



Village of Mackinaw City

102 South Huron Avenue, P.O. Box 580, Mackinaw City, Michigan 49701

Telephone: (231) 436-5351 Fax: (231) 436-4166

www.mackinawcity.org village@mackinawcity.org

VILLAGE OF MACKINAW CITY COUNCIL AGENDA OCTOBER 2, 2014 - 7:00 P.M. VILLAGE HALL

I. CALL TO ORDER/TAKING OF ROLL/PLEDGE OF ALLEGIANCE

II. PRESENTATIONS AND RECOGNITIONS

III. APPROVAL OF AGENDA

IV. COUNCIL MINUTES

A. Approval of the regular minutes and ZBA minutes for August 21, 2014

V. PUBLIC COMMENTS

Citizens wanting to address the Council can do so at this time. Persons addressing the Council are requested to give their name and address for the record when called on by the President.

VI. PUBLIC HEARING AND SUBSEQUENT COUNCIL ACTION

VII. BUSINESS REPORTS AND RECOMMENDATIONS

A. Humbarad Dock Development, Lieghio's Hamilton Inn Select, Inc.
Planned Unit Development, 201 South Huron Ave. [Action Item]

B. Resolution To Authorize Issuance of Michigan Transportation
Fund Bonds, Series 2015 [ROLL CALL] [Action Item]

C. Village Manager Ordinance No. 105 Amendment [Action Item]

D. Interim Manager Appointment and Employment Agreement [Action Item]

E. On-Site Legal Services Proposal [Action Item]

F. Special Event Application 2014-SE-067 Shepler's Inc.
Win-Some Women Conference [Action Item]

G. Special Event Application 2015-SE-005 Church of the Straits
Labor Day Sunday Service at Conkling Park

H. Jaggi Warehouse Site Plan 2014-SP-008 [Action Item]

VIII. ACCOUNTS PAYABLE

A. Accounts Payable for October 2, 2014 \$106,579.08 [Action Item]

IX. COMMITTEE/DEPARTMENT REPORTS

A. Committee Report

B. Department Reports

X. CLOSED SESSION AND SUBSEQUENT COUNCIL ACTION

XI. ADJOURNMENT





Village of Mackinaw City

102 South Huron Avenue, P.O. Box 580, Mackinaw City, Michigan 49701

Telephone: (231) 436-5351 Fax: (231) 436-4166

www.mackinawcity.org village@mackinawcity.org

To: Mackinaw City Council
From: Adam R. Smith, Village Manager
Date: September 26, 2014
Re: Manager Report & Recommendations for October 2, 2014 Council Meeting



VII. A. Humbard Dock Development, Lieghio's Hamilton Inn Select, Inc. Planned Unit Development, 201 South Huron Ave. [Action Item]

Item reserved for reconsideration of site plan (2013-SP-007) and special use permit-PUD (2013-SUP-005) submitted by Lieghio's Hamilton Inn Select, Inc., associated with the "Humbard Dock" development, a proposed commercial planned unit development (PUD). On June 5, 2014, Council denied this PUD request as numerous deviations from Zoning Ordinance existed. Since that time, applicant has worked with staff to make numerous revisions to said site plan as outlined with attached professional review summaries date September 15, September 8, July 31, July 21, July 10, and July 8, 2014 to address said deviations. Based upon our review and analyses of c2ae, which most recently conclude that the revised site plan complies with the requirements of the Zoning Ordinance, Council may approve the revised site plan and proposed commercial PUD request in accordance with Section 4-117 and Section 23-102 should Council determine and agree that the proposed development meets said criteria.

Should Council agree, a motion for approval should include the following language:

- In accordance with Section 4-117 and Section 23-102 of the Zoning Ordinance, the Village Council has received materials and documents relating to a PUD request from applicant Hamilton Inn Select, Inc. for the establishment of a commercial PUD;
- The documents received include a recommendation from the Planning Commission;
- The Village Council finds that the site plan and PUD request complies with the requirements of the Village Zoning Ordinance;
- The Village Council approves the site plan and the commercial PUD request, contingent upon the conveyance of a necessary easement from the applicant, the language for which shall be determined by Village staff, the Village attorney and the applicant.

Should Council not agree, a motion for denial should include the following language:

- In accordance with Section 4-117 and Section 23-102 of the Zoning Ordinance, the Village Council has received materials and documents relating to a PUD request from applicant Hamilton Inn Select, Inc. for the establishment of a commercial PUD;
- The documents received include a recommendation from the Planning Commission;
- Based upon our review of the materials before us, we do not believe the proposed site plan nor the proposed PUD meets the _____ of the Zoning Ordinance;
- Therefore, for those reasons, we must deny this site plan and PUD request.

Please refer to attached c2ae professional review correspondence, project site plan documentation, Planning Commission Minutes of August 28, 2014, Section 4-117 and Section 23-



VII. B. Resolution to Authorize Issuance of Michigan Transportation

Fund Bonds, Series, 2015

ROLL CALL [Action Item]

Item reserved for the authorization of a resolution to provide local match funding for upcoming major street renovations. Renovations to include the resurfacing of South Huron Avenue from US-23 to E. Central Avenue during the 2015 construction season and the reconstruction of West Central Avenue from DeJauney Street to Headlands Road during the 2016 construction season. The Village has secured \$830,937 in funding from the Michigan Department of Transportation (MDOT) Rural Task Forces of Emmet and Cheboygan Counties. The total estimated project costs are \$1,791,832 and the estimated local project match funding requirement is \$960,895. To that extent the Michigan Transportation Fund Bonds are not to exceed \$955,000.

Bond Counsel Roger Swets, Dickinson Wright and Public Finance Managing Director Warren Creamer, RW Baird & Co. will be in attendance to present the financial aspects of the upcoming major street renovations. I would recommend approval of the Resolution to Authorize Issuance of Michigan Transportation Fund Bonds, Series 2015 as presented. Alternatively, the Village would need to pursue other financing options to support the project costs.

Please refer to the attached draft Resolution to Authorize Issuance of Michigan Transportation Fund Bonds, Series 2015 and the Rural Task Force Data Sheets for South Huron Ave and W. Central Ave.

VII. C. Village Manager Ordinance No. 105 Amendment

[Action Item]

Item reserved for action to amend the Village Manager Ordinance No. 105 to address conflicting provisions of the Code of Ordinances, state law, and provide municipal management efficiencies. I concur with Finance and Human Resources Committee's recommendation to approve the draft amendment to the Village Manager Ordinance No. 105 as presented. Legal counsel has reviewed and approved the proposed amendment. Alternatively, the Village could pursue other amendment language to address conflicting provisions, state law, and inefficiencies.

Please refer to the attached draft Village Manager Ordinance No. 105 Amendment and existing ordinance.

VII. D. Interim Manager Appointment and Employment Agreement

[Action Item]

Item reserved for appointment of an interim manager and authorization of employment agreement. The Finance and Human Resources Committee recommends appointment of David M. White, an individual who has the education, training and experience in local government management and approval of the attached Interim Manager Employment Agreement. Legal counsel has reviewed and approved the proposed agreement. Alternatively, the Village could pursue other candidates.

Please refer to the attached interim manager employment agreement and resume of David M. White.

VII. E. On-Site Legal Services Proposal

[Action Item]

Item reserved for action regarding On-Site Legal Services Proposal for Kenneth Lane, Clark Hill PLC. Following a "trail run" period during the month of September, I recommend approval of the On-Site Legal Services Proposal for Kenneth Lane of Clark Hill PLC. The proposal provides for a monthly retainer not to exceed \$3,840 which provides one day per week (Friday – 8 hrs.), travel expenses, and attendance as needed at Council meetings on Thursday nights. The estimated annual on-site legal services expenditure is \$34,560, which is less than our current year budget

estimate and provides significantly more value than off-site services. It is important to note that we will have other legal needs outside of our scheduled time including specialized legal services (i.e. labor, finance, etc.). A motion to approve the On-Site Legal Services Proposal for Kenneth Lane of Clark Hill PLC is necessary. Alternatively, the Village could pursue other services. *Please refer to attached Clark Hill On-Site Legal Services Proposal.*

VII. F. Special Event Application 2014-SE-067 Shepler's Inc.

Win-Some Women Conference

[Action Item]

Please refer to attached Special Event Application 2014-SE-067 Shepler's Inc. Win-Some Women Conference October 13-17, 2014.

VII. G. Special Event Application 2015-SE-005 Church of the Straits

Labor Day Sunday Service at Conkling Park

[Action Item]

Please refer to attached Special Event Application 2015-SE-005 Church of the Straits Labor Day Sunday Service at Conkling Park September 6, 2015.

VII. H. Jaggi Warehouse Site Plan 2014-SP-008

[Action Item]

Please refer to Jaggi Warehouse Site Plan 2014-SP-008, Parcel ID 24-42-03-13-300-012, Nokomis Street, and supporting documentation. Planning Commission has recommend approval subject to compliance with all professional services identified inconsistencies to be addressed and corrected on a final site plan document and payment in full of all professional service fees is made prior to issuance of an approved zoning permit.

Please refer to attached site plan, supporting documentation, and Planning Commission minutes of August 28, 2014.

UNAPPROVED
MINUTES ZONING BOARD OF APPEALS
MACKINAW CITY

7:00 P.M.

September 18, 2014

I. CALL TO ORDER/TAKING OF ROLL/PLEDGE OF ALLEGIANCE

President Jeff Hingston called the Zoning Board of Appeals to order and with the following Trustees present – Robert Glenn, Matt Yoder Belinda Mollen, Sandy Planisek, Richard Perlick, and Paul Michalak. Also present, Manager Adam Smith, Interim Zoning Director Fred Thompson Jr and Clerk Lana Jaggi.

