activity that could lead to, or be perceived as, a conflict of interest if you become an appointee? If yes, please explain.
7. OTHER RELEVANT ACTIVITIES, EXPERIENCE, INTERESTS, SKILLS, ETCETERA: Please tell us about any other activities, specialized skills, knowledge, or professional experience that would contribute to your effectiveness in serving on the Joint Planning Commission.

CITY COUNCIL MEETING MINUTES

6:00 PM – October 7, 2019 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: Schippers, Spoelman, Engels, King, Mayor Filkins

Council Absent: None

Staff Present: Peccia, Roberts, Ottjepka, Wasson

APPROVAL OF AGENDA

2019-217 Approve agenda as amended.

Motion was made by Engels and supported by King to approve the agenda as amended to add a discussion regarding the acquisition of real property to the Closed Session.

Motion unanimously approved.

PUBLIC COMMENTS

Mayor Filkins noted Public Comments is an opportunity for the public to come forward and address the Council. She stated it is not designed to provide opportunity for open discussion with the Council or the City Manager. She encouraged members of the public to contact the Council Members or the City Manager directly with any concerns.

Steven Reddy expressed concerns about the condition of the tee pads on the disc golf course on the beach side of Kenwood Park.

CONSENT AGENDA

2019-218 Approve consent agenda as presented.

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

Motion unanimously approved.

PUBLIC HEARINGS

A. Public hearing to consider adoption of Resolution Designating a Commercial Rehabilitation District (Cadillac West Commercial Rehabilitation District No. 1).

Peccia referenced the map displayed to indicate the area that the City is looking at overlaying both a PA 210 which is a Commercial Rehabilitation District, and a PA 255 which is a Commercial Redevelopment District.

Peccia read the following portions of information provided by the Michigan Economic Development Corporation:

Commercial Rehabilitation Act, Public Act 210 of 2005, as amended.

The Commercial Rehabilitation Tax freezes the taxable value of the building and exempts the new investment from local taxes. The school operating tax and the State Education Tax (SET) are still levied on the new investment. Land and personal property cannot be abated under this act.

Commercial Redevelopment Act, Public Act 255 of 1978

For a restored facility: The Commercial Facilities Tax freezes the taxable value of the building at is value prior to restoration, therefore exempting the new investment from local taxes for a period not to exceed 12 years. The school operating tax and the State Education Tax (SET) are also frozen. Land and personal property cannot be abated under this act.

For a new or replacement facility: The Commercial Facilities Tax provides a 50 percent reduction in the number of mills levied as ad valorem taxes, excluding only the State Education Tax (SET). Land and personal property cannot be abated under this act.

Peccia stated the minimum threshold is \$150,000 of investment for a rehabilitation exemption and \$250,000 of investment for a redevelopment exemption.

Peccia noted both programs are set to expire on December 31, 2020 unless they are renewed by the State of Michigan.

Mayor Filkins opened the public hearing.

Michael Blackmer expressed support for the proposed resolutions.

Diane Patterson asked for assurance that residential properties will still be permitted in the area.

King stated this could enhance residential investment.

Mayor Filkins closed the public hearing.

Peccia stated there are no zoning or land use changes.

King stated it is allowing individuals who are investing in commercial properties to have these programs available to them.

Spoelman asked why the City is choosing to put both programs in place.

Peccia stated there are projects such as the Lake Cadillac Resort that have already commenced. He noted the statutory rules for the redevelopment incentive would render that project ineligible to apply because work cannot begin until the exemption certificate has been received. He stated under the rehabilitation program a project can be eligible to apply for an exemption certificate even if the project has already begun or has been completed within a certain period of time.

Peccia noted developers can only choose one type of exemption certificate.

Mayor Filkins noted under the Redevelopment Act the property owner cannot begin construction until the certificate is received and under the Rehabilitation Act the property owner has 6-months after construction has begun to apply for the certificate.

2019-219 Adopt Resolution Designating a Commercial Rehabilitation District.

Motion was made by Schippers and supported by Engels to adopt the Resolution Designating a Commercial Rehabilitation District (Cadillac West Commercial Rehabilitation District No. 1).

Motion unanimously approved.

Spoelman asked why a number is being assigned (District No. 1).

Owen Roberts, Director of Finance, stated a district number and when the district was established are required on the application.

A. Public hearing to consider adoption of Resolution Designating a Commercial Redevelopment District (Cadillac West Commercial Redevelopment District No. 1).

Peccia stated the City is looking at putting another overlay in place on the east side to allow for this type of activity to occur.

Mayor Filkins opened the public hearing.

There were no public comments.

Mayor Filkins closed the public hearing.

2019-220 Adopt Resolution Designating a Commercial Redevelopment District.

Motion was made by King and supported by Engels to adopt the Resolution Designating a Commercial Redevelopment District (Cadillac West Commercial Redevelopment District No. 1).

Motion unanimously approved.

COMMUNICATIONS

A. Cadillac Roller Derby

2019-221 Approve alcoholic beverage service for the Cadillac Roller Derby.

Motion was made by Schippers and supported by Engels to approve the serving of alcoholic beverages at The Market from 7:00 pm to midnight on October 19, 2019 for the Cadillac Roller Derby Awards Party.

Motion unanimously approved.

B. Cadillac Band Boosters

2019-222 Approve banner for Cadillac Band Boosters.

Motion was made by King and supported by Engels to approve the display of a banner from November 4-11, 2019 for the Cadillac Band Boosters Hobby & Craft Show.

Motion unanimously approved.

C. Cadillac Symphony Orchestra

2019-223 Approve banner for Cadillac Area Symphony Orchestra.

Motion was made by Schippers and supported by King to approve the display of a banner from November 11-18, 2019 for the Cadillac Area Symphony Orchestra.

Motion unanimously approved.

D. First Church of the Nazarene

2019-224 Approve signs for First Church of the Nazarene.

Motion was made by Spoelman and supported by Engels to approve the request from the First Church of the Nazarene to place up to three (3) temporary signs in the right-of-way in front of the church property from October 18, 2019 to November 2, 2019 for the Craft Show & Bake Sale.

Motion unanimously approved.

CITY MANAGER'S REPORT

A. Bids and recommendation regarding Police In-Car and Body-Worn Cameras.

Peccia stated the FY2020 Annual Operating Budget for the Police Department includes an appropriation of \$35,000 for this purchase. He noted two (2) bids were received and the recommendation is to award the purchase to the lowest bidder, Pro-Vision Video Systems. He noted the low bidder offered an additional 5% savings for paying for the equipment and installation upfront. He stated the low bidder also offered a 5% discount if the City prepays for the cost of five (5) years of hosted storage.

Peccia stated the recommendation is to award the purchase to Pro-Vision Video Systems including 5-years of hosted support. He noted the total cost is over the budgeted amount but funds are available within the budget to cover the additional cost.

Adam Ottjepka, Director of Public Safety, stated it appears this is a state-of-the-art system that will save money and time for the officers. He noted the software is cloud-based so the

prosecutors can have direct access when permission is provided to them. He stated the in-car camera system includes a 360-degree view from the patrol car.

2019-225 Award purchase of Police In-Car and Body-Worn Cameras.

Motion was made by Spoelman and supported by King to award the In-Car and Body-Worn Camera System purchase to Pro-Vision Video Systems in accordance with their bid, including 5-years of hosted support for 50GB of storage per device.

Motion unanimously approved.

MINUTES AND REPORTS OF BOARDS AND COMMISSIONS

A. Zoning Board of Appeals

PUBLIC COMMENTS

Robert Benson asked about the status of a request submitted for a Thanksgiving Turkey Trot.

GOOD OF THE ORDER

Spoelman asked for an update on the heating system at The Market.

Roberts stated the parts have been ordered. He noted that because of the event scheduled for this weekend they are going to start work next week. He stated the initial quote was \$17,000 plus approximately \$2,000 for electrical so the cost will be below the amount that was approved.

Schippers stated that she, Council Member Spoelman, Mayor Filkins, and City Manager Peccia attended the Michigan Municipal League Convention that was held in Detroit. She noted she had the opportunity to learn about what other communities are doing regarding development and redevelopment. She stated it made her very proud of Cadillac and the things we have done.

Spoelman noted she attended a networking session for small towns. She stated she learned there were many communities struggling to keep up in some areas.

Mayor Filkins noted Mickey Putman, Central Professional Services, had sponsored a Movie in the Park and she had written him a thank-you note for what he does for the community. She stated the note was published in an international publication entitled ACA International.

Spoelman stated Mayor Filkins will be serving on the Michigan Municipal League (MML) Board of Trustees.

Peccia briefly discussed the upcoming 2020 Census.

Peccia reiterated that Mayor Filkins was nominated and appointed to the MML Board of Trustees for a 3-year term. He noted it will help keep Cadillac plugged-in to what is happening at the state and federal levels.

CLOSED SESSION

Adjourn to closed session to consult with the City Attorney regarding trial or settlement strategy in connection with Heidi Hodek, as Next Friend of John Doe, a minor v City of Cadillac and Thomas Wade, Wexford County Circuit Court Case No. 18-28116-NO; and to discuss the acquisition of real property.

2019-226 Adjourn to closed session.

Motion was made by Spoelman and supported by Engels to adjourn to closed session to consult with the City Attorney regarding trial or settlement strategy in connection with Heidi Hodek, as Next Friend of John Doe, a minor v City of Cadillac and Thomas Wade, Wexford County Circuit Court Case No. 18-28116-NO; and to discuss the acquisition of real property. Invite Adam Ottjepka, Director of Public Safety, and Owen Roberts, Director of Finance, accordingly.

Motion unanimously approved.

2019-227 Return to open session.

Motion was made by King and supported by Engels to return to open session.

Motion unanimously approved.

ADJOURNMENT

Respectfully submitted,

Carla J. Filkins, Mayor

Sandra L. Wasson, City Clerk

City Council

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



Mayor Carla J. Filkins

Mayor Pro-Tem Shari Spoelman

Councilmembers
Tiyi Schippers
Robert J. Engels
Stephen King

RESOLUTION NO.	
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RESOLUTION TO APPROVE AN APPLICATION FOR A COMMERCIAL REHABILITATION EXEMPTION CERTIFICATE UNDER PA 210 OF 2005, AS AMENDED

CADILLAC WEST COMMERCIAL REHABILITATION DISTRICT NO. 1

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held at the City Hall, 200 North Lake Street, Cadillac, Michigan 49601, on the 21st day of October, 2019, at 6:00 p.m.

PRESENT:	
ABSENT:	
The following resolution was offered by as	nd supported by
·	
WHEREAS, the City Council of the City of Cadillac established t	the Cadillac West
Commercial Rehabilitation District No. 1 (the "CRHD") on, 2	2019, as required
under PA 210 of 2005, as amended ("PA 210"), after a properly noticed pu	blic hearing; and
WHEREAS, Kulhavi Blackmer McCullough, LLC ("Applicant") owns	s real property in
the CRHD located at 6319 East M-115, Cadillac, Michigan 49601 (Tax Par	rcel Nos. 10-104-
00-081-00 and 10-104-00-079-00) and 2404 Sunnyside Drive, Cadillac	Michigan 49601

(Tax Parcel No. 10-104-00-085-00) (the "Properties"); is not delinquent on any taxes

related to such properties; and has submitted an application for a Commercial

Rehabilitation Exemption Certificate in the CRHD; and

WHEREAS, the application is for commercial property as defined in Section 2(a) of PA 210 and pertains to a "qualified facility" as defined in Section 2(h) of PA 210; and

WHEREAS, the Applicant has provided to the City with all information required under Section 1(a) of PA 210; and

WHEREAS, the City requires that the rehabilitation of the facility on the Properties must be completed by December 1, 2020; and

WHEREAS, the commencement of the construction, restoration, or replacement of the facility did not occur more than 45 days prior to the filing of the application for exemption; and

WHEREAS, the commencement of the construction, restoration or replacement of the facility did not occur more than six (6) months before the establishment of the Commercial Rehabilitation District; and

WHEREAS, the application relates to a rehabilitation program which, when completed, constitutes a qualified rehabilitation facility within the meaning of PA 210 and that is situated within the CRHD established under PA 210; and

WHEREAS, the state equalized valuation of the property proposed to be exempt considered with the aggregate state equalized valuation of property exempt under PA 198 of the Public Acts of 1974 (Plant Rehabilitation and Industrial Development Districts) does not exceed 5% of the state equalized valuation of property in the City and shall not have the effect of substantially impeding the operation of the City or impairing the financial soundness of any affected taxing unit; and

WHEREAS, rehabilitation of the facility on the Properties is calculated to, and will at

the time of issuance of the certificate, have the reasonable likelihood to increase commercial activity, create employment, retain employment, or prevent loss of employment in the City; revitalize urban areas; and increase the number of residents in the community; and

WHEREAS, the City Council conducted a public hearing regarding the application on October 21, 2019; and

WHEREAS, notice of the public hearing was posted at City Hall, posted on the City's website, and provided to the City Assessor, taxing jurisdictions pertaining to the CRHD, and the owners of real property within the CRHD.

NOW, **THEREFORE**, BE IT HEREBY RESOLVED, by the City Council of the City of Cadillac, Wexford County, Michigan:

- 1. Kulhavi Blackmer McCullough, LLC is hereby granted a Commercial Rehabilitation Exemption for the real property, excluding land, located at 6319 East M-115, Cadillac, Michigan 49601 (Tax Parcel Nos. 10-104-00-081-00 and 10-104-00-079-00) and 2404 Sunnyside Drive, Cadillac Michigan 49601 (Tax Parcel No. 10-104-00-085-00) for a period of 12 years, beginning December 31, 2019, and ending December 30, 2031, pursuant to the provisions of PA 210.
- 2. All actions heretofore taken by City officials, employees, and agents with respect to the CRHD are hereby ratified and confirmed.
- 3. Any and all resolutions that are in conflict with this Resolution are hereby repealed, but only to the extent to give this Resolution full force and effect.

YEAS:	
NAYS:	
THE RESOLUTION WAS DECLAR	RED ADOPTED.
STATE OF MICHIGAN	
COUNTY OF WEXFORD)
Wexford County, Michigan, DO l	duly qualified and acting City Clerk of the City of Cadillac, HEREBY CERTIFY that the foregoing is a true and complete en by the City Council at a meeting held on the 21st day of
	Sandra Wasson, City Clerk



Attorneys and Counselors

David S. McCurdy Roger L. Wotila David L. Porteous Michael A. Figliomeni Wendy A. Divozzo Nathan Piwowarski Cynthia K. Wotila Patrick A. Cherry Erin C. Barnhart Alex S. Mallory Of Counsel

James C. Thompson

October 16, 2019

Sent Via Hand Delivery

Owen Roberts, CPA City of Cadillac

Re:

Rehabilitation Exemption Certification Application: Kulhavi, Blackmer

McCullough, LLC

Dear Owen:

Enclosed please find an original and one additional copy of the complete Rehabilitation Exemption Certification Application submitted on behalf of Kulhavi, Blackmer McCullough, LLC.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Michael A. Figliomen

MAF/mkj Enclosure

cc:

Mike Blackmer

Marcus Peccia

G:\CLIENTS\Blackmer, Mike\Tax Abatement Issues\Roberts 10.16.19.docx

Michigan Department of Treasury 4507 (Rev. 06-09)

	STATE USE ONLY	
Application Number	Date Received	LUCI Code
		<u> </u>

Application for Commercial Rehabilitation Exemption Certificate Issued under authority of Public Act 210 of 2005, as amended.

Read the instructions page before completing the form. This application should be filed after the commercial rehabilitation district is established. The applicant must complete Parts 1, 2 and 3 and file one original application form (with required attachments) and one additional copy with the clerk of the local governmental unit (LGU). Attach the legal description of property on a separate sheet. This project will not receive tax benefits until approved by the State Tax Commission (STC). Applications received after October 1981.

