



## **City Council Meeting**

September 8, 2020

6:00 p.m.

By Remote Electronic Participation

Cadillac Municipal Complex

200 N. Lake St.

Cadillac, MI 49601



September 8, 2020 City Council Meeting Agenda  
6 p.m. 200 N. Lake St. – Cadillac, MI 49601  
Meeting held by remote electronic participation.

*We are continuous learners*

CALL TO ORDER  
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 regular meeting held on August 17, 2020.

Support Document III-A

IV. APPOINTMENTS

A. Recommendation regarding reappointment to the Downtown Development Authority.

Support Document IV-A

B. Recommendation regarding reappointment to the Elected Officials Compensation Commission.

Support Document IV-B

V. CITY MANAGER'S REPORT

A. Set public hearing for Consumers Energy Company Electric Franchise Ordinance.

Support Document V-A

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B. COVID-19 Update

## VI. ADOPTION OF ORDINANCES AND RESOLUTIONS

A. Adopt Resolution Setting Alternate Date for December 2020 Board of Review Meeting.  
Support Document VI-A

## VII. MINUTES AND REPORTS OF BOARDS AND COMMISSIONS

A. Zoning Board of Appeals  
Support Document VII-A

B. Downtown Development Authority  
Support Document VII-B

## VIII. PUBLIC COMMENTS

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

## IX. GOOD OF THE ORDER

## X. CLOSED SESSION

Adjourn to closed session to discuss a written confidential legal opinion with the City Attorney.

## XI. ADJOURNMENT

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

*Respect*

*Integrity*

*Trust*

*Excellence*

### ***Guiding Behaviors***

*We support each other in serving our community*

*We communicate openly, honestly, respectfully, and directly*

*We are fully present*

*We are all accountable*

*We trust and assume goodness in intentions*

*We are continuous learners*

CITY COUNCIL MEETING MINUTES

August 17, 2020

Meeting held by remote electronic participation.

200 N. Lake St. - Cadillac, Michigan 49601

CALL TO ORDER

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

ROLL CALL

Council Present: Elenbaas, Schippers, Engels, King, Mayor Filkins  
Council Absent: None  
Staff Present: Peccia, Roberts, Dietlin, Ottjepka, Wallace, Homier, Wasson

APPROVAL OF AGENDA

2020-120 Approve agenda as presented.

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

Motion unanimously approved.

PUBLIC COMMENTS

There were no public comments.

2020-121 Approve consent agenda as presented.

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

Motion unanimously approved.

PUBLIC HEARINGS

- A. Public hearing to consider adoption of Ordinance to Approve Granting an Easement to Consumers Energy Company for a Solar Energy Farm.

Peccia noted this item was introduced at the July 20, 2020 meeting. He stated the ordinance would grant Consumers Energy a permanent exclusive easement for approximately 2.5 acres for their Solar Energy Farm. He noted it also grants Consumers Energy a non-exclusive 35-foot easement from the solar farm site northward to Fifth Street which will be used to run power lines and to provide access to the site. He stated an access drive will be constructed as part of this easement. He noted because the 35-foot easement will be non-exclusive, it would be available for use by any future industrial business that may develop adjacent to that area.

Peccia thanked the Cadillac Industrial Fund and the State of Michigan DEQ which is now called the Michigan Department of Environment, Great Lakes, and Energy (EGLE) for their

effort in helping to make this project a reality. He also thanked Consumers Energy for their willingness to collaborate on this development.

Mayor Filkins opened the public hearing.

There were no public comments.

Mayor Filkins closed the public hearing.

Elenbaas asked if there will be any noise or odors coming from the solar garden site once construction has been completed.

Shaun Casey, Consumers Energy, stated there will be some maintenance activity but the solar garden itself will not generate any odors and noise will be minimal.

2020-122 Adopt Ordinance 2020-07.

Motion was made by Schippers and supported by King to approve the resolution to adopt Ordinance to Approve Granting an Easement to Consumers Energy Company for a Solar Energy Farm.

Motion unanimously approved.

COMMUNICATIONS

A. Rotary Club White Pine Trail Ride

2020-123 Approve parking lot closure for Rotary Club White Pine Trail Ride.

Motion was made by Elenbaas and supported by Schippers to approve the closure of the Lake Street parking lot from 6:30 am to 4:00 pm on September 12, 2020 for the Rotary Club White Pine Trail Ride.

Motion unanimously approved.

B. Avila Wedding

King asked about the cleanup time noted on the application and if the parking lot will be closed.

Wasson stated she believes the clean-up time written on the application is 3:00 pm not 8:00 pm and that they plan to be finished with clean-up activities by 3:00 pm.

Owen Roberts, Director of Finance, noted the Event Coordinator stated they are not requesting the closure of the parking lot.