Pledge of Allegiance

II. PUBLIC COMMENTS

Tom Wall-Shores of Mackinaw Resident
Renee De Nicola-Shores of Mackinaw Resident
Sue Austin-Shores of Mackinaw Resident
Melissa Wacbal-Shores of Mackinaw Resident

III. BUSINESS REPORTS AND RECOMMENDATIONS

A. Rezoning of Parcel #014-020-100-004-00 from RM to B1 Appeal
Richard Barth/TMR Investments-10888 West US 23

Motion Yoder seconded Glenn to “reverse and remand” the Council decision and the Planning Commission recommendation on which it was based back to the Planning Commission with the directive that the Commission review the decision and provide specific finding of fact that are based on adopted zoning ordinance provisions and/or applicable state law in support of their recommendation. Staff and legal will correspond and move forward. Voice vote. Motion carried unanimously.

VI. ADJOURNMENT: 7:11 PM

Respectfully submitted;

Jeff Hingston; President

Lana Jaggi; Clerk

UNAPPROVED
MINUTES REGULAR COUNCIL MEETING
MACKINAW CITY

7:13 P.M.

September 18, 2014

I. CALL TO ORDER/TAKING OF ROLL

President Jeff Hingston called the meeting to order and with the following Trustees present – Robert Glenn, Matt Yoder, Belinda Mollen, Sandy Planisek, Richard Perlick, and Paul Michalak. Also present, Villager Manager Adam Smith, Interim Zoning Director Fred Thompson Jr., and Clerk Lana Jaggi.

Visitors – List Attached.

II. PRESENTATIONS AND RECOGNITIONS

None

III. APPROVAL OF AGENDA

Motion Mollen seconded Perlick to approve the agenda as presented. Voice vote – motion carried unanimously.

IV. COUNCIL MINUTES

A. Motion Michalak seconded Mollen to approve the regular meeting minutes of September 04, 2014 as presented. Voice vote-motion carried unanimously.

B. Motion Planisek seconded Yoder to approve the special meeting minutes of September 11, 2014 as presented. Voice vote-motion carried unanimously.

V. PUBLIC COMMENTS Agenda or Non Agenda

Dexter McNamara- Former Village Resident, Current Petoskey MI Resident

Ron Wallin-Village Resident

Steve Chimmer-Cheboygan MI Resident

VI. PUBLIC HEARING AND SUBSEQUENT ACTION

None

VII. BUSINESS REPORTS AND RECOMMENDATIONS

A. Schedule Headlee Override Public Informational Meeting

Motion Planisek seconded Mollen to schedule the Headlee Override

Informational Public Meeting for Monday, October 20, 2014, 7:00 PM, to be held

at the Mackinaw Public Schools Multi Purpose Room. Voice vote-motion carried unanimously.

B. Headlee Override Informational Document

Motion Mollen seconded Planisek to approve the Headlee Override Informational Document and release to the public. Voice vote-motion carried unanimously.

UNAPPROVED
MINUTES REGULAR COUNCIL MEETING
MACKINAW CITY

7:13 P.M.

September 18, 2014

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C. Michigan Municipal League Annual Meeting Delegates(s)
Motion Planisek seconded Mollen to appoint Pres. Jeff Hingston as official delegate at the Michigan Municipal League Annual Convention, October 15-17, 2014. Voice vote-motion carried unanimously.

VIII. Accounts Payable

Motion Planisek seconded Glenn to pay accounts payable for September 18, 2014 in the amount of \$51,238.03. Voice vote-motion carried unanimously.

IX. Committee/Department Reports

A. Finance and Human Resource Committee Report-Trustee Planisek, Chair,
presented report and placed on file.

Manager Smith introduced Interim Manager Candidate David White. Mr. White currently provides the Village with Administrative Contracted Services. Manager Smith also gave S.A.W. grant award update.

Notice for Annual Fall Pick Up was posted.

The Village received the award for greatest darkness during Lights Out Across the Straits Challenge 2014.

XI. Adjournment at 8:28 PM

Respectfully submitted;

Jeff Hingston; President

Lana Jaggi; Clerk

**MINUTES REGULAR PLANNING COMMISSION MEETING
MACKINAW CITY**

7:00 P.M.

August 28, 2014

I. CALL TO ORDER/WELCOME

Planning Commission Vice-Chair Robert Heilman was present and called the meeting to order. Vice-Chair Heilman excused Chairperson Rosada Mann and offered condolences on the passing of her husband.

II. ROLL CALL

Commissioners Present: Greg Gustafson, Ronald Dye, Earl Taylor, Matt Cooley, Mary Clark.

Also present-Interim Zoning Director Fred Thompson, Jr., Attorney Ken Lane and Recording Secretary Lana Jaggi

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

Motion Heilman support Taylor to approve the minutes of the special meeting held August 14, 2014 as presented. Voice Vote, motion carried.

V. PUBLIC COMMENTS

Ron Wallin-Village Resident

VI. NEW BUSINESS:

A. 2014-SP-008 Site Plan Review for Jaggi Warehouse

Motion Heilman support Taylor to recommend approval to Council for Site Plan 2014-SP 008 subject to compliance with all professional services identified inconsistencies to be addressed and corrected on a final site plan document and payment in full of all professional service fees is made prior to issuance of an approved zoning permit pending Council action.

Roll Call: Yeas- Gustafson, Dye, Taylor, Cooley, Heilman, Clark. Absent-Mann
Motion carried.

B. 2013-SP-007 and 2013-SP-SUP-005-Consideration of revised site plan, Lieghio's Hamilton Inn Select

Attorney Ken Lane gave brief summary of the site plans travel through the zoning process and why it is before the Planning Commission again for reconsideration of Lieghio's Hamilton Inn Select revised site plan.



Motion Dye support Cooley to move site plan forward to council for their consideration.

Roll Call: Yeas-Dye, Taylor, Cooley, Heilman, Gustafson. Nays- Clark.
Absent-Mann.

**MINUTES REGULAR PLANNING COMMISSION MEETING
MACKINAW CITY**

7:00 P.M.

August 28, 2014

Page 2

VII. OLD BUSINESS-None

VIII. COMMISSIONER COMMENTS

Commissioner Gustafson informed the Commission he will be turning in his resignation letter as he will be relocating to Traverse City, MI. Vice Chair Heilman thanked him for his service and wished him well.

IX. COMMISSIONER CALENDAR

Next regular meeting, September 25, 2014

X. ADJOURNMENT: 7:58 PM

Respectfully submitted;

Rosada Mann; Chairperson

Matt Cooley; Secretary



707 North Huron – Suite #2, P.O. Box 548 Mackinaw City, Michigan 49701
Phone 231.436.7376 archforum@sbcglobal.net
fax 508.657.9591

September 22, 2014

Village of Mackinaw City
Mr. Fred Thompson, Zoning Administrator
102 South Huron Ave.
P.O. Box 580
Mackinaw City, MI 49701

Re: Site Plan Review Response to c2ae Review

We have reviewed the following items for the "Humbard Dock Development Site Plan Review dated July 8, 2014", submitted by c2ae.

Site Plan Review Procedure and Application dated June 24, 2014

- IV.Sec 4-117.D.14 The Applicant agrees that a new easement is to be recorded and shall work with the village to provide the necessary language for the easement description.
- IV.Sec 4-117.E.8 The Applicant acknowledges that the main use building shall be equipped with a fire suppression system complying with NFPA 13 requirements. Complies with the Ordinance.
- XXIII.Sec 23-102.M Restaurant – Complies with the Ordinance.
- Retail – Floor plan of main use building was previously changed to reflect this use. Complies with the ordinance.
- Offices for Trolley and Excursion Sales- This will be one office and count as one business. Complies with the Ordinance.
- Marina Slip – The Site Plan was changed previously to reflect the 2 parking spaces per the new interpretation. Complies with the Ordinance.
- Museum- the floor area for this use is 178 sqft and is located in the existing building along with the Trolley and Excursion Sales Business. This use requires 1 parking space per 400 sqft, or a total of one space. Complies with the Ordinance.
- The Applicant agrees with the amended parking requirements total required in the amount of 74 spaces, and Applicant shall provide 75 spaces as shown on the site plan. Total Parking Spaces provided on submittal - 75 spaces. Complies with the Ordinance.

Respectfully submitted,

David McFarland

David McFarland – Project Director
The Architect Forum



September 15, 2014

Village of Mackinaw City
Mr. Adam Smith, Village Manager
102 South Huron Ave. P.O. Box 580
Mackinaw City, MI 49701

Re: Site Plan Review

Dear Mr. Smith and Village Council:

As requested by Mr. Smith, we have reviewed the following items for the "Humbard Dock Development", submitted by the Architect Forum:"

Sheet C1.1-P.U.D Site Plan (revised and dated September 9, 2014)
Site Plan Review Response to C2AE Review (dated September 9, 2014)

Review comments for consideration by the Village are as follows:

<u>Section Reference</u>	<u>Comment</u>
IV.Sec 4-117.D.14	The Applicant indicated that the storm sewer pipe will be RCP material. Further, the Applicant also indicated in the response letter and added information to Sheet C1.1 that no easement of record exists for the Village storm sewer on the site. The response letter states the developer shall allow this easement to be filed by the Village. <u>Currently, the Village is verifying if an easement exists.</u> If an easement has not been recorded, the Village and Developer should work together to write and record this easement. <u>Once an easement is verified and/or recorded, this item will comply with Ordinance.</u>
IV.Sec 4-117.E.8	The Village should <u>confirm</u> that the local Fire Department Chief has reviewed and approved the site plan.
XXIII.Sec 23-102.M	Off-street parking, loading, and service areas shall be provided in accordance with Article IV Sec. 4-109 of this Ordinance. Parking Required (Art IV Section 4-109, Table No.3) Total parking spaces required shall be the sum of the individual proposed businesses.

