



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 * 989-835-2717 FAX ♦ www.cityofmidlandmi.gov

REGULAR MEETING OF THE MIDLAND CITY COUNCIL

July 13, 2020

7:00 PM

Due to Governor Gretchen Whitmer's current Executive Orders requiring social distancing and allowing meetings of public bodies to be held electronically, this meeting will be conducted via videoconference. The City of Midland will utilize Zoom to conduct this videoconference meeting.

AGENDA

To join via videoconference, go to:

<https://zoom.us/join> ~ **Webinar ID: 840 5012 3103** ~ **Password: 269050**

To join via telephone, dial:

1 (312) 626-6799 ~ **Webinar ID: 840 5012 3103** ~

Password: 269050

CALL TO ORDER

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL - Steve Arnosky
Diane Brown Wilhelm
Maureen Donker
Pamela Hall
Marty A. Wazbinski

CONFLICT OF INTEREST DISCLOSURE STATEMENT

CONSIDERATION OF ADOPTING CONSENT AGENDA ITEMS:

All resolutions marked with an asterisk are considered to be routine and will be enacted by one motion. There will be no separate consideration of these items unless a Council member or citizen so requests during the discussion stage of the "Motion to adopt the Consent Agenda as indicated." If there is even a single request the item will be removed from the consent agenda without further motion and considered in its listed sequence in regular fashion.

APPROVAL OF MINUTES:

1. * Approve minutes of the June 22 regular City Council meeting ARMSTRONG

PUBLIC HEARINGS:

2. Amending the 2020-2021 General Fund Budget to provide funding for the Police K-9 Program FORD

PUBLIC COMMENTS, IF ANY, BEFORE CITY COUNCIL. This is an opportunity for people to address the City Council on issues that are relevant to Council business but are not on the agenda.

ORDINANCE AMENDMENTS:

3. Introduction and first reading of an ordinance to amend the City's purchasing ordinance by adding Section 2-28 to Chapter 2 of the Code of Ordinances establishing policies and procedures for Federal Emergencies and Disasters to provide special consideration to allow the use of federal procurement guidelines for purchases related to federal disasters. KEENAN

RESOLUTIONS:

4. Approving local diversity, equity and inclusion efforts and partnerships within the Midland community KAYE
5. * Authorizing the City Manager to prepare and distribute, with the Midland County Road Commission, an informational brochure regarding the Road Millage renewal. FREDRICKSON
6. * Final Plat Broadhead Estates No. 6 — a petition initiated by SKW Properties, LLC for final approval of a residential subdivision of 8 lots on 3.6 acres at the east end of Broadhead Drive. MURSCHEL
7. * Site Plan No. 400 — a petition initiated by Archiverde Design LLC, for site plan review and approval of an expanded parking lot, located at 1320 Waldo Avenue. MURSCHEL

Considering purchases and contracts:

8. * WTP Janitorial Services 2020-21 SCHWARZ
9. * Washington Woods All Inclusive Integrated Pest Management Agreement MURSCHEL

Setting a public hearing:

10. *Zoning Text Amendment No. 161 — Action to set a public hearing to modify the Site Plan Review process contained within Article 27.00 of the Zoning Ordinance. MURSCHEL

NEW BUSINESS:

TO CONTACT THE CITY WITH QUESTIONS OR FOR ADDITIONAL INFORMATION

Citizen Comment Line: 837-3400
City of Midland website address: www.cityofmidlandmi.gov
City of Midland email address: cityhall@midland-mi.org
Government Information Center: located near the reference desk at the Grace A. Dow Memorial Library

To provide written comment to City Council regarding items on this agenda, please e-mail: CityHall@midland-mi.org. These communications will be shared with members of the public body. Comments are accepted until 4 p.m. on the day of the meeting. Comment can also be made during the public comment portion of the agenda.

For the hearing impaired, please call 711 to access the FCC's phone relaying service and provide the call-in information above.

File Attachments for Item:

* Approve minutes of the June 22 regular City Council meeting ARMSTRONG

A regular electronic meeting of the City Council was held on Monday, June 22, 2020, at 7:00 p.m. online via <https://zoom.us/join>, with Webinar ID: 874 8006 5905 ~ Password: 677520. Mayor Donker presided. The Pledge of Allegiance to the Flag was recited in unison.

Councilmen present: Steve Arnosky, Diane Brown Wilhelm, Maureen Donker, Pamela Hall, Marty Wazbinski

Councilmen absent: None

MINUTES

Approval of the minutes of the June 8, 2020 regular electronic meeting was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski. (Motion ADOPTED by a Roll Call Voice Vote.)

RECOGNITION OF FLOOD RESPONSE EFFORTS

City Manager Brad Kaye spoke in recognition of the community flood response efforts. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Arnosky:

RESOLVED, that the Mayor is authorized to issue the attached proclamation of recognition expressing sincere gratitude and appreciation for the tremendous efforts put forth by front-line workers, individuals, businesses, and organizations providing incredible flood response in our community's time of need. (Motion ADOPTED by a Roll Call Voice Vote.)

2019-20 BUDGETS AND FINANCIAL WORKING PLANS AMENDMENT

Assistant City Manager Dave Keenan presented information on the 2019-2020 City of Midland Budgets and Financial Working Plans Amendment. A public hearing opened at 7:33 p.m., recognizing no public comments, the hearing closed at 7:35 p.m. The following resolution was then offered by Councilman Hall and seconded by Councilman Brown Wilhelm:

| General Fund | Expenditures | Revenue |
|--|---------------------|------------------|
| LCSA - PPT reimbursement | | 1,418,100 |
| Public Safety | 98,100 | |
| Public Works | 50,000 | |
| Sanitation | 900,000 | |
| Parks & Recreation | (400,000) | |
| Reserve for contingencies | 200,000 | |
| Transfer to Property & Liability Insurance Fund | 570,000 | |
| TOTALS | 1,418,100 | 1,418,100 |
| | | |
| Grace A. Dow Memorial Library Fund | Expenditures | Revenue |
| Contributions | | 300,000 |
| Flood Project expenses | 546,000 | |
| Transfer from Insurance Fund | | 346,000 |
| Increase in Fund Balance for Capital Replacement | 100,000 | |
| TOTALS | 646,000 | 646,000 |
| | | |

| Landfill Fund | Expenditures | Revenue |
|--|---------------------|------------------|
| Flood Project expenses | 49,000 | |
| Transfer from Insurance Fund | | 49,000 |
| TOTALS | 49,000 | 49,000 |
| Riverside Place Fund | | |
| Expenditures | Revenue | |
| Flood Project expenses | 889,000 | |
| Transfer from Insurance Fund | | 889,000 |
| TOTALS | 889,000 | 889,000 |
| Currie Municipal Golf Course Fund | | |
| Expenditures | Revenue | |
| Flood Project expenses | 450,600 | |
| Transfer from Insurance Fund | | 450,600 |
| TOTALS | 450,600 | 450,600 |
| Sanitary Sewer Fund | | |
| Expenditures | Revenue | |
| Flood Project expenses | 213,000 | |
| Transfer from Insurance Fund | | 213,000 |
| TOTALS | 213,000 | 213,000 |
| Equipment Revolving Fund | | |
| Expenditures | Revenue | |
| Flood Project expenses | 12,400 | |
| Transfer from Insurance Fund | | 12,400 |
| TOTALS | 12,400 | 12,400 |
| Property and Liability Insurance Fund | | |
| Expenditures | Revenue | |
| Insurance Claims | | 990,000 |
| Transfer from General Fund | | 570,000 |
| Decrease in Fund Balance | | 400,000 |
| Transfer to Grace A. Dow Memorial Library Fund | 346,000 | |
| Transfer to Landfill Fund | 49,000 | |
| Transfer to Currie Municipal Golf Course Fund | 450,600 | |
| Transfer to Riverside Place Fund | 889,000 | |
| Transfer to Sanitary Sewer Fund | 213,000 | |
| Transfer to Equipment Revolving Fund | 12,400 | |
| TOTALS | 1,960,000 | 1,960,000 |

(Motion ADOPTED by a Roll Call Voice Vote.)

2020 MIDLAND SHOPPING AREA REDEVELOPMENT ACT (SARA) ROLL

City Assessor Kayla Ripley presented information on the 2020 Downtown Economic Revitalization Public Improvement Special Assessment District Roll. A public hearing opened at 7:42 p.m., recognizing no public comments, the hearing closed at 7:41 p.m. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Hall:

WHEREAS, pursuant to due notice to all interested parties the City Council has duly met and reviewed the proposed Special Assessments to be assessed and levied in the Special Assessment Roll, prepared by the City Assessor to provide such part of the cost of a certain revitalization program on the "2020 DOWNTOWN ECONOMIC REVITALIZATION PUBLIC

IMPROVEMENT SPECIAL ASSESSMENT DISTRICT", as heretofore established, as should be paid upon the property therein especially benefited; and
 WHEREAS, that the City Council has heard and considered all objections made to said Assessment and has made such corrections in said roll as in its judgment ought to be made, and the City Assessor being present at said hearing; now therefore
 RESOLVED, that the City Council does hereby determine that it is satisfied with said Special Assessment Roll; and
 RESOLVED FURTHER, that the City Council does hereby determine that said assessments are in proportion to benefits received; and
 RESOLVED FURTHER, that said Special Assessment Roll be and the same is hereby approved and confirmed in all respects, in the amount of \$90,009.69 and that the total estimated cost of said improvements is \$90,009.69, and the City at large cost is zero (0); and
 RESOLVED FURTHER, that fifty (50) percent of the amount of said roll shall be collected during the year of 2020, and fifty (50) percent of said roll shall be collected during the year of 2021; and
 RESOLVED FURTHER, that the said roll shall be filed in the Office of the City Clerk, and the Clerk is hereby directed to endorse on said roll the date of confirmation, and that said Clerk is hereby directed to attach the warrant to a certified copy within ten days, therein commanding the City Assessor to spread the various sums and amounts appearing therein on a Special Assessment Roll or upon the General Tax Roll of the City for the full amount or in annual installments as directed by the City Council; and
 RESOLVED FURTHER, that said roll shall be forwarded to the City Assessor for spreading fifty (50) percent of said roll on July 1, 2020 without interest, and fifty (50) percent of said roll on July 1, 2021 without interest.
 RESOLVED FURTHER, in the event the meeting on June 22, 2020 is held virtually, information on how to participate via phone or videoconference will be provided within the agenda posting for said meeting. (Motion ADOPTED by a Roll Call Voice Vote.)

PUBLIC COMMENT

Mary and Jim Elmore, 3101 Camberley Ln, spoke regarding the flood response
 Amanda VanHoey, 2811 Saint Marys Dr, spoke regarding the flood responses and the sanitary sewer system.
 John Muste, 4900 Oakridge Dr, spoke regarding the flood response and the sanitary sewer system.
 John Hill, 4224 Partridge Ln, spoke regarding the flood response and the sanitary and storm sewer systems.

WATER AND SEWER RATES ORDINANCE AMENDMENTS

Director of Water Services Peter Schwarz presented information on ordinances amending Section 28-52 of Division 3 of Article II of Chapter 28 – Water Rates and Section 28-163 of Division 3 of Article III of Chapter 28 – Sewer Rates. The following two ordinances were then presented for second reading and adoption:

WATER RATES ORDINANCE

The following ordinance was then offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm:

ORDINANCE NO. 1837

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTION 28-52 OF DIVISION 3 OF ARTICLE II OF CHAPTER 28 THEREOF.

The City of Midland Ordains:

Section 1. Section 28-52 of Division 3 of Article II of Chapter 28 of the Code of Ordinances is hereby amended to read as follows:

Sec. 28-52. Filtered water rate generally.

The city's methodology of adjusting water rates shall be in accordance with the cost of service water and sewer rate study prepared by the city's consultant, presented to and approved

by the council in 1993 and shall be in conformity with the findings set forth in section 28-2 of this chapter.

All filtered water bills shall be calculated according to the following:

- (1) For each one thousand (1,000) gallons used per quarter: \$1.78
- (2) In addition to the rate set forth in this section for the use of water, there shall be a readiness-to-serve charge per quarter on each metered service as follows:

| <u>Metered Service</u> | <u>Amount</u> |
|------------------------|---------------|
| 5/8" – 3/4" | \$38.35 |
| 1" | \$49.86 |
| 1-1/2" | \$61.36 |
| 2" | \$99.71 |
| 3" | \$383.50 |
| 4" | \$498.55 |
| 6" | \$728.65 |
| 8" | \$1,035.45 |

- (3) Gross rates shall be ten (10) percent greater than the above schedule of rates and shall be charged for water service paid for after the date shown on the bills.

Section 2. This ordinance shall take effect July 1, 2020. (Ordinance ADOPTED by a Roll Call Voice Vote.)

SEWER RATES ORDINANCE

The following ordinance amendment was then offered by Councilman Arnosky and seconded by Councilman Wazbinski:

ORDINANCE NO. 1838

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTION 28-163 OF DIVISION 3 OF ARTICLE III OF CHAPTER 28 THEREOF.

The City of Midland Ordains:

Section 1. Section 28-163 of Division 3 of Article III of Chapter 28 of the Code of Ordinances is hereby amended to read as follows:

Sec. 28-163. Amount of sewer charge.

The city's methodology of adjusting sewer rates shall be in accordance with the cost of service water and sewer rate study prepared by the city's consultant, presented to and approved by the council in 1993 and shall be in conformity with the findings set forth in Section 28-4 of this chapter.

The charges for sewer service shall be calculated according to the following schedule:

- (1) There shall be a readiness-to-serve charge per quarter on each metered water service as follows:

| <u>Metered Service</u> | <u>Amount</u> |
|------------------------|---------------|
| 5/8" – 3/4" | \$51.55 |
| 1" | \$67.02 |
| 1 – 1/2" | \$82.48 |
| 2" | \$134.03 |
| 3" | \$515.50 |
| 4" | \$670.15 |
| 6" | \$979.45 |
| 8" | \$1,391.85 |

(2) In addition to the readiness-to-serve charge set forth in subsection (1) of this section, there will be an additional charge for sewer service, which will be calculated as follows:

For each 1,000 gallons of water used per quarter: \$2.55

However, bills for sewer services for two (2) summer quarters for domestic customers, schools and churches shall be based on the average consumption during two (2) winter quarters. In cases where there is no previous consumption upon which to base bills for sewer services in the summer quarters, twenty-five thousand (25,000) gallons or actual consumption, whichever is the least, shall be used.

Section 2. This ordinance shall take effect July 1, 2020. (Ordinance ADOPTED by a Roll Call Voice Vote.)

APPROVE TAX LEVY FOR JULY 2020 TAX ROLL - SPECIAL ASSESSMENTS

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

RESOLVED, that the City Assessor is hereby authorized and instructed to spread upon the July 2020 tax roll, Special Assessments in the various amounts as indicated herein:

Street Improvement Rolls

| | |
|-----------------------------------|-------------|
| 2014 Street Improvement | \$ 2,224.15 |
| Subtotal Street Improvement Rolls | \$ 2,224.15 |

Sanitary Sewer Improvement Roll

| | |
|---|--------------|
| 2003 Sanitary Sewer Improvement | \$ 9,987.93 |
| 2009 Sanitary Sewer Improvement | \$ 26,712.77 |
| 2014 Sanitary Sewer Improvement | \$ 1,966.29 |
| Subtotal Sanitary Sewer Improvement Rolls | \$ 38,666.99 |

Water Main Improvement Rolls

| | |
|---------------------------------------|-------------|
| 2014 Water Main Improvement | \$ 1,577.46 |
| Subtotal Water Main Improvement Rolls | \$ 1,577.46 |

Sidewalk Improvement Rolls

| | |
|-------------------------------------|-------------|
| 2015 Sidewalk Improvement | \$ 3,100.47 |
| 2016 Sidewalk Improvement | \$ 919.46 |
| 2017 Sidewalk Improvement | \$ 2,600.18 |
| Subtotal Sidewalk Improvement Rolls | \$ 6,620.11 |

Water Main and Sanitary Sewer PILOT Rolls

| | |
|---|--------------|
| 2017 Water Improvement PILOT | \$ 923.79 |
| 2019 Sanitary Sewer PILOT | \$ 1,983.79 |
| 2020 Water Improvement PILOT | \$ 1,041.08 |
| | \$ 3,948.66 |
| 2020 Downtown Economic Revitalization Roll (SARA) | \$ 45,004.92 |

| | |
|-------------------------------|---------------|
| Accounts Receivable Roll | \$ 18,761.37 |
| TOTAL SPECIAL ASSESSMENT ROLL | \$ 116,803.66 |

; and RESOLVED FURTHER, that the current accounts receivable listed herein be transferred to the 2020 General Fund Tax Roll Accounts Receivable. (Motion ADOPTED by a Roll Call Voice Vote.)

APPROVE TAX LEVY FOR JULY 2020 TAX ROLL – MIDLAND PUBLIC SCHOOLS

The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, in accord with Act 333 of the Public Acts of Michigan of 1982, the Midland Public Schools has submitted a request for the City of Midland to collect a summer property tax levy of school property taxes within the city of Midland for the year 2020; and

WHEREAS, the General Property Tax Act, P.A. 206 of 1893 as amended, allows for the collection of taxes and outlines the distribution of collected taxes; and
 WHEREAS, the City of Midland Treasurer has and will continue to collect taxes under the following conditions: 1) The City of Midland shall retain all collection fees, administration fees, penalties and interest accrued on collection of taxes for other taxing entities. 2) Taxes collected by the City of Midland for other units shall be remitted to the taxing entity in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended. 3) The City of Midland agrees that it will not charge the taxing entities for collection of these taxes; now therefore
 RESOLVED, that the City Council hereby approves said request and hereby authorizes the City Treasurer to collect and distribute the 2020 Midland Public Schools summer property tax levy in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended; and
 RESOLVED FURTHER, that the City Treasurer is authorized to enter into an agreement with the applicable taxing entity for collection and distribution of taxes under the above-stated conditions. (Motion ADOPTED by a Roll Call Voice Vote.)

APPROVE TAX LEVY FOR JULY 2020 TAX ROLL – MIDLAND COUNTY EDUCATIONAL SERVICE AGENCY

The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, in accord with Act 333 of the Public Acts of Michigan of 1982, the Midland County Educational Service Agency has submitted a request for the City of Midland to collect a summer property tax levy of school property taxes within the city of Midland for the year 2020; and
 WHEREAS, the General Property Tax Act, P.A. 206 of 1893 as amended, allows for the collection of taxes and outlines the distribution of collected taxes; and
 WHEREAS, the City of Midland Treasurer has and will continue to collect taxes under the following conditions: 1) The City of Midland shall retain all collection fees, administration fees, penalties and interest accrued on collection of taxes for other taxing entities. 2) Taxes collected by the City of Midland for other units shall be remitted to the taxing entity in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended. 3) The City of Midland agrees that it will not charge the taxing entities for collection of these taxes; now therefore
 RESOLVED, that the City Council hereby approves said request and hereby authorizes the City Treasurer to collect and distribute the 2020 Midland County Educational Service Agency summer property tax levy in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended; and
 RESOLVED FURTHER, that the City Treasurer is authorized to enter into an agreement with the applicable taxing entity for collection and distribution of taxes under the above-stated conditions. (Motion ADOPTED by a Roll Call Voice Vote.)