2020-124 Approve serving of alcoholic beverages for Avila wedding.

Motion was made by King and supported by Schippers to approve the serving of alcoholic beverages at the Market from 3:00 pm to 11:00 pm on August 29, 2020 for the Avila wedding; the approval does not include closure of the parking lot.

Motion unanimously approved.

## APPOINTMENTS

- A. Recommendation regarding appointment to the Historic Districts Commission.

### 2020-125 Approve appointment to Historic Districts Commission.

Motion was made by Schippers and supported by King to approve the appointment of Mark Bliven to the Historic Districts Commission for a 3-year term to expire on August 17, 2023.

Motion unanimously approved.

- B. Designate primary representative and alternate to attend the Michigan Municipal League Annual Convention.

### 2020-126 Designate MML representatives.

Motion was made by King and supported by Elenbaas to designate Mayor Filkins as the primary representative and Mayor Pro-Tem Schippers as the alternate to attend and vote at the Michigan Municipal League Annual Convention.

Motion unanimously approved.

## CITY MANAGER'S REPORT

- A. Wellhead Protection Grant

Peccia stated the City of Cadillac recently applied through the Michigan Department of Environment, Great Lakes, and Energy (EGLE) for a Wellhead Protection Grant for the 20/21 budget year. He noted the grant has a cap of \$14,500 and requires a 50% match by the City, with the remaining 50% of the costs reimbursable by the grant. He stated the City has received this grant on numerous occasions in the past and expect to receive it again this year. He noted the City historically has worked with Fleis & Vandenbrink (F&V) on wellhead protection matters, including services related to the last round of EGLE grant funding. He noted the City would like to continue to work with F&V as we move forward in this fiscal year.

Peccia stated the net cost to the City for the services performed by F&V related to this grant will be under the administrative spending limit of \$7,500. However, total project costs will be equal to the full grant amount and therefore the authorization for F&V to provide the services related to the grant must be awarded through the City Council. He noted that because of the historical knowledge based on prior wellhead protection work provided to the City, it is being recommended that the City Council waive competitive bidding and appoint Fleis & Vandenbrink to administer the Wellhead Protection Grant, subject to award of the grant by the State. He stated funds for this project are available in the FY2021 budget in the Water and Sewer Fund.

Elenbaas asked if there are any other engineering firms in the area that could perform these services.

Jeff Dietlin, Director of Utilities, stated he assumes any engineering firm could perform the work, but it would require transferring the records which would slow down the process considerably.

2020-127 Waive competitive bidding on administration of Wellhead Protection Grant.

Motion was made by Schippers and supported by Engels to waive competitive bidding on administration of the Wellhead Protection Grant.

Ayes: Schippers, Engels, King, Mayor Filkins

Nays: Elenbaas

Peccia stated he believes there must be a unanimous vote of the City Council in order to waive competitive bidding.

Owen Roberts, Director of Finance referenced Section 2-299 (a) of the City Code which states:

*All contracts and purchases involving \$7,500.00 or more must be approved by the city council. If the council, by unanimous resolution of those present at a meeting based upon the written recommendation of the city manager, determines that it would not be advantageous to open sealed bids, then sealed bids may be dispensed with.*

Motion failed.

Elenbaas stated he prefers the competitive bidding process but in this situation, he would be willing to make the same motion.

2020-128 Waive competitive bidding on administration of Wellhead Protection Grant.

Motion was made by Elenbaas and supported by Engels to waive competitive bidding on administration of the Wellhead Protection Grant.

Motion unanimously approved.

2020-129 Approve administration of Wellhead Protection Grant.

Motion was made by Schippers and supported by Engels to appoint Fleis & Vandenbrink to administer the Wellhead Protection Grant, subject to award of the grant by the State.

Motion unanimously approved.

**B. State Drinking Water Revolving Fund Contract Amendment**

Peccia stated the City entered into a contract in October 2017 with C2AE for engineering services for the Wellfield Relocation Project Phase II. He noted the original proposal was based on an estimated project cost of \$3.5 million. He stated the City anticipated utilizing federal funding through the U.S. Department of Agriculture and Rural Development Program. However, the City was unable to meet the criteria because the water rates are too low.

Peccia noted the City applied to the State of Michigan Drinking Water Revolving Fund Program which resulted in additional costs being incurred by C2AE for a second application that was not anticipated in the original Request for Proposals. Additionally, the City requested other work related to the project be completed. He noted the additional cost for these services is \$35,000.

2020-130 Approve State Drinking Water Revolving Fund Contract Amendment.

Motion was made by Engels and supported by Schippers to approve the State Drinking Water Revolving Fund Contract Amendment.