-Restaurant - (Art IV Section.4-109, Table No.3.26) One space for each 100 square feet of gross floor area. This submittal indicates that the restaurant area has been reduced to 6,713 square feet (down from 7,166 sft) minimum 68 spaces required.

-Retail - (Art IV Section 4-109, Table No.3.35) One space for each 300 square feet of gross floor area. The revised site plan indicates that 451 square feet will be used for retail and that two parking spaces are required. Where is this retail being proposed as it is not visible on the revised site plan? We assume that this retail would be counted toward the minimum 3-5 commercial uses that are being required by the Village?

-Open Air Business - The revised site plan submittal and the response letter indicate that the Parasailing business has been eliminated from the PUD uses.

-Charter Boat Operation - The revised site plan submittal and the response letter indicate that Charter Boat Operation has been eliminated from the PUD uses.

-Offices for Trolley and Boat Tour Excursions - (Art IV Section 4-109, Table No.3.44) One space for each 400 square feet of gross floor area. The Applicant has indicated that these offices will use the same employee and that no trolley patrons will park at the site, thus one space required. Is this being counted as one or two of the minimum 3-5 commercial uses that are being required by the Village?

-Private Marina - (Art IV Section4-109.M) Parking for public or private marinas shall be provided at the rate of 1.3 spaces for each boat slip. The number of boat slips is indicated as one, thus two spaces required.

-Ferry – The C2AE letter dated September 8, 2014 requested that the Applicant provide additional information regarding this use to verify that no parking spaces are required. The response letter states “Ferry lines do not have any parking requirements listed in the ordinance; therefore no parking has been allocated for this use. Further, there is no requirement in the ordinance to stipulate that the developer showing a ferry use shall provide any information regarding which ferry line or the number of employees therefore, there is no action required.” We concur as long as this Ferry use is not being counted as one of the minimum 3-5 commercial uses that are being required by the Village.

Minimum parking spaces required:

Restaurant - 68 parking spaces

Retail - 2 parking spaces

Trolley & Boat Tour Offices= 1 parking space

Private Marina – 2 parking spaces

Total Minimum Spaces required = 73 spaces.

Mr. Adam Smith
September 15, 2014
Page 3 of 3

Total Parking Spaces provided on submittal - 75 spaces, includes four barrier free spaces. Complies with Ordinance.

After the Village verifies the items underlined above as satisfactory, it will allow me to state that all items have been addressed. Please let us know if you, the Planning Commission or the Village Council have additional questions or comments.

Sincerely,

C2AE

A handwritten signature in black ink that reads "Kevin Makarewicz". The signature is written in a cursive style with a large, looped initial "K".

Kevin Makarewicz, P.E.
Civil Engineer

KM/keb

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September 8, 2014

Village of Mackinaw City
Mr. Adam Smith, Village Manager
102 South Huron Ave. P.O. Box 580
Mackinaw City, MI 49701

Re: Site Plan Review

Dear Mr. Smith and Village Council:

As requested by Mr. Smith, we have reviewed the following revised item for the "Humbard Dock Development", submitted by the Architect Forum:"

C1.1 P.U.D Site Plan (dated August 21, 2014-noted as "the most current" document)

Review comments for consideration by the Village are as follows, specific items have been underlined:

<u>Section Reference</u>	<u>Comment</u>
IV.Sec 4-111.F	As noted in the August 13, 2014 review letter, the Landscape Plan has been modified to comply with the Ordinance.
IV.Sec 4-117.D.14	Sizes and material of the proposed sanitary sewer and water lines are indicated on this submittal. The Applicant has re-routed the storm sewer such that the Village storm sewer is no longer below the proposed building. The Applicant shall confirm that the re-routed alignment is within the existing easement. If not, the easement shall be revised so the re-route is within the easement. <u>We recommend that the storm sewer structures shall be precast concrete and the storm sewer piping be reinforced concrete pipe.</u> Complies with Ordinance with these specific conditions.
IV.Sec 4-117.E.8	The Village should <u>confirm</u> that the local Fire Department Chief has reviewed and approved the site plan.
XXIII.Sec 23-102.M	Off-street parking, loading, and service areas shall be provided in accordance with Article IV Sec. 4-109 of this Ordinance. <u>Parking Required (Art IV Section 4-109,Table No.3)</u> Total parking spaces required shall be the sum of the individual proposed businesses.

-Restaurant - (Art IV Section.4-109, Table No.3.26) One space for each 100 square feet of gross floor area. This submittal indicates that the restaurant area has been reduced to 6,713 square feet (down from 7,166 sft) minimum 68 spaces required.

-Open Air Business - The revised site plan submittal shows an existing Parasailing Check-In & Orientation location on sheet C1.1, (Art IV Section4-109, Table No.3.33) One space for every 1,000 square feet of open air use area. The table states "this shall not include area used for the parking lot, required motor vehicle maneuvering space, and other distinct uses. A minimum of two parking spaces are required." (The Applicant calculated the required parking spaces on the revised site plan as 1 space for every 300 square feet, with 451 square feet being used for the business (Art IV Section4-109,Table No.3.35)) Minimum two spaces required.

-Charter Boat Operation - (Art IV Section 4-109,Table No.3.41) One space for every three persons based upon the occupancy rating of each vessel being used, plus one space for each employee. The revised Applicant submittal indicates in the top right corner of the sheet that a fishing charter is a proposed use at the marina. However, the box located to the right of the existing building note on the revised sheet does not indicate a fishing charter is a proposed marina dock use. The Applicant shall confirm that a proposed fishing charter will not be located in the proposed P.U.D.

-Offices for Trolley and Boat Tour Excursions - (Art IV Section 4-109,Table No.3.44) One space for each four hundred (400) square feet of gross floor area. This submittal indicates that the office has a total floor area of 356 square feet. One is space required. However, the Applicant shall confirm that the same employee will work for both businesses. Further, the Applicant shall confirm that patrons of the Trolley and the Boat Tour Excursion businesses will not park in this P.U.D. area.

-Private Marina - (Art IV Section4-109.M) Parking for public or private marinas shall be provided at the rate of one point three spaces for each boat slip. The number of boat slips is indicated as one, thus two spaces required.

-Ferry - The current Applicant submittal indicates that a proposed marina dock use will be for a ferry and that no parking spaces are required. The Applicant shall provide additional information regarding this use to verify that no parking spaces are required. What ferry line is this? Will the use require any employees (and thus parking) at this location?

Minimum parking spaces required:

Restaurant - 68 parking spaces

Open Air Business (Parasailing Business) - 2 parking spaces

Trolley & Boat Tour Offices= 1 parking space

Mr. Adam Smith
September 8, 2014
Page 3 of 3

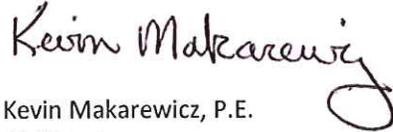
Private Marina – 2 parking spaces
Total Minimum Spaces required = 73 spaces as long as the Applicant provides the underlined documentation noted above.

Total Parking Spaces provided on submittal - 75 spaces, includes four barrier free spaces. Complies with Ordinance as long as the Applicant provides the underlined documentation noted above.

Please let us know if you, the Planning Commission or the Village Council have additional questions or comments.

Sincerely,

C2AE

A handwritten signature in black ink that reads "Kevin Makarewicz". The signature is written in a cursive style with a large, looped initial "K".

Kevin Makarewicz, P.E.
Civil Engineer

KM/keb

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July 31, 2014

Village of Mackinaw City
Mr. Adam Smith, Village Manager
102 South Huron Ave. P.O. Box 580
Mackinaw City, MI 49701

Re: Mackinaw Lakeshore Development
Site Plan Review 2014-SP-001
Special Use Permit 2014-SUP-001

ENJO Properties, Inc.
Site Plan Review 2014-SP-005
Special Use Permit 2014-SUP-002

Dear Mr. Smith and Village Council:

Mr. Fred Thompson pointed out three items where I mis-interpreted the Ordinance during the above site plan reviews. I offer this letter as clarification for these items.

Section Reference
IV.Sec 4-114.G

Comment

This section states that required landscaping areas within parking lots shall be included as part of 25% landscape requirements as required in RM, B1, B2, MR, MRS, MC and CR Districts.

Mackinaw Lakeshore Development

Trees Required:

Parking Lot Area Trees = two trees (included as part of the number of Landscaping Trees required)

Berm Trees Required = three trees (berm trees have recently been included as part of the number of Landscaping Trees required)

Evergreen Trees = 1/1000 sft lot area = 22 trees

Deciduous Trees = 1/2000 sft lot area = 11 trees

Total = 33 Trees

Trees Provided:

Evergreen Trees = 1/1000 sft lot area = 22 trees

Deciduous Trees = 1/2000 sft lot area = 11 trees

Total = 33 Trees

Mr Adam Smith
July 31, 2014
Page 2 of 2

Complies with Ordinance.

ENJO Properties, Inc.

Trees Required:

Parking Lot Area Trees =23 (included as part of the number of Landscaping Trees required)

Evergreen Trees = 1/1000 sft lot area = 63 trees

Deciduous Trees = 1/2000 sft lot area = 32 trees

Total = 95 Trees

Trees Provided (as indicated on the Applicant Submittal):

Evergreen Trees = 1/1000 sft lot area = 71 trees

Deciduous Trees = 1/2000 sft lot area = 32 trees

Total = 103 Trees

Complies with Ordinance.

XI.Sec.11-104

A B1 District requires the following yard setbacks for the ENJO Property:

- Front - 10 feet. (No modification required based on Section 22-102E).
- Sides - 10 feet, total of two sides = 20 feet. (No modification required based on Sec. 22-102G because the side yard does not abut a residential property or public street right-of-way).
- Rear - 10 feet. (No modification required based on Section 22-102F because the rear yard does not abut a residential property or public street right-of-way).