APPROVE TAX LEVY FOR JULY 2020 TAX ROLL – BAY CITY PUBLIC SCHOOLS

The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, in accord with Act 333 of the Public Acts of Michigan of 1982, the Bay City Public Schools has submitted a request for the City of Midland to collect a summer property tax levy of school property taxes within the city of Midland for the year 2020; and
 WHEREAS, the General Property Tax Act, P.A. 206 of 1893 as amended, allows for the collection of taxes and outlines the distribution of collected taxes; and
 WHEREAS, the City of Midland Treasurer has and will continue to collect taxes under the following conditions: 1) The City of Midland shall retain all collection fees, administration fees, penalties and interest accrued on collection of taxes for other taxing entities. 2) Taxes collected by the City of Midland for other units shall be remitted to the taxing entity in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended. 3) The City of Midland agrees that it will not charge the taxing entities for collection of these taxes; now therefore

RESOLVED, that the City Council hereby approves said request and hereby authorizes the City Treasurer to collect and distribute the 2020 Bay City Public Schools summer property tax levy in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended; and
 RESOLVED FURTHER, that the City Treasurer is authorized to enter into an agreement with the applicable taxing entity for collection and distribution of taxes under the above-stated conditions. (Motion ADOPTED by a Roll Call Voice Vote.)

APPROVE TAX LEVY FOR JULY 2020 TAX ROLL – BAY-ARENAC INTERMEDIATE SCHOOL DISTRICT

The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, in accord with Act 333 of the Public Acts of Michigan of 1982, the Bay-Arenac Intermediate School District has submitted a request for the City of Midland to collect a summer property tax levy of school property taxes within the city of Midland for the year 2020; and
 WHEREAS, the General Property Tax Act, P.A. 206 of 1893 as amended, allows for the collection of taxes and outlines the distribution of collected taxes; and
 WHEREAS, the City of Midland Treasurer has and will continue to collect taxes under the following conditions: 1) The City of Midland shall retain all collection fees, administration fees, penalties and interest accrued on collection of taxes for other taxing entities. 2) Taxes collected by the City of Midland for other units shall be remitted to the taxing entity in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended. 3) The City of Midland agrees that it will not charge the taxing entities for collection of these taxes; now therefore
 RESOLVED, that the City Council hereby approves said request and hereby authorizes the City Treasurer to collect and distribute the 2020 Bay-Arenac Intermediate School District summer property tax levy in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended; and
 RESOLVED FURTHER, that the City Treasurer is authorized to enter into an agreement with the applicable taxing entity for collection and distribution of taxes under the above-stated conditions. (Motion ADOPTED by a Roll Call Voice Vote.)

APPROVE TAX LEVY FOR JULY 2020 TAX ROLL – DELTA COLLEGE

The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, in accord with Act 333 of the Public Acts of Michigan of 1982, Delta College has submitted a request for the City of Midland to collect a summer property tax levy of school property taxes within the city of Midland for the year 2020; and
 WHEREAS, the General Property Tax Act, P.A. 206 of 1893 as amended, allows for the collection of taxes and outlines the distribution of collected taxes; and
 WHEREAS, the City of Midland Treasurer has and will continue to collect taxes under the following conditions: 1) The City of Midland shall retain all collection fees, administration fees, penalties and interest accrued on collection of taxes for other taxing entities. 2) Taxes collected by the City of Midland for other units shall be remitted to the taxing entity in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended. 3) The City of Midland agrees that it will not charge the taxing entities for collection of these taxes; now therefore
 RESOLVED, that the City Council hereby approves said request and hereby authorizes the City Treasurer to collect and distribute the 2020 Delta College summer property tax levy in accordance with the General Property Tax Act, P.A. 206 of 1893 as amended; and
 RESOLVED FURTHER, that the City Treasurer is authorized to enter into an agreement with the applicable taxing entity for collection and distribution of taxes under the above-stated conditions. (Motion ADOPTED by a Roll Call Voice Vote.)

APPROVED TEMPORARY BENEFIT CHANGE FOR FURLOUGHED EMPLOYEES

The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

RESOLVED, that the Mayor and City Council hereby authorize temporary retirement benefit changes for furloughed employees to expire at the end of the furlough period or by December 31, 2020 whichever is earlier; said benefit changes to provide service credit and skip furloughed time when calculating pension benefits for furloughed employees in the Municipal Employees Retirement System (MERS) defined benefit and hybrid retirement plans and to provide a 50% City contribution for furloughed employees in the MERS defined contribution retirement plan; and RESOLVED FURTHER, that the City Manager is hereby authorized to enter into an agreement with the Municipal Employees Retirement System to implement these temporary benefit changes. (Motion ADOPTED by a Roll Call Voice Vote.)

APPROVED CONTRACT EXTENSIONS AND PAY INCREASES

The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

RESOLVED, that in accordance with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m., Monday, July 13, 2020, in the Council Chambers of City Hall, or virtually due to social distancing guidelines as a result of the coronavirus pandemic, to amend the budget for fiscal year 2020-2021 to accept a gift from Katherine A. Moore Revocable Trust for the MPD Police K-9 Program.

RESOLVED FURTHER, in the event the meeting is held virtually, information on how to participate via phone or videoconference will be provided within the agenda posting for said meeting. (Motion ADOPTED by a Roll Call Voice Vote.)

EMERGENCY RESPONSE FLOOD EXPENDITURES

The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, the City of Midland encountered devastating flooding as a result of dam failures on the Tittabawassee River north of the City; and

WHEREAS, as a result of this event the City incurred certain expenditures that were necessary to protect health and human life, as City-owned property; and

WHEREAS, while the dollar amount of these expenditures would typically cause them to be processed through the standard purchasing procedures, the expediency in which certain decisions needed to be made did not provide sufficient time to accommodate normal procedures; now therefore

RESOLVED, that in accord with Section 2-18 of the Code of Ordinances, the requirement for sealed competitive proposals is hereby waived as impractical, and the seven invoices to SERVPRO, Hammer Restoration, Pat's Gradall (2), Mersino Dewatering, Honeywell, and ThyssenKrupp totaling \$597,532.37 are hereby approved. (Motion ADOPTED by a Roll Call Voice Vote.)

EMERSON PARK BRIDGE DEMOLITION – ADDITIONAL EXPENDITURES

The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, City Council awarded a contract for the "2020 Emerson Park Bridge Demolition; Contract No. 10" to J.R. Heineman & Sons of Saginaw, Michigan on May 11, 2020; and

WHEREAS, removal of the remaining roadway on either side of the bridge that was planned for removal by in-house crews turned out to a larger job than could be efficiently performed in-house; and

WHEREAS, staff requested a proposal from J.R. Heineman to complete the removal of the remaining roadway as an additional scope of work under the existing contract; now therefore RESOLVED, that the City Council hereby authorizes additional expenditures to the 2020 Emerson Park Bridge Demolition; Contract No. 10 not to exceed \$33,944.00; and RESOLVED FURTHER, that the City Manager is authorized to sign the appropriate change order; and RESOLVED FURTHER, that all other conditions of the resolution for Contract No. 10 dated May 11, 2020 apply. (Motion ADOPTED by a Roll Call Voice Vote.)

FY 2020-21 SIDEWALK REPLACEMENT PROGRAM

The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for sidewalk repair within the City of Midland; and WHEREAS, funding for this work is included in the FY 2020-21 General Fund budget for sidewalk repair; and WHEREAS, the low bidder meeting specifications, Northwood Concrete of Midland, Michigan, has also provided satisfactory sidewalk repair services in the past to the City of Midland; now therefore RESOLVED, that the Accounting Manager is hereby authorized to issue a purchase order to Northwood Concrete of Midland, Michigan for up to \$97,500 for sidewalk repair work for FY 2020-21. (Motion ADOPTED by a Roll Call Voice Vote.)

WASTEWATER – REPLACEMENT HEAT RECOVERY UNIT, BID NO. 4068

The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, the City's sanitary sewer collects wastewater from residential, commercial, and industrial facilities, and ultimately flows to the Wastewater Treatment Plant (WWTP) grit and screenings building (headworks of the plant); and WHEREAS, the Grit Removal Building at the WWTP was constructed in 1990, and houses both the solids screening and grit removal processes; and WHEREAS, the Heat Recovery Unit provides two main functions to the Grit Removal Building: necessary air changes to keep toxic sewer gases from accumulating and heating the 25,000 square foot building; and WHEREAS, staff has provided several temporary measures over the past three years to extend the life of the unit, however, the unit continues to fail and last winter ultimately failed resulting in a large number of frozen pipes in the Grit Removal Building; and WHEREAS, sealed bids for Bid No. 4068, Midland WWTP HRU Replacement have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and WHEREAS, staff has determined that the low bid submitted by Three Rivers Corporation of Midland, MI in the amount of \$194,870.00 meets the City specifications and is acceptable; and WHEREAS, funding has been budgeted for this purpose in the 2019/20 Wastewater Enterprise Fund - Capital Budget; now therefore RESOLVED, that the low bid is accepted and a purchase order in an amount not to exceed \$194,870.00 to Three Rivers Corporation is hereby authorized for the replacement of a Heat Recovery Unit at the Wastewater Treatment Plant Grit Recovery Building; and RESOLVED FURTHER, that the City Manager is authorized to approve changes to the purchase order in an aggregate amount not to exceed \$5,000.00. (Motion ADOPTED by a Roll Call Voice Vote.)

WATER & WASTEWATER TREATMENT – FERRIC CHLORIDE, BID NO. 4088

The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, in water and wastewater treatment operations, Ferric Chloride (FeCl₃) is used as primary coagulant necessary for flocculation to remove turbidity, as well as for odor control, phosphorus removal, and hydrogen sulfide minimization; and

WHEREAS, sealed bids for Bid 4088 – Annual Water & Wastewater Treatment Chemicals, have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, purchase of Ferric Chloride will be made from the Water Fund and Wastewater Fund Operating Budgets; now therefore

RESOLVED, that the low bid submitted by Kemira Water Solutions, Inc. of Lawrence, KS, for the purchase and delivery of up to 200 tons of Ferric Chloride (FeCl₃) for each of the Water and Wastewater Treatment Plants at a price per ton of \$587.00, for a period of one year beginning July 1, 2020, is hereby accepted and two purchase orders, each in the amount not to exceed \$117,400.00, are authorized; and

RESOLVED FURTHER, that the City Manager is authorized to approve changes in an aggregate amount not to exceed \$15,000.00 for each purchase order. (Motion ADOPTED by a Roll Call Voice Vote.)

WATER TREATMENT – CALCIUM OXIDE, BID NO. 4088

The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, sealed bids for Bid 4088 – Annual Water & Wastewater Treatment Chemicals, have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, purchase of Calcium Oxide (CaO or Lime), will be made from the Water Fund Operating Budget; now therefore

RESOLVED, that the bid submitted by Graymont Western Lime, Inc. of West Bend, WI, for the indicated price per ton of \$146.00, for up to 1,000 tons of Calcium Oxide for a period of one year beginning July 1, 2020, at an annual amount of \$146,000.00, is hereby accepted and a purchase order is authorized; and

RESOLVED FURTHER, that the City Manager is authorized to approve changes to the purchase order in an aggregate amount not to exceed \$15,000.00. (Motion ADOPTED by a Roll Call Voice Vote.)

SET PUBLIC HEARING TO AMEND THE 2020-2021 BUDGET TO ACCEPT GIFT FROM KATHERINE A. MOORE REVOCABLE TRUST FOR MPD POLICE K-9 PROGRAM

The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

RESOLVED, that in accordance with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m., Monday, July 13, 2020, in the Council Chambers of City Hall, or virtually due to social distancing guidelines as a result of the coronavirus pandemic, to amend the budget for fiscal year 2020-2021 to accept a gift from Katherine A. Moore Revocable Trust for the MPD Police K-9 Program.

RESOLVED FURTHER, in the event the meeting is held virtually, information on how to participate via phone or videoconference will be provided within the agenda posting for said meeting. (Motion ADOPTED by a Roll Call Voice Vote.)

Being no further business the meeting adjourned at 8:20 p.m.

Erica Armstrong, City Clerk

File Attachments for Item:

2. Amending the 2020-2021 General Fund Budget to provide funding for the Police K-9 Program FORD

SUMMARY REPORT TO MANAGER
for City Council Meeting of July 13, 2020

SUBJECT: Amending the 2020-2021 General Fund Budget to provide funding for the Police K-9 Program.

INITIATED BY: Nicole Ford, Chief of Police, Midland Police Department

RESOLUTION

SUMMARY: This resolution amends the General Fund 2020-2021 budget to recognize increased revenue in the amount of \$77,844.84 via a gift from Katherine A. Moore Revocable Trust to provide budgetary funding for the Midland Police Department Police K-9 Program.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution

COUNCIL ACTION:

1. 3/5 vote required to approve resolution



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July 8, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

The City of Midland is fortunate to be the recipient of a generous and thoughtful monetary gift from the Katherine A. Moore Revocable Trust. Ms. Moore specifically gifted funds of \$77,844.84 to the City of Midland for the directed purpose of supporting the City's K-9 program.

Given the purpose of the financial gift from the Trust of Ms. Moore, the City must agree to only utilize those funds for the purpose of operating the City's K-9 program. That program, at least temporarily, ended operations in December of 2019 with the retirements of K-9 Officer John DuBois and K-9 Tza'Yid.

The City of Midland K-9 program was originated in 2012. In addition to K-9 Officer Dubois and K-9 Tza'Yid, K-9 Officer Greg Tait and K-9 Brody joined the program in 2014. During its almost 8 years of operation, the K-9 program proved to be an integral component to the success of the Midland Police Department (MPD). Not only did it allow for a supplemental layer of service in patrol functions, it also provides an additional avenue for MPD to increase positive community interactions. Even absent the generous gift now presented, the replacement of a K-9 unit and the assignment of an MPD Officer to this detail was identified as a departmental priority.

At this time, City Council is requested to accept the \$77,844.84 monetary gift from the Katherine A. Moore Revocable Trust and approve the amendment to the General Fund 2020-2021 budget. These funds, once accepted by City Council and added to the City budget, will allow the MPD to expedite achievement of their goal to revive the crucial MPD K-9 program by allowing for the purchase of a new K-9 and supporting the ongoing costs of the program.

Attached hereto is a resolution for City Council to accept a gift from the Katherine A. Moore Revocable Trust for the MPD Police K-9 Program and to amend the budget for fiscal year 2020-2021 accordingly. A prior public hearing is required and a 3/5 vote is required for approval.

Sincerely,

Nicole L. Ford
Midland Police Department

Christina Evans
Accounting Manager



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FURTHER BY COUNCILMAN

WHEREAS, that in accordance with Section 11.6 of the Charter of the City of Midland, a public hearing has been conducted at 7:00 p.m., Monday, July 13, 2020, in the Council Chambers of City Hall, or virtually due to social distancing guidelines as a result of the coronavirus pandemic; and

WHEREAS, the Midland Police Department's (MPD) former K-9 Program ended upon the December 2019 retirement of K-9 Tza'Yid and K-9 Officer John DuBois; and

WHEREAS, an MPD K-9 Program provides a supplemental layer of service in patrol functions as well as increases positive community interactions; and

WHEREAS, a generous monetary gift to the City of Midland in the amount of \$77,844.84 has been received from the Katherine A. Moore Revocable Trust for use by the MPD K-9 Program; now therefore

RESOLVED, that Midland City Council accepts the monetary gift from the Katherine A. Moore Revocable Trust for use by the MPD Police K-9 Program; and

RESOLVED FURTHER, that the General Fund 2020-2021 budget is hereby amended to increase revenues and expenditures by \$77,844.84 to recognize a monetary gift from the Katherine A. Moore Revocable Trust for use by the MPD Police K-9 Program.

YEAS:

NAYS:

ABSENT:

I, Erica Armstrong, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, July 13, 2020.

Erica Armstrong, City Clerk

File Attachments for Item:

3. Introduction and first reading of an ordinance to amend the City's purchasing ordinance by adding Section 2-28 to Chapter 2 of the Code of Ordinances establishing policies and procedures for Federal Emergencies and Disasters to provide special consideration to allow the use of federal procurement guidelines for purchases related to federal disasters. KEENAN

SUMMARY REPORT TO MANAGER
For City Council Meeting of July 13, 2020

SUBJECT: City purchasing ordinance

INITIATED BY: David A. Keenan, Assistant City Manager

RESOLUTION

SUMMARY: This action gives first reading of an ordinance amendment to add Section 2-28 to Article II of Chapter 2 of the Code of Ordinances – Establishment of Policies and Procedures for Federal Emergencies and Disasters

ITEMS ATTACHED:

1. Letter of Transmittal
2. Ordinance

CITY COUNCIL ACTION:

1. 3/5 vote required to give first reading to ordinance



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July 8, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan 48640

Dear Mr. Kaye:

The City is anticipating that the Federal Government will eventually provide a federal disaster declaration as it relates to the local devastation caused by the failures of dams located on the Tittabawassee River, upstream of the City of Midland. An anticipated benefit of this declaration will be financial assistance provided by FEMA to help with the restoration of damaged public property, as well as the recovery of costs incurred by local governments related to emergency response during and immediately following the event.

In order to qualify for FEMA's participation in providing 75% reimbursement for eligible costs, it is not only important that the costs themselves be of eligible nature, but that the process in which those goods and services were procured is allowed by federal procurement guidelines. In many cases, the City's purchasing guidelines are more restrictive than those of FEMA. When this is the case, FEMA requires that we follow our own purchasing guidelines.

Ordinarily this serves the City well, but we have encountered situations where the level of urgency to make spending decisions for flood restoration expenditures would not be viewed in the same manner by FEMA as it is by the City. In these situations we must choose to forsake potential FEMA reimbursement if we wish to proceed as the situation tells us we should.

Staff is proposing an amendment to the City's purchasing ordinance that would allow the use of the federal procurement procedures for expenditures that are the result of a federal emergency or disaster. This would allow the City to make the appropriate decisions based upon the relevant urgency of a situation and still comply with FEMA guidelines.

If you have any questions concerning the proposed amendments, please contact me.

Sincerely,

David A. Keenan
Assistant City Manager

Christina Evens
Accounting Manager

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY ADDING SECTION 2-28 TO ARTICLE II OF CHAPTER 2 THEREOF.

The City of Midland Ordains:

Section 1. Section 2-28 to Article II of Chapter 2 is hereby added to read as follows:

SEC. 2-28. ESTABLISHMENT OF POLICIES AND PROCEDURES FOR FEDERAL EMERGENCIES AND DISASTERS.

THE CITY MANAGER, OR ITS DESIGNEE, SHALL CREATE, IMPLEMENT AND MAINTAIN CURRENT POLICIES AND PROCEDURES FOR PROCUREMENT OF GOODS AND SERVICES AND REIMBURSEMENT OF COSTS PAID FOR SAID GOODS AND SERVICES THROUGH FEDERALLY FUNDED PROGRAMS, IN COMPLIANCE WITH FEDERAL RULES AND REGULATIONS. THE PURPOSE OF THESE POLICIES AND PROCEDURES SHALL BE TO AFFORD CITY STAFF THE ABILITY TO USE FEDERAL PROCUREMENT POLICIES IN PLACE OF STANDARD CITY PROCUREMENT POLICIES TO PROCURE GOODS AND SERVICES IN A MANNER THAT IS BOTH COMPLIANT WITH FEDERAL PROCUREMENT POLICIES, AND CONSISTENT WITH TIMING REQUIREMENTS AS DETERMINED BY THE CITY. THIS ABILITY SHALL ONLY APPLY TO FEDERAL EMERGENCIES AND DISASTERS.