Motion unanimously approved.

C. COVID-19 Update

City Manager Peccia summarized the current COVID-19 update provided by District Health Department #10. He noted additional information can be found at [www.dh10.org](http://www.dh10.org), [www.michigm.gov/coronavirus](http://www.michigm.gov/coronavirus), and [www.cdc.gov/coronavirus](http://www.cdc.gov/coronavirus).

ADOPTION OF ORDINANCES AND RESOLUTIONS

- A. Adopt Resolution to Approve Agreement for Administrative Services with Lake Mitchell Improvement Board, Cherry Grove Township, and Selma Township.

Peccia stated the Lake Mitchell Improvement Board (LMIB) is responsible for overseeing activities around Lake Mitchell. He noted this agreement formalizes the arrangement which provides professional staff services to the LMIB and other local units of government.

2020-131 Adopt Resolution to Approve Agreement for Administrative Services.

Motion was made by Schippers and supported by King to adopt the Resolution to Approve Agreement for Administrative Services with Lake Mitchell Improvement Board, Cherry Grove Township, and Selma Township.

Motion unanimously approved.

MINUTES AND REPORTS OF BOARDS AND COMMISSIONS

- A. Planning Commission

PUBLIC COMMENTS

There were no public comments.

GOOD OF THE ORDER

Peccia stated that due to the Labor Day Holiday, the next regular meeting of the City Council will be held on Tuesday, September 8, 2020.

Elenbaas commented on the painting of the pedestrian crossing lines and noted he would like to see the center lines on the roads painted.



Mayor Filkins stated the application for the Downtown Social District is available on the City's website. She thanked City staff and the City Attorney for their efforts in developing the best possible document and process for our community. She noted the City will be reaching out to all the businesses in that district to let them know that those who qualify can fill out the application to obtain their permits from the State of Michigan.

Peccia stated the City is in the process of obtaining the necessary signage to mark the area. He noted the City is among the first (number 10) of Michigan's communities to move forward with a social district.

ADJOURNMENT

Respectfully submitted,

Carla J. Filkins, Mayor

Sandra L. Wasson, City Clerk

DRAFT

September 8, 2020

## **COUNCIL COMMUNICATION**

*Re: Reappointment of Tim Coffey to a Four-Year Term on the Downtown Development Authority.*

Tim Coffee has expressed interest in continuing to serve on the Downtown Development Authority for another four-year term. He has served on the board since 1984.

### **Recommended Council Action:**

Motion to reappoint Tim Coffey to a four-year term on the Downtown Development Authority, which will end on 9/8/2024.

September 8, 2020

## **COUNCIL COMMUNICATION**

*Re: Reappointment of Jack Dillon to another Five-Year Term on the Elected Officials Compensation Commission.*

Jack Dillon has expressed interest in continuing to serve on the Elected Officials Compensation Commission for another five-year term. He has served on the board since 2005.

### **Recommended Council Action:**

Motion to reappoint Jack Dillon to a five-year term on the Elected Officials Compensation Commission, which will end on 9/8/2025.

CONSUMERS ENERGY COMPANY ELECTRIC FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right and authority to construct, maintain and commercially use electric lines and related facilities including but not limited to towers, masts, poles, crossarms, guys, wires and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local electric business in the CITY OF CADILLAC, WEXFORD COUNTY, MICHIGAN, for a period of thirty years.

THE CITY OF CADILLAC ORDAINS:

SECTION 1. GRANT and TERM. The CITY OF CADILLAC, WEXFORD COUNTY, MICHIGAN, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called "Consumers" the right and authority to towers, masts, poles, crossarms, guys, wires and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local electric business in the CITY OF CADILLAC, WEXFORD COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONDITIONS. No public place used by Consumers shall be obstructed longer than necessary during construction or repair, and shall be restored to the same order and condition as when work was commenced. All of Consumers' electric lines and related facilities shall be placed as not to unnecessarily interfere with the public's use of public places. Consumers shall have the right to trim or remove trees if necessary in the conducting of such business.

SECTION 3. HOLD HARMLESS. Consumers shall save the City free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the lines and related facilities hereby authorized. In case any action is commenced against the City on account of the permission herein given, Consumers shall, upon notice, defend the City and its representatives and hold them harmless from all loss, costs and damage arising out of such negligent construction and maintenance.

SECTION 4. EXTENSIONS. Consumers shall construct and extend its electric distribution system within said City, and shall furnish electric service to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 5. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

SECTION 6. RATES and CONDITIONS. Consumers shall be entitled to provide electric service to the inhabitants of the City at the rates and pursuant to the conditions as approved by the Michigan Public Service Commission. Such rates and conditions shall be subject to review and change upon petition to the Michigan Public Service Commission.