However, this was a previously non-compliant structure along the north property line.

I apologize for any confusion I have caused.

Sincerely,

C2AE



Kevin Makarewicz, P.E.
Civil Engineer

KM/keb



July 21, 2014

Village of Mackinaw City
Mr. Adam Smith, Village Manager
102 South Huron Ave. P.O. Box 580
Mackinaw City, MI 49701

Re: ENJO Properties, Inc.
Site Plan Review 2014-SP-005
Special Use Permit 2014-SUP-002

Dear Mr. Smith and Village Council:

We have reviewed the following items for the "ENJO Properties, Inc. – Bayside Motel/Comfort Suites/Econolodge", submitted by the Architect Forum:

- Special Use Permit Application & Site Plan Review Application, both dated May 5, 2014
- C1.1 Site Plan (dated May 7, 2014)

The site is located at 708 South Huron Avenue, within the Village limits, and is zoned B1-Business District. This review was for compliance with the current Village of Mackinaw City Zoning Ordinance adopted June 16, 2011 and as amended February 7, 2013. Specific attention was given to Sections 4-118, 23-105 and 23-109 of the Ordinance. The Village also requested a review of the entire site to verify that previous amendments comply with the Zoning Ordinance as well.

These review comments for consideration by the Village are as follows:

<u>Section Reference</u>	<u>Comment</u>
IV.Sec 4-109	<p>The Applicant submittal indicates that the overall development requires 230 parking spaces and 249 spaces are provided. This information concludes that parking requirements for the four new cabins complies with the Ordinance.</p> <p>To complete the verification that the off-street parking provided for the overall development meets the requirements of the Ordinance, the Applicant must submit specific information on the number of units in each building, etc. Additional information is required to verify Ordinance Compliance for off-street parking.</p>
IV.Sec 4-110.A, B & C	<p>The width of the two-way driveways off South Huron Avenue are not dimensioned. However, scaling the distances off the site plan indicates that the driveways comply with the standards. Complies with the Ordinance.</p>

IV.Sec 4-111.C Parking lots in all districts having more than 100 parking spaces shall allocate 8% of the parking area to landscaping. The Applicant submittal indicates that the parking lot area is 89,979 square feet, the minimum 8% is 7,198 square feet and the parking lot landscaping area provided is 10,599 square feet. Complies with Ordinance.

IV.Sec 4-111.D One tree shall be required for every 10 parking spaces over 15 spaces. 249 parking spaces have been provided. Per the Applicant submittal, 23 trees are required and 23 trees are provided. Complies with Ordinance.

IV.Sec 4-113.A.1 No new lighting is proposed as part of the new cabin submittal. However, all existing fixtures shall not exceed 30 feet in height and shall include fixture shields to prevent light trespass. The Applicant shall provide documentation to verify that all existing exterior luminaries meet these Ordinance requirements. Additional information is required to verify compliance.

IV.Sec 4-114 Development occurring within the RM, B1, B2, MR, MRS, MC and CR Districts shall require a minimum of 25% of the parcel to be landscaped open space, also called greenspace. The Applicant submittal indicates that the lot size is 252,294 square feet. As such, 63,074 square feet of greenspace is required and 80,566 square feet is provided (the undersigned did not verify the Applicant stated area calculations). Open space areas shall be landscaped with a minimum of one evergreen tree or shrub for every 1,000 square feet of lot area, plus a minimum of one deciduous tree or shrub for every 2,000 square feet of lot area.

Trees Required:

Parking Lot Area Trees = 23 (see IV.Sec. 4-111.D discussion above)

Evergreen Trees = 1/1000 sft lot area = 63 trees

Deciduous Trees = 1/2000 sft lot area = 32 trees

Total = 118 Trees

Trees Provided (as indicated on the Applicant Submittal):

Evergreen Trees = 1/1000 sft lot area = 71 trees

Deciduous Trees = 1/2000 sft lot area = 32 trees

Total = 103 Trees

Counting the tree symbols on the submitted site plan, the following was found:

Evergreen Trees = 1/1000 sft lot area = 53 trees

Deciduous Trees = 1/2000 sft lot area = 21 trees

Total = 74 Trees

Does not comply with Ordinance.

The Applicant submittal indicates that the required landscape area between the buildings and right-of-way is as follows, $63,074 \text{ square feet} * 30\% = 18,922$ square feet. The landscape area provided between the buildings and right-of-way is 19,264 square feet. Based on the submittal information, Complies with the Ordinance.

- IV.Sec 4-115 The Ordinance states that outdoor trash containers or dumpsters are required in this B1 zoning district. Reviewing sheet C1.1, two dumpster locations are shown on the site plan. The Ordinance also states that screening is required. The Applicant shall provide documentation that both dumpster locations include screening that complies with the Ordinance. Does not comply with the Ordinance.
- IV.Sec 4-117.B.2a A professional review by an approved engineer was required by the Village.
- IV.Sec 4-117.D.6 No new lighting is proposed as part of the new cabin submittal. The Applicant shall provide documentation that all existing exterior luminaries meet the Ordinance requirements (max. 30 feet in height and includes fixture shields to prevent light trespass). Additional information required to verify compliance.
- IV.Sec 4-117.D.10 The right-of-way width for the abutting South Huron Avenue was not included. Does not comply with Ordinance.
- IV.Sec 4-117.D.11 A site construction and improvement timeline was not provided. Does not comply with Ordinance.
- IV.Sec 4-117.D.13 The Ordinance requires that a 10-year storm event study and Grading Plan with topographic elevations of the area be provided. However, no additional parking is proposed at this time. The existing lots are paved surface. No existing storm sewer information was included with the submittal. The Applicant must provide additional information to verify that storm water will not leave the site. Does not comply with Ordinance.
- IV.Sec 4-117.D.14 The Submittal did not provide size/location of water/sewer service information to the four proposed cabins or the bike rental office. Does not comply with Ordinance.
- IV.Sec 4-117.D.18 The submittal must contain the registered seal of a professional architect, planner, landscape architect or engineer responsible for the certification of the Site Plan. Verify with Village staff that the submittal included the required seal and thus complies with the Ordinance.
- IV.Sec 4-117.E.8 The site plan should be reviewed and receive approval by the local Fire Department Chief. The Village should verify that this has occurred so to comply with the Ordinance.
- XI.Sec.11-102.A Hotels, motels and motor courts are Permitted Uses subject to a Special Use Permit for the B1 zoned district. Complies with Ordinance.

- XI.Sec.11-102.J All open air businesses are Permitted Uses subject to a Special Use Permit for the B1 zoned district. Complies with Ordinance.
- XI.Sec.11-103 For permitted uses and uses subject to a special use permit, a site plan shall be submitted in accordance with Section 4-117. Complies with Ordinance.
- XI.Sec.11-104 A B1 District requires the following yard setbacks:
- Front - 10 feet. (No modification required based on Section 22-102E).
 - Sides - 20 feet, total of two sides = 40 feet. (Modification to 20 feet each side required based on Sec. 22-102G).
 - Rear - 20 feet. (Modification to 20 feet required based on Section 22-102F).
- The proposed bike rental business will be located in an existing building that does not comply with the required side yard setback. Further, the overall parcel only provides 10 feet of side and rear yard setbacks. Does not comply with Ordinance.
- XXIII.Sec 23-105.B Each unit of commercial occupancy shall contain a minimum of 250 square feet of gross floor area. The four proposed cabins comply with the Ordinance.
- Inadequate information is provided to verify if the remainder of the site complies with the Ordinance.
- XXIII.Sec 23-109.C.3 For a rental business, the required floor area of 500 square feet may be located within a structure which already contains office space for business conducted on the property. The site plan review application indicated that the bike shop would only be 300 square feet. The Applicant submittal did not contain information regarding the existing building. Additional information is required to verify that the bicycle rental shop will comply with the Ordinance.
- XXIII.Sec 23-109.C.5 The maximum number of outdoor recreational equipment units displayed for sale or rental shall not exceed 15 units. Complies with Ordinance.

Please let us know if you, the Planning Commission or the Village Council have questions or comments.

Sincerely,

C2AE



Kevin Makarewicz, P.E.
Civil Engineer

KM/keb



July 10, 2014

Village of Mackinaw City
Mr. Adam Smith, Village Manager
102 South Huron Ave. P.O. Box 580
Mackinaw City, MI 49701

Re: Mackinaw Lakeshore Development
Site Plan Review 2014-SP-001
Special Use Permit 2014-SUP-001

Dear Mr. Smith and Village Council:

We have reviewed the following items for the "Mackinaw Lakeshore Development - Starline Seasonal Parking Lot along Lake Street", submitted by the Architect Forum:"

- Special Use Permit Application & Site Plan Review Application, both dated December 31, 2013
- C1.0 Site Plan (dated December 31, 2013)

The site is located at 204 & 206 Lake Street, within the Village limits, and is zoned B1-Business District. This review was for compliance with the current Village of Mackinaw City Zoning Ordinance adopted June 16, 2011 and as amended February 7, 2013. Specific attention was given to Sections 4-111 and 23-134 of the Ordinance.

These review comments for consideration by the Village are as follows:

<u>Section Reference</u>	<u>Comment</u>
IV.Sec 4-110.A	The width of the two-way driveway off Lake Street is dimensioned at 24 feet per Sheet C1.0. Complies with Ordinance.
IV.Sec 4-110.D.1	Location of driveway is near the intersection of Lake and Third Streets (curbed). The location of the driveway is greater than 60 feet from the intersection. Complies with Ordinance.
IV.Sec 4-111.B	Parking lots in all districts having sixteen to one hundred (16 to 100) parking spaces shall allocate 5% of the parking area to landscaping. The Applicant submittal indicates that the parking lot area is 15,257 square feet the minimum 5% is 763 square feet and the parking lot landscaping area provided is 945 square feet (Concur). (Section 4-111.G, which states the parking lot area can be included (combined) as part of the 25% landscape requirement.) Complies with Ordinance.