31 may not be acted upon in the current y	ear. This application is	subject to audit by	the STC.	pplications	received after Octobe
PART 1: OWNER / APPLIGANT IN	FORMATION (applic	ant must complete	allifields): 🔭 👝		
Applicant (Company) Name (applicant must be the owner of the facility)		NAICS or S	IC Code		
Kulhavi Blackmer McCullough, LLC					721110
Facility's Street Address		City		State	ZIP Code
100 E. Chapin Street, Suite B		Cadillac		MI	49601
Name of City, Township or Village (taxing authority)		County		School Distr	ict Where Facility is Locate
Cadillac		Wexford			Cadillas
	Village				Cadillac
Date of Rehabilitation Commencement (mm/dd/yyyy)		Planned Date of Reha	abilitation Completion (r		
06/20/2019			05/20/		
Estimated Cost of Rehabilitation \$2,100,000		Number of Years Exe	mption Requested (1-1	•	á
			1()	30
Expected Project Outcomes (check all that apply)					
Increase Commercial Activity	Retain Employment		Revitalize Urban	Areas	
Create Employment	Prevent Loss of Emp				n Facility's Community
No. of jobs to be created due to facility's rehabilitation 12	No. of jobs to be retained due	to facility's rehabilitation	No, of construction joi	s to be created	during rehabilitation
PART 2: APPLICATION DOCUME		**************************************	l Marianta	SOME STATES	Marian Karasa Sarasa Sarasa
1 2		THE TOTAL SANSTER MAKES			经分类的
Prepare and attach the following items: General description of the facility (year built, original number of stories, square footage)	ginal use, most recent use,	X Stateme	int of the economic adv	antages expec	ted from the exemption
Description of the qualifed facility's proposed us	e	X Legal de	escription		i-uHi
Description of the general nature and extent of t	he rehabilitation to be underta	ken Descripti	ion of the "underserved	area" (Qualifie	ed Retail Food
Descriptive list of the fixed building equipment that	will be a part of the qualified fa		cial Rehabilitation Exen	nption Certificat	te for Qualified Retail Food
Time schedule for undertaking and completing the	ne facility's rehabilitation	Establish	imenis (Form 4753) (Qt	Jaimed Retail Fo	ood Establishments only)
PART 3: APPLICANT CERTIFICAT	IÓN	7.5707571743174	ting the state of	1994 P. P. L. S. M.	The Parameter State of the Stat
Name of Authorized Company Officer (no authorized a		Telephone Number	annanian shamere et again		
Michael Blackmer					
Fax Number		E-mail Address			1 was 2 1 1 1
· .					190,00
Street Address 100 E. Chapin Street, Suite B		City			ZIP Code
		Cadillac		MI	49601=
I certify that, to the best of my knowledge, the application is being submitted. Further, I am facompany has complied or will be able to comply governmental unit and the issuance of a Comm	miliar with the provisions of with all of the requirement ercial Rehabilitation Exem	of Public Act 210 of 2 Is thereof which are p ption Certificate by th	2005, as amended, a prerequisite to the ap ne State Tax Commis	and to the bes proval of the a ssion.	t of my knowledge the application by the local
l further certify that this rehabilitation program, wand that the rehabilitation of this facility would no	ot nave been undertaken v	tute a rehabilitated fa vithout my receipt of	cility, as defined by F the exemption certifi	Public Act 210 cate.	of 2005, as amended,
Signature of Authorized Company Officer (no authorize	d agents)	Title		Date	e pin i
Thur Block	(Authorized Mem	ber	10-16	· 15

PART 4: ASSESSOR RECOMMENDAT	IONS (assessor of LGU must complete Part	4)(3)24(374)34		TO THE TO
Provide the Taxable Value and State Equalized Value	of Commercial Property, as provided in Public Act	210 of 2005, as a	mended, for the t	ax vear
mmediately preceding the effective date of the certification	cate (December 31 of the year approved by the ST	C).		1785
	Taxable Value	State Equ	ıalized Value (SE	V)
Land				, ,
Building(s)				
The property to be covered by this exemption may not be incorroperty on the Eligible Tax Reverted Property (Land Bank) son the Commercial Rehabilitation specific tax roll.	luded on any other specific tax roll while receiving the Con pecific tax roll cannot be granted a Commercial Rehabilita	nmercial Rehabilitation tion Exemption that v	on Exemption, For exwould also put the sa	kample, ame prope
By checking this box I certify that, if approved, the and not on any other specific tax roll.	property to be covered by this exemption will be on the C	Commercial Rehabilita	ation Exemption spec	cific tax re
ame of Local Government Body	,			. 1
				ior.
ame of Assessor (first and last name)	Telephone Number			edpt.
ax Number	E-mail Address			
ertify that, to the best of my knowledge, the informa	tion contained in Part 4 of this application is compl	ete and accumto		- tyl
sessor's Signature	and definition in the first application to compri	Date		
•				*******
				July .
ART 5: LOCAL GOVERNMENT ACTIO	N (clerk of LGU must complete Part 5)			1
tion Taken By LGU (attach a certified copy of the resolution)):		333	4)
Exemption approved for years, ending D	December 30, (not to exceed 10 years)			
Exemption Denied				2
te District Established (attach resolution for district) Local U	nit Classification Identification (LUCI) Code School Co	de		275.50
ART 6: LOCAL GOVERNMENT CLERK	CERTIFICATION (clerk of l'GU must co	mnlete Part 6	organista e en ange	£1
erk's Name (first and last)	Telephone Number		Made secolo Medicales	KESA.
x Number	E-mail Address			
iling Address	City	State	ZIP Code	, Am. 1611
U Contact Person for Additional Information	LGU Contact Person Telephone N	lumber Fax Num	ber	y sayou Ja
ertify that, to the best of my knowledge, the informati State Tax Commission issue a Commercial Rehabi	ion contained in this application and attachments is ilitation Exemption Certificate, as provided by Publ	s complete and acc	curate and hereby	request
rk's Signature	,	Date	umenacu.	- 11 - 12 - 12 - 12 - 12 - 12 - 12 - 12
Y Y				
1				* *

The clerk must retain the original application at the local unit and mail one copy of the completed application with attachments to:

State Tax Commission P.O. Box 30471 Lansing, MI 48909

Attachment to Application for Commercial Rehabilitation Exemption Certificate

Lake Cadillac Resort Previously known as Cadillac Sands

1

PART 2: APPLICATION DOCUMENTS

General description of the facility (year built, original use, most recent use, number of stories, square footage)

Description of the qualified facility's proposed use

Description of the general nature and extent of the rehabilitation to be undertaken

Descriptive list of the fixed building equipment that will be a part of the qualified facility

Time schedule for undertaking and completing the facility's rehabilitation

Statement of the economic advantages expected from the exemption

Legal Description

Lake Cadillac Resort, Previously known as the Cadillac Sands

Land situated in the City of Cadillac, County of Wexford State of Michigan, described as:

Part of Government Lot 5, Section 7, Town 21 North, Range 9 West: Beginning at a point South 06 degrees 16'30" East, 250 feet from the meander corner on the section line common to Sections 6 and 7, Town 21 North, Range 9 West, at Lake Cadillac (the Northeast corner of said Government Lot 5, Point of Beginning); thence North 89 degrees 26' West, 266 feet; thence South 62 degrees 29' West, 434.47 feet to a point 175 feet from right-of-way of State Highway M-115; thence South 33 degrees 31'30" East, 175 feet; thence South 62 degrees 29' West, 175 feet to right-of-way of State Highway M-115; thence Southeasterly along highway right-of-way, 383 feet to Point of Beginning; thence continuing Southeasterly along the highway right-of-way, 449.63 feet, more or less. to South line of said Government Lot 5; thence North 45 degrees 00' East, 70.85 feet; thence North 28 degrees 50'30" West, 114.02 feet, more or less, to an iron; thence East, 141.05 feet to the shore of Lake Cadillac; thence Northerly along the shore of Lake Cadillac approximately 450 feet more or less, said course being traversed as follows: (North 05 degrees 04' East, 100 feet to a point; thence on a course approximately North 04 degrees 35' West, 350 feet, more or less to a point on the shore of Lake Cadillac; thence leaving said shore on a course South 83 degrees 50' West, 305.4 feet; thence South 48 degrees 28' West, 185 feet; thence East 25 feet; thence South 48 degrees 28' West, 181.6 feet to the Point of Beginning.

AND

Beginning at a point South 06 degrees 13'18" East, 250.27 feet from the meander corner of the section line common to Sections 6 and 7, Town 21 North, Range 9 West, of Lake Cadillac (said meander corner being the Northeast corner of Government Lot 5); thence South 08 degrees 29' East along the Westerly shoreline of Lake Cadillac, 325 feet to the Point of Beginning; thence South 76 degrees 49'35" West, 539.86 feet to a point 175 feet (radial line) from the right-of-way of State Highway M-115; thence South 36 degrees 37'36" East, 60 feet; thence South 41 degrees 03'24" West, 177.04 feet to a point on the Northeasterly right-of-way line of State

Highway M-115; thence Southeasterly along the highway right-of-way, 133 feet, more or less, to a point which is 449 feet, more or less, from the South line of Section 5 along the M-115 Northerly right-of-way and is the Southwest corner of the premises now owned by the Cadillac Sands Motels, Inc.; thence North 48 degrees 28' East, 181.69 feet; thence West 25 feet; thence North 48 degrees 28' East, 185 feet; thence North 83 degrees 50' East, 305.4 feet to the shore of Lake Cadillac; thence North 08 degrees 29' West along the Westerly shore of Lake Cadillac, 134 feet, more or less, to the Point of Beginning. Being a part of Government Lot 5, Section 7, Town 21 North, Range 9 West.

Tax Parcel No.: 83-10-104-00-081-00 AND 83-10-104-00-079-00 Commonly known as: 6319 E. M-115 Cadillac, MI 49601

AND

Commencing at the West 1/4: corner of Section 7, T21N, R9W, City of Cadillac, Wexford County, Michigan; thence Northerly along the West Section line 1321.17 feet to the South line of Government Lot 5; thence South 89°59'12" East along the South line of Government Lot 5, 1634.31 feet to the intersection of the South line of Government Lot 5 and the Easterly right-of-way of Highway M-115; thence North 45°03'19" East 71, 02 feet (recorded as North 44°27'50" East 71.03 feet; thence North 28°43'52" East (recorded as North 28°02'15" East) 34.00 feet; thence North 28°53'22" East 80.46 feet (recorded as North 28°02'15" East 80.21 feet); thence South 89°44'23" East 47.52 feet to the Point of Beginning; thence continuing South 89°44'23" East 93.54 feet to the Shore of Lake Cadillac; thence following a traverse line along the shore of Lake Cadillac South 00°41'04" West 154.05 feet; thence South 04°56'46" East 231.00 feet to the Easterly right-of-way of Highway M-115; thence along the Easterly right-of-way of Highway M-115 North 47°43'50"W 237.09 feet; thence North 42°51'45" East 95.34 feet: thence North 01°06'31" East 157.71 feet to the Point of Beginning.

Tax Parcel: 10-104-00-085-00

Commonly known as: 2404 Sunnyside Drive

General Description of the Facility

Lake Cadillac Resort, previously known as the Cadillac Sands,

is a 45,000 square foot hotel/resort property sitting on the edge of Lake Cadillac. The main building is one story, with the newer addition being two stories. In total, there are fifty-five rooms that will be used for guest accommodation. Built in 1961, originally used as a lakeside hotel/resort and in-use as a lakeside hotel/resort at time of purchase and continued operation. The property and its facilities have become dilapidated to the extent that a full renovation is warranted.

Description of the Qualified Facility's Proposed Use

Lake Cadillac Resort, previously known as the Cadillac Sands,

is currently under complete renovation to become a premier destination in Cadillac for both tourists and residents alike. At least, fifty-five rooms in total will be used for year-round lakefront destination accommodation. With room for group meetings, extensive events, lake and beach activities, indoor pool, indoor bar, and alternative entertainment, this property will be a feature attraction for a diverse group of local and stopover consumers.

Description of the General Nature and Extent of the Rehabilitation to be Undertaken

Lake Cadillac Resort, previously known as the Cadillac Sands,

is currently under complete renovation due to decades of gross neglect in the maintenance of this property and the facilities it holds. The majority of the the facility will be renovated to some degree, leaning more toward total renovation. The lobby, pool area, all rooms, event areas, and outside appearance will be stripped bare and replaced. All fixed building equipment will be, or has been, repaired or replaced. Principal building structures, such as the roof, are decayed past the point of simple repair and will need to be replaced. An expected investment of \$2,000,000 will be injected into this property and its facilities.

Descriptive List of the Fixed Building Equipment that will be Part of the Qualified Facility

Lake Cadillac Resort, previously known as the Cadillac Sands,

Following is a list of fixed building equipment that is being replaced or has already been replaced.

- Industrial Dehumidifier
- Two Boilers
- Hot Water Heaters
- · 60+ Sinks
- · 60+ Toilets
- 55 Showers
- 60+ HVAC Units

Time Schedule for Undertaking and Completing the Facility's Rehabilitation

Lake Cadillac Resort, previously known as the Cadillac Sands,

Ownership of the property was transferred on June 10th, 2019. Construction began immediately with the intention of the majority being completed by Memorial Day (May 25th) of 2020. This exemption will assist by ensuring all funds can be directed toward the realization of this objective.

Statement of Economic Advantages Expected from the Exemption

Lake Cadillac Resort, previously known as the Cadillac Sands,

this rehabilitation exemption certificate will aid in the process of transforming this property and its facilities from decrepit status into a premier Cadillac destination once more. The renovation of this 45,000 square foot property is not a small venture with an expected \$2,000,000 investment. This exemption will help expedite the process by ensuring that we are able to allocate ample funds toward this endeavor. This exemption will also yield continued investment into the property and its facilities for the future.

Council Communication

Re: Halloween Decorations Downtown

The Cadillac Area Visitors Bureau has requested permission to decorate light poles in the downtown district with Halloween decorations from the date starting October 24, 2019 through Monday, November 4, 2019. Joy has communicated with Oasis and will not be putting any decorations up that would conflict with the Domestic Violence Awareness purple ribbons currently on the downtown light poles. Oasis's representative has confirmed with staff that they are okay with decorations on the same light poles as their ribbons are placed on.

The locations the Visitors Bureau is requesting to decorate light poles are:

Pine Street/Mitchell - all four corners
 Mason/Mitchell - at the crosswalk
 Beech/Mitchell - at the crosswalk
 Harris/Mitchell - all four corners
 Cass/Mitchell - all four corners

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

- 1. All decorations shall be maintained throughout the period of display.
- 2. Halloween decorations at the above listed locations shall be taken down no later than November 4th.

Requested Council Action

Council is asked to approve the request of the Cadillac Area Visitors Bureau subject to the above conditions.

CADILLAC GARDEN CLUB'S HOLIDAY HOME TOUR



200 N. Lake Street Cadillac MI 49601

FOR NOV. 2020

oday's Date	7-31-201
City Received Date	

Phone (231) 775-0181	Banner		
www.cadillac-mi.net			
	Banner Req	uest Form	Λ.)
Monday Banner Start Date	1112512020	Monday Banner End D	Date 12 2020
(Banners are installed and	d removed on Mondays	unless it is a Holiday, then	it will be the following day
(Banne		ted for one week at a time	
Reason for Banner	ANNUAL	Holiday Home Tour	
Organization Cadillo	ue Garden Clu	Contact Person	lucy mebulre
Contact Phone	Contact Email		
City	of Cadillac & State	e of Michigan Guideli	nes:
Banner requested date is a	minimum of 2 months	prior to display date reques	sted.
I understand the City reser	ves the right to determi	ine when the banner is hun	g during inclement weather.
I understand the City is no	t responsible for any da	mages to the banner.	
Banner requested is for a r	easonable and public pu	urpose.	
Banner does not display a	ny legend or symbol whi	ich may be construed to adv	vertise, promote the sale of, or
publicize any merchandise			
			is not an obvious advertising of
and promotion of the sale of			on a single line or two-inches if on
more than one line.	, o name of a rege area	The same time inches in	and single line of two menes if on
Banner does not contain ar	address or directions to	o location.	
Banner meets all the design	n specifications on the b	ack of this form.	
Banner picture or a design	proof is attached with the	his request form. $\mathcal{O} \wedge$	FILE
The banner will be delivered			
/ .			31)920 -7800 to schedule time.
			up, the banner will be disposed of
			met the request will be denied.
Form must be mailed or bro	ought to: (Email or Fax v	viii not be accepted)	
Attn: Public Works Dep	artment-Events		
200 N. Lake Street			
Cadillac, MI 49601	4	.) (n . 24 40 0
Print Name Vickie Essenmac	her Signature	U- Essenmacher	Date 7/3/1/2019
Request will be reviewed & you w	ill be notified if additiona	l information is needed and/o	r if request is approved or denied.
************************	**************************************	****************	*********************
Public Works	Comments		Date Approved
City Clerk			Date Approved

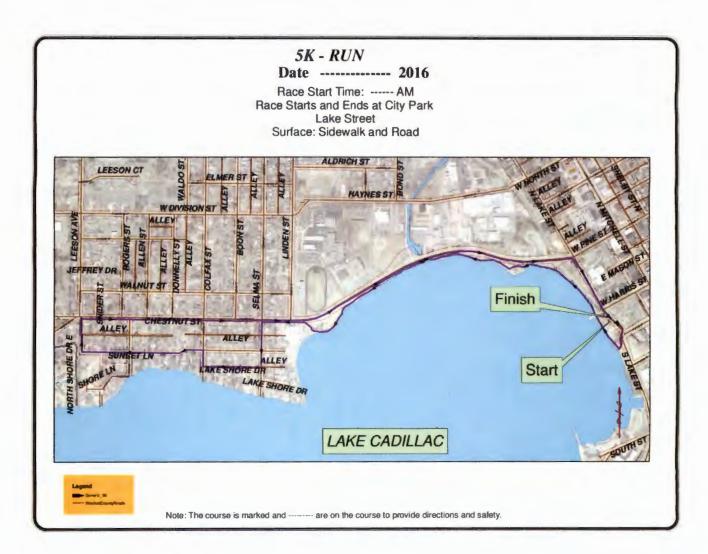
	toring to the first terms of the	
Public Works	Comments	Date Approved
City Clerk	Comments	Date Approved
City Council	Comments	Date Approved
State of Michigan	Comments	Date Approved



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

То	day's Date 9/11/19
Cit	y Received Date
	MUST BE OFFICIALLY CITY DATE STAMP

Manksylving trof	
Name of Race There There	_
Purpose of Race Triv Raise for community non-profit	_
Requesting Organization 13th 57 Sprent May Muents Church	
Contact Person(s) Robert Berron portor	
Contact P	
Approx. number of participates 708 405	-
Registration Location CAPS Footbell Registration Time 7:00 AM/PM	
Starting Time 3:3 AM/PM Ending Time 1:30 AM/PM	
City of Cadillac Rules	
 The City's designated route must be used unless approved by Police Department (Route on backside) 	
 If marking the route, washable sidewalk chalk or small signs placed in the City right-of-way must be used 	
 Spray paint is <u>not</u> allowed and will be strictly enforced & fines will be issued 	
 Organizations are responsible for all clean-up including removal of signs and pavement markings 	
 The Police Department does not provide escorting services 	
 Organizations are responsible for providing designated safety and security workers & escorts 	
 No streets are to be blocked off unless reviewed with City Staff & approved by City Council 	
 Participates must follow all State & City laws 	
 Organizations are responsible for providing their own tables, tents, porta johns etc 	
The following must be provided with this request:	
Proof of Liability Insurance (1 million & City of Cadillac named as additional insured)	
Proof of Marine Permit from DNR if race takes place in the Lake	
Approval from Wexford Road Commission & Wexford County Police Dept. if race is outside of City Limits	
Detailed Daily schedule/agenda of races and events	
Form must be mailed as delivered to the above address or amailed to invite Goodillas mi not /Ale Eques accented)	
Form must be mailed or delivered to the above address or emailed to: javila@cadillac-mi.net (No Faxes accepted) I understand and agree to these requirements & understand if these are not met the request will be denied.	
Print Name Rosa Signature Dobert Denson Date 9/11/1	7_
Request will be reviewed & you will be notified if additional information is needed and/or if request is approved or den	<u>ed.</u>
For Office Use Only	****
Streets Date Approved Comments	
Parks Date Approved Comments	
Fire Date Approved Comments	
Police Date Approved Comments	
Risk Management Date Approved Comments City Manager Date Approved Comments	
City Council Date Approved Comments	





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

Today's Date	10/14/19

City Received Date

MUST BE OFFICIALLY CITY DATE STAMP

Street & Parking Lot Closure Request Form

Please fill out a separate form for each date

Reaso	n for Request To clos	e Lindry St. For Sk sta	of the 15 min dupotion	
			Deadar The Thanksgiring trot allow hallow him	
Conta	de l'elson	, 15th Jr. July Evaceth	raiser	
			New Hope C	
	Date: 1 /28/19	Street Closure	s	
		at Division	Ending Location	
	Street Name	Beginning Location		
			PM Ending Time <u>& 45 AM</u> /PM	
	Street Name	Beginning Location	Ending Location	
		Beginning Time:AM/	PM Ending Time:AM/PM	
	Street Name	Beginning Location	Ending Location	
			/PM Ending Time:AM/PM	
	Street Name		Ending Location	
-		Beginning Time:AM/	PM Ending Time:AM/PM	
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			AM/PM Ending Time:AM/PM	
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	Lot Location		Nearest Cross Street	
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			d to: javila@cadillac-mi.net (No Faxes accepted)	
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Drint I	Nama Dan + Roma	Signatura Defres	Bensa Date 10/19/19	
Pilit	Name Mary De 1800	Signature 200 000	Date 19 / 1/)	
Red	quest will be reviewed & you	will be notified if additional informa	ation is needed and/or if request is approved or denied.	