SECTION 7. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by either party. Upon revocation this ordinance shall be considered repealed and of no effect past, present or future.

SECTION 8. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Consumers remains subject to the reasonable rules and regulations of the Michigan Public Service Commission applicable to electric service in the City and those rules and regulations preempt any term of any ordinance of the City to the contrary.

SECTION 9. REPEALER. This ordinance, when enacted, shall repeal and supersede the provisions of any previous Consumers' electric franchise ordinance adopted by the City including any amendments.

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect on \_\_\_\_\_.

We certify that the foregoing Franchise Ordinance was duly enacted by the City Council of the CITY OF CADILLAC, WEXFORD COUNTY, MICHIGAN, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Carla Filkins, City Mayor

Attest:

I, \_\_\_\_\_, Clerk of the CITY OF CADILLAC, WEXFORD COUNTY, MICHIGAN, DO HEREBY CERTIFY that the ordinance granting Consumers Energy Company, an electric franchise, was properly adopted by the City Council of the CITY OF CADILLAC, WEXFORD COUNTY, MICHIGAN, and that all proceedings were regular and in accordance with all legal requirements.

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

Dated: \_\_\_\_\_, 20\_\_

September 8, 2020

## **COUNCIL COMMUNICATION**

*Re: Rescheduling Board of Review to December 14, 2020 at 9:00 a.m.*

The General Property Tax Act stipulates that the December Board of Review meeting must be called for the Tuesday following the second Monday in December. The General Property Tax Act also stipulates that the date can be changed by a resolution to the second Monday in December. Due to scheduling conflicts the Board of Review would like to change the meeting date to the second Monday in December; which would be December 14, 2020.

**Recommended Council Action:**

Adopt Resolution Setting Alternate Date for December 2020 Board of Review Meeting.

**City Council**

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



**Mayor**  
Carla J. Filkins

**Mayor Pro-Tem**  
Tiyi Schippers

**Councilmembers**  
Bryan Elenbaas  
Robert J. Engels  
Stephen King

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION SETTING ALTERNATE DATE FOR DECEMBER 2020 BOARD OF REVIEW MEETING**

At a regular meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held via electronic means pursuant to the Open Meetings Act and Governor Whitmer's Executive Orders, including Executive Order 154, on the 8th day of September, 2020, at 6:00 p.m.

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

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

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

WHEREAS, section 53b of the General Property Tax Act, MCL 211.53b (the "Act"), requires a Board of Review that meets in December to meet on the Tuesday following the second Monday in December; and

WHEREAS, due to scheduling conflicts, the Board of Review would like to change its December 2020 meeting date to the second Monday in December (December 14, 2020) at 9:00 a.m.; and

WHEREAS, section 53b of the Act allows the governing body of the City to authorize by resolution an alternative meeting date during the week of the second Monday in December; and

WHEREAS, City Council determines it is in the best interests of the City to authorize the rescheduling so that all members of the Board of Review will be available to attend.

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

1. The City Council hereby authorizes an alternate December 2020 Board of Review meeting date on the second Monday in December (December 14, 2020 at 9:00 a.m.) in lieu of the meeting on the Tuesday following the second Monday in December.
2. This authorization is only applicable to the December 2020 Board of Review meeting.
3. 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                    )  
  )ss  
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. \_\_\_\_, duly adopted at a regular meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2020.

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





**MEETING MINUTES  
Cadillac Zoning Board of Appeals  
5:30 P.M.  
December 19, 2019**

**CONVENE MEETING**

Chairperson Nichols called to order a meeting of the Cadillac Zoning Board of Appeals at 5:30 p.m. on December 19, 2019.

**ROLL CALL**

MEMBERS PRESENT: Nichols, Paveglio, Ault, and Genzink  
MEMBER ABSENT: Bontrager, Knight, & Walkley  
STAFF PRESENT: Coy

**APPROVAL OF MEETING AGENDA**

Motion by Genzink to approve the December 19, 2019 agenda. Support by Paveglio. The motion was unanimously approved on a roll call vote.

**APPROVE THE SEPTEMBER 19, 2019 MEETING MINUTES**

Motion by Paveglio to approve the September 19, 2019 meeting minutes as presented. Support by Genzink. The motion was unanimously approved on a roll call vote.

Nichols turned the meeting over to Coy. Using a power-point presentation Coy went through the staff report prepared for this public hearing.

**PUBLIC HEARINGS**

A Variance Application from Krist Oil Co., Iron River, MI for a variance from the current parking standard to allow in their proposed convenience store and gasoline station a standard of one parking space for each 250 square feet of interior store space plus one parking space for employee parking. They would also in addition be required to provide one parking space for each gasoline pump. They wish to build this new store at 605 N. Mitchell Street in Cadillac which is currently the location of Payne Tire.