Section 2. This Ordinance shall take effect upon publication.

YEAS:

NAYS:

ABSENT:

I, Erica Armstrong, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday,

Erica Armstrong, City Clerk

File Attachments for Item:

4. Approving local diversity, equity and inclusion efforts and partnerships within the Midland community KAYE

SUMMARY REPORT TO MANAGER
for City Council Meeting of July 13, 2020

SUBJECT: Diversity, Equity and Inclusion Initiative

INITIATED BY: City Manager

RESOLUTION

SUMMARY: This resolution supports efforts to identify and understand the strengths and challenges of our community relative to diversity, equity and inclusion and further supports partnering with local leaders and organizations that will lead us forward toward our vision of being a community where everyone thrives.

ITEMS ATTACHED:

1. Letter of transmittal
2. Message Statement
3. Resolution

COUNCIL ACTION:

1. Public hearing not required
2. 3/5 vote required to approve resolution

C. Bradley Kaye, AICP CFM
City Manager



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July 8, 2020

Midland City Council
City of Midland
Midland, Michigan

Dear Mayor Donker and Members of City Council:

On May 25, 2020, Mr. George Floyd suffered a preventable death while under the control of a Minneapolis Police Officer. The aftermath of his death, including the public shock and demonstrations that followed, revealed deep pains in our nation, our State and right here in our own community. The reverberations of Mr. Floyd's death and the resulting call for true and meaningful societal change across our nation continue today.

On June 4, 2020, a public statement was released by Mayor Maureen Donker, Council Member Diane Brown Wilhelm and Chief of Police Nicole Ford. A copy of that statement is attached. The statement was both an acknowledgement of the senselessness of Mr. Floyd's death and an acknowledgement of the pain, the anger and the outcries taking place across our country. Perhaps more importantly, it was also an acknowledgement that words are not enough. Rather, it served notice that as a community we are ready to start the difficult discussions that can lead to a deeper understanding of the issues that exist in our own community and help identify a path forward where every member of our community can not only live, but truly thrive.

It has been just over a month since the statement referenced above was released. Since that time, and under the initial leadership of Council Member Diane Brown Wilhelm, a small coalition of community leaders has been meeting to discuss first steps and a path forward. While very early in this process, a few critical points of agreement have emerged:

- Every community is different. Determining whatever might be necessary here in Midland needs to be done locally and not be driven solely by national actions, trends or experiences.
- Data will be necessary to determine where we might have challenges or concerns as a community. This data will provide for a community assessment of our strengths and needs. We are aware of other organizations and initiatives within the community taking a stance on changes needed, in addition to receiving inquiries regarding how the City plans to address areas that are believed to be of concern. From a City perspective, we prefer to be in a proactive position versus reactive.
- Transparency will be critical. A community dashboard should be made available and be easily accessible to the community. The objective is to create a benchmark of where we are today and show progress moving forward.

- Focus and prioritization on matters of diversity, equity and inclusion will be needed to bring about effective change. Failure to focus on achievable results is likely to result in a lack of any meaningful differences for our community.
- Partnerships will be critical to the success of any initiative. There are existing groups and organizations in the community that should be partnered with to improve the likelihood of success here within our community.
- The coalition will focus for now on the City, although efforts may later expand into Midland County.
- Local political leadership and support will be critical to the success of the coalition.

At this time, the coalition is asking for two things from City Council. First, a discussion of this topic and feedback on areas which have been identified as critical to obtain data to affirm challenges and opportunities in preparation for discussions, and development of an actionable plan. This is in alignment with the public statement earlier provided to our Community. Second, support for the efforts of the coalition to continue forward. Aside from the public benefits of expressing such support, this support would also be prudent to validate the continued participation of City officials including Mayor Maureen Donker, Council Member Diane Brown Wilhelm, Chief of Police Nicole Ford, City Attorney Jim Branson, and myself.

In addition to the presentation of this report, it is anticipated that other members of the coalition will participate and offer their own thoughts and comments on the importance of this initiative during the City Council meeting.

The attached Council resolution will support the objective of continued community discussion as it pertains to diversity, equity and inclusion and further support the continued efforts of the group as it moves forward to collect data for the purposes of assessing the strengths and needs of our community. A 3/5 vote is required to approve the resolution.

Sincerely,



C. Bradley Kaye, AICP CFM
City Manager



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A Message to Our Community – We Hear You

Our nation, our State and our Midland community have been shocked and disheartened by the preventable death of Mr. George Floyd in Minneapolis. The demonstrations that have resulted have revealed deep pains that remain embedded in our society and that cannot be ignored. It would be a disservice to our community to pretend those pains are not real, that they do not exist right here, or that they are not worthy of our attention. Hollow words, followed by inaction, will only serve to deepen the pain being shown across the country and which exists right here in our community, too. We can and must do better, and we will.

As a community, we strive to live out our ideals, moving towards our vision. Together. Forward. Bold. An Exceptional Place Where Everyone Thrives. We have made tremendous progress in some areas towards that vision. Despite all of the progress we have made as a community, however, we are not where we need to be - yet. Not being there yet, though, has never been an acceptable excuse not to try and will never be a valid excuse not to continue improving. Not trying, not striving to improve, is simply not who we are as a community.

Today, in response to the pain, the anger and the outcries near and far, we stand together as a community to say simply: We hear you. We hear you that what we might have thought has been good enough up until now is no longer good enough. We hear you that true, deep conversations need to take place and then be acted on, rather than brought to the surface only to be forgotten. We hear you that, as a community, we are ready to start the difficult discussions that can lead to lasting change if we have the heart and the stamina to see them through. We hear you that lasting change needs to start right here in communities like our own. And we hear you when we say that we want to be part of the solution and change in our community. We hear you.

As a community, we strongly believe in the First Amendment and the right to peaceful protests. If you are so inclined, we invite you to participate in a way that respects the life of Mr. Floyd and can serve as the first step towards deeper community discussions and understanding. We will begin those discussions in earnest in the coming days and weeks, as we elevate and advance current collaboratives such as the Cultural Awareness Committee and other intentional civility initiatives. We would encourage you to participate with us as we do. And while the listening we need to do may never truly be “done”, we look forward as a community to the day when we can all truly say, “We hear you” and know that we are closer yet on our path to being a community that is: Together. Forward. Bold. An Exceptional Place Where Everyone Thrives.

Maureen Donker
Mayor

Diane Brown Wilhelm
Council Member, Ward 4

Nicole Ford
Chief of Police



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BY COUNCILMAN

WHEREAS, our nation, our State and the Midland community were shocked by the preventable death of Mr. George Floyd in Minneapolis, MN; and

WHEREAS, the aftermath of Mr. Floyd's death and the resulting demonstrations across the country have revealed deep pain and anger in people all across our country, including right here in our own community; and

WHEREAS, as a community, we acknowledge the need for deeper understanding and discussion to ensure that we live out our ideals of being a community where every person can not only live, but thrive; and

WHEREAS, we believe that the first step towards meaningful discussion is to more deeply understand our own community, including all of its unique strengths and challenges; and

WHEREAS, an autonomous group of community leaders has come forward to initiate the data collection and partnerships that will be necessary to launch these community discussions; now therefore

RESOLVED, that the City Council hereby supports and encourages continued efforts towards identifying and understanding the unique strengths and challenges of our community relative to diversity, equity and inclusion; and

RESOLVED FURTHER, that the City of Midland continue to partner with local leaders towards the collection of data and the identification of local partnerships that will best facilitate a broad community discussion centered on diversity, equity and inclusion and our vision of being a community where everyone can thrive.

YEAS:

NAYS:

ABSENT:

I, Erica Armstrong, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, July 13, 2020.

Erica Armstrong, City Clerk

File Attachments for Item:

5. * Authorizing the City Manager to prepare and distribute, with the Midland County Road Commission, an informational brochure regarding the Road Millage renewal. FREDRICKSON

SUMMARY REPORT TO MANAGER
for City Council Meeting of July 13, 2020

SUBJECT: County Road Millage Brochure

INITIATED BY: City of Midland Engineering Department

RESOLUTION

SUMMARY: This resolution authorizes the City Manager to prepare and distribute, with the Midland County Road Commission, an informational brochure regarding the road millage renewal.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution

COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Joshua Fredrickson
Engineering Department



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July 8, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

At the May 5, 2020 Midland County Board of Commissioners meeting, approval was granted to put a one mill road millage renewal on the August ballot. This ballot initiative request to the Board of Commissioners was generated by the Midland County Road Commission and was supported by the City of Midland. Both the City of Midland and the Midland County Road Commission continue to seek road repair funding in an attempt to slow the overall decline in the health of our transportation networks.

BACKGROUND:

Local governments in Midland County receive revenue to operate and maintain our roads, streets, and bridges from two principal sources. The primary source of income for the City of Midland is the voter-approved county road millage that has been levied for approximately 48 years and an enhancement road millage first approved by voters in 2014 and renewed in 2018. The second largest source is shared gas and weight taxes received from the State of Michigan. These funds come from taxes and fees we pay when purchasing fuel, vehicle registrations, licenses, etc.

With the voted road millage dollars, the Midland County road jurisdictions have been able to maintain our transportation system at a fair to good overall standard. These funds are not only used to build and maintain our streets and bridges, but have also been used to leverage state and federal grants for those purposes. Also, without these funds, it would be extremely difficult to keep our road conditions from worsening into a sharp decline and to keep up with growth.

Specifically, within the City of Midland, the major capital maintenance work is dependent upon the County Road Millage. Without road millage funds, road construction would be very limited within our city. The gas and weight tax revenue that we receive is depleted by operational related work such as snow plowing, street sweeping, pot hole patching, guardrail, and traffic signs and signals leaving a minimal amount to allocate toward major maintenance on an annual basis.

In 2014 the voters of Midland provided the road capital maintenance program a boost by approving a millage enhancement consisting of an additional millage levy of one mill. In 2016 the voters renewed, for four years, a longstanding one mill levy. The two millages are staggered two years apart and the 2016 long standing millage expires this year.

Two combined millages have allowed the City to program significantly large and beneficial construction programs in 2020 and 2021. In addition to slowing the deterioration rate, we have been able to make a small dent in backlogged projects. The enhancement millage has been used for reconstruction projects as opposed to preventive maintenance projects. The street projects programmed for the 2020/21 budget, which includes funding from the two mill road levy, are listed below. The list represents approximately \$5.1M of construction work.

| |
|------------------------------------|
| Major Streets |
| S Saginaw Rd: Dartmouth to Patrick |
| Sturgeon Ave: Saginaw to Wackerly |
| Sugnet Rd: Northwood to Main |
| Wheeler St: Swede to Waldo |

| |
|-----------------------------------|
| Local Streets |
| Airfield Ln: Swede to Dawn |
| Brookfield Dr: Cortland to Foster |
| Concord St: Sugnet to Meadowbrook |
| Dilloway Dr: Eastman to Nakoma |
| Hamilton Dr: Jay to Clay |
| Mertz St: Manor to Ashman |
| Reardon St: Rodd to George |
| State St: North to George |
| Virginia St: Haley to Eastlawn |

At the January 2020 City Council Goal Setting special meeting and the February 2020 presentation on the Capital Improvement Plan, staff discussed with Council the road millage process and value to our street system. Also shared was the upcoming renewal of the long standing road millage and Council was supportive of the renewal ballot initiative. Subsequently, City Engineering staff and Midland County Road Commission staff participated in a late April County Finance Committee meeting. The Finance Committee recommended that the measure be placed on the ballot this August, and it has been.

CONSIDERATIONS:

Forecasting reports from our pavement management software indicates that, with two mill of funding, we are keeping the street system from significant decline. Today about 50% of our roads are in the fair/poor category. The loss of one mill, by not renewing it, would result in an overall decline and a higher level of accumulation of poor streets.

Midland County Road Commission has similar concerns and more severe road conditions. They estimate that 50% of their local roads are poor and 33% of their primary roads are poor. Midland County Road Commission works closely with the surrounding townships and plans to use 60% of their share of proceeds from road millage funds to cost share with the townships on local roads.

The renewal of the existing longstanding millage is anticipated to generate about \$3.4M in the first year, which will be distributed to the City of Midland, Midland County Road

Commission, City of Coleman and the Village of Sanford in accord with the state statute distribution formula based on taxable value. The City of Midland share is approximately \$1.9M. The following table estimates how the added road millage renewal proceeds would be distributed should the measure pass:

| <u>Entity</u> | <u>Allocation (%)</u> | <u>Amount</u> |
|--------------------------------|-----------------------|---------------|
| City of Coleman | 0.54 | \$ 18,531 |
| City of Midland | 57.27 | \$ 1,965,362 |
| Village of Sanford | 0.79 | \$27,111 |
| Midland County Road Commission | 41.40 | \$ 1,420,744 |
| Totals | 100 | \$ 3,431,748 |

RECOMMENDATION:

In the past, the City Council has authorized the City administration to produce an informational brochure on the road millage proposal. The Road Commission advised the City that they are interested in participating in the cost of printing and mailing such a brochure. It is the recommendation of City staff that a brochure and informational literature be produced. We estimate the cost for postage and printing to be about \$15,000 and that the City and Midland County Road Commission will share the costs.

Attached for your consideration is a resolution that authorizes the City Manager to prepare and distribute an informational brochure on the road millage proposal and share the cost equally with the Midland County Road Commission.

Respectfully submitted,



Joshua N. Fredrickson
City Engineer



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BY COUNCILMAN

WHEREAS, the City Engineer has indicated the need for street funding to keep the City's street system condition in good repair; and

WHEREAS, on May 5, 2020 the Midland County Board of Commissioners approved road millage proposal language to place a one mill road millage renewal on the August 4, 2020 Primary Election ballot; and

WHEREAS, City administration desires to produce and distribute an informational brochure related to the road millage ballot proposal; now therefore

RESOLVED, that the City administration is hereby authorized and instructed to prepare and distribute an informational brochure regarding the road millage proposal on the August 4, 2020 Primary Election ballot, and the City Manager is hereby authorized to invoice the Midland County Road Commission for its equal share of the brochure expenses.

YEAS:

NAYS:

ABSENT:

I, Erica Armstrong, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, July 13, 2020.

Erica Armstrong, City Clerk

File Attachments for Item:

6. * Final Plat Broadhead Estates No. 6 — a petition initiated by SKW Properties, LLC for final approval of a residential subdivision of 8 lots on 3.6 acres at the east end of Broadhead Drive. MURSCHEL

SUMMARY REPORT TO CITY MANAGER
for City Council Meeting of July 13, 2020

SUBJECT: Final Plat Approval of Broadhead Estates No. 6

INITIATED BY: SKW Properties, LLC

RESOLUTION

SUMMARY: This resolution will approve the Final Plat of Broadhead Estates No. 6, a single-family residential subdivision of eight (8) lots located on 3.6 acres at 7100 Jefferson Avenue.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution
3. Location maps
4. Final plat

CITY COUNCIL ACTION:

1. Public hearing not required.
2. 3/5 vote required to approve resolution.

Grant Murschel
Director of Planning & Community Development

GRM/rmg



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July 8, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland Michigan

Dear Mr. Kaye:

The Final Plat of Broadhead Estates No. 6, a residential subdivision of eight (8) lots on 3.6 acres at the east end of Broadhead Drive, known as 7100 Jefferson Avenue, has been submitted for approval.

In accordance with Section 23-19 of the City of Midland Subdivision Control Ordinance, the proprietor has provided title insurance, construction plans for required improvements which have been approved by the City Engineer, and a financial security agreement approved by the City Attorney.

The Final Plat has been reviewed against the approved preliminary plat. No notable changes have been made. As the proposed Final Plat is in general compliance with the approved preliminary plat and meets all platting requirements, the Final Plat is recommended for approval.

A resolution for City Council consideration of the Final Plat of Broadhead Estates No. 6 and the associated financial security agreement is attached.

Respectfully,

Grant Murschel
Director of Planning & Community Development

GRM/rmg



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.midland-mi.org

BY COUNCILMAN

WHEREAS, the Final Plat of Broadhead Estates No. 6 is in general conformance with the approved Preliminary Plat, and all requirements of Chapter 23 of the Code of Ordinances of the City of Midland have been met; now therefore

RESOLVED, that the City Council does hereby approve the Final Plat of Broadhead Estates No. 6 in accordance with Section 23-19 of the Code of Ordinances of the City of Midland; and

RESOLVED FURTHER, that the Mayor and City Clerk are hereby authorized to execute the contract for the requirement improvements; and

RESOLVED FURTHER, that the City Clerk is hereby authorized to execute the plat and record it on behalf of the City.

YEAS:

NAYS:

ABSENT:

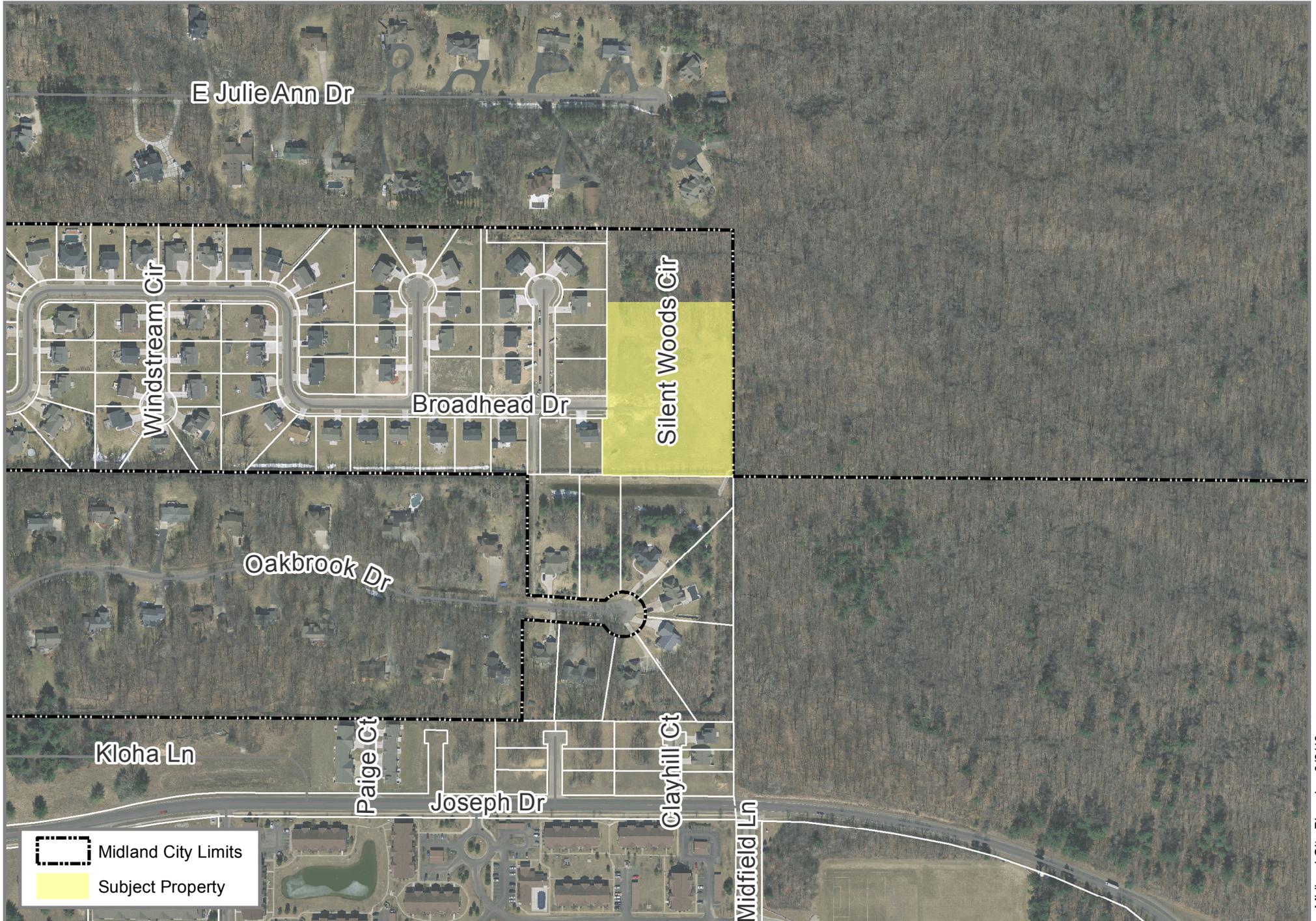
I, Erica Armstrong, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, July 13, 2020.