		For Office of Only		
	ts			
Fire _		Date Approved		
Police		Date Approved		
	Manager			
City C	ouncil	Date Approved	Comments	



200 N. Lake Street

Today's Date	*	21	6	77
City Received Date				
			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
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Cadillac MI 49601 Phone (231) 775-0181
www.cadillac-mi.net
Request Planning Guide
The face charact be completed and return to the Cay objective on event. Any remnests the care conget than a single day will enable more element than a single day will enable more element to the constant and decidents must be received by Logis Edgice the case of Additionally a representative of for the event must meet with City Event Connell for approval. Failure to comply will result in a deman of your event. Please call, 231) 275-0161 x 120 if you have questions
Applicant Name (Print) TOU TOURS Contact Person(s) COVI Grammesen
Contact Phone(s) Contact Email In TOCOTO COCK OCCUPACION COCCUPACION COCCUPACI
Sponsoring Organization 10 Toron Profit Exemption
Sponsoring Organization To To Profit Exemption Purpose(s) & Benefit(s) to Community To To K Company
Beginning Date: 1 / 23 19 Ending Date: 1 / 33 19 Reoccurring: YES NO,
1st Day 11/23/19 Set-up 7: GAM/PM Start 1 CAM/PM End 11: CAM/PM Tear-down 11:3 AM/PM
2nd Day Set-up : AM/PM Start : AM/PM End : AM/PM Tear-down : AM/PM
3rd Day Set-up : AM/PM Start : AM/PM End : AM/PM Tear-down : AM/PM
4th Day Set-up : AM/PM Start AM/PM End : AM/PM Tear-down : AM/PM
5th Day Set-up:AM/PM Start _:AM/PM End:AM/PM Tear-down _:AM/PM
VES NO Will you be requesting permission to close any streets or parking lots? (Form 1) YES NO Will you be requesting permission to display any off site signage? (Form 2) YES NO Will you be requesting permission to display a banner over Mitchell Street? (Form 3) YES NO Will you be requesting permission to hold Farmer's Markets? (Form 4) YES NO Will you be requesting permission to reserve the Rotary Pavilion? (Form 5) YES NO Will you be requesting permission to use any City Parks? (Form 6) YES NO Will you be requesting permission to have a parade? (Form 7) YES NO Will you be requesting permission to hold any races? (Form 8) YES NO Will you be requesting permission to serve alcoholic beverages? (Form 9) YES NO Will your event include a craft show, trade show, fair, carnival, fireworks display, tent/membrane structure, or other large assembly functions? (Form 10)
If you are welled life to ancertain whose que viors, addressed front I must are not be traifer with over 121 when must up completely fixed and and oil information provided inform inquests win be brought in City Council for conficual. No additional requests other than those requested on these forms will be increased.
Form must be mailed or delivered to the above address or emailed to: javila@cadillac-mi.net (No Faxes accepted) I understand and agree to these requirements & understand if these are not met the request will be denied.

orm must be mailed or delivered to the above address or emailed to: javila@cadillacimi.net (No Faxes accepted)
orm must be mailed or delivered to the above address and if there are not met the request will be denied
understand and agree to these requirements & understand if these are not met the request will be denied
Print Name CON Grommoen Signature Date 57 6 19
Print Name CON CANTINOCA/Signature



200 N. Lake Street Cadillac MI 49601

Today's Da	e_ 2/1	ella
City Receiv		

Phone (231) 775-0181		
www.cadillac-mi.net	et & Parking Lot Closure Re	guest Form
Stre	Please fill out a separate form for e	
Reason for Request	,	1:
		- Like Linds Laboratory
Contact Person		
Contact Phone	Contact Email In TCC	taytown cadullac com
Date: 133/19	Street Closures	
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Lot Location	Street Ne Beginning Time : A	marest Cross Street
I understand and agree to these re	to the above address or emailed to: equirements & understand if these are	javila@cadillac-mi.net (No Faxes accepted) re not met the request will be denied. Date 2 9
Partiest will be reviewed & your	' ill he natified if additional information i	is needed and/or if request is approved or denied.
*****	*****	
Streets	Date Approved	Comments
Parks		Comments
Fire	Date Approved	
Police	m . A	
City Manager	Date Approved	
City Council	mark and American and	Comments



200 N. Lake Street

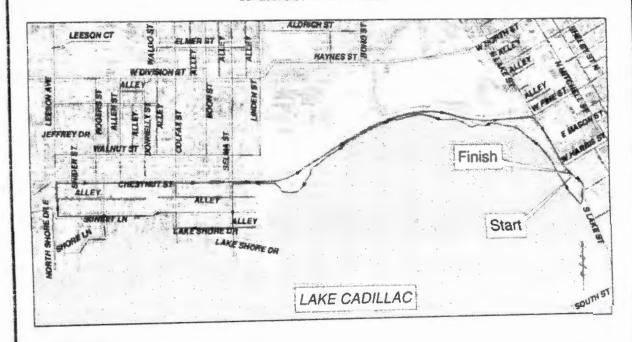
Today's Date	2/16/19	all account page
City Received D	ate	

Cadillac Mi 49601		
Phone (231) 775-0181		
www.cadillac-mi.net	Dans Danwart Faur	
was a constant of the constant	Race Request Form	
Name of Race TOUTON 5K		
Purpose of Race CASE MINEY	TON TOUS TO DES	
Requesting Organization 100 100	<u> </u>	
Contact Person(s) (M) (Romm	081	
Contact Phone	Contact Email 10 10 1	ey town cachillacion
Date of Race 11 / 100/19	Approx. number of participates	
Registration Location CKEST	Registration Time $8:0$ AM/I	PM
Starting Time:WAM/PM	Ending Time 11:00AM/PM	
 Spray paint is <u>not</u> allowed and will to Organizations are responsible for all the Police Department does not proportion. Organizations are responsible for police to be blocked off unit participates must follow all State & Organizations are responsible for police. 	walk chalk or small signs placed be strictly enforced & fines will be I clean-up including removal of sovide escorting services roviding designated safety and sess reviewed with City Staff & a City laws roviding their own tables, tents, as the provided with this could be compared as additionable takes place in the Lake ssion & Wexford County Police D	in the City right-of-way must be used be issued signs and pavement markings ecurity workers & escorts approved by City Council porta johns etc
Form must be mailed or delivered to the above funderstand and agree to these requirements Print Name Request will be reviewed & you will be not.	Signature Signature	Date Date Seed and for a removal in a page work of seed and for a removal in a page work of seed as seed as
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L. ql K2		Comments
Tile .	ate Approved	Comments
PUILLE	ate Approved	Comments
UISK MIGHT STATE TO THE STATE OF THE STATE O	ate Approved	Comments
	ate Approved	Comments
,		



Date ----- 2016

Race Start Time: ----- AM
Race Starts and Ends at City Park
Lake Street
Surface: Sidewalk and Road



England State County, St Land County State Code

Note: The course is marked and ----- are on the course to provide directions and eafety

ToyTrot 5K , 11/23/19

Details race Schedule/Agenda

7:00am Start Set Up

Set Up turn around point on North Blvd 1.55 Miles out

8 am-Registration- Lake St Between Harris and Cass

9 am start of race

Head north on Lake St to Chestnut-Turn Left at Light, Head towards High School, Continue on Chestnut Blvd. Merge onto North until turn around point. Then head back to start/finish.

11:00 am Clean Up

COUNCIL COMMUNICATION

Re: Reappointment to the Zoning Board of Appeals – Leo Paveglio

Leo Paveglio has expressed interest in being reappointed to another 3-year term on the Zoning Board of Appeals. Leo was first appointed to this board in 2013.

Recommended Council Action:

Reappoint Leo Paveglio to a 3-year term on the Zoning Board of Appeals, which will end on 10/21/2022.

Council Communication

RE: Sunset Lane Water Main Improvements

The City recently solicited bids to replace a water main near Sunset Lane. The work includes placement of water main including section of directional drilling; connection to existing lines; removal and replacement of sidewalk, ADA ramp, curb, asphalt surface; grading and site restoration.

On October 15, 2019 the City of Cadillac held a bid opening on the above referenced project. The following bids were received:

Contractor	Bid
C.J.'s Excavating, Inc. Cadillac, Michigan	\$123,217.44
Montgomery Excavating Ionia, MI	\$140,465.00
Pete's Contracting, Inc. Falmouth, MI	\$163,249.00

Recommended Action

It is recommended that the contract for the Sunset Lane Water Main Improvements be awarded to C.J.'s Excavating, Inc. for the bid amount of \$123,217.44.

City Council

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



Mayor Carla J. Filkins

Mayor Pro-Tem Shari Spoelman

Councilmembers Tiyi Schippers Robert J. Engels Stephen King

RESOLUTION NO. 2019-____

RESOLUTION INTRODUCING AND SETTING PUBLIC HEARING FOR AN "ORDINANCE TO AMEND THE CITY OF CADILLAC ZONING ORDINANCE TO REGULATE CERTAIN RECREATIONAL/ADULT-USE MARIHUANA ESTABLISHMENTS OPERATED IN ACCORDANCE WITH STATE LAW"

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 the 21st day of October, 2019, at 6:00 p.m.

PRESENT:	
ABSENT:	
The following preamble and resolution was offered by	and
seconded by	

WHEREAS, the City wishes to consider an ordinance to amend the Zoning Ordinance to regulate recreational/adult-use marihuana establishments operated in accordance with state law; and

WHEREAS, the City Planning Commission held a public hearing on the proposed amendments on October 14, 2019; and

WHEREAS, the City Planning Commission recommended approval of the proposed amendments to the City Council in the form attached as Exhibit A; and

City of Cadillac Resolution No. 2019-___ Page 2 of 3

WHEREAS, Section 5.2 of the City Charter requires the City to hold a public hearing prior to final adoption of said ordinance and publish notice once at least five (5) days prior to the public hearing.

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

- 1. Pursuant to Section 5.2 of the City Charter, the City introduces Ordinance No. 2019-____, Ordinance to Amend the City of Cadillac Zoning Ordinance to Regulate Certain Recreational/Adult-Use Marihuana Establishments Operated in Accordance with State Law ("Ordinance," Exhibit A).
- 2. A public hearing regarding the Ordinance will be held on the 18th day of November, 2019, at 6:00 p.m. in the Council Chambers, Cadillac Municipal Complex, 200 Lake Street, Cadillac, Michigan.
- 3. The City Clerk is directed to publish a summary of the Ordinance in a newspaper of general circulation in the City of Cadillac, together with a notice setting the time and place for a public hearing on the Ordinance, within seven (7) days. The summary and notice of the hearing will be substantially in the form of Exhibit B.
- 4. A copy of the Ordinance will 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:			

City of Cadillac Resolution No. 2019 Page 3 of 3
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. 2019, duly adopted at a meeting of the City Council held on the 21st day of October, 2019.

Sandra Wasson Cadillac City Clerk

City Council

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



Mayor Carla J. Filkins

Mayor Pro-Tem Shari Spoelman

Councilmembers
Tiyi Schippers
Stephen King
Robert J. Engels

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE CITY OF CADILLAC ZONING ORDINANCE TO REGULATE CERTAIN RECREATIONAL/ADULT-USE MARIHUANA ESTABLISHMENTS OPERATED IN ACCORDANCE WITH STATE LAW

Section 1. <u>Amendment of Section 46-491 of the Zoning Ordinance</u>

Section 46-491 of the Zoning Ordinance, entitled "Principal uses permitted subject to special conditions," which is within Division 13 of Article III of the Zoning Ordinance (governing I-1 Light Industrial Districts), is amended to add new subparagraph (8), which reads as follows in its entirety:

(8) Marihuana establishments authorized under the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 *et seq*, subject to Section 10-2 of the City Code and Section 46-752 of this Zoning Ordinance.

Section 2. Amendment of Section 46-526 of the Zoning Ordinance

Section 46-526 of the Zoning Ordinance, entitled "Principal uses permitted subject to special conditions," which is within Division 14 of Article III of the Zoning Ordinance (governing I-2 General Industrial Districts), is amended to add new subparagraph (2), which reads as follows in its entirety:

(2) Marihuana establishments authorized under the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 *et seq*, subject to Section 10-2 of the City Code and Section 46-752 of this Zoning Ordinance.

Section 3. Amendment of Section 46-397 of the Zoning Ordinance

Section 46-397 of the Zoning Ordinance, entitled "Special land uses permitted," which is within Division 10 of Article III of the Zoning Ordinance (governing B-2 Central Business Districts), is amended to add new subparagraph (7), which reads as follows in its entirety:

- (7) Retailers authorized under the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, subject to Section 10-2 of the City Code and Section 46-752 of this Zoning Ordinance, and subject to the following locational requirements:
 - a. A retailer in the B-2 district must be located on a parcel that has frontage on Mitchell Street, except that no retailers may be located on the section of Mitchell Street between North Street and South Street unless the following two requirements are met: (1) the retailer must be located on an upper level or subgrade level of the building and not on the ground level (with "grade" and "ground level" measured at Mitchell Street); and (2) the entrance for the retailer must face the alley located behind the building and not Mitchell Street.
 - b. The map in Table 1 identifies the areas within the B-2 district in which retailers may be located, subject to the other locational and distance requirements in this Zoning Ordinance, including Section 46-752.

Section 4. Amendment of Section 46-427 of the Zoning Ordinance

Section 46-427 of the Zoning Ordinance, entitled "Principal uses permitted subject to special conditions," which is within Division 11 of Article III of the Zoning Ordinance (governing B-3 General Business Districts), is amended to add new subparagraph (9), which reads as follows in its entirety:

- (9) Retailers authorized under the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 *et seq*, subject to Section 10-2 of the City Code and Section 46-752 of this Zoning Ordinance, and subject to the following locational requirements:
 - a. A retailer in the B-3 district must be located on a parcel that has frontage on Mitchell Street or Paluster Street, except that no retailers may be located on the section of Mitchell Street between North Street and South Street unless the following two requirements are met: (1) the retailer must be located on an upper level or

subgrade level of the building and not on the ground level (with "grade" and "ground level" measured at Mitchell Street); and (2) the entrance for the retailer must face the alley located behind the building and not Mitchell Street.

- b. For purposes of subsection (a), Parcel No. 10-082-00-141-00, 621 S. Mitchell, is not deemed to be between North Street and South Street because a portion of that parcel is located south of South Street.
- c. The map in Table 1 identifies the areas within the B-3 district in which retailers may be located, subject to the other locational and distance requirements in this Zoning Ordinance, including Section 46-752.

Section 5. <u>Amendment of Section 46-459 of the Zoning Ordinance</u>

Section 46-459 of the Zoning Ordinance, entitled "Special land uses permitted," which is within Division 12 of Article III of the Zoning Ordinance (governing T-2 Tourist Service Districts), is amended to add new subparagraph (4), which reads as follows in its entirety:

- (4) Retailers authorized under the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 *et seq*, subject to Section 10-2 of the City Code and Section 46-752 of this Zoning Ordinance, and subject to the following locational requirements:
 - a. A retailer in the TS-2 district must be located on a parcel that has frontage on M-115 or M-55, except that no retailers may be located on any parcel with frontage on Lake Cadillac.
 - b. The map in Table 1 identifies the areas within the TS-2 district in which retailers may be located, subject to the other locational and distance requirements in this Zoning Ordinance, including Section 46-752.
 - c. No retailers are permitted in the TS-1 district.

Section 6. Addition of New Section 46-752

Section 46-752, entitled "Adult-Use Marihuana Establishments," is hereby added to Article VI (Special Land Uses) of the City Zoning Ordinance and reads as follows in its entirety:

Sec. 46-752. Adult-Use Marihuana Establishments.

In addition to all requirements of Section 10-2 of the City Code, any other requirements of this Zoning Ordinance or the City Code, and any conditions imposed by the Planning Commission in granting special use approval, adult-use (recreational) marihuana establishments must comply with the following requirements. All terms defined in Section 10.2-01 of the City Code have the same meaning when used in this section.

- 1. Establishments must comply with the MRTMA and the MRTMA rules, as well as any other applicable state laws or regulations.
- 2. Co-located marihuana establishments and stacked grower licenses are prohibited.
- 3. Establishments shall be sufficiently screened or buffered with a fence, wall, or landscape screen to minimize light spillage, odor, and noise (including noise associated with truck traffic or other machinery), affecting adjacent properties.
- 4. Special use applicants must provide a plan for the storage and disposal of marihuana or chemicals associated with marihuana cultivation, so as to minimize the risk of theft or harm resulting from chemical exposure.
- 5. No marihuana may be stored overnight outside of an enclosed building. By way of example and without limitation, it is unlawful to store marihuana overnight in an outdoor waste bin or a secure transport vehicle parked outdoors.
- 6. Signage for marihuana establishments may be approved pursuant to the generally applicable procedures and standards provided in Section 46-664 ("Signs"), with the additional restriction that establishment signage may not depict marihuana, marihuana-infused products, or marihuana-related paraphernalia.
- 7. Marihuana establishments must control and eliminate odor as follows:
 - a. The building must be equipped with an activated air scrubbing and carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter and air scrubbing system.
 - b. The filtration system must consist of one or more fans, activated carbon filters and be capable of scrubbing the air prior to leaving any building. At a minimum, the fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width

- multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
- c. The air scrubbing and filtration system must be maintained in working order and must be in use at all times. The filters must be changed per manufacturers' recommendation to ensure optimal performance.
- d. Negative air pressure must be maintained inside the building.
- e. Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
- f. An alternative odor control system is permitted if the special use applicant submits a report by a mechanical engineer licensed in the state of Michigan sufficiently demonstrating that the alternative system will eliminate odor as well or better than the air scrubbing and carbon filtration system otherwise required.
- 8. The following minimum-distancing regulations apply:
 - a. An establishment other than a retailer may not be located within 1,000 feet of a public or private K-12 school or a college or university. A retailer may be located within 1,000 feet of a public or private K-12 school or a college or university, subject to subsection (8)(c).
 - b. A grower, processor, safety compliance establishment, or microbusiness may not be located within 500 feet of any existing one-family dwelling.
 - c. A retailer may not be located within 100 feet of any existing one-family dwelling.
 - d. The distances described in this subsection shall be computed by measuring a straight line from the nearest property line of land used for the purposes stated in this subsection to the nearest property line of the parcel used as a marihuana establishment; provided, however, that for purposes of subsection (c) only, the distance shall be computed by measuring a straight line between the two closest points of the subject buildings.
- 9. The following requirements apply to retailers:

Operational Requirements

a. Retailers may not be open to customers between the hours of 11:00 p.m. and 8:00 a.m.