The owners of Krist Oil, Stanley and Krist Atanasoff along with their engineer Craig Richardson, PE were in attendance.

Using a power point Coy showed pictures of the site looking west across North Mitchell Street and looking north across North Street. He first explained that a site plan for the proposed new building, parking layout, and fuel pumps was not included because of the steps needed before a site plan can be reviewed by the City Site Plan Review Committee. Examples Coy gave were that a new curb cut off North Mitchell Street would need to be approved by MDOT engineers and the

City Utility Department has a twelve-inch sewer line running south to north through the site. These items will need to be addressed before a final site plan can be approved by the committee. Additionally, Krist Oil will need to go before the Cadillac Planning Commission (PC) for a Special Land Use to have a gasoline station at the location. In Cadillac a gasoline station in any zoned district would need a Special Land Use approval from the PC.

Coy also mentioned a memo from Community Development Director John Wallace given to the ZBA today addressing the updates and rewrite of the Zoning Ordinance including parking that is in progress with help from consultant to the city Jerry Adams.

Coy read the standard in Section 46.69(2) from the City Code of Ordinances which reads “To authorize, upon an appeal, a variance from the strict application of the provisions of this chapter where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this chapter or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter.”

**Finding** – While staff is unable to identify a practical difficulty with the site because a smaller store could be built meeting the standard of one parking space for each 150 square feet of gross space for a retail store, we do recognize that a change to a less restrictive parking standard will be proposed to the Planning Commission in the updated Zoning Ordinance.

Next Coy went over the standards in Section 46-69(4) of the Cadillac City Code. The standards state that in consideration of a variance, the Zoning Board of Appeals shall first determine that the proposed variance will not result in conditions which:

**Standard** – *The variance will not impair an adequate supply of light and air to adjacent property.*

**Finding** – The requested variance is not anticipated to impair an adequate supply of light and air to adjacent properties.

**Standard** - *The requested variance will not unreasonably increase congestion in public streets.*

**Finding** – The requested variance is not anticipated to impact traffic volumes on North Mitchell Street. The traffic volumes in the area of North Mitchell Street currently is 13,000 to 14,000 vehicles daily.

**Standard** – *The requested variance will not increase the danger of fire or endanger the public safety.*

**Finding** – The requested variance will not increase the danger of fire or endanger the public safety. Building inspectors and the Fire Marshal will need to do inspections before an occupancy permit is issued.

**Standard** – *The requested variance will not unreasonably diminish or impair established property values within the surrounding area.*

**Finding** – Staff feels this will not negatively impact neighboring property values and may increase property values for the immediate neighbors.

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

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

### **PUBLIC NOTICES**

Coy said that notification of the public hearing on this application was given via first-class mail to all property owners and residents within 300 feet of the subject site in early September 2019. Coy said that feedback from the public about this project has all been in favor of the variance request.

Coy concluded his presentation with “based on a finding of compliance or non-compliance with the standards of the ordinance, the Board shall approve, approve with conditions, or deny the variance application.” Reasonable conditions may be attached to an approval in-order to achieve compliance with the standards of the ordinance.

Nichols opened the meeting to public comments.

Paveglio spoke and said he has concerns about this board setting a precedent for the future which is not the roll of the ZBA. He asked Coy for a little more background on the progress of rewriting the Zoning Ordinance. Coy explained that the Community Development Department with Jerry Adams has been working on this project for over a year. The goal was to have it completed in 2019 which did not happen. The goal is to complete it next year. Wallace’s memo spells out that in the rewrite of the Zoning Ordinance the recommendation to the Planning Commission for convenience, retail store parking he anticipates will be one parking spot for each 250 square feet of space which at this time is not codified.

Craig Richardson, PE representing Krist Oil spoke. He asked if there were any questions for him and asked the ZBA to approve the amended variance application.

Nichols commented about other gasoline stations, convenience stores in Cadillac and their parking. He specifically mentioned that the Meijer Gas Station outside of the parking at the pumps has eight spots, Wesco has 20, and the Admiral Station on S. Mitchell St. has no marked parking spots near the building.

Paveglio asked Coy about the parking standards the Planning Commission used when they approved the site plan of J & H Oil in their Commercial Planned Unit Development at Cadillac Junction. Coy did not have a specific number for square footage per parking spot. He did comment that the J & H convenience store standard that was used was not based on the gross square footage. It is specific to the retail floor space not including the coolers, storage area, restrooms, or office

space. He added that the parking requirement for the Tim Horton's restaurant was additional and calculated differently because the use includes sit down eating, they were also required to have two spots for each fueling island which is one per pump.