- IV.Sec 4-111.D One tree shall be required for every 10 parking spaces over 15 spaces. 33 parking spaces are proposed, a total of two trees are required, two trees are provided. Complies with Ordinance.
- IV.Sec 4-111.E.3 All landscaped areas that abut a parking lot or any landscaped area which is internal to a parking lot shall be protected with curbing material approved by the Zoning Administrator. No curb is proposed on the east, west and south sides of the lot, or on the landscaped islands. A 4"x6" landscape timber curb is proposed on the north side. The proposed lot will be gravel. Does not comply with the Ordinance.
- IV.Sec 4-111.G Required landscaping areas within parking lots shall be included as part of 25% landscaping requirements. (Our interpretation of the Ordinance is that the parking area landscaping can be combined with the 25% landscaping required, but that the number of trees required for the parking area would be in addition to the trees required for the 25% landscaping area.)
- IV.Sec 4-113.B This section states that Non-Residential Uses abutting Residentially Used Lots shall be screened. Sheet C1.0 indicates fencing on the property, but it is unknown if the fence is existing or proposed (assumed existing). The adjoining properties are all zoned B1. However, sheet C1.0 indicates that the lot to the east is a Residence. The language of this section talks of residential lots, not residential districts. As such, it is our interpretation of the Ordinance that some sort of screening is required along the east property line. Does not comply with the Ordinance.
- IV.Sec 4-114 Development occurring within the RM, B1, B2, MR, MRS, MC and CR Districts shall require a minimum of 25% of the parcel to be landscaped open space, also called greenspace. The Applicant submittal indicates that the lot size is 21,512 square feet. As such, 5,378 square feet of greenspace is required (concur) and 6,355 square feet is provided (we calculated 5,710 square feet). Open space areas shall be landscaped with a minimum of one evergreen tree or shrub for every 1,000 square feet of lot area, plus a minimum of one deciduous tree or shrub for every 2,000 square feet of lot area.
- Trees Required:
Parking Lot Area Trees = two trees (see IV.Sec. 4-111.D discussion above)
Berm Trees Required = three trees (see XXIII.Sec 23-134.C discussion below)
Evergreen Trees = 1/1000 sft lot area = 22 trees
Deciduous Trees = 1/2000 sft lot area = 11 trees
Total = 38 Trees
- Trees Provided:
Evergreen Trees = 1/1000 sft lot area = 22 trees
Deciduous Trees = 1/2000 sft lot area = 11 trees

	Total = 33 Trees Does not comply with Ordinance.
IV.Sec 4-117.B.2a	A professional review by an approved engineer was required by the Village.
IV.Sec 4-117.D.6	No lighting is proposed for this seasonal parking lot.
IV.Sec 4-117.D.9	As noted above, Sheet C1.0 indicates fencing on the property, but it is unknown if the fence is existing or proposed (assumed existing). Further, it is our interpretation of the Ordinance that some sort of screening is required along the east property line. Additional information regarding the fencing/screen is required from the Applicant. Does not comply with the Ordinance.
IV.Sec 4-117.D.10	The right-of-way width for the abutting Lake Street was not included. Does not comply with Ordinance.
IV.Sec 4-117.D.11	A site construction and improvement timeline was provided via email on June 2, 2014 (90 days from permit to completion). Complies with Ordinance.
IV.Sec 4-117.D.13	The Ordinance requires that a 10-year storm event study and Grading Plan with topographic elevations of the area be provided. Neither item was provided. The lot will be gravel. However, the Applicant must provide additional information to verify that storm water will not leave the site. Does not comply with Ordinance.
IV.Sec 4-117.D.18	The submittal must contain the registered seal of a professional architect, planner, landscape architect or engineer responsible for the certification of the Site Plan. Verify with Village staff that the submittal included the required seal and thus complies with the Ordinance.
XI.Sec.11-102.I	Temporary and Seasonal Unpaved Boat Line Parking is a Permitted Use subject to a Special Use Permit for the B1 zoned district. Complies with Ordinance.
XI.Sec.11-103	For permitted uses and uses subject to a special use permit, a site plan shall be submitted in accordance with Section 4-117.
XI.Sec.11-104	A B1 District requires the following yard setbacks: <ul style="list-style-type: none">• Front - 10 feet. (No modification required based on Section 22-102E).• Sides - 10 feet, total of two sides = 20 feet. (No modification required based on Sec. 22-102G).• Rear - 10 feet. (No modification required based on Section 22-102F). Complies with Ordinance.
XXIII.Sec 23-134.B	It should be noted that a Conditional Use Permit for temporary unpaved seasonal parking can be issued for a period of no more than three years. A renewal may be requested by the property owner for two additional periods for a total of nine years. This section states that the intent is that the area will be developed into a permanent use or the lot will be developed in accordance with

Mr. Adam Smith
July 10, 2014
Page 4 of 4

the provisions of Section 4-109 upon expiration of the Special Use Permit.

XXIII.Sec 23-134.C

Parking areas shall be landscaped along 50% of all public transportation corridors. This landscaping shall consist of a berm with a minimum height of three feet and maximum height of five feet. Berms shall be landscaped with shrubs or other natural landscape material. The height of shrubbery shall not exceed a height of three feet at maturity. The Ordinance does not provide the required number of shrubs per foot. However, it does indicate that one deciduous tree shall be provided for every 50 feet of lot frontage. The Applicant complies with the Ordinance with respect to the berm. But it is our interpretation that the Applicant does not comply with the Ordinance with respect to the shrubs required on the berm. It is also our interpretation that the number of deciduous trees would be in addition to the trees required for the parking area and the landscape area. Three deciduous trees would be required for the berm area, plus shrubbery as determined by the Planning Commission. The Applicant does not comply with Ordinance with respect to the number of shrubs on the berm and the total number of trees required for the project (See IV.Sec 4-114 discussion above).

Please let us know if you, the Planning Commission or the Village Council have questions or comments.

Sincerely,

C2AE



Kevin Makarewicz, P.E.
Civil Engineer

KM/keb

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July 8, 2014

Village of Mackinaw City
Mr. Adam Smith, Village Manager
102 South Huron Ave. P.O. Box 580
Mackinaw City, MI 49701

Re: Site Plan Review

Dear Mr. Smith and Village Council:

We have reviewed the following items for the "Humbard Dock Development", submitted by the Architect Forum:"

Site Plan Review Procedure and Application dated June 24, 2014

Site Plan Submittal PDF Binder of Drawings (all dated June 24, 2014)

- T1.0 Cover Sheet-Restaurant Only
- C1.0 P.U.D. Existing Site Plan
- C1.1 P.U.D Site Plan
- C1.2 Landscape and Lighting
- C1.3 Site Details-Restaurant Only
- A1.0 Floor Plans-Restaurant Only
- A1.1 Bath House-Restaurant Only
- A2.0 Exterior Elevations-Restaurant Only

The site is located at 201 South Huron Avenue, within the Village limits, and is zoned MC-Marina Commercial. The review was for compliance with the current Village of Mackinaw City Zoning Ordinance adopted June 16, 2011 and as amended February 7, 2013. Specific attention was placed on review for MC-Marina Commercial and PUD-Planned Unit Development Districts.

Review comments for consideration by the Village are as follows:

<u>Section Reference</u>	<u>Comment</u>
IV.Sec 4-110.B	The width of the two-way driveway off South Huron Avenue is dimensioned at 50 feet per Sheet C1.1. Complies with Ordinance.
IV.Sec 4-111.B	Parking lots in all districts having sixteen to one hundred (16 to 100) parking spaces shall allocate 5% of the parking area to landscaping. (See Section 4-111.G, which states area to be included with 25% greenspace requirement.)

IV.Sec 4-111.D One tree shall be required for every 10 parking spaces over 15 spaces. In situations where it is impossible to allocate sufficient landscape space to support a tree or where a tree is impractical, Planning Commission may approve the substitution of shrubbery planting areas. If 77 parking spaces are required, a total of seven trees will be required for the parking area only. See discussion of proposed landscaping below.

IV.Sec 4-111.F Parking lot landscape designs shall be submitted as part of a development's site plan review process. A landscape design was included in the June 24, 2014 submittal. The proposed plan shows 11 "columnar arborvitae" shown on Sheet C1.2. Does not comply with the Ordinance.

IV.Sec 4-111.G Required landscaping areas within parking lots shall be included as part of 25% landscaping requirements as required in the RM, B1, B2, MR, MRS, BC, MC and CR Districts (See Section 4-114).

IV.Sec 4-113.A.1 All lighting fixtures shall not exceed 30 feet in height. Light fixtures shall be designed to achieve total luminary cutoff. The Pole Light Detail on Sheet C1.3 indicates that the light poles are 20'- 9 1/4" above the ground and the lighting fixture will have shielded cut off to prevent light trespass. Complies with Ordinance.

IV.Sec 4-114 Development occurring within the RM, B1, B2, MR, MRS, MC and CR Districts shall require a minimum of 25% of parcel to be landscaped open space, also called greenspace. Open space areas shall be landscaped with a minimum of one evergreen tree or shrub for every 1,000 square feet of lot area, plus a minimum of one deciduous tree or shrub for every 2,000 square feet of lot area. *No deciduous or evergreen trees or shrubs shall be placed in the required setback or clear area/view shed of the B2 or MC Districts. Landscaping in the clear area/view shed of the B2 and MC Districts shall consist of ground cover only.* All Districts identified above require a minimum of 30% of the required open space to be located between the right-of-way and the building.