- b. Retailers may not receive deliveries between the hours of 9:00 p.m. and 7:00 a.m.
- c. The interior of the establishment must be arranged in a way such that neither marihuana nor marihuana-infused products are visible from the exterior of the establishment.
- d. Consumption of marihuana shall be prohibited in the retail establishment, and a sign shall be posted on the premises of each retail center indicating that consumption is prohibited on the premises.
- e. Retailers shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. The video recordings shall be maintained in a secure, off-site location for a period of 14 days.
- f. The public or common areas of the retail establishment must be separated from restricted or non-public areas of the marihuana establishment.
- g. No drive-through window on the portion of the premises occupied by a retail establishment shall be permitted.
- h. Retailers shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.

Design Requirements

- i. *Appearance*. The exterior appearance of a retailer must be compatible with surrounding businesses with respect to façade type, ground floor opacity, size and placement of signage, site layout, etc.
- j. *Minimum Wall Articulation*. Building bays shall be a maximum of thirty feet in width. Bays shall be visually established by architectural features such as columns, ribs or pilasters, piers and fenestration pattern. In order to add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size, the following additional standards shall apply:
 - i. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding thirty feet without including at least two of the following: change in plane, change in texture or masonry pattern, windows, or an equivalent element that subdivides the wall into human scale proportions.
 - ii. Side or rear walls that face walkways may include false windows and door openings defined by frames, sills and lintels, or similarly

- proportioned modulations of the wall, only when actual doors and windows are not feasible because of the nature of the use of the building.
- iii. All sides of the building shall include materials and design characteristics consistent with those on the front. Use of inferior or lesser quality materials for side or rear façades shall be prohibited.
- k. *Façades*. Façades that face streets or connecting pedestrian frontage shall be subdivided and proportioned using features such as windows, entrances, arcades, arbors, awnings, along no less than fifty percent of the façade.
- 1. *Entrances*. Primary building entrances shall use clear glass and be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the inclement weather.
- m. Windows. Windows shall have clear glass.
- n. Awnings. Awnings shall be no longer than a single storefront.
- o. Base and Top Treatments. All façades shall have:
 - i. A recognizable "base" consisting of, but not limited to: (a) thicker walls, ledges or sills; (b) integrally textured materials such as stone or other masonry; (c) integrally colored and patterned materials such as smooth-finished stone or tile; (d) lighter or darker colored materials, mullions or panels; or (e) planters.
 - ii. A recognizable "top" consisting of, but not limited to: (a) cornice treatments, other than just colored "stripes" or "bands," with integrally textured materials such as stone or other masonry or differently colored materials; (b) sloping roof with overhangs and brackets; (c) stepped parapets.
- p. *Encroachments*. Encroachments for special architectural features, such as bay windows, decorative roofs and entry features may be considered; however, in no case may such features be below a height of 8 feet.
- 10. The following requirements apply to growers:
 - a. Cultivation must occur within an enclosed building with exterior facades consisting of opaque materials typical of an industrial or commercial building. The roof of the building may be constructed of a rigid transparent or translucent material designed to let in light, such as glass or rigid polycarbonate or fiberglass panels. Films or other non-rigid materials

cannot be used to construct any component of the building's exterior structure.

b. Cultivation must be conducted in a manner to minimize adverse impacts on the city's sanitary sewer. The city's public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.

11. The following requirements apply to processors:

a. Cultivation must be conducted in a manner to minimize adverse impacts on the city's sanitary sewer. The city's public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.

12. The following requirements apply to safety compliance facilities:

a. Cultivation must be conducted in a manner to minimize adverse impacts on the city's sanitary sewer. The city's public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.

13. The following requirements apply to microbusinesses:

- a. Microbusinesses may not be open to customers between the hours of 11:00 p.m. and 8:00 a.m.
- b. Microbusinesses may not receive deliveries between the hours of 9:00 p.m. and 7:00 a.m.
- c. The exterior appearance of a microbusiness must be compatible with surrounding businesses with respect to façade type, ground floor opacity, size and placement of signage, site layout, etc.
- d. The interior of the establishment must be arranged in a way such that neither marihuana nor marihuana-infused products are visible from the exterior of the establishment.
- e. Consumption of marihuana shall be prohibited in the establishment, and a sign shall be posted on the premises of each microbusiness indicating that consumption is prohibited on the premises.
- f. Microbusinesses shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. The video recordings shall be maintained in a secure, off-site location for a period of 14 days.

- g. The public or common areas of the microbusiness establishment must be separated from restricted or non-public areas of the marihuana establishment.
- h. No drive-through window on the portion of the premises occupied by a microbusiness establishment shall be permitted.
- i. Microbusinesses shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.
- j. Cultivation must occur within an enclosed building with exterior facades consisting of opaque materials typical of an industrial or commercial building. The roof of the building may be constructed of a rigid transparent or translucent material designed to let in light, such as glass or rigid polycarbonate or fiberglass panels. Films or other non-rigid materials cannot be used to construct any component of the building's exterior structure.
- k. Cultivation must be conducted in a manner to minimize adverse impacts on the city's sanitary sewer. The city's public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.
- 14. Special Use Permit Specific to Applicant.
 - a. Any special use permit granted for a marihuana establishment is unique and specific to the applicant and does not run with the land. The special use permit may be transferred to another marihuana establishment only with City approval and subject to Section 10.2-04 of the City Code.
- 15. Violations; Remedies; Revocation.

Notwithstanding any other provision in this Zoning Ordinance to the contrary, penalties for violations of this subsection shall be as follows:

- a. If at any time an establishment violates the Zoning Ordinance, any condition imposed through a special use permit, or any other applicable city ordinance or state law or regulation, the City may take any or all of the following actions:
 - a. The City may request that LARA revoke or refrain from renewing the establishment's state operating license.
 - b. Following notice and a public hearing, the City may revoke the establishment's special use permit.

c.	The City may treat the violation as a municipal civil infraction, for
	which each day the violation continues will be a separate offense,
	and impose the following fines:

First violation = \$500

Second offense = \$2,500

Each subsequent offense = \$5,000

d. The City may seek other appropriate and proper remedies, including actions in law or equity.

16. Application to Certain Transferred Area.

Notwithstanding any contrary provisions in this Zoning Ordinance, the following provisions shall apply to the real property ("Transferred Area") that is the subject of the Agreement for the Conditional Transfer of Property dated August 19, 2019 ("Act 425 Agreement"), and recorded with the Wexford County Register of Deeds, and that is also the subject of a Consent Judgment entered by the Wexford County Circuit Court on _______, 2019, in Case Nos. 13-24803-CH and 17-27610-CZ:

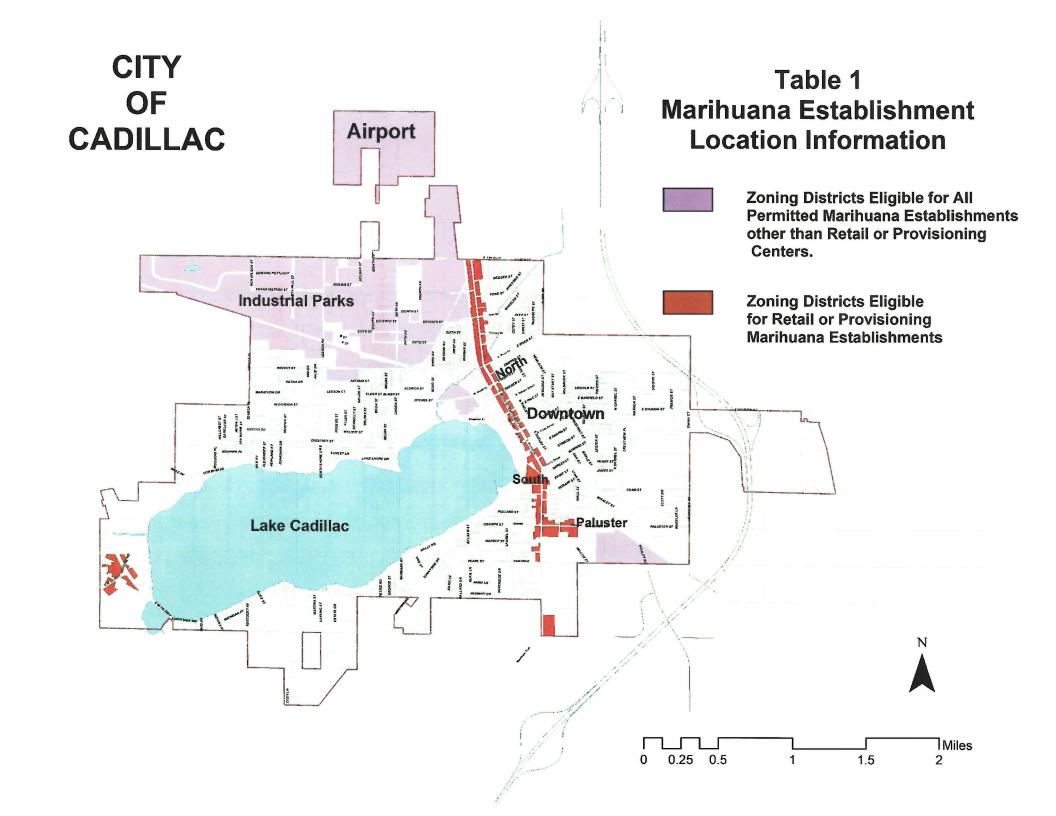
Marihuana establishments shall be permitted on the Transferred Area only in accordance with the Act 425 Agreement, Consent Judgment, and related documents and exhibits. The terms of the Act 425 Agreement and Consent Judgment supersede any conflicting provisions of this Ordinance with respect to the Transferred Area. However, to the extent that the Act 425 Agreement and Consent Judgment do not conflict with this Zoning Ordinance, this Zoning Ordinance shall control and govern any marihuana establishments in the Transferred Area.

Section 7. <u>Publication and Effective Date</u>. The City Clerk will cause to be published a notice of adoption of this ordinance within 10 days of the date of its adoption. This ordinance will take effect 30 days after its adoption.

Section 8. <u>Severability; Repeal of Prior Ordinances.</u> Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance. Any ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

YEAS:	Council Member(s)
NAYS:	Council Member(s)

ABSTAIN:	Council Member(s)_		
ABSENT:	Council Member(s)_		
		<u>CERTIF</u>	<u>TICATION</u>
•	by of an ordinance ado		ford County, Michigan, I certify this is a true and Cadillac City Council at a regular meeting held on
Date:	, 2019		Carla Filkins, Mayor
Date:	, 2019		Sandra Wasson, City Clerk
Introduced:		, 2019	
Adopted:		, 2019	
Published:		, 2019	
Effective:		_, 2019	



City Council

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



Mayor Carla J. Filkins

Mayor Pro-Tem Shari Spoelman

Councilmembers Tiyi Schippers Stephen King Robert J. Engels

NOTICE OF PUBLIC HEARING AND SUMMARY OF PROPOSED ORDINANCE

On October 21, 2019, the City Council of the City of Cadillac introduced Ordinance No. _____, An Ordinance to Amend the City of Cadillac Zoning Ordinance to Regulate Certain Recreational/Adult-Use Marihuana Establishments Operated in Accordance with State Law.

NOTICE IS HEREBY GIVEN that a Public Hearing on the proposed ordinance will be held in the Council Chambers, Cadillac Municipal Complex, 200 Lake Street, Cadillac, Michigan, on November 18, 2019, at 6:00 p.m., at a Regular Meeting of the City Council.

The City of Cadillac complies with the "Americans with Disabilities Act." If auxiliary aids or services are required at a public meeting for individuals with disabilities, please contact Sandra Wasson, City Clerk, at least three (3) business days prior to any such meeting. Copies of the proposed ordinance are available for examination at the office of the City Clerk and copies may be provided at a reasonable charge. The following is a summary of the proposed ordinance.

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AN ORDINANCE TO AMEND THE CITY OF CADILLAC ZONING ORDINANCE TO REGULATE CERTAIN RECREATIONAL/ADULT-USE MARIHUANA ESTABLISHMENTS OPERATED IN ACCORDANCE WITH STATE LAW

Section 1 amends Section 46-491 of the Zoning Ordinance to allow marihuana establishments as a principal use permitted subject to special conditions in the I-1 Light Industrial Districts, subject to Section 10-2 of the City Code and Section 46-752 of the Zoning Ordinance.

Section 2 amends Section 46-526 of the Zoning Ordinance to allow marihuana establishments as a principal use permitted subject to special conditions in the I-2 General Industrial Districts, subject to Section 10-2 of the City Code and Section 46-752 of the Zoning Ordinance.

Section 3 amends Section 46-397 of the Zoning Ordinance to allow marihuana retailers as a special land use permitted in the B-2 Central Business Districts, subject to certain locational requirements in this section, and subject to Section 10-2 of the City Code and Section 46-752 of the Zoning Ordinance.

Section 4 amends Section 46-427 of the Zoning Ordinance to allow marihuana retailers as a principal use permitted subject to special conditions in the B-3 Central Business Districts, subject to certain locational requirements in this section, and subject to Section 10-2 of the City Code and Section 46-752 of the Zoning Ordinance.

Section 5 amends Section 46-459 of the Zoning Ordinance to allow marihuana retailers as a special land use permitted in the T-2 Tourist Service Districts, subject to certain locational requirements in this section, and subject to Section 10-2 of the City Code and Section 46-752 of the Zoning Ordinance.

Section 6 adds new Section 46-752, which contains comprehensive regulations for marihuana establishments, including requirements for design, screening, odor control, signage, and operations, and including required minimum distances from certain other land uses. This section also provides penalties for ordinance violations.

Section 7 of the proposed ordinance states that the proposed ordinance shall take effect 30 days after its adoption.

CITY COUNCIL OF THE CITY OF CADILLAC, MICHIGAN

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

City Council

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



Mayor Carla J. Filkins

Mayor Pro-Tem Shari Spoelman

Councilmembers Tiyi Schippers Robert J. Engels Stephen King

RESOLUTION NO. 2019-____

RESOLUTION INTRODUCING AND SETTING PUBLIC HEARING FOR AN "ORDINANCE TO AMEND THE CITY OF CADILLAC ZONING ORDINANCE TO REGULATE CERTAIN MEDICAL MARIHUANA FACILITIES OPERATED IN ACCORDANCE WITH STATE LAW"

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 the 21st day of October, 2019, at 6:00 p.m.

PRESENT:	
ABSENT:	
The following preamble and resolution was offered by	and
seconded by	

WHEREAS, the City wishes to consider an ordinance to amend the Zoning Ordinance to regulate medical marihuana facilities operated in accordance with state law; and

WHEREAS, the City Planning Commission held a public hearing on the proposed amendments on October 14, 2019; and

WHEREAS, the City Planning Commission recommended approval of the proposed amendments to the City Council in the form attached as Exhibit A; and

WHEREAS, Section 5.2 of the City Charter requires the City to hold a public hearing prior to final adoption of said ordinance and publish notice once at least five (5) days prior to the public hearing.

City of Cadillac Resolution No. 2019-___ Page 2 of 3

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

- 1. Pursuant to Section 5.2 of the City Charter, the City introduces Ordinance No. 2019-____, Ordinance to Amend the City of Cadillac Zoning Ordinance to Regulate Certain Medical Marihuana Facilities Operated in Accordance with State Law ("Ordinance," Exhibit A).
- 2. A public hearing regarding the Ordinance will be held on the 18th day of November, 2019, at 6:00 p.m. in the Council Chambers, Cadillac Municipal Complex, 200 Lake Street, Cadillac, Michigan.
- 3. The City Clerk is directed to publish a summary of the Ordinance in a newspaper of general circulation in the City of Cadillac, together with a notice setting the time and place for a public hearing on the Ordinance, within seven (7) days. The summary and notice of the hearing will be substantially in the form of Exhibit B.
- 4. A copy of the Ordinance will 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)	

City of Cadillac Resolution No. 2019 Page 3 of 3	
	ty of Cadillac, hereby certify this to be a true and, duly adopted at a meeting of the City Council
	Sandra Wasson

City Council

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



Mayor Carla J. Filkins

Mayor Pro-Tem Shari Spoelman

Councilmembers
Tiyi Schippers
Stephen King
Robert J. Engels

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE CITY OF CADILLAC ZONING ORDINANCE TO REGULATE CERTAIN MEDICAL MARIHUANA FACILITIES OPERATED IN ACCORDANCE WITH STATE LAW

Section 1. Amendment of Section 46-491 of the Zoning Ordinance

Section 46-491 of the Zoning Ordinance, entitled "Principal uses permitted subject to special conditions," which is within Division 13 of Article III of the Zoning Ordinance (governing I-1 Light Industrial Districts), is amended to add new subparagraph (9), which reads as follows in its entirety:

(9) Medical marihuana facilities authorized under the Michigan Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27102 *et seq*, subject to Section 10-3 of the City Code and Section 46-753 of this Zoning Ordinance.

Section 2. Amendment of Section 46-526 of the Zoning Ordinance

Section 46-526 of the Zoning Ordinance, entitled "Principal uses permitted subject to special conditions," which is within Division 14 of Article III of the Zoning Ordinance (governing I-2 General Industrial Districts), is amended to add new subparagraph (3), which reads as follows in its entirety:

(3) Medical marihuana facilities authorized under the Michigan Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27102 *et seq*, subject to Section 10-3 of the City Code and Section 46-753 of this Zoning Ordinance.

Section 3. Amendment of Section 46-397 of the Zoning Ordinance

Section 46-397 of the Zoning Ordinance, entitled "Special land uses permitted," which is within Division 10 of Article III of the Zoning Ordinance (governing B-2 Central Business Districts), is amended to add new subparagraph (8), which reads as follows in its entirety:

- (8) Provisioning centers authorized under the Michigan Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27102 *et seq*, subject to Section 10-3 of the City Code and Section 46-753 of this Zoning Ordinance, and subject to the following locational requirements:
 - a. A provisioning center in the B-2 district must be located on a parcel that has frontage on Mitchell Street, except that no provisioning centers may be located on the section of Mitchell Street between North Street and South Street unless the following two requirements are met: (1) the provisioning center must be located on an upper level or subgrade level of the building and not on the ground level (with "grade" and "ground level" measured at Mitchell Street); and (2) the entrance for the provisioning center must face the alley located behind the building and not Mitchell Street.
 - b. The map in Table 1 identifies the areas within the B-2 district in which provisioning centers may be located, subject to the other locational and distance requirements in this Zoning Ordinance, including Section 46-753.