Erica Armstrong, City Clerk

Tentative Preliminary Plat | Broadhead Estates No. 6

39

> 7100 Jefferson Avenue - SKW Properties, LLC



Tentative Preliminary Plat | Broadhead Estates No. 6

40

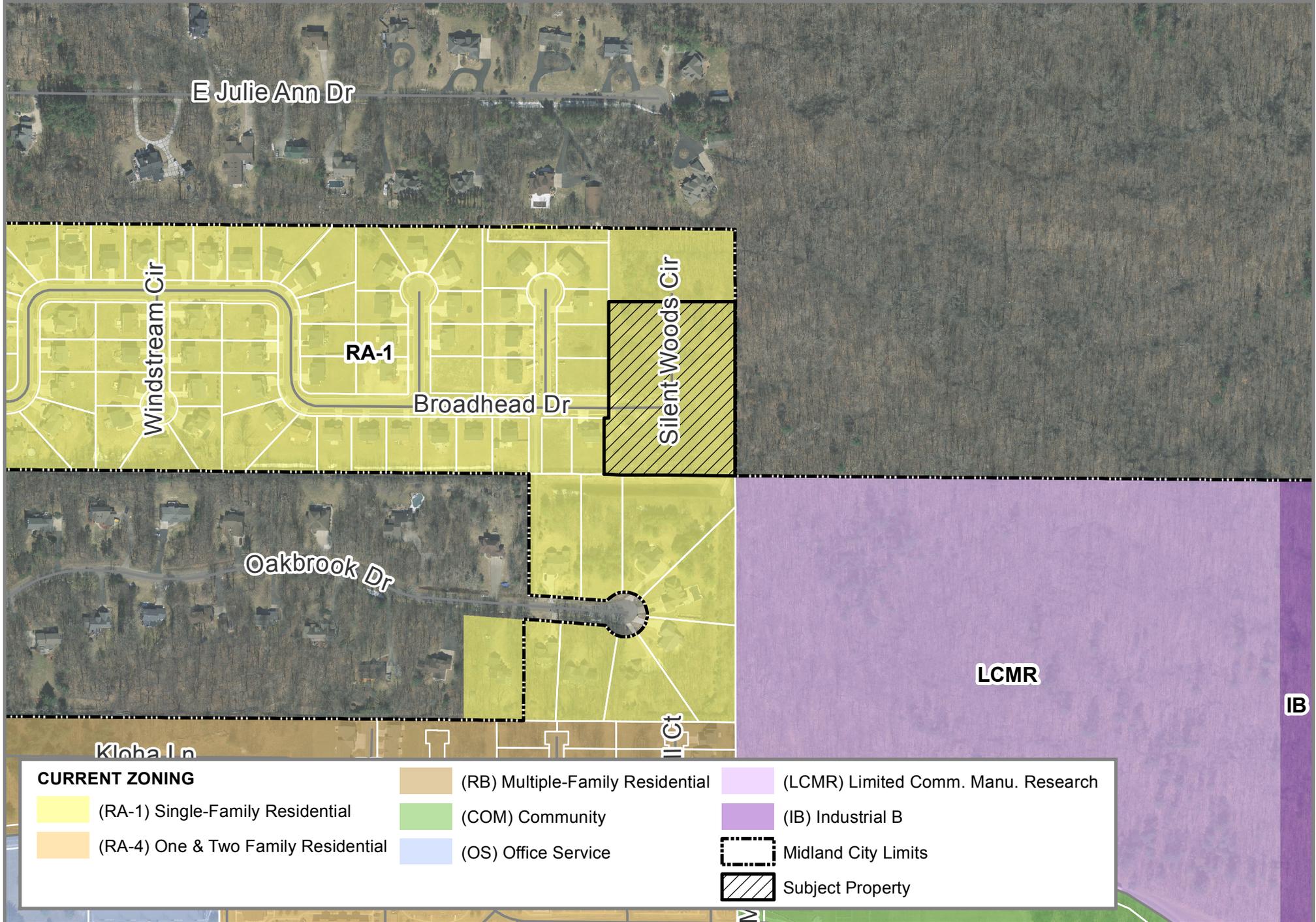
> 7100 Jefferson Avenue - SKW Properties, LLC



Tentative Preliminary Plat | Broadhead Estates No. 6

41

> 7100 Jefferson Avenue - SKW Properties, LLC



CURRENT ZONING

- (RA-1) Single-Family Residential
- (RA-4) One & Two Family Residential
- (RB) Multiple-Family Residential
- (COM) Community
- (OS) Office Service
- (LCMR) Limited Comm. Manu. Research
- (IB) Industrial B
- Midland City Limits
- Subject Property

IB

PROPRIETOR'S CERTIFICATE

SKW Investments LLC., 925 East Wheeler Street, Midland, MI 48642, a Limited Liability Company, duly organized and existing under the laws of the State of Michigan by, Michael J. Rapanos and David G. Rapanos, co-owners, as proprietors have caused the land described in the this plat to be surveyed, divided, mapped and dedicated as represented on this plat and that the streets are for the use of the Public; that the public utility easements are private easements and that all other easements are for the uses shown on the plat.

SKW Investments LLC
925 East Wheeler Street
Midland, Michigan 48642

State ID# 802251630
State File Date 11-1-2018

Michael J. Rapanos
Michael J. Rapanos, Co-Owner
David G. Rapanos
David G. Rapanos, Co-Owner

ACKNOWLEDGEMENT

State of Michigan
Midland County

The foregoing instrument was acknowledged before me on 6/1/20 by Michael J. Rapanos and David G. Rapanos, co-owners of SKW Investments LLC., a Michigan Limited Liability Company, on behalf of the Company.

Sherry Swan
Notary Public, Midland County, Michigan

My Commission Expires: 8/2/24

PROPRIETOR'S CERTIFICATE

Isabella Bank Corporation, 2222 North Saginaw Road, Midland, MI 48640, a Michigan Banking Corporation, duly organized and existing under the laws of the State of Michigan by, Justin M. Vondette, Commercial Loan Officer, as proprietor has caused the land described in the this plat to be surveyed, divided, mapped and dedicated as represented on this plat and that the streets are for the use of the Public; that the public utility easements are private easements and that all other easements are for the uses shown on the plat.

Isabella Bank Corporation
2222 North Saginaw Road
Midland, Michigan 48640

State ID# 800363546
State File Date 9-20-1988

Justin M. Vondette
Justin M. Vondette, Commercial Loan Officer

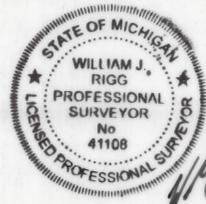
ACKNOWLEDGEMENT

State of Michigan
Midland County

The foregoing instrument was acknowledged before me on 6/1/20 by Justin M. Vondette, Commercial Loan Officer for Isabella Bank, A Michigan Banking Corporation, on behalf of the Corporation.

Sherry Swan
Notary Public, Midland County, Michigan

My Commission Expires: 8/2/24



BROADHEAD ESTATES NO. 6

PART OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 34, T15N, R2E, CITY OF MIDLAND, MIDLAND COUNTY, MICHIGAN

PROPRIETOR'S CERTIFICATE

I Michael J. Rapanos, as proprietor certify that I caused the land described in the this plat to be surveyed, divided, mapped and dedicated as represented on this plat and that the streets are for the use of the Public; that the public utility easements are private easements and that all other easements are for the uses shown on the plat.

Michael J. Rapanos
Michael J. Rapanos, 925 East Wheeler Street, Midland, MI 48642

ACKNOWLEDGEMENT

State of Michigan
Midland County

The foregoing instrument was acknowledged before me on 6/1/20 by Michael J. Rapanos, a single man.

Sherry Swan
Notary Public, Midland County, Michigan

My Commission Expires: 8/2/24

PROPRIETOR'S CERTIFICATE

I Christopher C. Waltz as proprietor certify that I caused the land described in the this plat to be surveyed, divided, mapped and dedicated as represented on this plat and that the streets are for the use of the Public; that the public utility easements are private easements and that all other easements are for the uses shown on the plat.

Christopher C. Waltz
Christopher C. Waltz, 3637 Julie Ann Drive, Midland, MI 48642

ACKNOWLEDGEMENT

State of Michigan
Midland County

The foregoing instrument was acknowledged before me on 6/1/20 by Christopher C. Waltz, a single man.

Sherry Swan
Notary Public, Midland County, Michigan

My Commission Expires: 8/2/24

TREASURER'S CERTIFICATE:

The records in my office show no unpaid taxes or special assessments for the 5 years preceding _____, 2020 involving the lands included in this plat.

Catherine L. Lunsford Date
Midland County Treasurer

COUNTY DRAIN COMMISSIONER'S CERTIFICATE:

Approved on _____, 2020 as complying with 1967 PA 288, MCL 560.192 and the applicable rules and regulations published by my office in the County of Midland.

Douglas Enos Date
Midland County Drain Commissioner

MUNICIPAL CERTIFICATE:

I certify that this plat was approved by the City Council, of the City of Midland, at a meeting held _____, 2020 and was reviewed and found to be in compliance with 1967 PA 288, MCL 560.101 to 560.293. That surety has been posted to insure the installation of public sewer and water services. That surety has been posted to insure the installation of monuments within 90 days.

Erica Armstrong Date
City of Midland Clerk

COUNTY PLAT BOARD CERTIFICATE:

This plat has been reviewed and is approved by the Midland County plat board on _____, 2020 as being in compliance with all of the provisions of 1967 PA 288, MCL 560.101 to 560.293, and the plat board's applicable rules and regulations.

Julie Atkinson, Midland County Register of Deeds

Ann Manary, Midland County County Clerk

Catherine L. Lunsford, Midland County Treasurer

RECORDING CERTIFICATE:

State of Michigan)
_____ County)

This plat was received for record on the _____ day of _____, _____ at _____ M, and recorded in Liber _____ of Plats on Pages _____

Julie Atkinson, Midland County Register of Deeds

"BROADHEAD ESTATES NO. 6"

PART OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 34, T15N, R2E, CITY OF MIDLAND, MIDLAND COUNTY, MICHIGAN

| CURVE TABLE | | | | | |
|-------------|---------|--------|------------|---------|---------------|
| CURVE | LENGTH | RADIUS | DELTA | CHORD | CHORD BEARING |
| 1 | 47.34' | 30.00' | 90°24'49" | 42.58' | S45°12'25"W |
| 2 | 249.81' | 50.00' | 286°15'37" | 60.00' | N90°00'00"W |
| 3 | 142.02' | 90.00' | 90°24'49" | 127.74' | N45°12'25"E |

SURVEYOR'S CERTIFICATE:

I, William J. Rigg, Professional Surveyor, certify:

That I have surveyed, divided and mapped the land shown on this plat, described as follows:

Legal Description Broadhead Estates No. 6: Part of the South 1/2 of the Northwest 1/4 of Section 34, T15N, R2E, City of Midland, Midland County, Michigan, described as: Commencing at the West 1/4 corner of said Section 34, thence S89°35'11"E (Recorded as S89°33'15"E), along the East-West 1/4 line, also being the South line of Broadhead Estates No. 1, No. 2, No. 3, No. 4 and No. 5, according to the plats thereof, as recorded in Liber Q of Plats, Pages 52-53, Liber Q of Plats, Pages 67-68, Liber Q of Plats, Pages 85-86, Liber Q of Plats, Pages 87-88, and Liber Q of Plats, Pages 95-96, Midland County Records, 2296.65 feet to the Southeast corner of said Broadhead Estates No. 5 and the Point of Beginning; thence continuing S89°35'11"E (Recorded as S89°33'15"E), along said East-West 1/4 line and the North line of Oakbrook Estates East a recorded Plat in Liber Q, of Plats, Pages 55-57, Midland County Records, 349.66 feet to the Center 1/4 corner of said Section 34; thence N00°05'47"W, along the North-South 1/4 line, 659.24 feet; thence N89°33'14"W (Recorded as N89°27'52"W), along the South line of the Assessor's Plat of Julie Ann Estates, a recorded plat in Liber L, of Plats, Pages 26 and 27, Midland County records, and along the South line of TE-AL Estates, a recorded plat in Liber O, of Plats, Pages 7 and 8, Midland County Records, 336.58 feet; thence along the Easterly line of said Broadhead Estates No. 5 the following 3 courses, S00°00'00"E 509.42 feet; thence N89°35'11"W 11.97 feet; thence S00°00'00"E 150.00 feet to the Point of Beginning. Contains 8 Lots and 5.14 acres, more or less.

That I have made such survey, land division and plat by the direction of the owners of such land.

That such plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it.

That the required monuments and lot markers have been located in the ground or that surety has been deposited with the municipality, as required by the act.

That the accuracy of survey is within the limits required by the act.

That the bearings shown on the plat are expressed as required by the act and as explained in the legend.

Date: May 29, 2020

Rigg Land Surveying, Inc.
430 W. M-55
Tawas City, MI 48763

William J. Rigg, President
Professional Surveyor, 41108

William J. Rigg, 41108
430 W. M-55
Tawas City, MI 48763

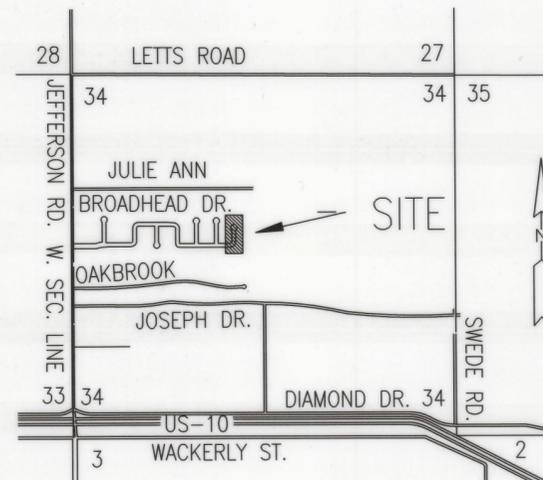
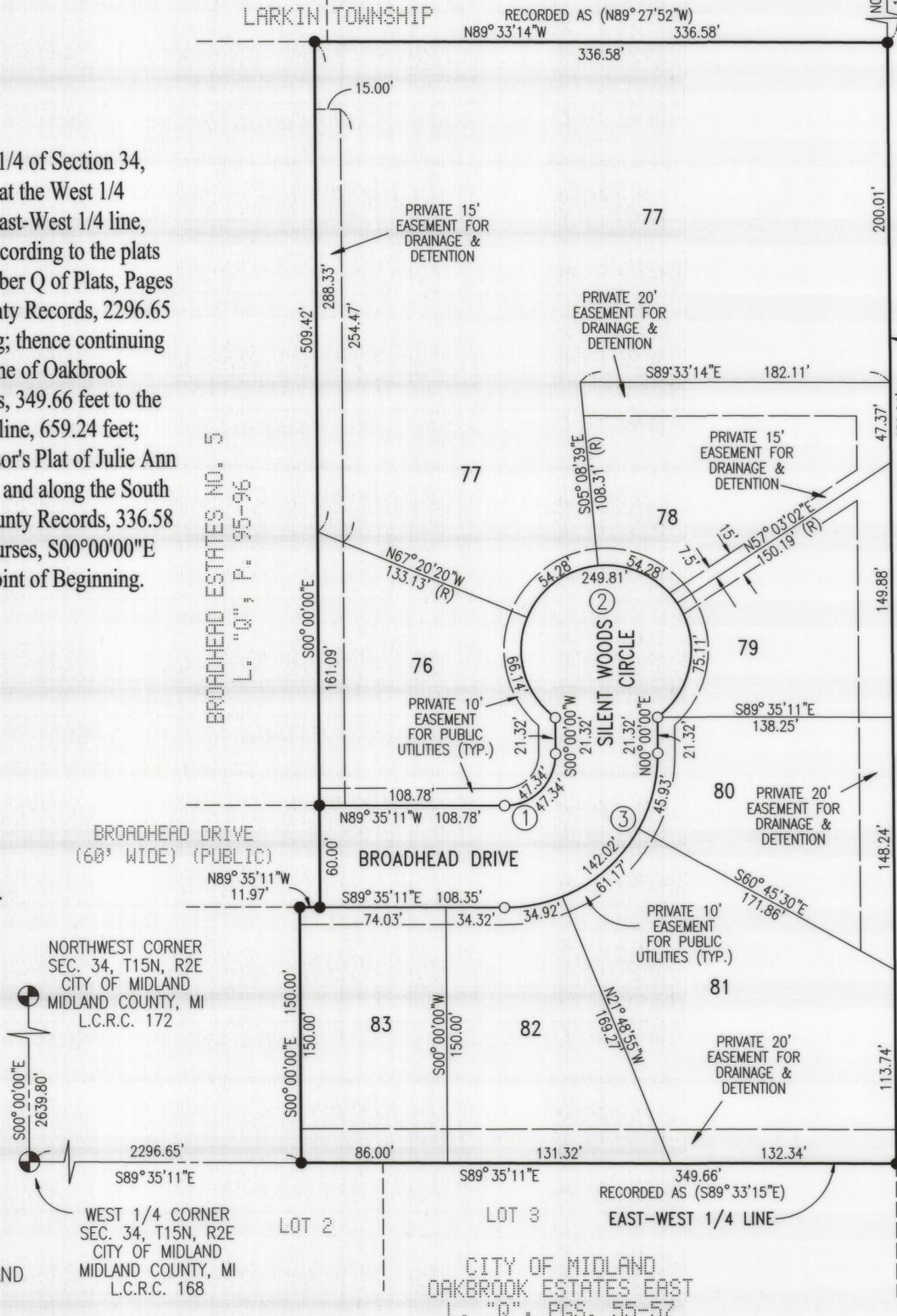


NOTE: THIS PLAT IS SUBJECT TO RESTRICTIONS AS REQUIRED BY ACT 288 OF 1967, AS AMENDED, ON CERTAIN LOTS WITH RESPECT TO THE REQUIREMENTS OF THE CITY OF MIDLAND WHICH ARE RECORDED IN LIBER _____, PAGE _____, MIDLAND COUNTY RECORDS.