There being no other public comments or questions from this Board of Appeals.

Paveglio made a motion that this variance request from Krist Oil for the parking standard of one space for each 250 square feet of building space, plus one parking space for employee parking, plus one for each fuel pump be approved. The ordinance reads that one space for each 150 square feet of building is the standard for convenience stores. Support by Genzink. The motion passed with a unanimous vote.

Coy asked the owners of Krist Oil Company to introduce themselves.

**BOARD MEMBER COMMENTS** –

Paveglio mentioned the article he enjoyed reading from the Planning & Zoning News June edition written about how communities regulate nonconformities. There are multiple examples used in the article including pictures of current nonconformities that were specific to Cadillac. Coy mentioned that retired Community Development Director Jerry Adams was a contributing writer and that the other two authors have taught at zoning workshops he's attended.

**ADJOURN**

Chairperson Nichols adjourned the meeting at 5:59 pm.

**Minutes**  
**Downtown Development Authority (DDA)**  
**Business Improvement District (BID) Board**  
*Special Meeting*  
*February 5, 2020*

A Special Meeting of the Cadillac Downtown Development Authority (DDA) and Business Improvement District (BID) Board was held on Wednesday, February 5, 2020 in the Municipal Complex Conference Room, 200 N. Lake St., Cadillac, Michigan.

**MEMBERS PRESENT:** Barnes, Bosscher, Cinco, Coffey, Crawley, Kelsey, LeVand, Peccia, Schultz  
**STAFF PRESENT:** Wallace, Coy, Cornell, Abby Pluger

**CALL TO ORDER** Meeting was called to order by Chairman LeVand at 7:30 a.m.

**MINUTES/REPORTS**

Motion by Cinco, seconded by Coffey to approve the minutes from 10/30/19 and 12/11/19. Motion passed unanimously.

Treasurer's Reports from 12-11-19 and 2-5-20 were presented by Peccia. Motion by Barnes, seconded by Schultz to approve the reports as presented. Motion passed unanimously.

**COMMITTEE REPORT/UPDATE:**

**Parking Lot Subcommittee:** Wallace stated the Parking Lot subcommittee recently met and reviewed with Ken Payne parking plan maintenance (three lots per year for sealing and striping) on a rotating basis.

The subcommittee further discussed the need for a parking study, anticipating doing two surveys with one being a business owner parking survey and the other being a general user of the downtown survey. Wallace distributed a four-question, abbreviated survey and asked for input from the board. From the survey we could learn if businesses on both east and west side of Mitchell Street are experiencing a parking problem and if there are any opportunities for parking sharing. The subcommittee discussed whether we could start working with business owners to have designated areas for employee parking. The survey would be conducted by phone.

Discussion ensued. Employees tend to park in prime spaces rather than walking to get to work. Some business owners themselves part in prime parking spaces, not thinking about customers. An enforcement mechanism is essential. Should we add a question to the survey regarding going back to metering? The role of the downtown business owners has to be one of full engagement with their employees.

LeVand offered to call Joy VanDrie about getting input from the DCA by inviting them to a future parking lot subcommittee meeting and providing them with the draft survey and see what questions they would suggest asking. Peccia further suggested going on a walking tour in the Spring in the core areas to check off and debate what ideally parking in certain areas should be. Should it be 2 hours? 3 hours? All day?

**OLD BUSINESS** –

**Trailhead update.** Wallace reported that Connie (Prein-Newhof) would be uploading the final plans for the trailhead to the State for their approval prior to it going out to bid. Construction is to begin this year.

**Update on CDBG funding.** We must apply to the State to do an income survey in our community. We must prove to the State that we believe, based on our studies, that the outcome will be in our favor. The survey has to show that our community has 51% or more of our income at the low or moderate income level. Wallace has prepared information with analysis of income, as well as other operating programs in the community (free lunch program, backpack program). The income survey can only be done by certain consultants approved by the State. The earliest we could start the survey would be May or June.

### **NEW BUSINESS**

**Downtown Hanging Baskets** – Lakeside Produce is offering the same price as last year for hanging baskets (\$62.00 per basket). This year we would like to expand by 12 more baskets, adding some down the corridor and in the Commons/Market area. Motion by Barnes, supported by Coffey to approve expenditure of up to \$5,000. Motion passed unanimously.

**Hope Network** – Do we have a contract? Wallace will have that available for next month.

**Pigeon feeders** – Mike asked that the board approve expenditure to purchase two bags of feed, each costing \$258.00. The feed would last approximately 90 days. The spikes that were put on the ledge at the Elks building seem to be helping with pigeon control. Motion by Coffey, seconded by Cinco to approve the expenditure for two bags of feed. Motion passed unanimously.