Section 4. Amendment of Section 46-427 of the Zoning Ordinance

Section 46-427 of the Zoning Ordinance, entitled "Principal uses permitted subject to special conditions," which is within Division 11 of Article III of the Zoning Ordinance (governing B-3 General Business Districts), is amended to add new subparagraph (10), which reads as follows in its entirety:

- (10) Provisioning centers authorized under the Michigan Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27102 *et seq*, subject to Section 10-3 of the City Code and Section 46-753 of this Zoning Ordinance, and subject to the following locational requirements:
 - a. A provisioning center in the B-3 district must be located on a parcel that has frontage on Mitchell Street or Paluster Street, except that no provisioning centers may be located on the section of Mitchell Street between North Street and South Street unless the following two requirements are met: (1) the provisioning

center must be located on an upper level or subgrade level of the building and not on the ground level (with "grade" and "ground level" measured at Mitchell Street); and (2) the entrance for the provisioning center must face the alley located behind the building and not Mitchell Street.

- b. For purposes of subsection (a), Parcel No. 10-082-00-141-00, 621 S. Mitchell, is not deemed to be between North Street and South Street because a portion of that parcel is located south of South Street.
- c. The map in Table 1 identifies the areas within the B-3 district in which provisioning centers may be located, subject to the other locational and distance requirements in this Zoning Ordinance, including Section 46-753.

Section 5. Amendment of Section 46-459 of the Zoning Ordinance

Section 46-459 of the Zoning Ordinance, entitled "Special land uses permitted," which is within Division 12 of Article III of the Zoning Ordinance (governing T-2 Tourist Service Districts), is amended to add new subparagraph (5), which reads as follows in its entirety:

- (5) Provisioning centers authorized under the Michigan Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27102 *et seq*, subject to Section 10-3 of the City Code and Section 46-753 of this Zoning Ordinance, and subject to the following locational requirements:
 - a. A provisioning center in the TS-2 district must be located on a parcel that has frontage on M-115 or M-55, except that no provisioning centers may be located on any parcel with frontage on Lake Cadillac.
 - b. The map in Table 1 identifies the areas within the TS-2 district in which provisioning centers may be located, subject to the other locational and distance requirements in this Zoning Ordinance, including Section 46-753.
 - No provisioning centers are permitted in the TS-1 district.

Section 6. Addition of New Section 46-753

Section 46-753, entitled "Medical Marihuana Facilities," is hereby added to Article VI (Special Land Uses) of the City Zoning Ordinance and reads as follows in its entirety:

Sec. 46-753. Medical Marihuana Facilities.

In addition to all requirements of Section 10-3 of the City Code, any other requirements of this Zoning Ordinance or the City Code, and any conditions imposed by the Planning Commission in granting special use approval, medical marihuana facilities must comply with the following requirements. All terms defined in Section 10.3-01 of the City Code have the same meaning when used in this section.

- 1. Facilities must comply with the MMMFLA and the MMMFLA rules, as well as any other applicable state laws or regulations.
- 2. Co-located marihuana facilities and stacked grower licenses are prohibited.
- 3. Facilities shall be sufficiently screened or buffered with a fence, wall, or landscape screen to minimize light spillage, odor, and noise (including noise associated with truck traffic or other machinery), affecting adjacent properties.
- 4. Special use applicants must provide a plan for the storage and disposal of marihuana or chemicals associated with marihuana cultivation, so as to minimize the risk of theft or harm resulting from chemical exposure.
- 5. No marihuana may be stored overnight outside of an enclosed building. By way of example and without limitation, it is unlawful to store marihuana overnight in an outdoor waste bin or a secure transport vehicle parked outdoors.
- 6. Signage for medical marihuana facilities may be approved pursuant to the generally applicable procedures and standards provided in Section 46-664 ("Signs"), with the additional restriction that facility signage may not depict marihuana, marihuana-infused products, or marihuana-related paraphernalia.
- 7. Medical marihuana facilities must control and eliminate odor as follows:
 - a. The building must be equipped with an activated air scrubbing and carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter and air scrubbing system.
 - b. The filtration system must consist of one or more fans, activated carbon filters and be capable of scrubbing the air prior to leaving any building. At

a minimum, the fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.

- c. The air scrubbing and filtration system must be maintained in working order and must be in use at all times. The filters must be changed per manufacturers' recommendation to ensure optimal performance.
- d. Negative air pressure must be maintained inside the building.
- e. Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
- f. An alternative odor control system is permitted if the special use applicant submits a report by a mechanical engineer licensed in the state of Michigan sufficiently demonstrating that the alternative system will eliminate odor as well or better than the air scrubbing and carbon filtration system otherwise required.
- 8. The following minimum-distancing regulations apply:
 - a. A facility other than a provisioning center may not be located within 1,000 feet of a public or private K-12 school or a college or university. A provisioning center may be located within 1,000 feet of a public or private K-12 school or a college or university, subject to subsection (8)(c).
 - b. A grower, processor, or safety compliance facility may not be located within 500 feet of any existing one-family dwelling.
 - c. A provisioning center may not be located within 100 feet of any existing one-family dwelling.
 - d. The distances described in this subsection shall be computed by measuring a straight line from the nearest property line of land used for the purposes stated in this subsection to the nearest property line of the parcel used as a marihuana facility; provided, however, that for purposes of subsection (c) only, the distance shall be computed by measuring a straight line between the two closest points of the subject buildings.
- 9. The following requirements apply to provisioning centers:

Operational Requirements

- a. Provisioning centers may not be open to customers between the hours of 11:00 p.m. and 8:00 a.m.
- b. Provisioning centers may not receive deliveries between the hours of 9:00 p.m. and 7:00 a.m.
- c. The interior of the facility must be arranged in a way such that neither marihuana nor marihuana-infused products are visible from the exterior of the facility.
- d. Consumption of marihuana shall be prohibited in the retail facility, and a sign shall be posted on the premises of each retail center indicating that consumption is prohibited on the premises.
- e. Provisioning centers shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. The video recordings shall be maintained in a secure, off-site location for a period of 14 days.
- f. The public or common areas of the retail facility must be separated from restricted or non-public areas of the marihuana facility.
- g. No drive-through window on the portion of the premises occupied by a retail facility shall be permitted.
- h. Provisioning centers shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.

Design Requirements

- i. *Appearance*. The exterior appearance of a provisioning center must be compatible with surrounding businesses with respect to façade type, ground floor opacity, size and placement of signage, site layout, etc.
- j. *Minimum Wall Articulation*. Building bays shall be a maximum of thirty feet in width. Bays shall be visually established by architectural features such as columns, ribs or pilasters, piers and fenestration pattern. In order to add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size, the following additional standards shall apply:
 - No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding thirty feet without including at least two of the following: change in plane, change in texture or

- masonry pattern, windows, or an equivalent element that subdivides the wall into human scale proportions.
- ii. Side or rear walls that face walkways may include false windows and door openings defined by frames, sills and lintels, or similarly proportioned modulations of the wall, only when actual doors and windows are not feasible because of the nature of the use of the building.
- iii. All sides of the building shall include materials and design characteristics consistent with those on the front. Use of inferior or lesser quality materials for side or rear façades shall be prohibited.
- k. *Façades*. Façades that face streets or connecting pedestrian frontage shall be subdivided and proportioned using features such as windows, entrances, arcades, arbors, awnings, along no less than fifty percent of the façade.
- 1. *Entrances*. Primary building entrances shall use clear glass and be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the inclement weather.
- m. Windows. Windows shall have clear glass.
- n. Awnings. Awnings shall be no longer than a single storefront.
- o. Base and Top Treatments. All façades shall have:
 - i. A recognizable "base" consisting of, but not limited to: (a) thicker walls, ledges or sills; (b) integrally textured materials such as stone or other masonry; (c) integrally colored and patterned materials such as smooth-finished stone or tile; (d) lighter or darker colored materials, mullions or panels; or (e) planters.
 - ii. A recognizable "top" consisting of, but not limited to: (a) cornice treatments, other than just colored "stripes" or "bands," with integrally textured materials such as stone or other masonry or differently colored materials; (b) sloping roof with overhangs and brackets; (c) stepped parapets.
- p. *Encroachments*. Encroachments for special architectural features, such as bay windows, decorative roofs and entry features may be considered; however, in no case may such features be below a height of 8 feet.
- 10. The following requirements apply to growers:

- a. Cultivation must occur within an enclosed building with exterior facades consisting of opaque materials typical of an industrial or commercial building. The roof of the building may be constructed of a rigid transparent or translucent material designed to let in light, such as glass or rigid polycarbonate or fiberglass panels. Films or other non-rigid materials cannot be used to construct any component of the building's exterior structure.
- b. Cultivation must be conducted in a manner to minimize adverse impacts on the city's sanitary sewer. The city's public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.

11. The following requirements apply to processors:

- a. Cultivation must be conducted in a manner to minimize adverse impacts on the city's sanitary sewer. The city's public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.
- 12. The following requirements apply to safety compliance facilities:
 - a. Cultivation must be conducted in a manner to minimize adverse impacts on the city's sanitary sewer. The city's public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.
- 13. Special Use Permit Specific to Applicant.
 - a. Any special use permit granted for a medical marihuana facility is unique and specific to the applicant and does not run with the land. The special use permit may be transferred to another medical marihuana facility only with City approval and subject to Section 10.3-04 of the City Code.
- 14. Violations; Remedies; Revocation.

Notwithstanding any other provision in this Zoning Ordinance to the contrary, penalties for violations of this subsection shall be as follows:

- a. If at any time an facility violates the Zoning Ordinance, any condition imposed through a special use permit, or any other applicable city ordinance or state law or regulation, the City may take any or all of the following actions:
 - a. The City may request that LARA revoke or refrain from renewing the facility's state operating license.

- b. Following notice and a public hearing, the City may revoke the facility's special use permit.
- c. The City may treat the violation as a municipal civil infraction, for which each day the violation continues will be a separate offense, and impose the following fines:

First violation = \$500

Second offense = \$2,500

Each subsequent offense = \$5,000

- d. The City may seek other appropriate and proper remedies, including actions in law or equity.
- 15. Application to Certain Transferred Area.

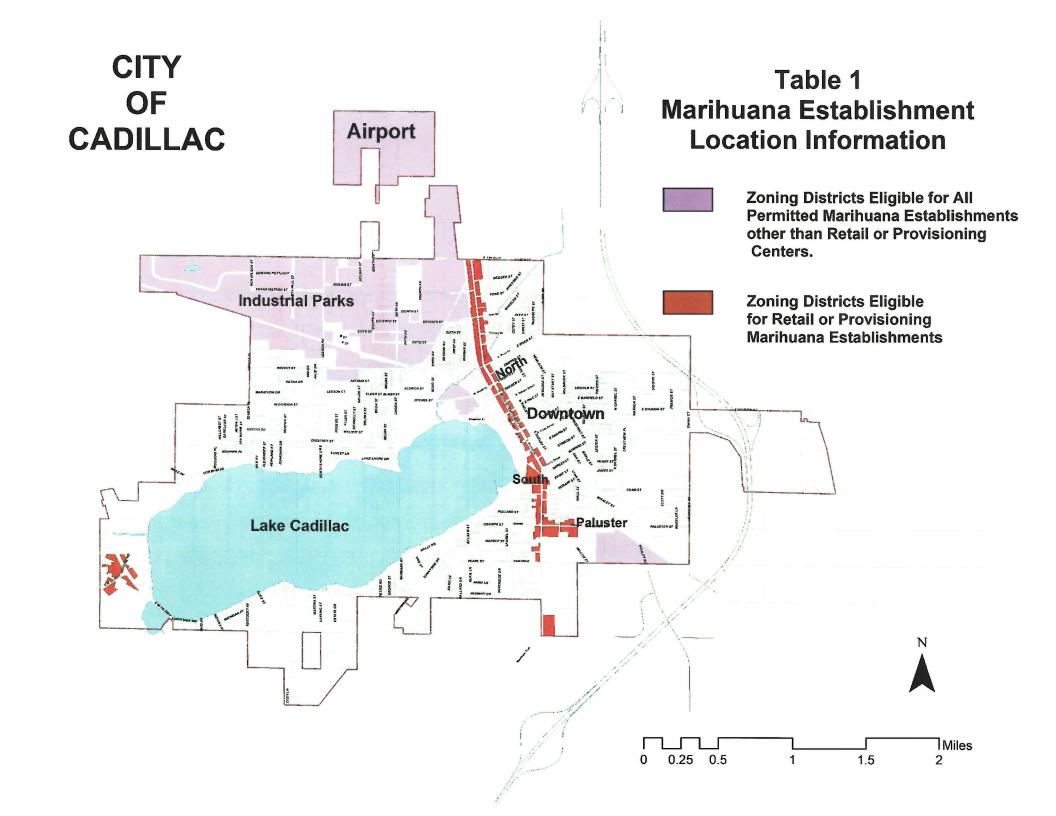
Notwithstanding any contrary provisions in this Zoning Ordinance, the following provisions shall apply to the real property ("Transferred Area") that is the subject of the Agreement for the Conditional Transfer of Property dated August 19, 2019 ("Act 425 Agreement"), and recorded with the Wexford County Register of Deeds, and that is also the subject of a Consent Judgment entered by the Wexford County Circuit Court on _______, 2019, in Case Nos. 13-24803-CH and 17-27610-CZ:

Medical marihuana facilities shall be permitted on the Transferred Area only in accordance with the Act 425 Agreement, Consent Judgment, and related documents and exhibits. The terms of the Act 425 Agreement and Consent Judgment supersede any conflicting provisions of this Ordinance with respect to the Transferred Area. However, to the extent that the Act 425 Agreement and Consent Judgment do not conflict with this Zoning Ordinance, this Zoning Ordinance shall control and govern any medical marihuana facilities in the Transferred Area.

Section 7. <u>Publication and Effective Date</u>. The City Clerk will cause to be published a notice of adoption of this ordinance within 10 days of the date of its adoption. This ordinance will take effect 30 days after its adoption.

Section 8. <u>Severability; Repeal of Prior Ordinances.</u> Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance. Any ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

YEAS:	Council Member(s)	
NAYS:	Council Member(s)	
ABSTAIN:		
ABSENT:		
	<u>CERTIF</u>	<u>TICATION</u>
•	py of an ordinance adopted by the C	ford County, Michigan, I certify this is a true and Cadillac City Council at a regular meeting held or
Date:	, 2019	Carla Filkins, Mayor
Date:	, 2019	Sandra Wasson, City Clerk
Introduced:	, 2019	
Adopted:	, 2019	
Published:	, 2019	
Effective:	, 2019	



City Council

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



Mayor Carla J. Filkins

Mayor Pro-Tem Shari Spoelman

Councilmembers Tiyi Schippers Stephen King Robert J. Engels

NOTICE OF PUBLIC HEARING AND SUMMARY OF PROPOSED ORDINANCE

On October 21, 2019, the City Council of the City of Cadillac introduced Ordinance No. _____, An Ordinance to Amend the City of Cadillac Zoning Ordinance to Regulate Certain Medical Marihuana Facilities Operated in Accordance with State Law.

NOTICE IS HEREBY GIVEN that a Public Hearing on the proposed ordinance will be held in the Council Chambers, Cadillac Municipal Complex, 200 Lake Street, Cadillac, Michigan, on November 18, 2019, at 6:00 p.m., at a Regular Meeting of the City Council.

The City of Cadillac complies with the "Americans with Disabilities Act." If auxiliary aids or services are required at a public meeting for individuals with disabilities, please contact Sandra Wasson, City Clerk, at least three (3) business days prior to any such meeting. Copies of the proposed ordinance are available for examination at the office of the City Clerk and copies may be provided at a reasonable charge. The following is a summary of the proposed ordinance.

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AN ORDINANCE TO AMEND THE CITY OF CADILLAC ZONING ORDINANCE TO REGULATE CERTAIN MEDICAL MARIHUANA FACILITIES OPERATED IN ACCORDANCE WITH STATE LAW

Section 1 amends Section 46-491 of the Zoning Ordinance to allow medical marihuana facilities as a principal use permitted subject to special conditions in the I-1 Light Industrial Districts, subject to Section 10-3 of the City Code and Section 46-753 of the Zoning Ordinance.

Section 2 amends Section 46-526 of the Zoning Ordinance to allow medical marihuana facilities as a principal use permitted subject to special conditions in the I-2 General Industrial Districts, subject to Section 10-3 of the City Code and Section 46-753 of the Zoning Ordinance.

Section 3 amends Section 46-397 of the Zoning Ordinance to allow marihuana provisioning centers as a special land use permitted in the B-2 Central Business Districts, subject to certain locational requirements in this section, and subject to Section 10-3 of the City Code and Section 46-753 of the Zoning Ordinance.

Section 4 amends Section 46-427 of the Zoning Ordinance to allow marihuana provisioning centers as a principal use permitted subject to special conditions in the B-3 Central Business Districts, subject to certain locational requirements in this section, and subject to Section 10-3 of the City Code and Section 46-753 of the Zoning Ordinance.

Section 5 amends Section 46-459 of the Zoning Ordinance to allow marihuana provisioning centers as a special land use permitted in the T-2 Tourist Service Districts, subject to certain locational requirements in this section, and subject to Section 10-3 of the City Code and Section 46-753 of the Zoning Ordinance.

Section 6 adds new Section 46-753, which contains comprehensive regulations for marihuana facilities, including requirements for design, screening, odor control, signage, and operations, and including required minimum distances from certain other land uses. This section also provides penalties for ordinance violations.

Section 7 of the proposed ordinance states that the proposed ordinance shall take effect 30 days after its adoption.

CITY COUNCIL OF THE CITY OF CADILLAC, MICHIGAN

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

City Council

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



Mayor Carla J. Filkins

Mayor Pro-Tem Shari Spoelman

Councilmembers
Tiyi Schippers
Robert J. Engels
Stephen King

RESOLUTION NO. 2019-____

RESOLUTION TO ESTABLISH AMOUNT OF APPLICATION FEES FOR RECREATIONAL MARIHUANA ESTABLISHMENTS AND MEDICAL MARIHUANA FACILITIES

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 the 21st day of October, 2019, at 6:00 p.m.