TE-AL ESTATES NO. 1
L. "O", OF PLATS, PAGES 7-8
LOT 10

ASSESSOR'S PLAT OF JULIE ANN
ESTATES, L. "L", P. 26 & 27
PART OF LOT 7

NORTH 1/4 CORNER
SEC. 34, T15N, R2E
LARKIN TOWNSHIP
MIDLAND COUNTY, MI
L.C.R.C. 404



LOCATION MAP
NOT TO SCALE

LEGEND

- ALL DIMENSIONS ARE IN FEET.
- ALL CURVE DIMENSIONS ARE ARC LENGTH DIMENSIONS.
- BEARINGS ARE BASED ON THE RECORDED PLAT OF BROADHEAD ESTATES NO. 4, AS RECORDED IN LIBER Q, OF PLATS, PAGES 87-88, MIDLAND COUNTY RECORDS.
- CONCRETE MONUMENTS, BEING A 1/2" DIAMETER STEEL ROD, 36 INCHES LONG, COMPLETELY ENCASED IN CONCRETE, 4 INCHES IN DIAMETER, HAVE BEEN PLACED AT ALL POINTS MARKED "O".
- LOT CORNERS HAVE BEEN MARKED WITH A 1/2 INCH DIAMETER STEEL ROD, 18 INCHES LONG, WITH PLASTIC CAP STAMPED "RLS 41108".
- (R) = RADIAL. LOT LINES NOT MARKED ARE NON-RADIAL.
- ① DENOTES CURVE NUMBER, SEE CURVE TABLE.
- CONCRETE MONUMENTS, BEING A 1/2" DIAMETER STEEL ROD, 36 INCHES LONG, COMPLETELY ENCASED IN CONCRETE, 4 INCHES IN DIAMETER, HAVE BEEN FOUND AT ALL POINTS MARKED "●".



SCALE: 1" = 60'

File Attachments for Item:

7. * Site Plan No. 400 — a petition initiated by Archiverde Design LLC, for site plan review and approval of an expanded parking lot, located at 1320 Waldo Avenue. MURSCHEL

SUMMARY REPORT TO CITY MANAGER
for City Council Meeting of July 13, 2020

SUBJECT: Site Plan No. 400

INITIATED BY: Archiverde Design LLC

RESOLUTION

SUMMARY: This resolution will approve a petition initiated by Archiverde Design LLC, for site plan review and approval of an expanded parking lot, located at 1320 Waldo Avenue.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution
3. Staff Report to the Planning Commission
4. Planning Commission minutes
5. Location maps
6. Site Plan

CITY COUNCIL ACTION:

1. Public hearing not required.
2. 3/5 vote required to approve resolution.

Grant Murschel
Director of Planning & Community Development

GRM/rmg



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

July 8, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland Michigan

Dear Mr. Kaye:

At its meeting on Tuesday, June 23, 2020, the Planning Commission held a public hearing for Site Plan No. 400, by Archiverde Design LLC, for site plan review and approval of an expanded parking lot, located at 1320 Waldo Avenue.

Site Plan No. 400 was recommended for approval by City Planning staff. Following consideration, and the specific review of the project exceeding the 120% parking space maximum, the Planning Commission took the following action: it was moved and seconded to recommend to City Council approval of Site Plan No. 400 contingent upon:

1. A final stormwater management plan and permit to the satisfaction of the City Engineering Department.
2. An updated photometric plan to the satisfaction of the City Planning Department.

Vote on the Motion:

YEAS: Bain, Pnacek, Broderick, Heying, Hanna, Mayville Sajbel, and Rodgers
NAYS: None
ABSENT: Koehlinger

Motion approved by a vote of 8 to 0.

No written comments were received ahead of the meeting; there was one (1) public comment made in support during the public hearing on this request and none in opposition. Enclosed is a resolution to approve Site Plan No. 400 with the two (2) contingencies for City Council consideration.

Sincerely,

Grant Murschel
Director of Planning & Community Development

GRM/rmg



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

BY COUNCILMAN

WHEREAS, the City Council has received the recommendation of the Planning Commission for approval of Site Plan No. 400, initiated by Archiverde LLC, for site plan review and approval of an expanded parking lot located at 1320 Waldo Avenue; and

WHEREAS, the City Council has reviewed the proposed Site Plan No. 400 in accord with the provisions set forth in Sections 27.02(A) and 27.06(A) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that the City Council does hereby approve Site Plan No. 400, contingent upon the following:

1. A final stormwater management plan and permit to the satisfaction of the City Engineering Department.
2. An updated photometric plan to the satisfaction of the City Planning Department.

YEAS:

NAYS:

ABSENT:

I, Erica Armstrong, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, July 13, 2020.

Erica Armstrong, City Clerk



Site Plan SP #400

Date: June 17, 2020

STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: Parking Lot Expansion

APPLICANT: Archiverde Design LLC

LOCATION: 1320 Waldo Avenue

ZONING: LCMR - LIMITED COMMERCIAL, MANUFACTURING, RESEARCH

ADJACENT ZONING: N: LCMR - Limited Commercial, Manufacturing and Research
W: LCMR - Limited Commercial, Manufacturing and Research
E: LCMR - Limited Commercial, Manufacturing and Research
S: LCMR - Limited Commercial, Manufacturing and Research

ADJACENT DEVELOPMENT: N: Vacant
W: Vacant, Dow corporate campus
E: Offices
S: Patrick Road and U.S. 10 BR

REPORT

Site Plan No. 400 is the proposal by Archiverde Design LLC, for site plan review and approval of an expanded parking lot, located at 1320 Waldo Avenue. The project proposes parking spaces in excess of 120% of the minimum spaces required, per ordinance; therefore, a request to the Planning Commission granting approval must be made.

The subject property is zoned LCMR - Limited Commercial, Manufacturing and Research by the City of Midland Zoning Ordinance. Office buildings and the associated parking lots are permitted uses by right. Site plan review and approval under Section 27.02(A) of the Zoning Ordinance is required for this proposed use. Section 27.06(A) of the Zoning Ordinance states that: "The following criteria shall be used as a basis upon which site plans will be reviewed and approved:"

BASIS FOR ACTION

1. Adequacy of Information

The site plan shall include all required and requested information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.

This site plan contains almost all of the required information within its site plan. As is standard practice, the following items remain outstanding and will be addressed at the time of permitting:

- 1. A final stormwater management plan and permit.
- 2. An updated photometric plan.

2. **Site Design Characteristics**

All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance.

The proposed site plan proposes only a new parking lot expansion on the northern most part of the existing parking lot. This expansion utilizes the existing layout and is proposed in a harmonious and efficient manner.

3. **Appearance**

Landscaping, earth berms, fencing, signs, walls and other similar site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.

The design and layout of the proposed development is consistent with the existing layout and is compatible with the surrounding uses.

4. **Compliance with District Regulations**

The site plan shall comply with the district requirements for height of building, lot size, lot coverage, density, and all other requirements set forth in the Schedule of Regulations (Article 26.00) unless otherwise provided in this Ordinance.

The project meets all setback, lot area, height and other dimensional requirements for the proposed use in the LCMR zoning district.

5. **Preservation and Visibility of Natural Features**

Natural features shall be preserved as much as possible, by minimizing tree and soil removal alteration to the natural drainage course and the amount of cutting, filling, and grading.

The proposed area results in the reduction of trees on the site; while the site is rather wooded, many dead and unhealthy trees have been removed in recent months. The proposed lot expansion utilizes the natural drainage course.

6. **Privacy**

The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate if permitted, for the protection and enhancement of property and the safety and privacy of occupants and uses.

The proposed use does not require any privacy measures for visual or sound screening.

7. **Emergency Vehicle Access**

All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.

The proposed site plan has been arranged to permit appropriate access for emergency vehicles. Proper vehicle maneuvering around the site is also provided.

8. **Ingress and Egress**

Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public or private streets and pedestrian walkways.

Adequate vehicle ingress and egress is provided as proposed for both pedestrians and vehicles.

9. **Pedestrian Circulation**

Each site plan shall provide a pedestrian circulation system, which is insulated as completely as is reasonably possible from the vehicular circulation system.

Pedestrian circulation is seen as adequate given the current parking lot layout.

10. **Vehicular and Pedestrian Circulation Layout**

The layout of vehicular and pedestrian circulation systems shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry in accordance with subsection 3.10. In order to insure public safety and promote efficient traffic flow and turning movements, the applicant may be required to limit street access points or construct a secondary access road.

Both vehicular and pedestrian circulation is considered to be appropriate as proposed.

11. **Parking.**

The proposed development shall provide adequate off-street parking in accordance with the requirements in Article 5.00 of this ordinance.

The proposed development provides off-street parking that is in-excess of the City's parking standards for a business and professional office use as identified in Article 5.00 of the Zoning Ordinance. For office uses, one (1) parking space is required per 300 square feet of useable floor area. Per ordinance, only the Planning Commission has the authority to approve the number of parking spaces beyond the 120% of the minimum standard when an applicant provides reasons for the needed increase.

Minimum number of parking spaces required: 119
Maximum number of parking spaces by right (120% of minimum): 142
Proposed number of parking spaces: 165

The applicant will be providing reasons for why the additional parking is necessary during the public hearing on this request.

12. **Drainage**

The project must comply with the City's Stormwater Ordinance.

As is consistent practice, preliminary plans have been submitted, and the final stormwater plan and permit must be approved by the City Engineering Department.

13. **Soil Erosion and Sedimentation**

The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current State, County, and City standards.

A soil erosion and sedimentation control permit is not required due to the small area that is proposed to be disturbed.

14. **Exterior Lighting**

Exterior lighting shall be designed so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets and comply with the provisions in Section 3.12.

Current lighting is compliant with City standards but an updated photometric plan is required to the satisfaction of the City Planning Department.

15. **Public Services**

Adequate services and utilities, including water, sewage disposal, sanitary sewer, and storm water

control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development. All streets and roads, water, sewer, and drainage systems, and similar facilities shall conform to the design and construction standards of the City.

Adequate public services exist to serve the proposed development. Dial-A-Ride access is available within the interior of the site. The only outstanding item remaining as it relates to public services is the final stormwater management permit.

16. Screening

Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas shall be screened by walls or landscaping of adequate height and shall comply with Articles 6.00 and 7.00 of this Ordinance. All roof-top mechanical equipment shall be screened from view from all residential districts and public roadways.

As mentioned above, no screening or other privacy requirements exist.

17. Health and Safety Concerns

Any use in any zoning district shall comply with all applicable public health, pollution, and safety laws and regulations.

No health and safety concerns have been identified in the review of this site plan.

18. Sequence of Development

All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

The proposed on-site development is to be completed within one phase.

19. Coordination with Adjacent Sites

All site features; including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space shall be coordinated with adjacent properties.

The proposed development will not require coordination with any adjacent properties.

20. Signs.

All proposed signs shall be in compliance with the regulations in Article 8.00 of this Ordinance

No signage is proposed as part of this proposal.

CONTINGENCY ITEMS

Based on evaluation of the site plan as proposed, staff is of the opinion that the proposal meets the City's requirements and is designed in a manner to fit harmoniously into this area of the city; however, the Planning Commission must decide whether or not the additional parking is warranted. If the Planning Commission is agreeable to the expansion, inclusion of the following contingencies should be maintained in order for the plan to fully satisfy City requirements:

1. A final stormwater management plan and permit to the satisfaction of the City Engineering Department.
2. An updated photometric plan to the satisfaction of the City Planning Department.

PLANNING COMMISSION ACTION

Staff currently anticipates that the Planning Commission will hold a public hearing on this request during its regular meeting on June 23, 2020 and will formulate a recommendation to City Council thereafter. If recommended to City Council the same evening, we anticipate that on July 13, 2020 the City Council will

consider the site plan and Planning Commission recommendation. Please note that these dates are merely preliminary and may be adjusted due to Planning Commission action and City Council agenda scheduling.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Grant Murschel". The signature is written in a cursive, flowing style.

Grant Murschel
Director of Planning & Community Development

**MINUTES OF THE REGULAR MEETING OF THE
MIDLAND CITY PLANNING COMMISSION,
ON TUESDAY, JUNE 23, 2020 7:00 P.M.**

MEETING HELD ELECTRONICALLY DUE TO THE COVID-19 PANDEMIC

<https://zoom.us/join> | Webinar ID: 824 8354 2538 | Password: 637733

1. The meeting was called to order at 7:05 p.m. by Chairman Mayville.

2. **Roll Call**

PRESENT: Bain, Pnacek, Broderick, Heying, Hanna, Mayville Sajbel, and Rodgers

ABSENT: Koehlinger

OTHERS PRESENT: Grant Murschel, Director of Planning & Community Development; Tadd Underhill, Manager of Information Service (meeting host); and three (3) others.

3. **Approval of Minutes**

Hanna made a motion to approve the minutes of the regular meeting of May 12, 2020 as written, seconded by Pnacek.

Yeas: Bain, Pnacek, Broderick, Heying, Hanna, Mayville Sajbel, and Rodgers

Nays: None

Motion carries 8-0.

4. **Public Hearings**

a. **Zoning Text Amendment No. 161 – Amendments to the Site Plan Review Process**

Murschel gave an overview of the proposed changes to the Site Plan Review Process as presented in the staff memo. This follows the directive by City Council from January.

The Commission reviewed the proposed changes to the site plan review process, following on previous discussions earlier in the year. Changes to the administrative review, an appeals process and amendments to the bylaws were reviewed. Murschel indicated that if consensus was reached on the nature of the changes.

Public Comments in support:

Patrick Pnacek 2525 N Eastman Rd Midland, MI. Mr. Pnacke asked for some clarity on how the process will effect new development. Murschel stated that this change in process will hopefully streamline the process by eliminating questions that are outside of the objective criteria set by this board.

Public Comments in opposition: None

Mayville closed the public hearing.

Heying made a motion to waive the rules of procedure and render a decision this evening, seconded by Hanna.

Vote on the motion:

Yeas: Bain, Pnacek, Broderick, Heying, Hanna, Mayville Sajbel, and Rodgers

Nays: None

Motion carries 8-0

Rodger made a motion to recommend approval on Zoning Text Amendment No. 161 – Amendments to the Site Plan Review Process. The motion was seconded by Hanna.

Vote on the motion:

Yeas: Bain, Pnacek, Broderick, Heying, Hanna, Mayville Sajbel, and Rodgers

Nays: None

Motion carries 8-0

b. Site Plan No. 400 – Request by Archiverde LLC, for site plan review and approval of an expanded parking lot, located at 1320 Waldo Avenue.

Murschel gave an overview of the Site plan. The reason this plan is before the Planning Commission is due to the parking lot space expansion request.

Bain asked about the Photometric Plan being a contingency item, Murschel stated that this is an items that staff is comfortable with this being a contingency item for later staff approval.

Petitioner: Nicholas Lefevre 3900 Centennial Drive Suite C Midland, MI 48642: Mr. Lefevre spoke to the improvement on the site that have been made and the need for additional parking for the proposed use for the building.

Comments in Support: Patrick Pnacek 2525 N Eastman is in support of this expansion.

Comments in Opposition: None

Mayville closes the public hearing.

Bain made a motion to waive the rules of procedure and render a decision this evening, seconded by Sabjel.

Vote on the motion:

Yeas: Bain, Pnacek, Broderick, Heying, Hanna, Mayville Sajbel, and Rodgers

Nays: None

Motion carries 8-0

Hanna made a motion to recommend approval Site Plan No. 400 the proposal Archiverde Design LLC, for site plan review and approval of an expanded parking lot, located at 1320 Waldo Avenue. With the following contingencies:

The motion was seconded by Heying.

1. A final stormwater management plan and permit to the satisfaction of the City Engineering Department.

2. An updated photometric plan to the satisfaction of the City Planning Department.

Vote on the motion:

Yeas: Bain, Pnacek, Broderick, Heying, Hanna, Mayville Sajbel, and Rodgers

Nays: None

Motion carries 8-0

5. Old Business

- 6. Public Comments** (unrelated to items on the agenda) – None

7. New Business –

- a. **Nominating Committee for 2020-21 Officers –**

Mr. Murschel asked for three volunteers to create a committee to nominate officers for 2020-2021. Commissioners Pnacek, Rodgers and Broderick volunteered for the committee.

8. Communications – None

9. Report of the Chairperson – None

- 10. Report of the Planning Director** - Murschel stated that the digital meeting format will continue through at least the end of July. Mr. Murschel also spoke about City Staff and the Flood response.

11. Items for Next Agenda – July 14, 2020

- a. **Zoning Petition No. 631** - request by Matt Rapanos to rezone property located at 400 S Sandow Road from Township zoning to RC Regional Commercial.
- b. **Site Plan No. 401** - request by DGR Properties, LLC, for site plan review and approval of a 19,600 square ft Self Storage Facility located at 916 Waldo Avenue.
- c. **Site Plan 388** - initiated by MLR Engineering on behalf of Osmond Rentals, LLC for review and approval of Osmond Townhouses, a sixty-two (62) unit residential townhouse development, located at 7702 Sturgeon Avenue

12. Adjournment

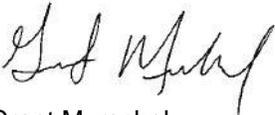
It was moved by Rodgers and seconded by Hanna to adjourn at 8:12 p.m.

Yeas: Bain, Pnacek, Broderick, Heying, Hanna, Mayville Sajbel, and Rodgers

Nays: None

Motion carries 8-0.

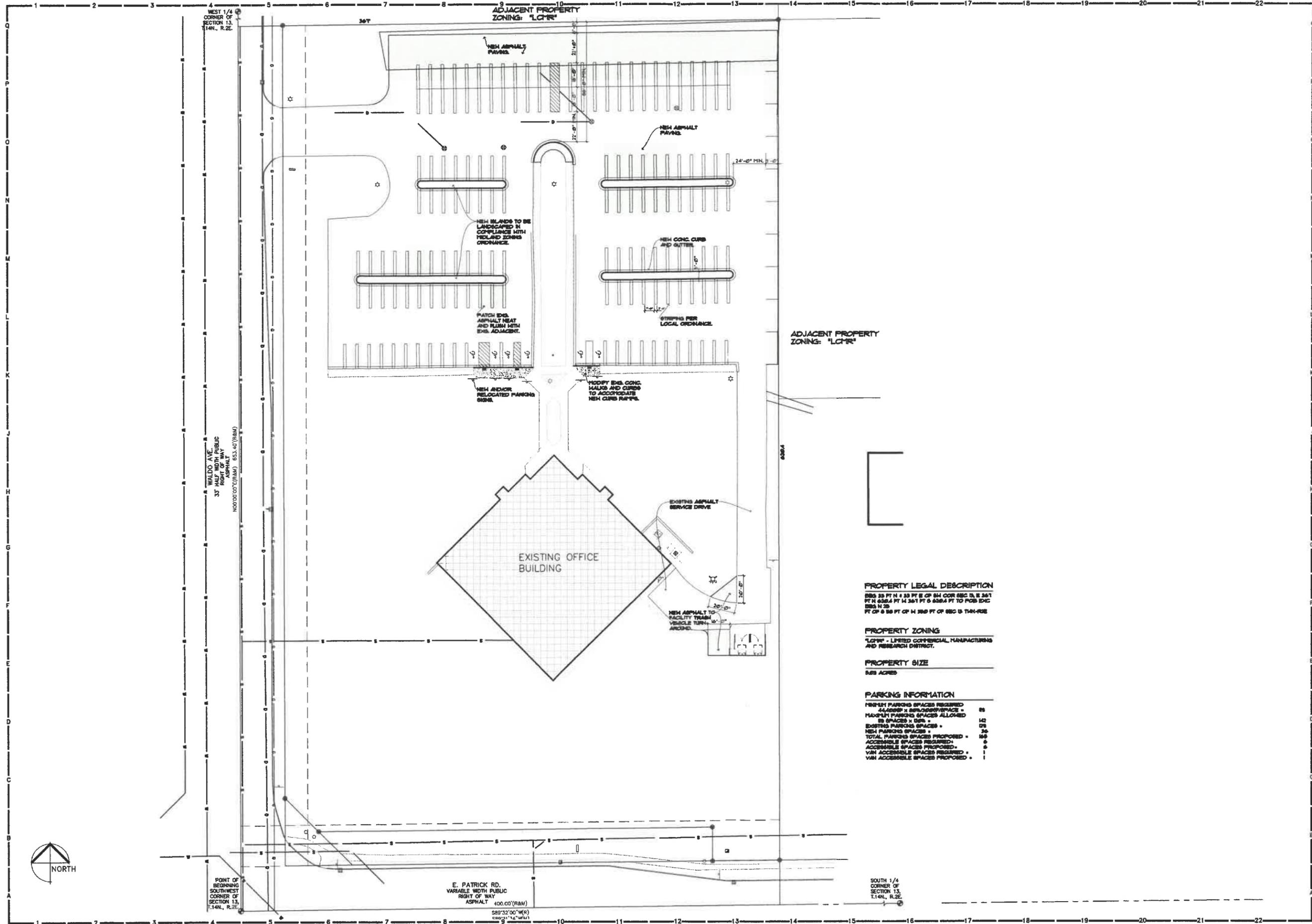
Respectfully submitted,



Grant Murschel

Director of Planning & Community Development

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION



PROPERTY LEGAL DESCRIPTION
 B2S 33 FT N 4 33 FT E OF 84 COR SEC 13, E 361 FT N 638.6 FT W 361 FT 5 638.6 FT TO POS IDC B2S N 25 FT OF 8 88 FT OF W 360 FT OF SEC 13 T14N-R2E

PROPERTY ZONING
 "LCMR" - LIMITED COMMERCIAL MANUFACTURING AND RESEARCH DISTRICT.