**Mural activities** – This will be discussed at future meeting.

**Structure of subcommittees** – The DDA subcommittee list as updated 2-5-20 is accepted.

### **CITY MANAGER REPORTS**

Update on The Market. Peccia reported on revenues that came in around \$2,000. Maintenance costs were minimal. LeVand asked about heating. Peccia stated that City Council awarded on an emergency basis the ability to get a contractor out to add to the heating system. Contractor has met with DTE and this will proceed.

Meeting adjourned at 8:53 a.m.

**Minutes**  
**Downtown Development Authority (DDA)**  
**Business Improvement District (BID) Board**  
*Regular Meeting/Public Informational Meeting*  
*July 29, 2020*

A regular meeting of the Cadillac Downtown Development Authority (DDA) and Business Improvement District (BID) Board as well as public informational meeting was held electronically at 7:30 a.m. on Wednesday, July 29, 2020.

**MEMBERS PRESENT:** Barnes, Cinco, Coffey, Crawley, Huckle, LeVand, Peccia, Swanson  
**STAFF PRESENT:** Coy, Roberts, Wallace, Houk, Payne, Cornell

**PUBLIC INFORMATION**

Wallace presented the public informational portion of the meeting. We are required twice a year to have public informational meetings going over the role of the DDA.

Our DDA started shortly after the first legislation passed that created a Downtown Development Authority. The Act was passed in 1975. The City of Cadillac adopted a DDA in 1976, creating a 10-member board of trustees. The primary role of the Board was to focus on the redevelopment of the Cadillac downtown area. In 2018, Public Act 57 was passed, which replaced the original DDA Act 197 and we are operating under that act now. Since the DDA collects revenue through tax increment financing, it has to have an annual budget. The DDA approves an annual budget which is subsequently approved by the City Council. The financial statements of the DDA are audited and included in a comprehensive annual financial report for the City. There is a 2 mil levy assessed on property which is used for operational expenses of the Authority. The tax increment financing and development plan was adopted most recently in November of 1992 and the plan runs from 1993 to 2033. The development plan was unique in that it tended to focus more on general infrastructure improvements rather than naming specific projects, which was actually a plus because it allowed us to undertake a variety of project options without having to constantly go back and amend the DDA plan. Specifically, some of the things that the DDA is allowed to undertake with tax increment financing is parking improvements, burying of utilities, banner and sign improvements, streetscape work, curb & gutters, stormwater and waste water sewer improvements, acquisition or demolition of derelict or obsolete buildings, acquisition or renovation of downtown buildings, and promotion and marketing. Operationally, the DDA is focused on three sub-areas through committees: administrative, streetscape, parking, and wayfinding committees. Those committees focus on specifics related to those topic areas.

At present, the DDA tax increment revenue is all tied up in the Plaza improvements and probably will be for the next 10-year period. As things improve and we see increased revenues, hopefully that will come at 10 year or less and there will be time to look at funding new projects with the DDA funding. He then turned the meeting over the Owen Roberts for a financial report for the DDA.

Roberts spoke of two different funds specifically related to the DDA, the DDA operating fund and capital projects fund. Both funds are reliant on the taxable value of parcels within the boundary of the district.

In 2010 that was the beginning of the recession. The first few years were reflective of a declining taxable value. Taxable value is a lagging indicator. It lags the economy by a couple of years, with a big loss between 2016 and 2017.

Wallace outlined upcoming activities including a parking study and DDA boundary expansion. The DDA has been involved in potential traffic safety improvements including a mid-Mitchell Street crosswalk. We

are looking at doing an Ann Arbor to Traverse City passenger rail service, tracking where the potential would be for a train depot. We always coordinate with the Chamber of Commerce and the Downtown Fund on downtown issues. We are looking at launching a property available listing for people looking to either purchase or lease properties in the downtown. We are in the advanced stages of all but solidifying a strategic plan which outlines projects that the DDA would like to focus on. We still have a few remnants from the Place Plans project that we continue to track, which included the potential for new docks and maybe a walkway behind the pavilion.

We continue to track potential funding, including a Build Grant and attempting to become CDBG eligible to get federal funding. We are in the final stages of qualifying to be a redevelopment ready community. Having that status will continue to open doors to grant funds for the downtown. Next month we will be undertaking two zoning amendments, which are some of the last steps we need to qualify for redevelopment ready community.

### **MINUTES/REPORTS**

Motion by Barnes, seconded by Cinco to approve the minutes from the February 5, 2020 special meeting. Motion passed unanimously.

Peccia presented the Treasurer's report for the month of June, 2020. Motion by Cinco, seconded by Barnes to approve the Treasurer's Report as presented by Peccia. Motion passed unanimously.