PRESENT:	
ABSENT:	
The following preamble and resolution was offered by	and
seconded by	

WHEREAS, the City has amended its City Code to authorize certain recreational marihuana establishments (Chapter 10, Section 10.2) and medical marihuana facilities (Chapter 10, Section 10.3) in accordance with state law; and

WHEREAS, Sections 10.2 and 10.3 provide that the City may, by resolution, establish the amount of the nonrefundable application fee that must be paid by each applicant who requests approval to operate a recreational marihuana establishment or medical marihuana facility in the City; and

WHEREAS, the City wishes to establish the amount of the nonrefundable application fee.

City of Cadillac Resolution No. 2019-___ Page 2 of 2

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

- 1. The amount of the nonrefundable application fee for recreational marihuana establishment applicants and medical marihuana facility applicants, as referenced in Sections 10.2-03(b)(1) and 10.3-03(b)(1) of the City Code, is \$5,000 for each application.
- 2. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

YEAS:		
NAYS:		
STATE OF MICHIGAN)	
COUNTY OF WEXFORD)	
-	tion No. 201	ity of Cadillac, hereby certify this to be a true and, duly adopted at a meeting of the City Council
		Sandra Wasson
		Cadillac City Clerk



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

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

Local Government Approval For On-Premises Tasting Room Permit

(Authorized by MCL 436.1536)

Instructions for Applicants:

• You must obtain a recommendation from the local legislative body for a new On-Premises Tasting Room Permit application.

lative Body:

At a(regular or special) called to order by he following resolution was offered:		(towr	of Cadillac nship, city, village)	
		on	at	
ne following resolution was offered.			(date)	(time)
Moved by		and suppo	rted by	
hat the application from				
	(name of applicant - if a	a corporation or limited	d liability company, please sta	te the company name)
or a NEW ON-PREMISES TASTING ROC	OM PERMIT			
o be located at:				
t is the consensus of this body that it $ _$			this application	be considered for
_	(recommends/de	oes not recommend)		
pproval by the Michigan Liquor Contro	l Commission.			
f disapproved, the reasons for disappro	val are			
		Vote_		
		:		
		: t:		
	Absen			
hereby certify that the foregoing is true	e and is a complete copy	of the resolution of	offered and adopted by	the
ouncil/board at a				(township, city, village
	or special)	_	(date)	-
(, eg a.a. s				

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

Please return this completed form along with any corresponding documents to:
Michigan Liquor Control Commission
Mailing address: P.O. Box 30005, Lansing, MI 48909
Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933

Fax to: 517-763-0059



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

Business ID:	
Request ID:	
•	(For MLCC Use Only)

Manufacturer License & Permit Application

For information on manufacturer and wholesaler licenses and permits, including a checklist of required documents for a completed application, please visit the Liquor Control Commission's frequently asked questions website by clicking this link.

Address to be licensed: 412 S. Mitchell St. City: Cadillac City/township/village where license will be issued: Cadillac Federal Employer Identification Number (FEIN): 1. Are you requesting a new license? 2. Are you applying ONLY for a new permit or permission? 3. Are you buying an existing license? 4. Are you modifying the size of the licensed premises? 4. Are you modifying the size of the licensed premises? 5. Are you transferring the location of an existing license? 6. Is this license being transferred as the result of a default or court action? 7. Do you intend to use this license actively? County: Wexford County: Wexford				
City/township/village where license will be issued: Cadillac Federal Employer Identification Number (FEIN): 1. Are you requesting a new license? 2. Are you applying ONLY for a new permit or permission? 3. Are you buying an existing license? 4. Are you modifying the size of the licensed premises? 5. Are you transferring the location of an existing license? 6. Is this license being transferred as the result of a default or court action? County: Wexford Leave Blank - MLCC Use Only Leave Blank - MLCC Use Only Cyes Ono Readefining Licensed Premises Cyes No Cyes No Cyes No	Address to be licensed: 412 S. Mitchell St.			
Federal Employer Identification Number (FEIN): 1. Are you requesting a new license? 2. Are you applying ONLY for a new permit or permission? 3. Are you buying an existing license? 4. Are you modifying the size of the licensed premises? 5. Are you transferring the location of an existing license? 6. Yes No 1 Yes No No No No No No No No No N	City: Cadillac Zip	o Code: 49601		
1. Are you requesting a new license? 2. Are you applying ONLY for a new permit or permission? 3. Are you buying an existing license? 4. Are you modifying the size of the licensed premises? If Yes, specify: Adding Space Dropping Space Redefining Licensed Premises 5. Are you transferring the location of an existing license? 6. Is this license being transferred as the result of a default or court action? C Yes No No No No No No No No No N	City/township/village where license will be issued: Cadillac		County	: Wexford
1. Are you requesting a new license? 2. Are you applying ONLY for a new permit or permission? 3. Are you buying an existing license? 4. Are you modifying the size of the licensed premises? If Yes, specify: Adding Space Dropping Space Redefining Licensed Premises 5. Are you transferring the location of an existing license? Are you transferred as the result of a default or court action? Yes No Yes No	Federal Employer Identification Number (FEIN):		L	
2. Are you applying ONLY for a new permit or permission? 3. Are you buying an existing license? 4. Are you modifying the size of the licensed premises? 5. Are you transferring the location of an existing license? 6. Is this license being transferred as the result of a default or court action? 6. Yes 6. No 7. Yes 6. No 7. Yes 6. No 7. Yes 6. No 7. Yes 6. No	1. Are you requesting a new license?	(Yes (⊝No	Leave Blank - MLCC Use Only
4. Are you modifying the size of the licensed premises? Of Yes No lif Yes, specify: Adding Space Dropping Space Redefining Licensed Premises Of Yes No license being transferred as the result of a default or court action? Of Yes No license being transferred as the result of a default or court action? Of Yes No license license being transferred as the result of a default or court action?	2. Are you applying ONLY for a new permit or permission?			
If Yes, specify: Adding Space Dropping Space Redefining Licensed Premises 5. Are you transferring the location of an existing license? Yes No 6. Is this license being transferred as the result of a default or court action? Yes No	3. Are you buying an existing license?	C Yes (● No	
5. Are you transferring the location of an existing license? 6. Is this license being transferred as the result of a default or court action? C Yes No	4. Are you modifying the size of the licensed premises?	○Yes (● No	
5. Is this license being transferred as the result of a default or court action? C Yes No	If Yes, specify: Adding Space Dropping Space Redefining	g Licensed Prem	nises	
	5. Are you transferring the location of an existing license?	() Yes	● No	
7. Do you intend to use this license actively?	5. Is this license being transferred as the result of a default or court action	n? C Yes (● No	
	7. Do you intend to use this license actively?	⊙ Yes ()No	

If transferring ownership of a license ONLY and not transferring the location of a licens	se, fill out only the name of	the current licensee(s)
Current licensee(s):		
Current licensed address:		
City:	Zip Code:	
City/township/village where license is issued:		County:

Part 3 - Licenses, Permits, and Permissions

Applicants for Manufacturer licenses, permits, and permissions must complete the attached Schedule A and return it with this application. Transfer the fee calculations from the Schedule A to Part 4 below.

Part 4 - Inspection, License, and Permit Fees - Make checks payable to State of Michigan

Inspection Fees - Pursuant to MCL 436.1529(4) a nonrefundable inspection fee of \$70.00 shall be paid to the Commission by an applicant or licensee at the time of filing of a request for a new license or permit, a request to transfer ownership or location of a license, or a request to increase or decrease the size of the licensed premises. Requests for a new permit in conjunction with a request for a new license or transfer of an existing license do not require an additional inspection fee.

License and Permit Fees - Pursuant to MCL 436.1525(1), license and permit fees shall be paid to the Commission for a request for a new license or permit or to transfer ownership or location of an existing license.

Inspection Fees:	\$140.00	License & Permit Fees:	\$165.00	TOTAL FEES:	\$305.00

Schedule A - Licenses, Permits, & Permissions

Licenses, permits, and permissions selected on this form will be investigated as part of your request. Please verify your information prior to submitting your application, as some licenses, permits, or permissions cannot be added to your request once the application has been sent out for investigation by the Enforcement Division.

License Type:	Base Fee:	Fee Code MLCC Use Only	Permits Specific to On-Premises Tasting Room:	Base Fee:	Fee Code MLCC Use Only										
☐ Brewer	\$50.00	4038	☑ On-Premises Tasting Room Permit	\$100.00	4085										
	\$50.00	4038	Sunday Sales Permit (AM)*	\$160.00	4033										
(Under 60,000 barrels annually) For delivery vehicle decal fees please use <u>Rer</u>	ort of Dolivory		Sunday Sales Permit (PM) **	\$15.00	4032										
Vehicles form (LCC-351).	ort or Delivery		Catering Permit	\$100.00	4031										
☐ Wine Maker	\$100.00	4038	Dance Permit	No Charge											
Small Wine Maker	\$25.00	4038	☐ Entertainment Permit	No Charge											
(Under 50,000 gallons annually)			Specific Purpose Permit (list activity below):												
☐ Brandy Manufacturer	\$100.00	4038	Days/Hours requested:												
Mixed Spirit Drink Manufacturer	\$100.00	4038	Extended Hours Permit (check type below):	No Charge	· · · · ·										
Distiller (Manufacturer of Spirit)	\$1,000.00	4038	C Dance C Entertainment												
Small Distiller	\$100.00	4038	Days/Hours requested:												
(Under 60,000 gallons annually)			Outdoor Service	No Charge											
Consumer Sampling Event License	No charge														
☐ Industrial Manufacturer	acturer \$10.00 4038		*Sunday Sales Permit (AM) allows the sale of liquor, beer, and wine												
Seller of Alcohol	\$10.00	4038	on Sunday mornings between 7:00am and 12:00 noon, if allowed by the local unit of government.												
☐ Limited Alcohol Buyer \$10.00 4038 ☐ Outstate Seller of Beer \$1,000.00 4038 ☐ Outstate Seller of Wine \$300.00 4038			**Sunday Sales Permit (PM) allows the sale of spirits or mixed spirit drinks on Sunday afternoons and evenings between 12:00 noon and 2:00am (Monday morning), if allowed by the local unit of												
								Outstate Seller of Mixed Spirit Drink	\$300.00	4038	government. No Sunday Sales Permit (PM) is required for the sale of				
								☐ Warehouser	\$50.00	4038		er and wine on Sunday after 12:00 noon. The Sunday Sales Pe M) fee is 15% of the fee for the license that allows the sale of sp			
Permits Specific To Manufacturer License/Premises:	Base Fee:														
⊠ Beer and Wine Tasting Permit	No Charge		Inspection, License, Permit, & Permission	r Fee Calculat	ion										
Living Quarters Permit	No Charge		Number of Licenses: 2 x \$70.00 Inspe	ection Fee											
Off-Premises Storage	No Charge		Total Incorporation Foo(s):	ć1.40.00											
☐ Direct Connection(s)	No Charge		Total Inspection Fee(s):	\$140.00	-										
			Total License Fee(s):	\$50.00	_										
Licenses, permits, and permissions selective be investigated as part of your request			Total Permit Fee(s):	\$115.00	_										
information prior to submitting your a licenses, permits, or permissions canno	application, as it be added t	some o your	TOTAL FEES DUE:	\$305.00	_										
request once the application has I investigation by the Enforcement Division		ut for	Make checks payable to State of N	lichigan											

Part 5a - Information on Individual Applicant, Stockholder, Member, or Limited Partner

Each individual, stockholder, member, or partner must complete Part 5a, 5b, and 5c. If a stockholder or member of an applicant company is a corporation or limited liability company, complete Part 5a and 5c and submit a completed Form LCC-301.

For applications with multiple individuals, stockholders, members, or partners - each person or entity must complete a separate copy of this page.

Name: Robert D. Munger							
Home address:							
City:			State:	MI	Zip Code: 4940)1	
Business Phone:	Cell Phone:			Email:			
ave you ever been licensed by the Michi sued by the MLCC? If Yes , please list bu so write "chain" below. Pursuant to Mo holesaler or retailer licensee; a wholesaler l	iness ID numbers below IL 436.1603, a manufacti	v. If you hold interest in 2 urer licensee may hold int	or more lo	cations under the	ne same name, please arer licensee, but not a	○ Yes	● No
o you hold 10% or more interest	in the applicant en	tity?				● Yes	C No
you answered "no" to the first question ached instructions for submitting finge ur application.	and "yes" to the second prints to the MLCC. You	d question, you must sul u must submit a copy of i	omit finger he comple	prints and unde ted and endorse	ergo an investigation b ed " <u>Livescan Fingerprir</u>	y the MLCo at Backgrou	C. Please see nd Request"
art 5b - Personal Information (I	ndividuals) - Must	be at least 21 years o	f age, pui	suant to adm	ninistrative rule R 43	36.1105(1,)(a).
Date of Birth:	Social Security Nui	mber:		Driver's Li	cense Number:		
re you a citizen of the United Sta	tes of America?					Yes	€ No
ave you ever legally changed you	ır name?					(Yes	€ No
oouse's full name (if currently ma	rried):						
pouse's date of birth:		Is your spouse a c	itizen of	the United S	tates of America?	Yes	○ No
you or your spouse hold any position, e tes of America, or the penal laws of the Michigan?	ither by appointment or State of Michigan, or any	r election, which involves y penal ordinance or reso	the duty to ution of an	enforce any pe y municipal sub	nal law of the United divisions of the State	○ Yes	€ No
oes your spouse hold a retail, ma	nufacturer, or whol	esaler license issued	by the N	ILCC?		(Yes	(● No
ive you ever been found guilty, p cal ordinance violations? If Yes ,	oled guilty, or pled r list below (attach ac	no contest to a crimi dditional pages if ne	nal charg cessary):	e or any		() Yes	€ No
Date Cit	y/State	Cha	rge		Disp	position	
as your spouse ever been found of dinance violations? If Yes , list be	guilty, pled guilty, o low (attach additio	r pled no contest to nal pages if necessa	a crimina y):	Il charge or a	ny local	€ Yes	€ No
Date Cit	//State	Cha	rge		Disp	oosition	
rt 5c - Signature Partify that the information contained in the control Code and Administrative Rules (2003). (This form must be signed by the	les. I also understand th	nat providing false or fra	knowledge udulent in	and belief. I ag formation is a v	ree to comply with all iolation of the Liquor (requiremer Control Cod	nts of the Midele pursuant t
bert D. Munger					10-9-	2019	
Print Name			Signature				ate

Part 6 - Contact Information

Provide information on the contact person for this application. Please note that corporations and limited liability companies must provide documentation (e.g. meeting minutes, corporate resolution) authorizing anyone other than the applicant or an attorney of record to be the contact person. If an authorization is not provided, your contact person will not be acknowledged if they are anyone other than the applicant or attorney.

anyone other than the appli	cant or attorney.			
What is your preferred metho	d of contact?			Email Fax
What is your preferred metho	d for receiving a Commission Or	rder?	€ Mail (Email C Fax
Contact name: Robert D. M	unger	Relationship:	Self	
Mailing address:				
Phone:	Fax number:		Email:	
Part 7 - Attorney Informatio	n (If You Have An Attorney Re _l	presenting You For T	his Application)	
Attorney name:	Member Number: P-			
Attorney address:				
Phone:	Fax number:		Email:	
Would you prefer that we con	tact your attorney for all licensin	ng matters related to th	nis application?	○ Yes
Would you prefer any notices	or closing packages be sent dire	ectly to your attorney?		○Yes
Be advised that the inform completed for each subsequ	ation contained in this applic ent request you make with thi	cation will only be u is office.	sed for this request. This	section will need to b
license or establishment, the buy issuance. Obtaining sound profes	se, a buyer can be held liable for ta er should request a tax clearance ce sional assistance from an attorney ousiness. Sellers can make a request	ertificate from the seller t or accountant can be he	hat indicates that all taxes have alpful to identify and avoid any	e been paid up to the date pitfalls and hidden liabiliti
ordinances as determined by the Michigan Liquor Control Commis	003, the licensee shall comply with state and local law enforcements of sion does not waive any of these siness before using this license for t	officials who have jurisdi requirements. The licens	iction over the licensee. Approvisee must obtain all other requi	val of this application by the
certify that the information cont of the Michigan Liquor Control (Liquor Control Code pursuant to I	ained in this form is true and accura Code and Administrative Rules. I als MCL 436.2003.	ate to the best of my kno so understand that prov	owledge and belief. I agree to c iding false or fraudulent info	omply with all requiremen rmation is a violation of th
The person signing this form has o	demonstrated that they have author	rization to do so and hav	e attached appropriate docume	entation as proof.
Robert D. Munger- Member			10-9	9-2019
Print Name of Applica	int & Title	Signature of App	licant	Date

COMMERCIAL REHABILITATION ACT

Public Act 210 of 2005, as amended, encourages the rehabilitation of commercial property by abating the property taxes generated from new investment for a period up to 10 years. As defined, commercial property is a qualified facility that includes a building or group of contiguous buildings of commercial property that is 15 years or older, of which the primary purpose is the operation of a commercial business enterprise or multifamily residential use. A qualified facility may also include vacant property or other commercial property which, within the immediately preceding 15 years, was commercial property. Types of commercial business enterprises include office, engineering, research and development, warehousing, parts distribution, retail sales, and other commercial activities. Multi-family residential is housing that consists of five or more units. Commercial properties allocated new market tax credits are also considered a qualified facility.

Qualified retail food establishments are considered a qualified facility for purposes of granting the tax abatement. These establishments include a retail supermarket, grocery store, produce market, or delicatessen that offer unprocessed USDA-inspected meat and poultry products or meat products that carry the USDA organic seal, fresh fruits and vegetables, and dairy products for sale to the public. The qualified retail food establishment must be located in a "core community" as defined in the Obsolete Property Rehabilitation Act (PA 146 of 2000) or in an area designated as rural as defined by the United States Census Bureau and is located in an underserved area.

Commercial property does not include property that is to be used as a professional sports stadium or a casino. Land and personal property are not eligible for abatement under this act.

Note: This document is offered as a general guide only and the legislation should be reviewed by local officials.

WHO IS ELIGIBLE?

"Qualified local government units" mean any city, village or township.

WHAT IS REHABILITATION?

Rehabilitation is defined as changes to qualified facilities that are required to restore or modify the property, together with all appurtenances, to an economically efficient condition. The new investment in the rehabbed property must result in improvements aggregating to more than 10 percent of

the true cash value of the property at commencement of the rehabilitation of the qualified facility. Rehabilitation includes the following: improvement of floor loads, correction of deficient or excessive height, new or improved fixed building equipment including heating, ventilation, and lighting, reducing multistory facilities to one or two stories, improved structural support including foundations, improved roof structure and cover, floor replacement, improved wall placement, improved exterior and interior appearance of buildings, and other physical changes required to restore or change the property to an economically efficient condition.