The Submittal indicates the lot size is 35,897 sft x 25% = 8974 sft. We have reviewed sheets C1.1 & C1.2 and concur that the greenspace hatched on the plan is slightly greater than the minimum 8,974 sft (9,157 sft). Further, we concur that at least 30% of the greenspace is between the street right-of-way and the proposed building (5,973 sft). Complies with Ordinance.

Applying the landscaping requirements noted above to the proposed greenspace area, the greenspace would require nine evergreen trees or shrubs and five deciduous trees or shrubs (for a total of 14 trees.) Including the landscaping required for the parking area would add seven additional trees. A total of 21 trees are required

The Submittal indicates that "columnar arborvitae" evergreen trees/shrubs are proposed directly in front of the columns and buildings to maintain view shed. 11 of these arborvitaes are shown on Sheet C1.2. 21 trees are required, 11 trees are provided. Does not comply with Ordinance.

The Submittal also indicates that "Grass Lawn Groundcover" (no trees/shrubs planted per Section 4-114 Landscape Requirements) to be planted in the green space/open space. Section 4-114 referenced above indicates that "Landscaping in the clear area/view shed of the B2 and MC districts shall consist of ground cover only. The Planning Commission and Village Council may wish to consider requiring low growing shrubs in addition to the columnar arborvitaes shown on the Landscaping Plan.

No landscaping is proposed in the Village Street right-of-way except for relocation of the one streetscape tree. Complies with Ordinance.

- IV.Sec 4-115 The Ordinance does not require outdoor trash containers or dumpsters in a MC or PUD District. Please note, the proposed "Screened Dumpster" is located "under" the building. The Applicant is responsible to provide vehicular access for pick-up.
- IV.Sec 4-117.A.3 Approval or denial of the site plan shall be based on the provisions as set forth within the Zoning Ordinance and all amendments.
- IV.Sec 4-117.B.2a A professional review by an approved engineer was required by the Village.
- IV.Sec 4-117.C.1 Only individual property line bearings and distances were included on Sheet C1.0. The Applicant shall submit a legal description of the property under consideration. Does not comply with Ordinance.
- IV.Sec 4-117.D.11 A site construction and improvement timeline is included on Sheet C1.1. Complies with Ordinance.
- IV.Sec 4-117.D.13 The Ordinance requires that a Grading Plan with topographic elevations of the area be provided. A grading plan was not included in the June 24, 2014 submittal. Only a small number of proposed elevations with two general grade arrows were provided. Does not comply with Ordinance.
- IV.Sec 4-117.D.14 Sizes and material of the proposed sewer and water lines are not included on the submittal. The Applicant shall provide additional details of how the sanitary sewer service will operate (gravity/force main). Does not comply with Ordinance.
- IV.Sec 4-117.D.17 Assist in the consideration of the proposed development. See Village files for information.
- IV.Sec 4-117.D.18 The submittal must contain the registered seal of a professional architect, planner, landscape architect or engineer responsible for the certification of the

Site Plan. Verify with Village staff that the submittal included the required seal and thus complies with the Ordinance.

IV.Sec 4-117.E.8

The site plan should be reviewed and receive approval by the local Fire Department Chief. The Village should verify that this has occurred.

XIX.Sec.19-101.B

Marinas, public and private (without covered boat docks or slips) are a permitted use in the existing MC Marina Commercial District. Complies with Ordinance.

XIX.Sec.19-105.A

Elevations and miscellaneous information shown on Sheet A2.0 indicate that architectural guidelines appear to have been met for the existing MC District. Complies with Ordinance.

XXIII.Sec 23-102.A

The purpose of the Planned Unit Development (PUD) is to allow design and use flexibility on a given site while at the same time protecting present and future residents and public facilities from the adverse effects of unplanned or unregulated development....The burden of proving a Planned Unit Development is within the parameters and intent of this Ordinance is completely upon the applicant....

XXIII.Sec 23-102.F

A commercial PUD is permitted in the existing MC Zoning District. Complies with Ordinance.

XXIII.Sec 23-102.H.1.d

A restaurant is a permitted commercial use in a Commercial PUD district. Complies with Ordinance.

XXIII.Sec 23-102.I.1

A minimum of 25% of the land developed in any planned unit development project shall be reserved for common greenspace and recreational facilities for the residents or users of the area being developed. See discussion above regarding verification of areas. Complies with Ordinance.

XXIII.Sec 23-102.I.2

The required amount of common greenspace land will be reserved and held by the planned unit development. Complies with Ordinance.

XXIII.Sec 23-102.J.1

Minimum yard requirements and building setbacks from all exterior property lines shall be comparable to the existing zoning district in which the PUD is proposed unless modified according to subsection O of this section.

MC District requires the following yard setbacks:

- Front - 10 feet.
- Sides - 10 feet, total of 2 sides = 20 feet.
- Rear - 10 feet.

The proposed project complies with the Ordinance. Please note, based on the site plan submittal, the existing Bells Fishery Fish Fry Restaurant appears to encroach on to the subject property.

XXIII.Sec 23-102.J.2

The maximum building height for MC Zoning districts is 30 feet. The maximum

building height in a PUD district is 45 feet. The proposed project complies with the Ordinance for the PUD district requirements.

XXIII.Sec 23-102.J.3 Minimum spacing between detached buildings shall not be less than the height of the higher building as measured from the lowest first floor elevation. This requirement appears to be met for buildings on the existing site (as dimensioned on Sheet C1.1). However, the distance from the proposed Restaurant to the existing Bells Fishery Fish Fry Restaurant is only 39'-10". Does not comply with Ordinance.

Further, as noted above, based on the site plan submittal, the existing Bells Fishery Fish Fry Restaurant appears to encroach on to the subject property.

XXIII.Sec 23-102.J.5 Access and egress opening from the development onto a public and private road shall be limited to one per 500 feet. Sheet C1.1 indicates there is one drive opening 50 feet wide off South Huron Avenue. Complies with Ordinance.

XXIII.Sec 23-102.J.6 Planted and maintained landscaped buffer areas of ten (10) feet in width are required along all exterior boundaries of the property to be developed. Complies with Ordinance.

Please note, in the rear portion of the site (NE corner of site), the Restaurant/Marina access walkway is located within the setback.

XXIII.Sec 23-102.J.7 Drainageways and streams shall be protected by a public easement measured 25 feet from the centerline of such drainageways or streams. An existing 18" diameter storm sewer pipe & 36" diameter concrete drain are shown on the northerly side of the site. A portion of the proposed building is shown to be constructed over the existing storm sewer pipe. Based on information in our office, this storm sewer is part of the Village Storm System. The Applicant shall verify the legal ownership of the existing storm sewer pipe. If Village ownership of the storm is verified a suitable storm sewer easement should be executed with the Applicant and, it is recommended to either reroute the existing storm sewer to outside of the building influence area or to redesign the building footprint. It is not standard engineering practice to construct buildings over existing utilities.

XXIII.Sec 23-102.L A planned unit development shall have on-site community water and sewer. Proposed site water and sewer are shown on Sheet C1.1. The Applicant shall verify if the site will allow gravity sanitary sewer service to the sanitary sewer main in the Huron Avenue right-of-way or will a grinder pump be required. Additional information is required to verify if this complies with the Ordinance.

If any of the water or sanitary utilities will be owned, operated and maintained by the Village, language stating this fact shall be included with the PUD legal documents and construction must comply with Village and MDEQ requirements and easements provided. Otherwise it is anticipated that the utilities will be owned by the PUD.

Sheet C1.1 shows (2) proposed catch basins to be connected to the Village storm water system. The Applicant has indicated via previous correspondence that Ordinance 25.207 requires discharge storm water runoff directly into the municipality storm water system. Complies with Ordinance.

Storm water calculations were provided as part of the submittal. The design used a 25-year post development storm. Complies with Ordinance.

XXIII.Sec 23-102.M

Off-street parking, loading, and service areas shall be provided in accordance with Article IV Sec. 4-109 of this Ordinance.

Parking Required (Art IV Section 4-109,Table No.3)

Total parking spaces required shall be the sum of the individual proposed businesses.

-Restaurant-(Art IV Section.4-109,Table No.3.26) One space for each 100 square feet of gross floor area. Submittal indicates that the restaurant will have an area of 7,166 square feet, minimum 72 spaces required.

-Open Air Business; The site plan submittal shows an existing Parasailing Check-In & Orientation location on sheet C1.1, (Art IV Section4-109,Table No.3.33) One space for every 1,000 square feet of open air use area. This shall not include area used for the parking lot, required motor vehicle maneuvering space, and other distinct uses. A minimum of two parking spaces are required. Parking for this open air business was not included on the Applicant submittal.

-Charter Boat Operation (Art IV Section 4-109,Table No.3.41) One space for every three persons based upon the occupancy rating of each vessel being used, plus one space for each employee. The Applicant submittal indicates three passengers and one employee for a total of two spaces required. The Applicant submittal does not provide enough information on the Charter Boat Business that will be operated from this site. Art XXIII Section 23-129.A indicates that charter boat operations shall not engage in the commercial transport of 10 or more passengers. The Applicant must provide the total number of vessels, individual vessel capacity and total parking spaces required. (A minimum of two spaces will be required.)

-Off-Street Loading Berths (Art IV Section 4-109.J) 5,000 to 20,000 square feet - one space req'd for receipt of distribution in vehicles of materials or merchandise. The Applicant submittal does not provide specific off-street loading spaces.

-Private Marina (Art IV Section4-109.M) Parking for public or private marinas shall be provided at the rate of one point three spaces for each boat slip. The number of boat slips is not indicated on the submittal. The Applicant must provide additional information regarding the number of proposed slips or uses in the Private Marina.