PROPERTY SIZE
 5.85 ACRES

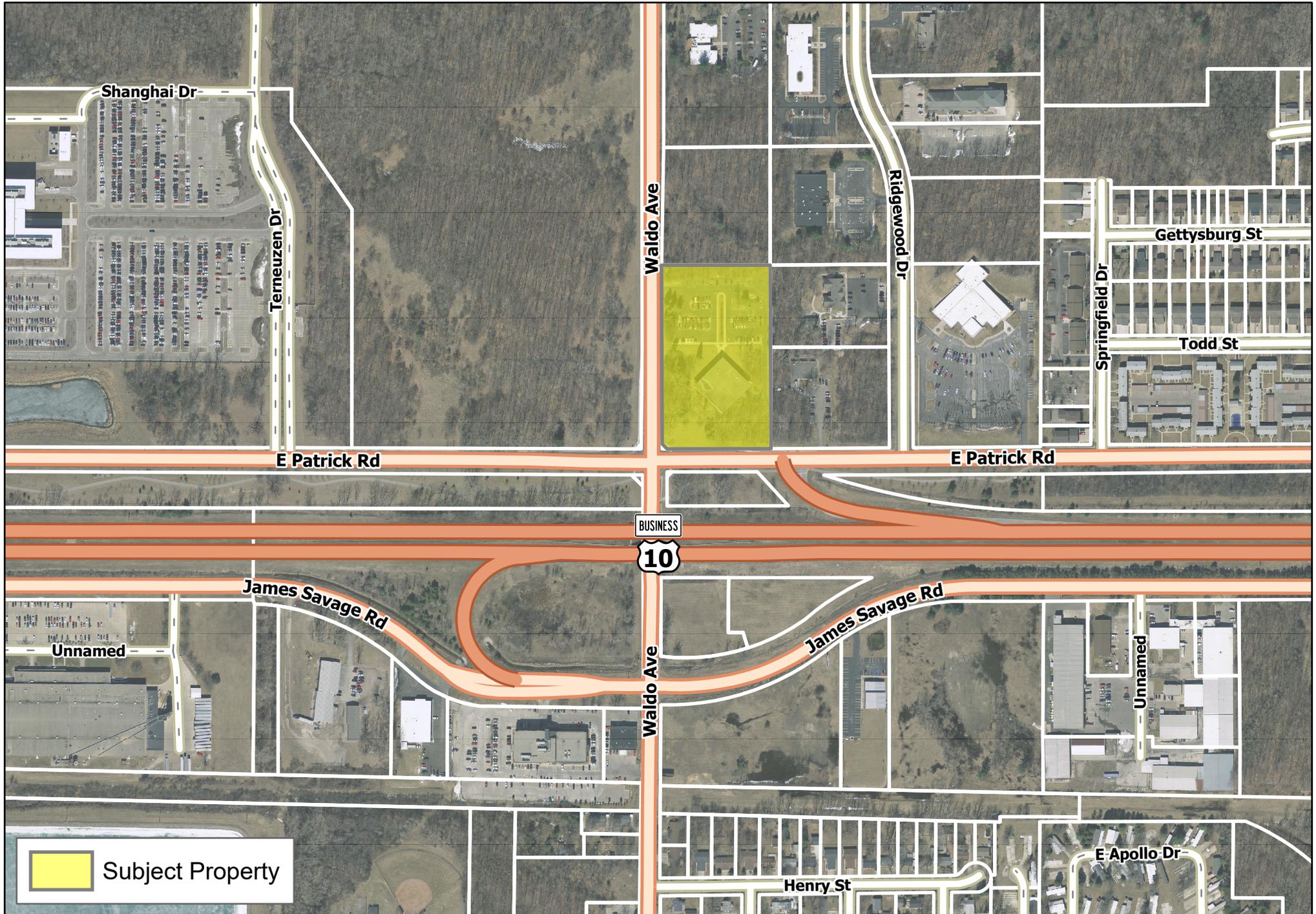
PARKING INFORMATION

| | |
|----------------------------------|-----|
| MINIMUM PARKING SPACES REQUIRED | 85 |
| 44,480 SF ÷ 510 SQ.FT./SPACE = | |
| MAXIMUM PARKING SPACES ALLOWED | 142 |
| 89 SPACES × 50% = | |
| EXISTING PARKING SPACES + | 78 |
| NEW PARKING SPACES + | 36 |
| TOTAL PARKING SPACES PROPOSED = | 114 |
| ACCESSIBLE SPACES REQUIRED = | 6 |
| ACCESSIBLE SPACES PROPOSED = | 6 |
| VAN ACCESSIBLE SPACES REQUIRED = | 1 |
| VAN ACCESSIBLE SPACES PROPOSED = | 1 |

Site Plan # 400 | Parking Lot Expansion

58

> 1520 Waldo Ave



Site Plan # 400 | Parking Lot Expansion

> 1520 Waldo Ave

59



Waldo Ave

E Patrick Rd

E Patrick Rd

Waldo Ave



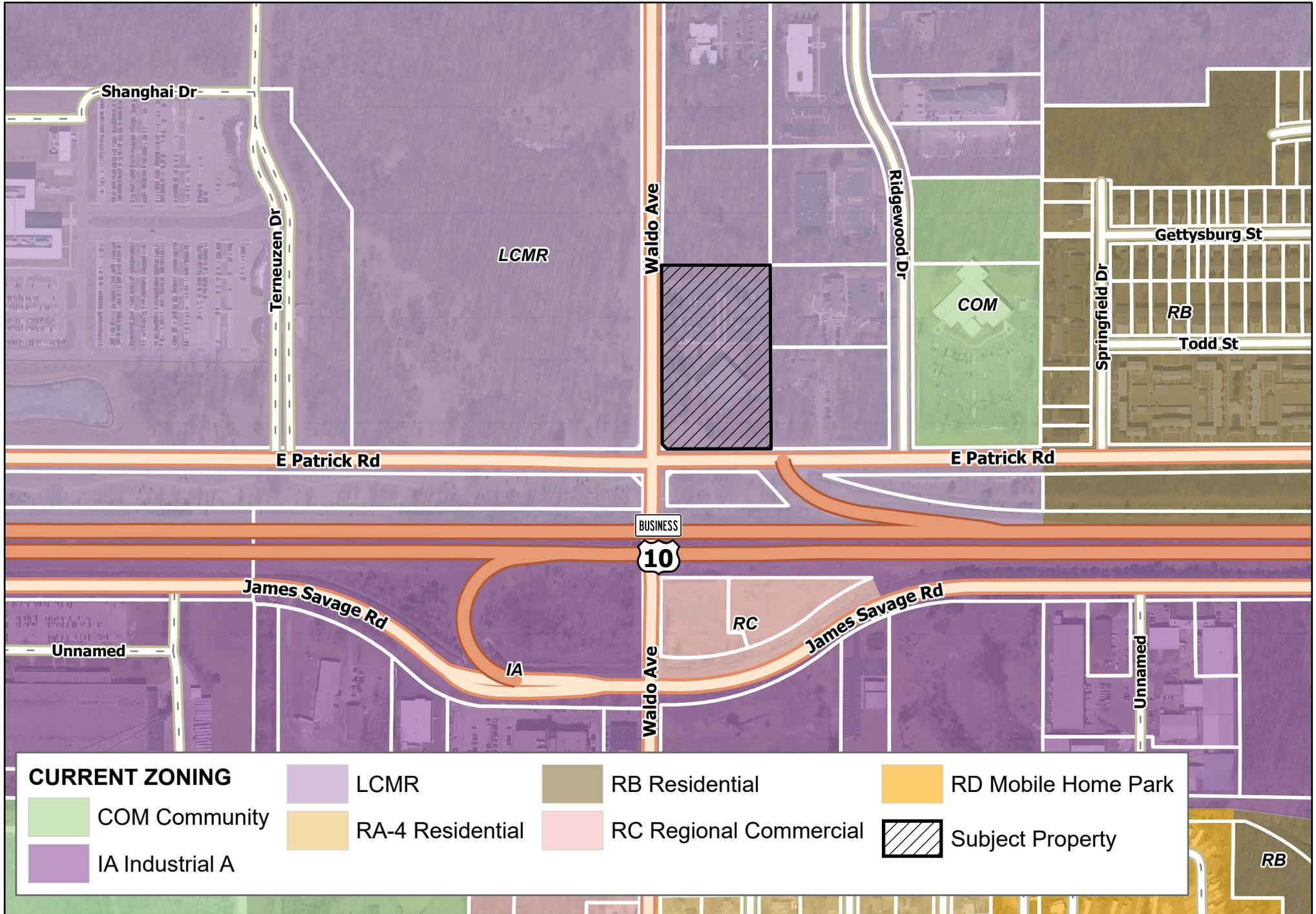
Subject Property

Site Plan # 400 | Parking Lot Expansion



60

> 1520 Waldo Ave



File Attachments for Item:

8. * WTP Janitorial Services 2020-21 SCHWARZ

SUMMARY REPORT TO MANAGER
for City Council Meeting of July 13, 2020

SUBJECT: Water Treatment Plant – Janitorial Services Agreement

INITIATED BY: Water Department

RESOLUTION

SUMMARY: This resolution waives competitive sealed bids, and authorizes the Mayor and City Clerk to execute a service agreement with the Arnold Center of Midland for janitorial services at the Water Treatment Plant, for a monthly fee of \$3,000.00 with a total annual amount not to exceed \$36,000.00 for fiscal year 2020/21, in accord with Sec. 2-17 of the Code of Ordinances for the City of Midland.

ITEMS ATTACHED:

1. Letter of transmittal
2. Resolution

COUNCIL ACTION:

1. 4/5 vote required to approve resolution.

Peter Schwarz
Director of Water Services



Utilities Department • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • (989) 837-3341 • CitizenCommentsWater@midland-mi.org

July 8, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

The Water Treatment Plant (WTP) has over 100,000 square feet of floor space that is cleaned and maintained, including open and treatment areas of the plant, office spaces, the laboratory, shop area, locker rooms, and restrooms. For the past 26 years the WTP has utilized the Arnold Center of Midland for these janitorial services.

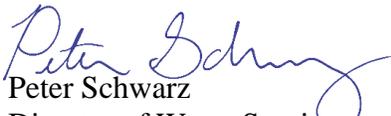
The Arnold Center has a job coach assigned to special needs staff, who alternate days at the plant. Janitorial services are to be performed Monday through Friday (excluding City observed holidays) from 8:00 a.m. until 2:00 p.m. The Arnold Center staff will provide mopping, waxing, and stripping of floors, vacuuming and spot cleaning of carpets, dusting, washing windows, snow removal from sidewalks, and watering of vegetative plants.

Staff has been pleased with the reliability, commitment, and cost-effective service that the Arnold Center has provided and staff would like to continue this business relationship.

The rate requested for Fiscal Year 2020/21 remains the same as last year at \$3,000.00 per month, for a total annual cost of \$36,000.00. Funds have been budgeted for that purpose in the 2020/21 Water Enterprise Fund Operating Budget.

The attached Council resolution will waive the requirement for competitive bids, in accord with Sec. 2-17 of the Code of Ordinances for the City of Midland, and authorizes the Mayor and City Clerk to execute a service agreement with the Arnold Center of Midland for janitorial services. The service contract has been approved by the City Attorney as to form. A 4/5 vote is required to approve the resolution.

Sincerely,


Peter Schwarz
Director of Water Services



Christina Evans
Accounting Manager



Utilities Department • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • (989) 837-3341 • CitizenCommentsWater@midland-mi.org

BY COUNCILMAN

WHEREAS, the Water Treatment Plant (WTP) has over 100,000 square feet of floor space that is cleaned and maintained, including open and treatment areas of the plant, office spaces, the laboratory, shop area, locker rooms, and restrooms; and

WHEREAS, for the past 26 years WTP staff has been pleased with the reliability, commitment, and cost-effective service that the Arnold Center of Midland special needs employees have provided, and would like to continue that business relationship; and

WHEREAS, the rate requested is \$3,000.00 per month, for a total annual cost of \$36,000.00; and

WHEREAS, the service contract between the City and the Arnold Center has been approved by the City Attorney as to form; and

WHEREAS, funds are available for that purpose in the 2020/21 Water Enterprise Fund Operating Budget; now therefore

RESOLVED, that the City Council hereby determines that sealed bids are impractical, and in accordance with Section 2-17 of the Code of Ordinances, the requirement for sealed proposals is hereby waived and the Mayor and City Clerk are hereby authorized to execute the service agreement with the Arnold Center of Midland for janitorial services at the City of Midland Water Treatment Plant, with a total annual amount not to exceed \$36,000.00.

YEAS:

NAYS:

ABSENT:

I, Erica Armstrong, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, July 13, 2020.

Erica Armstrong, City Clerk

File Attachments for Item:

9. * Washington Woods All Inclusive Integrated Pest Management Agreement MURSCHEL

SUMMARY REPORT TO MANAGER
for City Council Meeting of July 13, 2020

SUBJECT: Washington Woods All-Inclusive Integrated Pest Management Agreement

INITIATED BY: Washington Woods

RESOLUTION

SUMMARY: This resolution waives the required bid process under Section 2.17 of the Code of Ordinances and recognizes the agreement between the City and Rose Pest Solutions for pest control and remediation at Washington Woods and authorizes a purchase order in the amount of \$19,068.00 to Rose Pest Solutions.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution

COUNCIL ACTION:

1. 4/5 vote required to approve resolution

Grant Murschel
Director of Planning & Community Development

GRM/ks



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

July 8, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland Michigan

Dear Mr. Kaye:

Since July 30, 2018, the senior housing management team has been working with Rose Pest Solutions under a two-year agreement for integrated pest management including all-inclusive services for pest remediation. The control methods being employed by Rose Pest Solutions have been effective and the all-inclusive approach has proven to be very reliable.

Our experience with Rose Pest Solutions over the past two years has been outstanding. They provide a very comprehensive and professional approach to remediation of pests. In addition to routine pest control, they have been instrumental in reducing occurrences of pests at Washington Woods by having an excellent proactive program designed to locate pests in the building year-round. The residents at Washington Woods have truly been able to achieve peace of mind knowing that if pest problems happen, they have a reliable and responsive company to promptly deal with the matter.

With such great outcomes, Rose Pest Solutions has been able to reduce the annual cost of their all-inclusive program to Washington Woods for the 2021 budget year. The services remain all-inclusive on an "as-needed" basis with the following changes: Canine scent detection will be reduced from 54 units per month to 36 units per month and canine scent detection will be reduced from three new move-ins per month to two move-ins per month.

Given the satisfactory service history with this company, a new bid process is not considered necessary. Further, considering that the past experience with another leading pest management company was not satisfactory, a new bid process is considered impractical under the City bid policy. City Council approval of the updated agreement under these conditions is therefore requested.

It is recommended that City Council accept the proposed all-inclusive integrated pest management and pest remediation agreement with Rose Pest Solutions and approve a purchase order in the amount of \$19,068.00. The agreement automatically renews annually until such a time that either party gives written notice of termination.

A 4/5 vote is required to approve the attached resolution.

Sincerely,

Grant Murschel
Director of Planning & Community Development

GRM/ks



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

BY COUNCILMAN

WHEREAS, since 2018, Rose Pest Solutions has been providing Washington Woods with an all-inclusive pest control agreement; and

WHEREAS, the services provided by Rose Pest Solutions have been exemplary and the continuation of those services has been determined to be in the best interest of Washington Woods; and

WHEREAS, a new twelve-month, all-inclusive pest control agreement that has been renegotiated will see a decrease in cost; and

WHEREAS, Washington Woods wishes to identify and secure preventative pest control services for a one-year period with automatic renewals; and

WHEREAS, the cost of services is \$19,068.00 and sufficient funds are included in the approved 2021 budget for Washington Woods; now therefore

RESOLVED, that the City Council hereby waives the purchasing policy requirements of Section 2.17 of the Code of Ordinances; and

RESOLVED FURTHER, that the 2020 Integrated Pest Management and Pest Remediation Agreement between Rose Pest Solutions and the City of Midland is hereby approved allowing for automatic renewals each year unless either party gives notice in writing; and

RESOLVED FURTHER, that a purchase order in the amount of \$19,068.00 to Rose Pest Solutions is hereby authorized in accord with this resolution.

YEAS:

NAYS:

ABSENT:

I, Erica Armstrong, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, July 13, 2020.

Erica Armstrong, City Clerk

File Attachments for Item:

10. *Zoning Text Amendment No. 161 — Action to set a public hearing to modify the Site Plan Review process contained within Article 27.00 of the Zoning Ordinance. MURSCHEL

SUMMARY REPORT TO CITY MANAGER
for City Council Meeting of July 13, 2020

SUBJECT: Zoning Text Amendment No. 161

INITIATED BY: City of Midland

RESOLUTION

SUMMARY: This resolution will schedule a public hearing for August 10, 2020 to consider the proposed amendments to Article 27.00 of the Zoning Ordinance.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution
3. Staff Report to the Planning Commission
4. Planning Commission minutes
5. Article 27.00 with Proposed Amendments

CITY COUNCIL ACTION:

1. Public hearing is required.
2. 3/5 vote required to approve resolution.

Grant Murschel
Director of Planning & Community Development

GRM/rmg



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

BY COUNCILMAN

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, June 23, 2020 to consider the advisability of amending the site plan review process of Article 27.00; now therefore

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, August 10, 2020, at 7:00 p.m. in the Council Chambers, City Hall, or will be held digitally due to the COVID-19 pandemic, for the purpose of considering the advisability of amending the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance, which is hereby introduced and given first reading; and

RESOLVED FURTHER, that the City Clerk is hereby directed to publish said notice on July 24, 2020.

ORDINANCE NO. 1800

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING ORDINANCE TO AMEND ARTICLE 27.00 THE SITE PLAN REVIEW PROCEDURES AND REQUIREMENTS.