Rehabilitation also includes new construction on vacant property from which a previous structure has been demolished and if the new construction is an economic benefit to the local community as determined by the qualified local governmental unit.

Rehabilitation for a qualified retail food establishment also includes new construction.

WHAT IS THE PROCESS?

Before the Commercial Rehabilitation Exemption Certificate (i.e., property tax abatement) can be granted to the commercial property owner, the city, village or township by resolution of its legislative body, must establish a Commercial Rehabilitation District. The establishment of the district may be initiated by the local government unit or by owners of property comprising 50 percent of all taxable value of the property in the proposed district. The district must be at least three acres in size unless it is located in a downtown or business area or contains a qualified retail food establishment.

The city, village or township must hold a hearing to establish a Commercial Rehabilitation District. Notification of the hearing must be given to the county board of commissioners and all real property owners in the proposed district.

After the hearing is held and the local unit of government determines the district meets the requirements of the act, a copy of the resolution adopting the district shall be provided to the county where the district is established. Within 28 days, the county may accept or reject the establishment of the district. In a county with a county executive, the executive can write a letter rejecting the establishment of the district. In all other counties, the county board of commissioners can pass a resolution rejecting the establishment of the district.

Once the district is established, the property owners may file an application with the local clerk for a commercial rehabilitation exemption certificate. Applications are available from the Michigan Department of Treasury. The local clerk shall provide written notification to the assessor of the local unit of government and each taxing jurisdiction that levies ad valorem property taxes of the application hearing. The city, village or township has 60 days after receipt of the application to either approve or disapprove the application. If denied, a reason must be given in the resolution. The assessor and applicant shall be sent a copy of the unapproved resolution by certified mail. If approved, the application and resolution must be sent to the State Tax Commission, which will certify or deny the application within 60 days. A resolution is not effective unless approved by the State Tax Commission.

COMMERCIAL REHABILITATION EXEMPTION CERTIFICATE

Upon approval by the State Tax Commission, a commercial rehabilitation certificate is issued. The property owner must pay a Commercial Rehabilitation Tax rather than the normal property tax. The certificate must be issued for a period of at least one year, but cannot exceed 10 years. Certificates initially issued for less than 10 years may be extended, but shall not exceed 10 years. The criteria for extensions must be included in the resolution approving the abatement.

The Commercial Rehabilitation Tax freezes the taxable value of the building and exempts the new investment from local taxes. The school operating tax and the State Education Tax (SET) are still levied on the new investment. Land and personal property cannot be abated under this act.

DISCUSSION

In addition to the Commercial Rehabilitation Act (PA 210 of 2005), several other property tax abatements are available for the rehabilitation of commercial property in Michigan, including the Commercial Redevelopment Act (PA 255 of 1978) and the Obsolete Property Rehabilitation Act (PA 146 of 2000). Each act has unique eligibility requirements, processes, and lengths and terms of the abatement. Please refer to the Michigan Economic Development Corporation (MEDC) fact sheet for more information on each program and consult the authorizing statute to determine the best fit for your project needs.

SUPPORTING STATUTE

Public Act 210 of 2005: Commercial Rehabilitation Act

CONTACT INFORMATION

For more information on the Commercial Rehabilitation Act, contact the Community Assistance Team (CAT) specialist assigned to your territory or visit www.miplace.org.

COMMERCIAL REDEVELOPMENT ACT

Public Act 255 of 1978, as amended, encourages the replacement, restoration and new construction of commercial property by abating the property taxes generated from new investment for a period up to 12 years. As defined, commercial property means land improvements whether completed or in the process of construction, the primary purpose and use of which is the operation of a commercial business enterprise, including office, engineering, research and development, warehousing parts distribution, retail sales, hotel or motel development, and other commercial facilities. Mixed-use developments maybe eligible, but the abatement will only apply to the commercial portion of the property. Land and personal property are not eligible for abatement under this act.

Note: This document should be used as a general guide only and the legislation should be reviewed by local officials.

WHO IS ELIGIBLE?

"Local governmental unit" means a city or village.

WHAT IS A REPLACEMENT, NEW AND **RESTORED FACILITY?**

"Replacement facility" means commercial property to be acquired, constructed, altered, or installed for the purpose of being substituted for obsolete commercial property. Property impaired due to changes in design, construction, technology, or improved production processes, or damage due to fire, natural disaster, or general neglect shall be considered obsolete. All other new commercial property is considered a "new facility." For purposes of granting the tax abatement, the replacement or new facility must meet all of the following conditions:

- 1. Is located on property that is zoned to allow for mixed-use, including high-density residential.
- 2. Is located in a qualified downtown revitalization district as defined in section two of the Neighborhood Enterprise Zone Act (PA 147 of 1992). This requires either being located in a Downtown Development Authority (PA 197 of 1975), a Principal Shopping District or Business Improvement District (PA 120 of 1961) or an area that is zoned and primarily used for business as determined by the local government unit.
- 3. The city or village establishes and implements an expedited local permitting and inspection process in the Commercial Redevelopment District. In addition, by resolution provides for the walkable non-motorized interconnections, including sidewalks and streetscapes throughout the Commercial Redevelopment District.

A "restored facility" means changes to obsolete commercial property as may be required to restore the property to an economically efficient condition. Restoration must result in improvements aggregating to more than 10 percent of the true cash value of the property at commencement of the restoration. Restoration includes major renovation including, but not limited to, the improvement of floor loads, correction of deficient or excessive height, new or improved fixed building equipment, including heating, ventilation, and lighting, reducing multistory facilities to one or two stories, improved structural support including foundations, improved roof structure and cover, floor replacement, improved wall placement, improved exterior and interior appearance of buildings, and other physical changes.

WHAT IS THE PROCESS?

Before the commercial redevelopment exemption certificate (i.e., property tax abatement) can be granted for the facility, the city or village, by resolution of its legislative body, must establish a Commercial Redevelopment District. The establishment of the district may be initiated by the local government unit or by owners of property comprising 75 percent of state equalized value of the property in the proposed district. At the time of the resolution's adoption, property within the district must meet one of the following:

- 1. Obsolete commercial property or cleared or vacant land and part of an existing developed commercial or industrial zone. The property must have been zoned commercial or industrial before June 21, 1975, and characterized by obsolete commercial property and a decline in commercial activity.
- 2. Land cleared as a result of fire damage, or cleared as blighted area under Blighted Area Rehabilitation Act (PA 344 of 1945).
- 3. Cleared or vacant land included in a redevelopment plan adopted by the Downtown Development Authority (PA 197 of 1975) or Principal Shopping District or a Business Improvement District (PA 120 of 1961).

To establish the Commercial Redevelopment District, the city or village must first hold a hearing to establish a Commercial Rehabilitation District and determine in the resolution the district meets the requirements of the act. Once the district is established, the property owners may file an application with the local clerk for a commercial facilities exemption certificate. Applications are available from the Michigan Department of Treasury. Before acting on the application, the city or village

shall hold a public hearing on the application and not more than 60 days after receipt of the application either approved or disapproved by resolution. The local clerk shall provide written notification of the application hearing to the assessor of the local unit of government and each taxing jurisdiction that levies ad valorem property taxes. If approved, the application and resolution must be sent to the State Tax Commission for filing purposes.

COMMERCIAL FACILITIES EXEMPTION CERTIFICATE

The property owner must pay a commercial facilities tax rather than the normal property tax. The certificate must be issued for a period of at least one year, but cannot exceed 12 years. Certificates initially issued for less than 12 years may be extended based upon factors placed in writing at the time the certificate is approved, but shall not exceed 12 years.

DETERMINING COMMERCIAL FACILITIES TAX RATE

For a restored facility: The commercial facilities tax freezes the taxable value of the building at its value prior to restoration, therefore exempting the new investment from local taxes for a period not to exceed 12 years. The school operating tax and the State Education Tax (SET) are also frozen. Land and personal property cannot be abated under this act.

For a new or replacement facility: The commercial facilities tax provides a 50 percent reduction in the number of mills levied as ad valorem taxes, excluding only the State Education Tax (SET). Land and personal property cannot be abated under this Act.

Within 60 days after the granting of a new Commercial Facilities Exemption Certificate, the state treasurer may exempt 50 percent of the SET mills for a period not to exceed six years. The state treasurer will not grant more than 25 of these SET exclusions each year.

DISCUSSION

In addition to the Commercial Redevelopment Act (PA 255 of 1978), several other property tax abatements are available for the rehabilitation of commercial property in Michigan, including the Commercial Rehabilitation Act (PA 210 of 2005) and the Obsolete Property Rehabilitation Act (PA 146 of 2000). Each act has unique eligibility requirements, processes, and lengths and terms of the abatement. Please refer to the Michigan Economic Development Corporation (MEDC) fact sheet for more information on each program and consult the authorizing statute to determine the best fit for your project needs.

SUPPORTING STATUTE

Public Act 255 of 1978: Commercial Redevelopment Act

CONTACT INFORMATION

For more information on the Commercial Redevelopment Act, please contact the Community Assistance Team (CAT) specialist assigned to your territory or visit www.miplace.org.

City Council

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



Mayor Carla J. Filkins

Mayor Pro-Tem Shari Spoelman

Councilmembers
Tiyi Schippers
Robert J. Engels
Stephen King

RESOL	UTIO	N NO.	
KESUL	ω ω	IN INC.	

RESOLUTION REGARDING INTENT TO DESIGNATE A COMMERCIAL REHABILITATION DISTRICT; NOTICE OF PUBLIC HEARING

(CADILLAC EAST COMMERCIAL REHABILITATION DISTRICT NO. 1)

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held at the City Hall, 200 North Lake Street, Cadillac, Michigan 49601, on the 21st day of October, 2019, at 6:00 p.m.

PRESENT:		 _
ABSENT:		 _
The following	resolution was offered by	 and supported by
	_•	

WHEREAS, Section 3 of Act 210 of the Public Acts of Michigan of 2005, as amended ("Act 210"), provides that the City Council may, on its own initiative, designate one or more commercial rehabilitation districts within the City; and

WHEREAS, the City wishes to adopt a resolution designating the property described on **Exhibit A** as the Cadillac East Commercial Rehabilitation District No. 1; and

WHEREAS, there exists a need for the Cadillac East Commercial Rehabilitation

District No. 1 in the City; and

WHEREAS, the establishment of a Cadillac East Commercial Rehabilitation District No. 1 is consistent with the City's master plan and the economic development goals of the City; and

WHEREAS, there exists one or more "Qualified Facilities", as that term is defined in Section 2 of Act 210, within the proposed district; and

WHEREAS, the public health, safety and welfare will be served by designating a commercial rehabilitation district in the City.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. The City Council wishes to designate a commercial rehabilitation district under Act 210 known as the "Cadillac East Commercial Rehabilitation District No. 1" (the "CRHD") consisting of certain parcels of land, the descriptions of which are set forth in the attached **Exhibit A**, and which descriptions are incorporated by reference.
- 2. The City tentatively proposes that the CRHD remain in effect for a period of up to ten (10) years, or the maximum permitted under Act 210, whichever is greater.
- 3. The City Council shall hold a public hearing at a meeting of the City Council at 6:00 p.m. on November 18, 2019 at the City Hall in the City, at which any owner of real property within the proposed CRHD, any other resident or taxpayer of the City, and any other interested parties (including taxing authorities), may appear and be heard.
- 4. The City Clerk shall cause to be published a notice of public hearing in a newspaper of general circulation within the City at least one time prior to the public hearing. The publication shall be at least 10 days prior to the time set for the public hearing, and a proof of publication of such notice shall be filed with the City Clerk.
- 5. The City Clerk, not less than 10 days prior to the public hearing, shall give the owners of all real property within the proposed CRHD written notice by certified mail of the public hearing. At least 10 days before the public hearing on November 18, 2019 and before the City adopts a resolution designating the CRHD, the notice of public hearing shall

also be provided to the City Assessor and to the governing body of each taxing unit that levies ad valorem property taxes within the proposed CRHD.

- 6. The form of the notice of hearing to be mailed and published shall be substantially as set forth in **Exhibit B**, with such modifications as are deemed necessary by the City Manager to ensure that notice is provided to property owners within the proposed CRHD and to other interested parties.
- 7. All actions heretofore taken by City officials, employees, and agents with respect to the proposed CRHD and proceedings under Act 210 are hereby ratified and confirmed.
- 8. All resolutions or portions of resolutions that are inconsistent with this Resolution are hereby repealed.

YEAS:	
NAYS:	
THE RESOLUTION WAS DECLARE	D ADOPTED.
STATE OF MICHIGAN	
COUNTY OF WEXFORD)
I the undersigned the du	ly qualified and acting City Clerk of the City of Cadil

I, the undersigned, the duly qualified and acting City Clerk of the City of Cadillac, Wexford County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the City Council at a meeting held on the 21st day of October, 2019, at 6:00 p.m.

Sandra Wasson, City Clerk

EXHIBIT A

CITY OF CADILLAC COUNTY OF WEXFORD, MICHIGAN

DESCRIPTION OF LAND TO BE INCLUDED WITHIN PROPOSED CADILLAC EAST COMMERCIAL REHABILITATION DISTRICT NO. 1

EXHIBIT B

CITY OF CADILLAC COUNTY OF WEXFORD, MICHIGAN

NOTICE OF PUBLIC HEARING

CADILLAC EAST COMMERCIAL REHABILITATION DISTRICT NO. 1

NOTICE IS HEREBY GIVEN that the City Council of the City of Cadillac, Wexford County, Michigan, wishes to designate a Cadillac East Commercial Rehabilitation District No. 1 (the "CRHD"), pursuant to Act 210 of the Public Acts of Michigan of 2005, as amended.

The City Council has tentatively determined that the following described parcels shall be included within the CRHD: see attached map. You have been identified in City records as owning property within the proposed district.

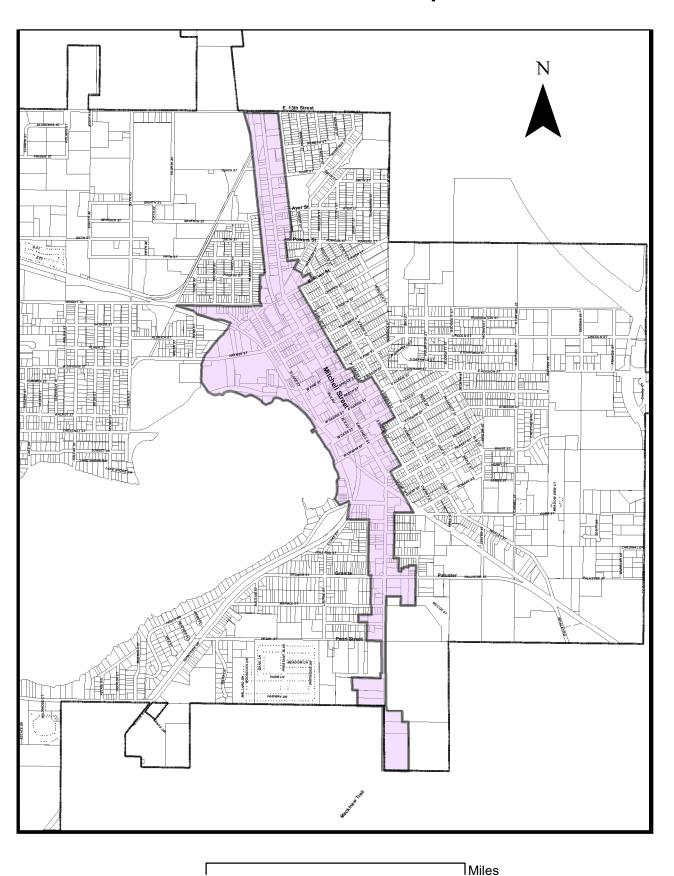
TAKE NOTICE that the City Council of the City of Cadillac will hold a public hearing at a meeting of the City Council on November 18, 2019 at 6:00 p.m., at the City Hall, 200 North Lake Street, Cadillac, Michigan 49601, to hear and consider any objections to the proposed CRHD and all other matters relating to the CRHD. Any owners within the proposed CRHD and any other resident or taxpayer in the City, or other interested party, may appear and be heard at the public hearing.

All interested persons may attend and participate. Persons with disabilities needing assistance to participate may call the City of Cadillac office at (231) 775-0181. A reasonable advance notice is necessary for accommodation.

This Notice was authorized by the City Council of the City of Cadillac.

Sandra Wasson, City Clerk City of Cadillac 200 North Lake Street Cadillac, MI 49601 (231) 775-0181

Cadillac East Commercial Rehabilitation District No. 1 and Cadillac East Commercial Redevelopment District No. 1



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City Council

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



Mayor Carla J. Filkins

Mayor Pro-Tem Shari Spoelman

Councilmembers
Tiyi Schippers
Robert J. Engels
Stephen King

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RESOLUTION REGARDING INTENT TO DESIGNATE A COMMERCIAL REDEVELOPMENT DISTRICT; NOTICE OF PUBLIC HEARING

(CADILLAC EAST COMMERCIAL REDEVELOPMENT DISTRICT NO. 1)

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held at the City Hall, 200 North Lake Street, Cadillac, Michigan 49601, on the 21st day of October, 2019, at 6:00 p.m.

PRESENT:	_
ABSENT:	_
The following resolution was offered by	and supported by

WHEREAS, Section 5 of Act 255 of the Public Acts of Michigan of 1978, as amended ("Act 255"), provides that the City Council may, on its own initiative, designate one or more commercial redevelopment districts within the City; and

WHEREAS, the City wishes to adopt a resolution designating the property described on **Exhibit A** as the Cadillac East Commercial Redevelopment District No. 1; and

WHEREAS, there exists a need for the Cadillac East Commercial Redevelopment

District No. 1 in the City; and

WHEREAS, the establishment of a Cadillac East Commercial Redevelopment District

No. 1 is consistent with the City's master plan and the economic development goals of the

City; and

WHEREAS, the public health, safety and welfare will be served by designating a commercial redevelopment district in the City.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. The City Council wishes to designate a commercial redevelopment district under Act 255 known as the "Cadillac East Commercial Redevelopment District No. 1" (the "CRD") consisting of certain parcels of land, the descriptions of which are set forth in the attached **Exhibit A**, and which descriptions are incorporated by reference.
- 2. The City tentatively proposes that the CRD remain in effect for a period of up to twelve (12) years, or the maximum permitted under the Act, whichever is greater.
- 3. The City Council shall hold a public hearing at a meeting of the City Council at 6:00 p.m. on November 18, 2019 at the City Hall in the City, at which any owner of real property within the proposed CRD, any other resident or taxpayer of the City, and any other interested parties (including taxing authorities), may appear and be heard.
- 4. The City Clerk shall cause to be published a notice of public hearing in a newspaper of general circulation within the City at least one time prior to the public hearing. The publication shall be at least 10 days prior to the time set for the public hearing, and a proof of publication of such notice shall be filed with the City Clerk.
- 5. The City Clerk, not less than 10 days prior to the public hearing, shall give the owners of all real property within the proposed CRD written notice by certified mail of the public hearing. At least 10 days before the public hearing on November 18, 2019 and before the City adopts a resolution designating the CRD, the notice of public hearing shall also be provided to the City Assessor and to the governing body of each taxing unit that levies ad valorem property taxes within the proposed CRD.