### **COMMITTEE REPORTS:**

Administrative committee has not met recently. We continue to track the boundary expansion and soon will have the first draft of the proposed zoning districts that will be coming up to finalize a map that we would like to pursue.

Streetscape and Wayfinding committees have not met.

On today's agenda, we will go over the plans for around the Lofts in terms of the public infrastructure and talk about what is happening there in terms of what will be implemented.

Parking lot committee: Payne reported on the progress of parking lot maintenance, stating there is about a quarter of lot W-2 left to do (Sears lot). Then we will work on lots E-1 (Pine Street), E-2 (Beech Street) and E-3 (Harris Street lot by the church). Seasonal workers are working on weed control. He spoke with Asphalt Armour and discussed the plan to do three lots per year, sealing and striping.

### **OLD BUSINESS**

Pigeon control. Coy will order a couple of 30-pound bags of feed today and the feeders will be put up. This would last us through the end of the year; we stop feeding in November. Short discussion resulted in the decision to keep up with the feeders. Even though the pigeon problem does not seem quite as bad as before, we want to keep ahead of the game.

Northwood parking update. Peccia stated that talks continue with the developer of the Northwood with city staff on how to resolve the parking issue. Wallace presented a Parking Concept Design, showing 71 total parking spaces combined in the street and on private property. First step would be to take this concept design to the developer to discuss. A preliminary cost estimate of \$25,000 has been developed by Prein & Newhof.

Trailhead update. Connie Houk said the plans have been approved by DNR. It is ready to go to bid. We will get the bid date from DNR. Plan was to have it out to bid to contractors during the month of August



and then construction would start after Labor Day with completion this year. Peccia stated that there is a DNR grant that would cover 70% of the estimated cost, plus a Rotary match. We are cautiously optimistic that the bid will come in favorably and that the City Council will be looking at awarding the bid.

Wallace showed the plan view of the overall site plus a detailed plan for the rain garden at the southwest corner of the site. Connie pointed out some revisions, including the addition of two handicap spaces that are van accessible, vegetation in the rain garden being changed to plant species that are native to Michigan, replacement of a storm culvert pipe in the Lake Street parking lot, and a change at the South Street/Holly Road intersection where the trail will go around both sides of a power pole that is located in an easement and would be difficult to get Consumers to remove.

CDBG funding update. We have completed an exhaustive listing of all residential units within the City to be used for conducting a low income survey for the community and await a reply from MEDC as to how this can progress.

Mural project update. Paul Brown with the Arts Council was able to bring some focus to getting a project done and a building near the Naval Academy was selected for the first site. There is a lot of interest in doing more murals and also looking into placement of sculptures within the community. There is an ongoing effort being undertaken to continue to bring murals and art into the downtown area.

Parklets update. Wallace said there is nothing actively happening on the parklets. There has been no interest expressed in doing a parklet. One issue with parklets is that with the volume of traffic it could present some safety issues unless we do something further to slow traffic down through the downtown corridor.

## **NEW BUSINESS**

2020/2021 Budget presentation. Owen said he would send the budget to members and provide a memo of information with highlights for the year. He can come to the next meeting to discuss it. He can get that out in a couple of days.

Reserved parking on main street. LeVand and Barnes asked about one of the businesses having cones out to designate some parking spaces for curb-side pick-up. This subject should be further discussed to make sure it is made fair to all businesses who wish to request it. Peccia stated there is no formal program at this time; it was only one business who requested it and if the DDA wishes this to be discontinued, it will be. Further discussion at a future DDA meeting was requested.

Social Districts. Wallace said the state is providing an avenue in response to COVID for expanded opportunities for restaurants to sell alcoholic beverages that are in containers with logos and those beverages can be consumed in what the state refers to as a commons area. The Social District and commons area that were created will be considered tomorrow at a special City Council meeting. The hope is that some of the restaurants can take advantage of creating those additional spaces.

Barnes asked about any progress being made toward recent graffiti issues. Police are investigating and relying on people to come forward with information.

## **COMMUNICATIONS/OTHER ITEMS**

CITY MANAGER REPORT – None.

DDA DIRECTOR REPORT – Jimmy Johns is coming into the Cadillac Lofts. Doreen Lanc with the Community Foundation was able to secure a \$5,000 grant and is working on having Cadillac Fabrication do 5 or 6 artistic bike racks, that will be placed in The Commons area. Krist Oil was approved for a special land use permit on the former Payne Tire site to put a food mart and gas station. Progress continues on the Cadillac Brewery site, including curbs and sidewalks, asphalt paving changed to concrete paving for the parking lot, and plumbing in the floor of the facility.

LeVand: Can we touch base on Christmas decorations at the next meeting?

ADJOURNMENT: Meeting adjourned at 9:33 p.m.