The City of Midland Ordains:

Section 1. That Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

ARTICLE 27.00

SITE PLAN REVIEW

Section 27.02 -- SITE PLAN REQUIRED

A. Site Plan Required

Except as provided in the following subsection B, the construction of any new structures, development of any new use, and all other building or development activities shall require site plan approval pursuant to this Section. Site plan review shall be required for the following activities:

1. Erection, relocation, conversion or structural alteration to a building or structure to create an additional ~~seventy five hundred (7,500)~~ **fifteen thousand (15,000)** square feet of gross floor space, other than a single family dwelling or two family dwelling.
2. Development of all non-single family residential uses permitted in single family districts, regardless of the building square footage.

3. Expansion or paving of off-street parking involving ~~twenty-six (26)~~ **fifty-one (51)** or more spaces. All proposed parking lots and parking lot expansions are subject to the parking lot review and approval process in Section 5.01.D(1).
4. Mobile home parks shall be reviewed in accord with the standards set forth in this Article unless contrary to provisions of the Mobile Home Commission Act 1987, PA 96, as amended, and the Mobile Home Commission Rules.
5. All site condominium projects where ~~four (4)~~ **eleven (11)** or more detached dwelling units are proposed.
6. Erection, relocation, conversion or structural alteration to a building or structure that will result in a change in access provisions to adjoining streets.
7. Erection, or structural addition of at least one thousand square feet (1,000) of gross floor area to a commercial, industrial or office building or structure when located directly adjacent to RA-1, RA-2, RA-3, or RA-4 Residential Zoning districts.

B. Site Plan Not Required

Notwithstanding the preceding subsection a site plan approval is not required for the following activities:

1. Construction, moving, relocating or structurally altering a single or two-family dwelling, including any customarily incidental accessory structure.
2. Construction of any addition to an existing building or structure to create not more than an additional seven ~~thousand five hundred (7,500)~~ **fifteen thousand (15,000)** square feet of gross floor area, in aggregate, since the approval of a site plan under the preceding subsection A.

Section 27.03 -- SITE PLAN REVIEW APPLICATIONS AND PROCEDURES

A. Review and Approval Authority

All site plans shall be reviewed **and approved** by the Planning Commission ~~and approved by the City Council~~ following the procedures set forth in the following Section 27.04. ~~The City Council~~ **Planning Commission** shall have the authority to approve, approve with conditions, or deny all site plans.

27.04 -- REVIEW AND FINAL ACTION

B. Planning Commission Review and Approval ~~by City Council~~

The Planning Commission shall review the site plan proposal together with any public hearing findings, reports and recommendations from the Planning and Community Development Department and any from other reviewing agencies. The Planning Commission shall then ~~recommend that the City Council~~ approve, approve with conditions, or deny, the proposal as follows:

1. Approval

Upon determination that a site plan is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the ~~City Council~~ **Planning Commission** shall approve the site plan.—Site plan approval does not exempt the proposed development from any other applicable City Codes.

2. Approval Subject to Conditions

Upon determination that a site plan is in compliance except for minor modifications, the ~~City Council~~ **Planning Commission** may impose reasonable conditions upon the approval of the site plan. The conditions for approval shall be identified **in writing**, and the applicant shall be given the opportunity to correct the site plan.

~~If a plan is recommended for approval by the Planning Commission subject to conditions, the applicant shall submit a revised plan with a revision date, indicating compliance with the conditions. The applicant may re-submit the site plan to the City Council for approval after conditions have been met.~~

Conditional site plan approval does not exempt the proposed development from any other applicable City Codes.

3. **Denial**

Upon determination that a site plan does not comply with the standards and regulations set forth in this Article or elsewhere in this Ordinance, or requires extensive revision in order to comply with said standards and regulations, the ~~City Council~~ **Planning Commission** shall deny the site plan and set forth its reasons in writing.

C. **Recording of Site Plan Review Action**

Each action taken on a site plan review and the grounds for action shall be recorded in the minutes of the Planning Commission ~~and City Council~~.

After final action has been taken on a site plan and all steps have been completed, copies of the application and plans shall be marked APPROVED or DENIED, as appropriate, with the date that action was taken. One (1) marked copy shall be returned to the applicant and at least one (1) copy shall be kept on file in the Planning and Community Development Department.

D. **Procedure After Site Plan Approval**

1. **Application for Building Permit**

Following final approval of the site plan by the ~~Planning Commission City Council~~ or the Planning and Community Development staff, the applicant may apply for a building permit. The City may require engineering approval prior to issuance of the building permit. It shall be the responsibility of the applicant to obtain all other applicable City, County, State, or Federal permits prior to issuance of a building permit.

A building permit for a structure in a proposed condominium project shall not be issued until evidence of a recorded Master Deed has been provided to the City. However, the Building Official may issue permits for site grading, erosion control, installation of public water and sewage facilities, and construction for roads prior to recording the Master Deed. No permit issued or work undertaken prior to recording the Master Deed pursuant to this Section shall grant any rights or any expectancy interest in the approval of the Master Deed. The Master Deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. The Master Deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association

2. **Expiration of Site Plan Approval**

If construction has not commenced within two (2) years of final approval of the site plan, the site plan approval becomes null and void and a new application for site plan review

shall be required. The applicant may apply in writing to the ~~Planning Commission~~ **City Council** for an extension of the site plan approval. The ~~Planning Commission~~ **City Council** may grant an extension of up to twelve (12) months if:

- a. The applicant requests the extension prior to expiration of the previous approval, and
- b. The approved site plan adequately represents current conditions on and surrounding the site, and
- c. The site plan conforms to the current Zoning Ordinance standards.

E. Modification to Approved Plan

Minor modifications to an approved site plan may be approved by the Planning and Community Development staff.

1. Minor Modification Defined

Minor modifications are changes that do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public services, the danger from hazards, or the provision of any bonus item. Examples of minor modifications include:

- a. An addition to an existing commercial or industrial building that does not increase the floor space by more than twenty-five percent (25%) or ~~seventy-five hundred (7,500)~~ **fifteen thousand (15,000)** square feet, whichever is less.
- b. Changes to building height that do not add an additional floor.
- c. Alterations or modifications involving less than **fifty-one (51)** ~~twenty-six (26)~~ parking spaces.
- d. Substitution of landscaping for equivalent species of landscaping.
- e. Off-site improvements that individually would otherwise be approved administratively by the city and that add to the safety, appearance or functionality of the approved site plan being amended.

The construction of a new building or structure with ~~7,500~~ **15,000** square feet or more of gross floor area, adding ~~twenty-six (26)~~ **fifty-one (51)** or more parking spaces, or deleting parking or the addition of curb cuts onto a public road are examples of modifications which are not considered minor. If the modifications are not deemed minor by the Planning and Community Development staff, then full review and approval by the Planning Commission ~~and City Council~~ shall be required.

2. Recording of Action

Each action related to modification of a site plan shall be duly recorded in writing on a copy of the approved plan, and shall be kept on file. The ~~City Council~~ **Planning Commission** shall be advised of all minor site plan modifications approved by the Planning and Community Development staff and such modifications shall be noted on the site plan.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication.

Vote on the motion:

YEAS:

NAYS:

ABSENT:

I, Erica Armstrong, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, July 13, 2020.

Erica Armstrong, City Clerk



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

July 8, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland Michigan

Dear Mr. Kaye:

At its meeting on Tuesday, June 23, 2020, the Planning Commission considered Zoning Text Amendment No. 161 to make amendments to the objective site plan review process included within Article 27.00 of the City of Midland Zoning Ordinance.

This petition was initiated by the City of Midland City Planning Department staff in response to the direction given by City Council during their retreat in January 2020. The Planning Commission deliberated on the proposed changes over a number of meetings and ultimately concluded with the proposed changes. While the intention was to have these changes proposed to City Council by spring, the proposal was unfortunately delayed due to COVID-19, the flooding events of May 2020, and their subsequent impacts to the Planning Commission meeting schedule.

After discussion and deliberation by the Planning Commission on June 23, it was moved by Rodgers and supported by Hanna that the Planning Commission recommend unanimously to City Council approval of Zoning Text Amendment No. 161 to make amendments to the site plan review process included within Article 27.00 of the City of Midland Zoning Ordinance.

Vote on the Motion:

YEAS: Bain, Pnacek, Broderick, Heying, Hanna, Mayville Sajbel, and Rodgers
NAYS: None
ABSENT: Koehlinger

Motion approved by a vote of 8 to 0.

No written comments were received ahead of the meeting; there was one (1) public comment made in support during the public hearing on this request and none in opposition.

The notable changes proposed within include relocating the final approval authority on all site plans from City Council to the Planning Commission and increasing the thresholds by which site plans can be approved administratively at the staff level.

The change from City Council to the Planning Commission is in alignment with both the direction given by City Council in January 2020 and the known best practice across the state, as confirmed by the Redevelopment Ready Communities program of the Michigan Economic Development Corporation.

The desire to increase the thresholds for administrative approval resulted from close consideration by the Planning Commission and review of the historical site plan data from the last ten (10) years. These thresholds are proposed to increase from 7,500 sq. ft. to 15,000 sq. ft., from 25 parking spaces to 50 parking spaces, and from four (4) site condominium units to 10 site condominium units.

All developments will go through the Planning Commission process if they are a non-residential use over 1,000 sq. ft. and are adjacent to a single-family residential zoning district, are non-residential and are located in a residential zoning district, include new vehicle driveway access, and/or are above the aforementioned thresholds. All developments that do not meet this criteria will be reviewed and approved by staff.

A public hearing, and the associated public notices, will still be required for site plans that go through the Planning Commission process.

Staff plan to present a detailed overview of the proposed changes during the staff presentation ahead of the public hearing to be scheduled for August 10. Enclosed is a resolution for City Council consideration to schedule a public hearing for August 10, 2020 to consider Zoning Text Amendment No. 161.

Sincerely,



Grant Murschel
Director of Planning & Community Development

GRM/rmg

Memo



To: Midland City Planning Commission
From: Grant Murschel
Director of Planning & Community Development
Date: April 24, 2020
Re: Site Plan Review Process

Following discussion of the site plan review process during the January 10, 2020 and February 10, 2020 meetings, staff has prepared the following proposal regarding amendments to the Site Plan Review Process included within Article 27.00 of the Zoning Ordinance. Also enclosed for consideration is the square footage breakdown of recent site plans for reference.

Staff intends to present the enclosed information during the meeting on April 28, 2020 for Planning Commission consideration and feedback.

Proposed Amendments:

Administrative (Staff) Review

- 1) Developments totaling up to 15,000 sq. ft., up to 50 parking spaces, and/or up to 10 site condominium units will be reviewed administratively and approved by staff.

Planning Commission Review

- 2) Developments totaling more than 15,000 sq. ft., more than 50 parking spaces, and/or more than 10 site condominium units will be reviewed by the Planning Commission. Planning Commission will have final approval following a public hearing on the proposal.
 - a. All property owners and occupants (residents) within 300 feet will be notified by mail and a public notice will be published in the Midland Daily News 15 days prior to the public hearing (as is the current procedure).
 - b. The Planning Commission rules of procedure will be revised to allow for action by the Planning Commission during the same meeting as the public hearing (removing the requirement to waive the rules of procedure).
 - c. If the Planning Commission chooses not to act, the Commission will have the option to table (delay) taking action on the Site Plan until the next meeting.

Appeals

During previous discussion, it was determined that an appeal process involving City Council or the City Zoning Board of Appeals was desirable. While either option is conceivable, staff is continuing to research the best practices across the state on how to handle an appeal. More information on the appeal options will be provided during the meeting on April 28, 2020.

Fast-Track Options

The fast-track options previously discussed involved expediting the process at the staff level and do not require modifications to the process involving the Planning Commission. Therefore, no specific amendments Article 27.00 are required to implement these options.

**MINUTES OF THE REGULAR MEETING OF THE
MIDLAND CITY PLANNING COMMISSION,
ON TUESDAY, JUNE 23, 2020 7:00 P.M.**

MEETING HELD ELECTRONICALLY DUE TO THE COVID-19 PANDEMIC

<https://zoom.us/join> | Webinar ID: 824 8354 2538 | Password: 637733

1. The meeting was called to order at 7:05 p.m. by Chairman Mayville.

2. **Roll Call**

PRESENT: Bain, Pnacek, Broderick, Heying, Hanna, Mayville Sajbel, and Rodgers

ABSENT: Koehlinger

OTHERS PRESENT: Grant Murschel, Director of Planning & Community Development; Tadd Underhill, Manager of Information Service (meeting host); and three (3) others.

3. **Approval of Minutes**

Hanna made a motion to approve the minutes of the regular meeting of May 12, 2020 as written, seconded by Pnacek.

Yeas: Bain, Pnacek, Broderick, Heying, Hanna, Mayville Sajbel, and Rodgers

Nays: None

Motion carries 8-0.

4. **Public Hearings**

a. **Zoning Text Amendment No. 161 – Amendments to the Site Plan Review Process**

Murschel gave an overview of the proposed changes to the Site Plan Review Process as presented in the staff memo. This follows the directive by City Council from January.

The Commission reviewed the proposed changes to the site plan review process, following on previous discussions earlier in the year. Changes to the administrative review, an appeals process and amendments to the bylaws were reviewed. Murschel indicated that if consensus was reached on the nature of the changes.

Public Comments in support:

Patrick Pnacek 2525 N Eastman Rd Midland, MI. Mr. Pnacke asked for some clarity on how the process will effect new development. Murschel stated that this change in process will hopefully streamline the process by eliminating questions that are outside of the objective criteria set by the City's ordinances.

Public Comments in opposition: None

Mayville closed the public hearing.

Heying made a motion to waive the rules of procedure and render a decision this evening, seconded by Hanna.

Vote on the motion:

Yeas: Bain, Pnacek, Broderick, Heying, Hanna, Mayville Sajbel, and Rodgers

Nays: None

Motion carries 8-0

Rodger made a motion to recommend approval on Zoning Text Amendment No. 161 – Amendments to the Site Plan Review Process. The motion was seconded by Hanna.

Vote on the motion:

Yeas: Bain, Pnacek, Broderick, Heying, Hanna, Mayville Sajbel, and Rodgers

Nays: None

Motion carries 8-0

b. Site Plan No. 400 – Request by Archiverde LLC, for site plan review and approval of an expanded parking lot, located at 1320 Waldo Avenue.

Murschel gave an overview of the site plan. The reason this plan is before the Planning Commission is due to the parking lot space expansion request.

Bain asked about the Photometric Plan being a contingency item, Murschel stated that this is an items that staff is comfortable with this being a contingency item for later staff approval.

Petitioner: Nicholas Lefevre 3900 Centennial Drive Suite C Midland, MI 48642: Mr. Lefevre spoke to the improvement on the site that have been made and the need for additional parking for the proposed use for the building.

Comments in Support: Patrick Pnacek 2525 N Eastman is in support of this expansion.

Comments in Opposition: None

Mayville closes the public hearing.

Bain made a motion to waive the rules of procedure and render a decision this evening, seconded by Sabjel.

Vote on the motion:

Yeas: Bain, Pnacek, Broderick, Heying, Hanna, Mayville Sajbel, and Rodgers

Nays: None

Motion carries 8-0

Hanna made a motion to recommend approval Site Plan No. 400 the proposal Archiverde Design LLC, for site plan review and approval of an expanded parking lot, located at 1320 Waldo Avenue. With the following contingencies:

The motion was seconded by Heying.

1. A final stormwater management plan and permit to the satisfaction of the City Engineering Department.

2. An updated photometric plan to the satisfaction of the City Planning Department.

Vote on the motion:

Yeas: Bain, Pnacek, Broderick, Heying, Hanna, Mayville Sajbel, and Rodgers

Nays: None

Motion carries 8-0

5. **Old Business**

6. **Public Comments** (unrelated to items on the agenda) – None

7. **New Business** –

- a. **Nominating Committee for 2020-21 Officers** –

Mr. Murschel asked for three volunteers to create a committee to nominate officers for 2020-2021. Commissioners Pnacek, Rodgers and Broderick volunteered for the committee.

8. **Communications** – None

9. **Report of the Chairperson** – None

10. **Report of the Planning Director** - Murschel stated that the digital meeting format will continue through at least the end of July. Mr. Murschel also spoke about City staff and the flood response.

11. **Items for Next Agenda – July 14, 2020**

- a. **Zoning Petition No. 631** - request by Matt Rapanos to rezone property located at 400 S Sandow Road from Township zoning to RC Regional Commercial.
- b. **Site Plan No. 401** - request by DGR Properties, LLC, for site plan review and approval of a 19,600 square feet self storage facility located at 916 Waldo Avenue.
- c. **Site Plan 388** - initiated by MLR Engineering on behalf of Osmond Rentals, LLC for review and approval of Osmond Townhouses, a sixty-two (62) unit residential townhouse development, located at 7702 Sturgeon Avenue

12. **Adjournment**

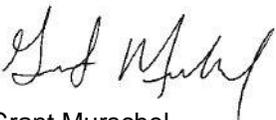
It was moved by Rodgers and seconded by Hanna to adjourn at 8:12 p.m.

Yeas: Bain, Pnacek, Broderick, Heying, Hanna, Mayville Sajbel, and Rodgers

Nays: None

Motion carries 8-0.

Respectfully submitted,



Grant Murschel

Director of Planning & Community Development

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION

ARTICLE 27.00

SITE PLAN REVIEW

Section 27.01 -- INTENT

The site plan review procedures and requirements in this Section are intended to achieve the following:

1. Provide a consistent and uniform method of review of certain proposed development plans;
2. Ensure full compliance with the regulations and standards in this Ordinance and other applicable ordinances and laws, including the Building Code enforced by the City;
3. Ascertain that significant redevelopment complies with current standards;
4. Create an accurate record of approved development;
5. Achieve efficient use of the land;
6. Protect natural resources; and
7. Mitigate adverse impact on adjoining or nearby properties.

Section 27.02 -- SITE PLAN REQUIRED

A. Site Plan Required

Except as provided in the following subsection B, the construction of any new structures, development of any new use, and all other building or development activities shall require site plan approval pursuant to this Section. Site plan review shall be required for the following activities:

1. Erection, relocation, conversion or structural alteration to a building or structure to create an additional ~~seventy five hundred (7,500)~~ **fifteen thousand (15,000)** square feet of gross floor space, other than a single family dwelling or two family dwelling.
2. Development of all non-single family residential uses permitted in single family districts, regardless of the building square footage.
3. Expansion or paving of off-street parking involving ~~twenty six (26)~~ **fifty-one (51) or** more spaces. All proposed parking lots and parking lot expansions are subject to the parking lot review and approval process in Section 5.01.D(1).
4. Mobile home parks shall be reviewed in accord with the standards set forth in this Article unless contrary to provisions of the Mobile Home Commission Act 1987, PA 96, as amended, and the Mobile Home Commission Rules.
5. All site condominium projects where ~~four (4)~~ **eleven (11)** or more detached dwelling units are proposed.
6. Erection, relocation, conversion or structural alteration to a building or structure that will result in a change in access provisions to adjoining streets.
7. Erection, or structural addition of at least one thousand square feet (1,000) of gross floor area to a commercial, industrial or office building or structure when located directly adjacent to RA-1, RA-2, RA-3, or RA-4 Residential Zoning districts.