	6.	The	form	of the	notice	of l	hearing	to	be	mailed	and	publis	shed	shall	be
subst	antially	as set	forth	in Ex l	nibit B,	with	such m	odif	icat	ions as	are d	eemed	l nece	essary	by
the C	ity Mana	iger to	o ensu	re tha	t notice	is pr	ovided	to p	rop	erty ow	ners	within	the p	oropo	sed
CRD a	and to ot	her ir	nteres	ted pa	rties.										

- 7. All actions heretofore taken by City officials, employees, and agents with respect to the proposed CRD and proceedings under Act 255 are hereby ratified and confirmed.
- 8. All resolutions or portions of resolutions that are inconsistent with this Resolution are hereby repealed.

NAYS:	
THE RESOLUTION WAS DECLA	RED ADOPTED.
STATE OF MICHIGAN)
COUNTY OF WEXFORD))

YEAS.

I, the undersigned, the duly qualified and acting City Clerk of the City of Cadillac, Wexford County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the City Council at a meeting held on the 21st day of October, 2019, at 6:00 p.m.

Sandra Wasson, City Clerk

EXHIBIT A

CITY OF CADILLAC COUNTY OF WEXFORD, MICHIGAN

DESCRIPTION OF LAND TO BE INCLUDED WITHIN PROPOSED CADILLAC EAST COMMERCIAL REDEVELOPMENT DISTRICT NO. 1

EXHIBIT B

CITY OF CADILLAC COUNTY OF WEXFORD, MICHIGAN

NOTICE OF PUBLIC HEARING

CADILLAC EAST COMMERCIAL REDEVELOPMENT DISTRICT NO. 1

NOTICE IS HEREBY GIVEN that the City Council of the City of Cadillac, Wexford County, Michigan, wishes to designate a Cadillac East Commercial Redevelopment District No. 1 (the "CRD"), pursuant to Act 255 of the Public Acts of Michigan of 1978, as amended.

The City Council has tentatively determined that the following described parcels shall be included within the CRD: see attached map. You have been identified in City records as owning property within the proposed district.

TAKE NOTICE that the City Council of the City of Cadillac will hold a public hearing at a meeting of the City Council on November 18, 2019 at 6:00 p.m., at the City Hall, 200 North Lake Street, Cadillac, Michigan 49601, to hear and consider any objections to the proposed CRD and all other matters relating to the CRD. Any owners within the proposed CRD and any other resident or taxpayer in the City, or other interested party, may appear and be heard at the public hearing.

All interested persons may attend and participate. Persons with disabilities needing assistance to participate may call the City of Cadillac office at (231) 775-0181. A reasonable advance notice is necessary for accommodation.

This Notice was authorized by the City Council of the City of Cadillac.

Sandra Wasson, City Clerk City of Cadillac 200 North Lake Street Cadillac, MI 49601 (231) 775-0181



MEETING MINUTES THE CADILLAC HISTORIC DISTRICTS COMMISSION (HDC) APRIL 30, 2019

An official meeting was held on April 30, 2019 at the Cadillac Administrative Offices, 200 N. Lake Street, Cadillac, MI.

Roll Call

The meeting started at 5:02

Commission Members Present: Iehl, Dubravec, Snider, and Carder

Absent: Birtles and Engel

Staff Present: Coy

Approval of the April 30, 2019 Meeting Agenda

A motion was made by Iehl, support by Snider to approve the agenda. It was passed with unanimous support.

Public Comments

None

Approval of the October 8, 2018 Meeting Minutes

Approval of the October 8, 2018 meeting minutes was tabled.

New Business –

a) Work application-

An application was submitted by Samantha and Donald Dassance new owners of the home at 501 East Cass Street to replace all the windows in the home, replace the exterior doors, and replace the wood shingle type siding with vinyl siding.

Coy using the overhead screens showed pictures of the exterior of the home from all four sides. The home was built in 1956 and the Dassance's purchased the home in February of this year. The home is a non-contributing structure within our Courthouse Hill Historic District according to the State of Michigan survey. Coy added that the home is in rough shape and had not been kept in good condition. The home was an income producing rental for many years by the previous owner. Mr. Dassance spoke and with brochures he showed the committee that the windows he wishes to have installed are manufactured by American Craftsman. They are from the manufactures "70 Series". The windows are primarily double hung and will have grilles between-the-glass in the top portion of the windows. The front window will not be double hung.

The front door is manufactured by Feather River Doors and will be a fiberglass composite with an Oak Veneer finish. It will have a decorative glass insert. They also plan to have a Anderson storm doors installed. The vinyl siding will have a medium width. Mr. Dassance said they compared the price to purchase a vinyl shingle-styled siding. It was three times as expensive and they're budget won't allow it.

A motion was made by Dubravec with support by Snider to approve the work application with the condition that the new windows and vinyl siding be consistent around the entire exterior of the home. The motion passed with unanimous support.

b) Work application-

An application was submitted by Jessica Hawkins, 617 East Division Street to replace the shingles and repair the roof on the accessory building, garage in the rear of the home. The structure has an address of 617.5 East Division Street.

Coy spoke and referred to the State of Michigan Historic Preservation Survey which considers the structure a non-contributing site. On the overhead screens he showed a picture of the garage which is currently covered with a blue tarp to protect the structure until the roof is repaired. Coy added that the home at 617 East Division is a contributing structure and the roof over the front porch is a light brown shingle and the roof over the second level is a dark green shade of shingle.

Discussion followed and Iehl mentioned that the color of the shingles under the blue tarp he believes is a dark brown. Snider mentioned that on historic structures medium to dark colored shingles are recommended. It was also mentioned by all the members present that the curved lines of the garage roof going down to the soffits make the garage structure appear historic and should be considered a contributing site as is the home.

A motion was made by Iehl with support by Snider to approve the work application to resurface the garage roof with dark brown asphalt shingles or a color matching the roof of the home maintaining the curved roof line of the garage's architecture. The motion passed with unanimous support.

c) Work application -

An application was submitted by Henry Tompkins, 441 East Cass Street to replace as needed wood boards and supports with weather treated lumber on the front porch and change the wooden spindles with black aluminum round spindles.

Coy on the overhead screens showed pictures of the home as it looked in 2002 and also a current picture of the porch under repair. He also referred to the State of Michigan Historic Preservation Survey which considers the home a non-contributing structure. Mr. Tompkins talked about why he wishes to change the spindles. He feels the black aluminum will be more attractive and had a couple pictures of a porch he built for another person with the round black spindles. He also mentioned the former wooden spindles were made of an inexpensive wood and broke easily. Snider mentioned he would like there to be attractive wooden caps put back on the vertical supports similar in look to what was there before.

Tompkins agreed. Carder added that she has no problem with the color black or aluminum spindles but said the spindles should have some design to them as the current spindles do and not just round. Iehl mentioned that the chain link fence in the picture looks out of place. Tompkins spoke and said the neighbor put up the fence along the property line. He added the gate across the driveway. Dubravec added that this home has had many changes made to it that are not proportional.

A motion was made by Iehl with support by Dubravec to approve the work application with the conditions that caps be added on the tops of the vertical poles and that the spindles are consistent with the previous design. The motion passed with unanimous support.

d) Work application -

An application was submitted by Jessica Holly, 611 East Division Street to have constructed a six-foot high wooden privacy fence in the rear yard and partially along the side of their home on the west side. Ms. Holly provided a picture of the type of privacy fence they wish to purchase.

Coy on the overhead screens showed pictures of the current fencing on the east and west sides of the rear yard. The fence on the east is in poor condition and needs repair. The neighbors dog kennel is located on the west side of the Holly's home. He also provided the HDC with an overhead GIS aerial from 2010 which he used to show where the privacy will extend north from the back of the garage along the east side and from the neighbor's kennel on the west side north to the rear of the property. At that point a west to east fence will be constructed. Coy added that the Holly's have a dog. The neighbors on both the west and east have dogs and the privacy fence should cut down on the barking in the neighborhood.

A motion was made by Dubravec with support by Snider to approve the work application with the condition that the privacy be constructed of material like what is shown in the picture provided by the applicant and the location be as Coy showed on the GIS. The motion passed with unanimous support.

e) Review the 2018 Annual Report for the Courthouse Hill and Cobbs Mitchell Historic Districts –

Coy spoke about the report and referenced the section with Activities Proposed for 2019 and said this section can be amended at any time by the HDC during 2019. He mentioned the ladies from the Wexford County Historical Society who updated the city display case located in the lobby of City Hall. Many people who come to City Hall for a variety of reasons take time to view what is in the displays. Coy will also get a newsletter out to the residents of the Courthouse Hill Historic District. The report will be forwarded to City Council.

f) Election of Officers for 2019 –

Dubravec suggested the resident who lives at 209 E. Mason Street be asked to serve on this board. Coy will try to make contact.

A motion was made by Dubravec with support from Iehl to elect the current officers Carder, Chairperson; Iehl, Vice-Chairperson; Snider, Secretary; for the remainder of the 2019 calendar year term. The motion passed with unanimous support.

Old Business - None

<u>Tabled Items</u> –

<u>Informational Items</u> –

Commissioner Comments –

Snider mentioned two items. One being that it may be a good idea to contact local realtors to remind them that when they list properties in the Historic District that they need to let persons interested in purchasing know that the property is in a historic district and exterior work needs HDC review. The second item he brought up had to do with trees in the Maple Hill Cemetery. He is hoping that when certain unique species die or are removed that the city try to replace them with the same type of tree. Coy mentioned that over the past two years quite a few new trees have been planted in the cemetery. He will also ask our Parks and Forestry Superintendent if he has a mapped inventory of the cemetery trees.

Adjourn – The meeting ended at 6:37 pm,



MEETING MINUTES THE CADILLAC HISTORIC DISTRICTS COMMISSION (HDC) SEPTEMBER 11, 2019

An official meeting was held on April 30, 2019 at the Cadillac Administrative Offices, 200 N. Lake Street, Cadillac, MI.

Roll Call

The meeting started at 5:05

Commission Members Present: Engels, Dubravec, Snider, and Carder

Absent: Iehl Staff Present: Coy

Approval of the April 30, 2019 Meeting Agenda

A motion was made by Dubravec support by Snider to approve the agenda. It was passed with unanimous support.

Public Comments

None

Approval of the April 30, 2019 Meeting Minutes

Approval of the April 30, 2019 meeting minutes was tabled. There was a short discussion not everyone had a chance to read the April 30, 2019 meeting minutes.

New Business –

a) Work application-

An application was submitted by Robert and Tamara Jones owner of the rental home at 420 East Harris Street to replace two windows located on the second floor in the southwest corner of the upstairs. The Jones do not live here. They're asking to replace two wood double hung windows with two vinyl casement windows expanding the width by one inch on both sides. Mr. Jones and his contractor Tom Anderson were in attendance.

Coy using the overhead screens showed pictures of the exterior of the home from the front, rear, and west side. The home was built in 1880. The home is a contributing structure within our Courthouse Hill Historic District according to the State of Michigan survey. Coy spoke and said the site is zoned RM-1 and is approved for a multi-unit rental property. Mr. Jones has owned it since 1978.

Mr. Jones spoke and talked about previous owners of the home and that he had on the inside of the home replaced carpet, has painted, and replace light fixtures. Mr. Anderson

spoke and described the windows as vinyl casement that crank out and they intend to widen the window opening by one inch on each side.

Carder spoke and said she may be open to a wood casement window but certainly not vinyl. She understands that egress may be a requirement for a bedroom. Dubravec added that this home being a contributing structure the materials need to be replaced with like materials and this Historic Districts Commission has a say in the aesthetics for changes. Dubravec also mentioned and asked for comment on whether mullion bars could be added to make a casement window look like it may be double hung.

Snider said that in his opinion the historic nature of the home over-rides the egress issue. Carder asked Coy if he could get a legal opinion on this from the Fire Marshal or City Attorney. She added that changing the use of a room from for example an attic to a bedroom then minimum egress would be required.

Coy asked Jones how many rental units he had in this home. Jones answered three.

A motion was made by Dubravec with support by Engels to allow the applicant to replace the two, double hung wooden windows with like sized, wood double hung windows like exist now. Not the vinyl casement windows the applicants asked for. The motion passed with unanimous support.

Old Business - None

Tabled Items -

<u>Informational Items</u> –

Commissioner Comments –

Dubravec talked about the upcoming Wexford County Historical Society's annual dinner gala to be held on October 5, 2019. There will be a cocktail hour prior to dinner at the museum and then people will go to Hermann's for dinner.

Adjourn – The meeting adjorned at 5:44 pm,



MEETING MINUTES THE CADILLAC HISTORIC DISTRICTS COMMISSION (HDC) OCTOBER 8, 2018

An official meeting was held on October 8, 2018 at the Cadillac Administrative Offices, 200 N. Lake Street, Cadillac, MI.

Roll Call

The meeting started at 5:13

Commission Members Present: Iehl, Dubravec, Birtles, and Engels. Snider arrived at 5:38.

Absent: Carder Staff Present: Coy

Approval of the October 8, 2018 Meeting Agenda

A motion was made by Dubravec, support by Engels to approve the agenda. It was passed with unanimous support.

Public Comments

None

Approval of the August 23, 2018 Meeting Minutes

A motion was made by Birtles to approve the meeting minutes from August 23, 2018. Support by Dubravec. Approval of the August 23, 2018 meeting minutes passed with unanimous support.

New Business –

a) Work application-

An application was submitted by Nathan Johnson owner of the home at 455 East Cass Street to remove the wood siding that covers the garage door opening on the accessory structure in the rear yard and have a new aluminum garage door installed in the opening.

Coy using the overhead screens showed pictures of the accessory structure, from both the south facing the area where the new garage door will be installed and from the north showing the back and sides of the accessory structure. Coy added that the in-ground pool shown in one of the pictures has now been filled in and grass seed was planted. The pictures also showed the new roof on the structure which Mr. Johnson previously submitted a work application for. The home is a contributing structure within our Courthouse Hill Historic District.

Mr. Johnson spoke. He explained the driveway easement agreement between the 455 East Cass St. home and the home to the east (459 E. Cass). This agreement is filed at the

Register of Deeds. Johnson also explained that he is a realtor and that when he goes to sell the home in the future it cannot be listed as having a garage unless the sealed garage door opening is removed. He then plans to install a new garage door.

Birtles asked what the size of the opening is. Johnson was not sure.

A motion was made by Engels to approve the work application. Support by Birtles. The motion passed with unanimous support.

b) Work application-

An application was submitted by Jed Curtiss, holder of the Land Contract for 404 East Cass Street. Mr. Curtiss lives at 3673 Incochee Road, Traverse City, MI. The work application includes two separate changes to the exterior of the home. First is an amended request to replace the current worn shingles with GAF Sovereign Golden Cedar 3 tab asphalt shingles. The second item on the work application is the demolition and removal of the garage on the west side of the home. The applicant did not attend the meeting but included a close up picture of the current roof and worn shingles.

Coy using the overhead screens showed pictures of the home and garage. The garage appears to only be a couple feet away from the home to the west. Pictures showed the retaining wall between the two properties in very poor condition. The garage is pulling away from the home because the concrete footing on the west is settling and leaning. The shingles and wood molding under the homes roof edge is severely deteriorated. This home is a contributing structure within our Courthouse Hill Historic District.

There was conversation about the garage's footing and the retaining wall. Coy said it would be difficult to establish which property the retaining wall is actually on and because of the age which property owner decades ago had it built. The concrete footing shifting to the west is clearly also moving the retaining wall.

Dubravec mentioned the inside wall of the garage where it attaches to the home has wood siding matching the rest of the exterior and the window in the garage appears to be wood also. Before allowing demolition she said they should have more information as to how the owner is going to preserve the wall and window.

Iehl asked if conditions can be included in a motion and should the two items in the application be handled separately. Coy answered yes.

Birtles said he would like the attic vents on the roof moved to the rear so they're not in plan site. He suggested a ridge/hip roof vent but added the cost with the home having multiple ridges would be more.

Birtles made a motion to approve re-shingling the roof with the product the applicant is proposing including the condition that the attic vents be moved from the front of the home over the ridge to the rear so they're not visible. Support by Dubravec. The motion passed with unanimous support.

Members next discussed the demolition of the garage. Dubravec said the applicant needs to provide more information to the HDC before allowing demolition. There should be an explanation of how the foundation will be removed to make it look like a garage was never there. The owner can then re-apply with a new application.

Dubravec made a motion to allow the applicant to stabilize the foundation and level the garage. Support by Engels. Snider asked to abstain from the vote on the garage as he arrived after the discussion on this application started. Dubravec, Engels, Birtles and Iehl all voted in favor of the motion.

Dubravec next made a motion to <u>not</u> approve the applicants request to demolish the garage. The reason being the applicant did not provide information to the HDC on how the applicant will preserve the west wall and window of the home where the garage is attached and will the foundation near the retaining wall be removed. Support by Birtles. The motion passed with unanimous support.

Old Business -

<u>Tabled Items</u> – Cobbs Mitchell Building

Coy explained that the owner of the Cobbs Mitchell Building in an email rescinded his work application. He plans to resubmit a work application after meeting with SHPO to review the HVAC work and how SHPO would like him to proceed. Dubravec said she would like to see changes made to minimize the visual impact of the HVAC mechanicals.

<u>Informational Items</u> –

Commissioner Comments –

The August 23rd meeting minutes were amended after Snider arrived. He asked to clarify the discussion on relocating the air-conditioning conduit on the exterior of the building to the interior of the building. A motion was made by Snider to approve the amended meeting minutes from August 23, 2018. Support by Dubravec. Approval of the amended August 23, 2018 meeting minutes passed with unanimous support.

Adjourn – The meeting ended at 6:05 pm,