Standard parking spaces are dimensioned as 9 'x 18'. The Barrier-Free space dimensions also comply with ADA dimension requirements. Complies with Ordinance. The Applicant shall also provide barrier-free spaces that comply with maximum ADA slope requirements.

Per Art IV Section 4-109.F.6-The off-street parking area shall be subject to the approval of the Planning Commission and Village Council through standard Site Plan Review requirements as stated within this Ordinance.

Minimum parking spaces required:

Private Marina -To be determined

Restaurant - 72 parking spaces

Open Air Business (Parasailing Business) - two parking spaces

Charter Boat Operation - two parking spaces, minimum (more may be required depending on the number of boats and capacity).

Off-Street Loading Spaces-1 parking space

Minimum Total Parking Spaces Required = 77 spaces (may be more after verification of the Charter Boat Operation and details regarding the private marina)

February 13, 2014 Finding of Facts noted Para-Sail 12 parking spaces required, and Straits Area Tour Company 16 parking spaces required. The June 24, 2014 submittal did not include parking space calculations for either of these businesses. The Applicant should provide additional information if these businesses are still proposed and if they are to be included in parking space calculations.

Total Parking Spaces provided on submittal - 75 spaces. Does not comply with Ordinance.

All parking spaces are located on the PUD property. No parking spaces are shown in Village right-of-way. Complies with Ordinance.

Parking area shall be HMA (Bituminous) over an aggregate base. (Standard engineering practice recommends that the aggregate base be compacted to 98% of the maximum density for the private parking lot.) Complies with Ordinance.

XXIII.Sec 23-102.N

The design standards of the PUD District shall apply to all PUD projects. Any PUD project proposing or requiring standards not specifically indicated in the PUD section, shall be subject to the standards in the zoning ordinance which apply to the particular design elements. These include, but are not limited to fencing, parking, signing, lighting, greenbelts and related standards (landscaping). Complies with Ordinance.

Sign information was not provided with the submittal. All proposed project signs shall comply with the Village Sign Ordinance. As presented, does not comply with Ordinance.

Mr. Adam Smith
July 8, 2014
Page 8 of 8

The proposed project shall conform to all applicable requirements of county, state and federal statutes. Approval may be conditioned on receiving the necessary county, state and federal permits before final site plan approval.

XXIII.Sec 23-102.P Planned Unit Development districts shall be approved by the Planning Commission and the Village Council in the manner provided in subsections R through V of this section.

XXIII.Sec 23-102.R The Planning Commission held a Public Hearing for the proposed project on February 13, 2014.

XXIII.Sec 23-102.T The Planning Commission held a Special Meeting on February 13, 2014. At the end of the meeting, the Planning Commission made a recommendation to approve with supplementary conditions to the Village Council.

XXIII.Sec 23-102.U The Planning Commission completed the finding of facts for the project dated February 13, 2014. See Village files for information.

Please, refer to previous correspondence for the agreement between the Village and the Applicant that permitted uses within the PUD are limited to one restaurant and a minimum of three and maximum of five other commercial businesses within the commercial PUD. Please note, the other commercial businesses shall only be those permitted within a commercial PUD per the Ordinance.

Lastly, refer to previous correspondence that refers to the Lakefront Commercial View Shed Protection Overlay discussed in the Village Master Plan. The Applicant has proposed the building to be elevated in lieu of being ground based.

Please let us know if you, the Planning Commission or the Village Council have questions or comments.

Sincerely,

C2AE



Kevin Makarewicz, P.E.
Civil Engineer

KM/keb

ARTICLE XXIII. SPECIAL USE STANDARDS

Sec. 23-101 SITE DESIGN STANDARDS.

In addition to the regulations set forth in Article IV, General Regulations, the following are specific regulations and design standards for uses listed in said article, and shall be the minimum governing requirements for the protection of the public health, safety, and general welfare of the community.

~~Sec. 23-102 PLANNED UNIT DEVELOPMENTS.~~

- A. The purpose of the Planned Unit Development (PUD) is to allow design and use flexibility on a given site while at the same time protecting present and future residents and public facilities from the adverse effects of unplanned or unregulated development. This approach allows the applicant to utilize innovative designs and methods to control the effects of development rather than having rigid numerical zoning standards dictate design parameters. The burden of proving a Planned Unit Development is within the parameters and intent of this Ordinance is completely upon the applicant. The Village Planning Commission is to be the judge of whether or not the design contains sufficient safeguards as to make the effects of the development compatible with the intent of this Ordinance. It is the expressed intent of this section to allow such items as setbacks, yards, parking spaces, type of dwelling unit and use to be regulated on an overall impact or gross development basis rather than individually for each lot, use, or structure.
- B. **Types of PUDs.** Compatible residential, commercial, and public uses may be combined in PUD districts provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare. Building site area and other setback requirements of the residential district shall apply except as modified in subsections E. and P. of this section.

There are two types of Planned Unit Developments: Commercial and Residential. Each type permits mixed commercial and residential uses but a commercial PUD consists of primarily commercial uses and a residential PUD consists primarily of residential uses.

- C. **Residential PUDs.** Residential PUDs are permitted in the R1, R2, R3, RM, and AG districts. When a residential planned unit development proposes a mixture of residential uses with commercial uses, the Planning Commission may limit the development to not more than ten (10) percent of the tract to commercial uses.
- D. **Permitted Residential Housing Types and Uses.** The following are considered eligible for inclusion in an application:
1. **Principal PUD Uses and Structures for Residential PUD's:**
 - a. Single family detached homes (excluding mobile homes).
 - b. Two family homes.
 - c. Single family attached homes.
 - d. Multiple family structure (apartments).
 - e. Day Care Centers.
 - f. Limited commercial (Retail, grocery, professional office, medical facility only).
 - g. Community building and meeting hall
 - h. Lodging Houses, including Tourist Homes (with provisions for greater setback distances when PUD abuts existing residential districts).

2. Accessory Uses and Amenities.

- a. Indoor and outdoor recreational facilities.
- b. Carports.
- c. On-premise laundry facilities

E. Dwelling Unit Density. Bonuses in net residential density or that area devoted to dwelling units in a PUD development are permitted, provided that additional land is reserved and dedicated for open space as follows:

IF:	Then the density multiplier for determining the maximum number of residential units allowed per acre shall be:
30% of total area devoted to residences is reserved for open space,	1.50 x Conventional family density
35% of total area devoted to residences is reserved for open space,	2.00
40% of total area devoted to residences is reserved for open space,	2.50
45% of total area devoted to residences is reserved for open space,	3.00
50% of total area devoted to residences is reserved for open space,	3.50

F. Commercial PUDs. Commercial PUDs are permitted in the B1, B2, BC, MC, and CR districts.

G. Uses Permitted. Compatible residential, commercial, and public uses may be combined in commercial PUD districts provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare. Building site area and other setback requirements of the residential district shall apply except as modified in subsection P. of this section.

H. Permitted Commercial Uses. The following are considered eligible for inclusion in a Commercial PUD application:

1. Principal PUD Uses and Structures for Commercial PUDs.

- a. Retail.
- b. Museum.
- c. Theater.
- d. Restaurant.
- e. Day Care Centers.
- f. Office.
- g. Medical facility.
- h. Community building and meeting hall
- i. Hotel (amended 2/06)

2. Accessory Uses and Amenities.

- a. Indoor and outdoor recreational facilities.
- b. Carports.

c. On-premise laundry facilities serving only residents of the PUD

I. Requirements of all PUDs.

1. **Common Greenspace.** A minimum of twenty five (25) percent of the land developed in any planned unit development project shall be reserved for common greenspace and recreational facilities for the residents or users of the area being developed. The greenspace shall be disposed of as required in Sec. 23-102 (J) of this section.
2. **Disposition of Greenspace.** The required amount of common greenspace land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the Village and retained as common greenspace for parks, recreation, and related uses. All land dedicated to the Village must meet the Planning Commission's requirements as to size, shape, and location. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common greenspace dedication to the Village unless such land or right-of-way is usable as a trail, park, or other similar purpose and approved by the Planning Commission.

The responsibility of all greenspaces shall be specified by the developer before approval of the final development plan.

J. **Site Design Standards.** Unless modified by the Planning Commission in writing at the time of application approval compliance with the following design standards is required to be shown on the site plan:

1. Minimum yard requirements and building setbacks from all exterior property lines shall be comparable to the existing zoning district in which the PUD is proposed in unless modified according to subsection O. of this section. Multi-family uses must meet multi-family setbacks as required in Section 9-104 (C).
2. No building or structure shall have a maximum height greater than forty-five (45) feet. Modifications shall not be granted to this design standard as part of the Planned Unit Development Application. (Amended, 3/07)
3. Minimum spacing between detached buildings shall not be less than the height of the higher building as measured from the lowest first floor elevation.
4. All sensitive natural features such as drainageways, streams, wetlands, lands within the 100-year flood plains, land on slopes of twelve (12%) percent or greater, and stream or river banks, (which by virtue of soil and slope may create highly erodible hazards to the public health and safety) shall remain unencumbered by residential buildings and structures.
5. Access and egress opening from the development onto a public and private road shall be limited to one per five hundred (500) feet. Special provisions shall be made for residential PUDs to connect to existing grid-patterned streets of surrounding neighborhood(s).
6. Planted and maintained landscaped buffer areas of ten (10) feet in width are required along all exterior boundaries of the property to be developed.
7. Drainageways and streams shall be protected by a public easement measured twenty-five (25) feet from the centerline of such drainageways or streams.
8. Off-street parking is required at the rate of two (2) parking spaces per dwelling unit.