B. Site Plan Not Required

Notwithstanding the preceding subsection a site plan approval is not required for the following activities:

1. Construction, moving, relocating or structurally altering a single or two-family dwelling, including any customarily incidental accessory structure.
2. Construction of any addition to an existing building or structure to create not more than an additional seven ~~thousand five hundred (7,500)~~ **fifteen thousand (15,000)** square feet of gross floor area, in aggregate, since the approval of a site plan under the preceding subsection A.

C. Administrative Site Plan Review

All activities, which meet the criteria listed in subsection B(2) shall still-require an administrative site plan review by city staff to determine compliance with this ordinance and other city codes and ordinances. Submission requirements for administrative site plans shall be the same as other site plans, except that this review shall only be conducted by city staff and approved by the Planning and Community Development Department. Applicable review fees may be required per Chapter 21 of the Midland Code of Ordinances.

Section 27.03 -- SITE PLAN REVIEW APPLICATIONS AND PROCEDURES

A. Review and Approval Authority

All site plans shall be reviewed **and approved** by the Planning Commission ~~and approved by the City Council~~ following the procedures set forth in the following Section 27.04. ~~The City Council~~ **Planning Commission** shall have the authority to approve, approve with conditions, or deny all site plans.

B. Submission of Site Plan for Formal Review and Approval

In order to initiate formal review by the Planning Commission, the applicant shall submit the following materials:

1. One (1) completed and signed copy of the Application for Site Plan Review,
2. Six (6) legible copies of the site plan on sheets at least 24 inches by 36 inches, two (2) copies of the site plan on sheets at least 11 inches by 17 inches, and one (1) digital copy of the site plan that includes a colored rendering of the site plan and elevations when available.
3. Evidence shall be submitted to show that the plans have been submitted to governmental agencies that have jurisdiction over any part of the development, including, but not necessarily limited to: Midland County Road Commission, Midland County Drain Commissioner, and Midland County Health Department, Michigan Department of Transportation, Michigan Department of Natural Resources, and the Michigan Department of Environmental Quality.
4. The required review fee as established by Chapter 21 of the City of Midland Code of Ordinances.

These materials shall be submitted to the City at least twenty-eight (28) days prior to the Planning Commission meeting at which the review is requested.

C. Determination of Compliance

The Planning and Community Development Department and other City Departments shall review the site plan and may solicit review and comments by other professionals and agencies. Upon

review of the site plan proposal, the Planning and Community Development Staff may require the applicant to complete revisions required to comply with this ordinance or other regulations and submit the plans for further review prior to formal action being taken.

27.04 -- REVIEW AND FINAL ACTION

A. Public Hearing

1. Upon receipt of a complete application for a site plan review in accordance with Section 27.04, a public hearing before the Planning Commission will be set. Notice of said public hearing shall be published in the local newspaper at least fifteen (15) days prior to the date of the hearing, and all property owners within three hundred (300) feet of the area shall be notified by mail.
2. Site plans involving uses that are subject to Conditional Land Use Approval require a public hearing, pursuant to the requirements in Section 28.02.

B. Planning Commission Review and Approval by City Council

The Planning Commission shall review the site plan proposal together with any public hearing findings, reports and recommendations from the Planning and Community Development Department and any from other reviewing agencies. The Planning Commission shall then ~~recommend that the City Council~~ approve, approve with conditions, or deny, the proposal as follows:

1. Approval

Upon determination that a site plan is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the ~~City Council~~ **Planning Commission** shall approve the site plan.—Site plan approval does not exempt the proposed development from any other applicable City Codes.

2. Approval Subject to Conditions

Upon determination that a site plan is in compliance except for minor modifications, the ~~City Council~~ **Planning Commission** may impose reasonable conditions upon the approval of the site plan. The conditions for approval shall be identified **in writing**, and the applicant shall be given the opportunity to correct the site plan.

~~If a plan is recommended for approval by the Planning Commission subject to conditions, the applicant shall submit a revised plan with a revision date, indicating compliance with the conditions. The applicant may re-submit the site plan to the City Council for approval after conditions have been met.~~

Conditional site plan approval does not exempt the proposed development from any other applicable City Codes.

3. Denial

Upon determination that a site plan does not comply with the standards and regulations set forth in this Article or elsewhere in this Ordinance, or requires extensive revision in order to comply with said standards and regulations, the ~~City Council~~ **Planning Commission** shall deny the site plan and set forth its reasons in writing.

C. Recording of Site Plan Review Action

Each action taken on a site plan review and the grounds for action shall be recorded in the minutes of the Planning Commission ~~and City Council~~.

After final action has been taken on a site plan and all steps have been completed, copies of the application and plans shall be marked APPROVED or DENIED, as appropriate, with the date that action was taken. One (1) marked copy shall be returned to the applicant and at least one (1) copy shall be kept on file in the Planning and Community Development Department.

D. Procedure After Site Plan Approval

1. Application for Building Permit

Following final approval of the site plan by the **Planning Commission** ~~City Council~~ or the Planning and Community Development staff, the applicant may apply for a building permit. The City may require engineering approval prior to issuance of the building permit. It shall be the responsibility of the applicant to obtain all other applicable City, County, State, or Federal permits prior to issuance of a building permit.

A building permit for a structure in a proposed condominium project shall not be issued until evidence of a recorded Master Deed has been provided to the City. However, the Building Official may issue permits for site grading, erosion control, installation of public water and sewage facilities, and construction for roads prior to recording the Master Deed. No permit issued or work undertaken prior to recording the Master Deed pursuant to this Section shall grant any rights or any expectancy interest in the approval of the Master Deed. The Master Deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. The Master Deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association

2. Expiration of Site Plan Approval

If construction has not commenced within two (2) years of final approval of the site plan, the site plan approval becomes null and void and a new application for site plan review shall be required. The applicant may apply in writing to the **Planning Commission** ~~City Council~~ for an extension of the site plan approval. The **Planning Commission** ~~City Council~~ may grant an extension of up to twelve (12) months if:

- a. The applicant requests the extension prior to expiration of the previous approval, and
- b. The approved site plan adequately represents current conditions on and surrounding the site, and
- c. The site plan conforms to the current Zoning Ordinance standards.

3. Monuments Requirements for Condominium Projects

All condominium projects shall be marked with monuments as required by Condominium Rules promulgated to the Michigan Department of Commerce, Corporation and Securities Bureau, and as may also be required by the engineering standards enforced by the City of Midland.

4. Recorded and As-Built Condominium Documents

Upon approval of the site plan for a condominium project involving new construction, the condominium project developer or proprietor shall furnish the City with the following:

- a. One (1) copy of the recorded Master Deed, and
- b. One (1) copy of any Condominium Bylaws and restrictive covenants.

Upon completion of the project, the condominium project developer or proprietor shall furnish the City with the following:

- c. Two (2) copies of an "as built survey", and
- d. One (1) copy of the site plan.

E. Modification to Approved Plan

Minor modifications to an approved site plan may be approved by the Planning and Community Development staff.

1. Minor Modification Defined

Minor modifications are changes that do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public services, the danger from hazards, or the provision of any bonus item. Examples of minor modifications include:

- a. An addition to an existing commercial or industrial building that does not increase the floor space by more than twenty-five percent (25%) or ~~seventy five hundred (7,500)~~ **fifteen thousand (15,000)** square feet, whichever is less.
- b. Changes to building height that do not add an additional floor.
- c. Alterations or modifications involving less than **fifty-one (51)** ~~twenty six (26)~~ parking spaces.
- d. Substitution of landscaping for equivalent species of landscaping.
- e. Off-site improvements that individually would otherwise be approved administratively by the city and that add to the safety, appearance or functionality of the approved site plan being amended.

The construction of a new building or structure with ~~7,500~~ **15,000** square feet or more of gross floor area, adding ~~twenty six (26)~~ **fifty-one (51)** or more parking spaces, or deleting parking or the addition of curb cuts onto a public road are examples of modifications which are not considered minor. If the modifications are not deemed minor by the Planning and Community Development staff, then full review and approval by the Planning Commission ~~and City Council~~ shall be required.

2. Recording of Action

Each action related to modification of a site plan shall be duly recorded in writing on a copy of the approved plan, and shall be kept on file. The ~~City Council~~ **Planning Commission** shall be advised of all minor site plan modifications approved by the Planning and Community Development staff and such modifications shall be noted on the site plan.

Section 27.05 -- REQUIRED INFORMATION ON SITE PLANS

Where applicable, the following information shall be included on all site plans or supporting documentation:

A. Application

The application shall contain the following information at minimum:

1. Applicant's name, address, phone number, fax number, and e-mail address.
2. Name, address and signature of property owner, if different from applicant.
3. Common description of property and complete legal description including the Tax Identification number.
4. Dimensions of land and total acreage.
5. Existing zoning of applicant's parcel and surrounding land.
6. Existing use of the applicant's parcel and surrounding land.
7. Proposed use of land and name of proposed development, if applicable.
8. Proposed buildings to be constructed, including square feet of gross and usable floor area.
9. Number of permanent employees, if applicable.
10. Names, addresses, and telephone numbers of engineers, attorneys, architects, and other professionals associated with the project.
11. Review comments and/or approvals from County, State, and Federal agencies. Copies of letters or approval forms should be submitted with the site plan application.

B. Descriptive and Identification Data

Site plans shall consist of an overall plan for the entire development, drawn to a scale of not less than 1 inch = 20 feet for property less than 1 acre, 1 inch = 30 feet for property larger than 1 acre but less than 3 acres, and 1 inch = 50 feet for property larger than 3 acres, unless another scale is approved by the Planning and Community Development staff. The following descriptive and identification information shall be included on all plans:

1. Applicant's name and address, and telephone number.
2. Title block indicating the name of the development.
3. Scale.
4. North point.
5. Dates of submission and revisions (month, day, year).
6. Location map with north point.
7. Legal and common description of property, including acreage.
8. The dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is a part of a larger parcel the plan should indicate the boundaries of total land holding.
9. A schedule for completing the project, including the phasing or timing of all proposed developments.
10. Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared plan.
11. Written description of proposed land use.
12. Proximity to driveways serving adjacent parcels.
13. Proximity to nearest cross street.
14. Proximity to the Tri-City Joint Airport Zoning Ordinance approach zones.
15. Notation of any variances which have been granted or will be sought.
16. Net acreage (minus rights-of-way and bodies of water) and total acreage, to the nearest 1/10 acre.

C. Site Data

1. Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within fifty (50) feet of the site.
2. Front, side, and rear setback dimensions.

3. Topography on the site and within fifty (50) feet of the site at two foot contour intervals, referenced to a U.S.G.S. benchmark.
4. Proposed site features, including buildings, roadway widths and names, and parking areas.
5. Dimensions and centerlines of existing and proposed roads and road rights-of-way.
6. Proposed vehicular circulation system, including location of driveway entrances, roads, and on-site driveways.
7. The location of all driveways on all adjacent and abutting properties within 300 ft. of the property lines.
8. Typical cross-section of proposed roads and driveways.
9. Location of existing drainage courses, floodplains, lakes and streams, with elevations.
10. Location of wetland boundaries, if state-regulated and name of person who staked the boundaries and his /her qualifications.
11. Location of existing and proposed interior sidewalks and sidewalks in the road right-of-way.
12. Exterior lighting locations and method of shielding lights from shining off the site.
13. Photometric plan showing all lighting on the site (including decorative lighting).
14. Trash receptacle locations and method of screening, if applicable.
15. Transformer pad location and method of screening, if applicable.
16. Parking spaces, typical dimensions of all spaces (including barrier-free spaces), indication of total number of spaces, drives, and method of surfacing.
17. Information needed to calculate required parking in accordance with Zoning Ordinance standards (e.g., building square footage, number of employees).
18. Information needed to determine compliance with all sign regulations, if applicable, as set forth in Article 8.00.
19. The location of lawns and landscaped areas.
20. Landscape plan, including location, size, type and quantity of proposed shrubs, trees and other live plant material and the location, sizes, and types of existing trees five (5) inches or greater in caliper, measured at four (4) feet above native grade, before and after proposed development.
21. Cross-section or slope of proposed berms.
22. Location and description of all easements for public rights-of-way, utilities, access, shared access, and drainage.
23. Designation of fire lanes.
24. Loading/unloading area.
25. The location of any outdoor storage and the manner by which it will be screened.
26. The location of bike racks.

D. Building and Structure Details

1. Location, height, and outside dimensions of all proposed buildings and structures.
2. Indication of the number of stores and number of commercial or office units contained in the building, if applicable.
3. Total floor area.
4. Location, size, height, and lighting of all proposed signs.
5. Proposed fences and walls, including typical cross-section and height above the ground on both sides.
6. Building facade elevations.
7. Sign elevations and locations.

E. Information Concerning Utilities, Drainage, and Related Issues

1. Schematic layout and description of existing and proposed sanitary sewers, sewage treatment systems, water mains, and water service leads; hydrants that would be used by public safety personnel to service the site; storm sewers and drainage facilities, including the location of retention/detention facilities; and the location of gas, electric, and telephone lines.

2. General indication of site grading and drainage patterns.
3. Types of soils and location of floodplains and wetlands, if applicable.
4. Soil erosion and sedimentation control measures.

F. Information Concerning Residential Development

1. The number, type and location of each type of residential unit (one bedroom units, two bedroom units, etc.)
2. Density calculations (dwelling units per acre).
3. Lot coverage calculations.
4. Impervious surface calculations.
5. Floor plans of typical buildings with square feet of floor area.
6. Garage and carport locations and details, if proposed.
7. Sidewalks and trail locations and widths.
8. Location and names of roads and internal drives with an indication of how the proposed circulation system will connect with the adjacent public roads.
9. Community building locations, dimensions, and facade elevations, if applicable.
10. Swimming pool fencing detail, including height and type of fence, if applicable.
11. Location and size of recreation open areas.
12. Indication of type of recreation facilities proposed for recreation area.
13. If common area or community buildings are proposed, then the site plan should indicate the responsibilities of the subdivision or condominium association, property owners, or other public entity, with regard to maintenance of the common areas or community property on a continuing basis.

G. Information Applicable to Manufactured or Mobile Home Parks

1. All information required by Section 16.03.A.1

H. Additional Information

1. Information Related to Condominium Development

The following information shall be provided with all site plans involving condominium development:

- a. Condominium documents, including the proposed Master Deed, restrictive covenants, and condominium bylaws.
- b. Condominium subdivision plan requirements, as specified in Section 66 of Public Act 59 of 1978, as amended, and Rule 401 of the Condominium Rules promulgated by the Michigan Department of Commerce, Corporation and Securities Bureau.

2. Items Not Applicable

If any of the items listed are not applicable to a particular site, the following information should be provided on the site plan:

- a. A list of all items considered not applicable. Planning and Community Development staff shall have the authority to determine items that may be waived from the site plan review.
- b. The reason(s) why each listed item is not considered applicable.

3. Other Data Which May Be Required

Other data may be required if deemed necessary by the City staff or the Planning Commission to determine compliance with the provisions in this Ordinance. Such information may include traffic

impact studies (in accordance with Section 3.10 I), environmental assessment and evaluation of the demand on public facilities and services.

Section 27.06 -- STANDARDS FOR SITE PLAN APPROVAL

A. Standards

The following criteria shall be used as a basis upon which site plans will be reviewed and approved:

1. Adequacy of Information

The site plan shall include all required information in sufficiently complete and understandable form to provide and accurate description of the proposed uses and structures.

2. Site Design Characteristics

All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance.

3. Appearance

Landscaping, earth berms, fencing, signs, walls and other similar site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.

4. Compliance with District Regulations

The site plan shall comply with the district requirements for height of building, lot size, lot coverage, density, and all other requirements set forth in the Schedule of Regulations (Article 26.00) unless otherwise provided in this Ordinance.

a. Site Condominiums

In the case of site condominiums, the boundaries of each condominium unit may encompass an area that is at least equivalent to the minimum lot area requirements. Alternatively, these regulations may be applied by requiring that the site condominium unit shall be equivalent to the area of the lot where a principal building can be constructed (equivalent to a building envelope) and there shall be a limited common element associated with each site condominium unit so that said condominium unit and associated limited common element shall be at least equivalent to the minimum lot area requirements.

In addition, site condominium projects shall comply with all applicable design standards which have been developed for similar types of development in the City, as described in the Zoning Ordinance and other applicable local county, and state ordinances, laws and regulations, including but not necessarily limited to requirements for streets, blocks, lots, utilities, and storm drainage. These requirements and specifications are hereby incorporated and are made a part of this Ordinance by reference.

b. Detached Condominiums

In the case of detached condominiums, these regulations shall be applied by requiring that the detached condominium units comply with the requirements governing minimum distance between buildings, attachment of buildings, and other applicable requirements for the district in which the project is located. Furthermore, proposed detached condominium projects shall not exceed the maximum permitted density for the district in which the project is located, as determined on the basis of minimum lot size standards in Article 26.00.

In addition, detached condominium projects shall comply with all applicable design standards which have been developed for similar types of development in the City, as

described in the Zoning Ordinance and other applicable local, county, and state ordinances, laws and regulations, including but not necessarily limited to requirements for streets, blocks, lots, utilities, and storm drainage. These requirements and specifications are hereby incorporated and are made a part of this Ordinance by reference.

5. **Preservation and Visibility of Natural Features**

Natural features shall be preserved as much as possible, by minimizing tree and soil removal alteration to the natural drainage course and the amount of cutting, filling, and grading.

6. **Privacy**

The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate if permitted, for the protection and enhancement of property and the safety and privacy of occupants and uses.

7. **Emergency Vehicle Access**

All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.

8. **Ingress and Egress**

Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public or private streets and pedestrian walkways.

9. **Pedestrian Circulation**

Each site plan shall provide a pedestrian circulation system which is insulated as completely as is reasonably possible from the vehicular circulation system.

10. **Vehicular and Pedestrian Circulation Layout**

The layout of vehicular and pedestrian circulation systems shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry in accordance with subsection 3.10. In order to insure public safety and promote efficient traffic flow and turning movements, the applicant may be required to limit street access points or construct a secondary access road.

11. **Parking.**

The proposed development shall provide adequate off-street parking in accordance with the requirements in Article 5.00 of this ordinance. Provisions shall be made for bike racks according to the standards contained in Planning and Urban Design Standards, APA, 2006 as amended.

12. **Drainage**

The project must comply with the City's Stormwater Ordinance.

13. **Soil Erosion and Sedimentation**

The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current State, County, and City standards.

14. **Exterior Lighting**

Exterior lighting shall be designed so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets and comply with the provisions in Section 3.12.

15. **Public Services**

Adequate services and utilities, including water, sewage disposal, sanitary sewer, and stormwater control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development. All streets and roads, water, sewer, and drainage systems, and similar facilities shall conform to the design and construction standards of the City.

16. **Screening**

Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas shall be screened by walls or landscaping of adequate height and shall comply with Articles 6.00 and 7.00 of this Ordinance. All roof-top mechanical equipment shall be screened from view from all residential districts and public roadways.

17. **Health and Safety Concerns**

Any use in any zoning district shall comply with all applicable public health, pollution, and safety laws and regulations. Sites within the jurisdiction of the Tri-City Joint Airport Zoning ordinance.

18. **Sequence of Development**

All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

19. **Coordination with Adjacent Sites**

All site features; including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space shall be coordinated with adjacent properties.

20. **Signs.**

All proposed signs shall be in compliance with the regulations in Article 8.00 of this Ordinance.

Section 27.07 -- FILING FEES

All applications shall be accompanied by a filing fee which shall be established by resolution of the City Council, found in Chapter 21 of the City of Midland Code of Ordinances.