- K. Facility Site Standards.** The site standards for all individual uses and facilities as provided in this Ordinance, must be observed unless waived by the Planning Commission for any (or all) of the specific uses and facilities.
- L. Utilities.** A planned unit development shall have on-site community water and sewer, telephone and electrical systems provided by the developer, and must be approved by all legal state, county and local agencies (health, conservation, etc.) who are in authority and have jurisdiction. All utilities shall be placed underground. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.
- M. Off-street parking, loading, and service areas** shall be provided in accordance with Article IV Sec. 4-109 of this Ordinance. However, off-street parking and loading areas shall not be permitted within twenty five (25) feet of any residential use.
- N. Other Zoning Standards That May Apply.** The design standards of the PUD District shall apply to all PUD projects. Any PUD project proposing or requiring standards not specifically included in the PUD section, shall be subject to the standards in the zoning ordinance which apply to the particular design element. These include, but are not necessarily limited to, fencing, parking, signing, lighting, greenbelts, and related standards.
- O. Modification to the Design Standards.** It is declared that the design of any given PUD is strongly influenced by the specific characteristics of each individual site, and that a universal application of adopted design standards may not be in the best interest of the community and/or the applicant. The modifications are authorized by the approving body and subject to recommendations of the Planning Commission. The approving body is therefore granted authority, in specific cases, to modify and/or alter the PUD design standards where it can be demonstrated that a strict application of those standards would not have good or practical purpose, because of one or more of the following:
1. Unusual shape or dimension of the site or to encourage the joint planning of adjacent parcels.
 2. Presence of limiting conditions relating to soils, topography, bedrock, or other natural conditions that would inhibit good design.
 3. The need to respond appropriately to the influence of adjacent land uses, transportation services, or utility needs.
 4. Typical applications of setbacks, lot dimensions within the PUD project may be waived or modified as determined to be appropriate, within the PUD project boundaries.
 5. In granting any modification to the standards for PUD development, it shall be determined that a better PUD plan can be put into place because of the modification, particularly in terms of the PUD's impact on the adjacent non-PUD properties and the community as a whole.
 6. Modifications shall not be granted if they are found to be contrary to the spirit and intent of the zoning ordinance.
 7. Modifications shall not be permitted to the basic standards of dwelling unit density.

- P. **Application and Procedure.** Upon approval by the Planning Commission and the Village Council, a planned unit development district may be applied to any existing district except for B3, R1, and R4. Upon approval of a development plan, the Official Zoning Map shall be annotated for the land area involved so that the district name includes the notation, "PUD". Planned unit development districts shall be approved by the Planning Commission and the Village Council in the manner provided in subsections R through V of this section.
- Q. **Preapplication Conference with Planning Commission for Concept Review.** Prior to formal application submission for a special use permit for a proposed planned development, the developer/applicant shall be required to make a presentation to the Planning Commission in order to discuss initial design concepts and the application of said concepts to the land in question.
- R. **Public Hearing by Planning Commission.** Within thirty (30) days after submission of a complete and thorough development plan, the Planning Commission shall hold a public hearing in accordance with Section 24-105.
- S. **Recommendation by Planning Commission.** Within a reasonable amount of time after receipt of the development plan, the Planning Commission shall recommend to the Village Council that the development plan be approved as presented, approved with supplementary conditions, or denied. The Planning Commission shall then transmit all papers constituting the record and the recommendations to the Village Council.
- T. **Recommendations by Planning Commission.** Within ninety (90) days after receipt of the development plan, the Planning Commission shall recommend to the Village Council that the development plan be approved as presented, approved with supplementary conditions, or disapproved. The Planning Commission shall then transmit all papers constituting the record and the recommendations to the Village Council.
- U. **Criteria for Planning Commission.** Before making its recommendation, the Planning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:
1. Any proposed commercial development can be justified at the locations proposed.
 2. Any exception from the standard district requirements is warranted by the design and other amenities incorporated in the development plan, in accord with the planned unit development and the adopted policy of the Planning Commission and the Village Council.
 3. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
 4. The planned unit development is in general conformance with the land use plan of the Village.
 5. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.
- V. **Supplementary Conditions and Safeguards.** In approving any planned unit development district, the Village Council may prescribe appropriate conditions and

safeguards in conformity with this Ordinance. Violations of such conditions or safeguards, when made a part of the terms under which the development plan is approved, shall be deemed a violation of this Ordinance.

W. Expiration and Extension of Approval Period. The approval of a development plan for a PUD shall be for a period not to exceed two (2) years to allow for preparation and recording of the required subdivision plat and the development of the project. If no construction has begun within two (2) years after approval is granted, the approved development plan shall be void. An extension of the time limit or modification of the approved development plan may be approved if the Planning Commission finds that such extension or modification is not in conflict with the public interest. No zoning amendment passed during the time period granted for the approved development plan shall in any way affect the terms under which approval of the PUD was granted.

Sec. 23-103 HOME OCCUPATIONS.

Home occupations shall be controlled as follows:

- A. None other than members of the family, shall be engaged in connection with such home occupation at the same time.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the building, no variation from the residential character of the dwelling, and no visible evidence of the conduct of such home occupation.
- D. No home occupation shall be conducted in any accessory building.
- E. There shall be no sale of products or services except as are produced on the premises by such home occupation.
- F. The home occupation will not create traffic congestion, parking shortages, or otherwise adversely affect the pedestrian or vehicular circulation of the area.
- G. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises if the occupation is conducted in a single-family dwelling. If conducted in other than a single-family dwelling, such nuisance shall not be detectable outside the dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuations in the line voltage off the premises.
- H. In particular, a home occupation includes, but is not limited to: beauty shop, art studio, dressmaking, teacher, with musical or dancing instruction limited to four (4) to six (6) pupils

VILLAGE COUNCIL
VILLAGE OF MACKINAW CITY
Cheboygan and Emmet Counties, Michigan

Trustee Janelle Bancroft supported by Trustee Belinda Mollen, moved the adoption of the following Ordinance:

ORDINANCE NO. 138

**AN ORDINANCE TO AMEND SECTION 4-117 OF THE VILLAGE OF
MACKINAW CITY ZONING ORDINANCE TO PROVIDE TIME
LIMITATIONS FOR APPROVED SITE PLANS**

The Village of Mackinaw City ordains:

Sec. 1. Amendment of Compiled Code. Section 4-117 of the Village of Mackinaw City Zoning Ordinance (Zoning Ordinance #138) is amended to read as follows:

Sec. 4-117 Site Plan Review and Approval.

A. Purpose. A site plan review procedure is hereby established for the Village of Mackinaw City. The purpose of a site plan review is to determine compliance with the provisions set forth herein and to promote the orderly development of the Village, the stability of land values and investments in the general welfare, and to help prevent impairment or depreciation of land values and development by the erection of structures or additions or alterations thereto without proper attention to placement and appearance.

The following provisions in this section shall apply to all uses requiring site plan review by this Ordinance, including multiple family developments, mobile home parks, commercial developments, industrial developments, institutional developments, and all uses requiring a special use permit and variances. Approved plans shall regulate the development on the premises, unless modified in the same manner as the plans were originally approved. Variance requests shall be accompanied by three (3) copies of a clearly dimensioned and scaled drawing detailing the nature of the variance request. Variance requests for non-commercial uses need not comply with Sections 4-117C and 4-117D. Expansion of existing structures less than three hundred (300) sq. ft. and/or parking areas less than ten (10) spaces shall be reviewed as follows:

1. Applicant shall apply for a zoning permit as outlined within Article XXIV, Section 109 of this Ordinance.
2. Plan review shall be conducted by the Zoning Administrator or Community Development Director.
3. Approval or denial shall be based on the provisions as set forth within this Ordinance and all amendments.

Expansion of existing structures less than three hundred (300) sq. feet and parking areas less than ten (10) spaces taking place less than five (5) years apart on the same parcel shall be subject to formal Site Plan approval as based on the provisions set forth herein.

B. Submission Requirements. All Site Plans, as required by this Ordinance, shall be submitted to the Village with enough copies for each Planning Commissioner and Village Trustee. The Village Zoning Administrator shall adhere to the following procedures in the review of the Site Plan:

1. For variance requests, the site plan shall be reviewed by both the Planning Commission and Zoning Board of Appeals with the decision made by the Zoning Board of Appeals.
2. All other site plan reviews shall use the following procedures:

a. Professional review by approved architect or engineer as required by the Zoning Administrator. The cost of review will be passed along to the applicant. No zoning permit will be issued until this fee is paid.

b. The Planning Commission shall review the Site Plan at its next regularly scheduled meeting. One (1) copy of the initial draft of the site plan and a property survey by a registered surveyor must be submitted to the Village by the first day of the month in order to be on the Planning Commission's agenda for that regular monthly meeting. If the first day of the month falls on a weekend or holiday, the site plan shall be submitted the next regular business day. The Planning Commission may elect to postpone a decision on a pending Site Plan to the next regularly scheduled meeting if the Site Plan is determined to be incomplete.

c. The Planning Commission shall recommend to Village Council for their final decision, with specified changes and/or conditions, or disapprove the applicant's request, using the standards described in Section 4-117E of this Ordinance.

d. Conditions or changes stipulated by the Planning Commission shall be recorded in the minutes of the meeting and made available to the applicant in writing. The sealed copy of the approved site plan shall contain the approval date and signature of the Zoning Administrator.

e. Of the copies submitted, one (1) shall be retained by the Zoning Administrator's office and one (1) returned to the applicant.

C. The following information shall accompany all Site Plans submitted for review:

1. A legal description of the property under consideration, including the Property Tax Identification number.
2. A map indicating the gross land area of the development, the present zoning classification thereof and the zoning classification and land use of the area surrounding the proposed development, including the location of structures and other improvements.
3. The names and addresses of the architect, planner, designer, or engineer responsible for the preparation of the Site Plan.
4. Drawings or sketches of the exterior and elevations, and/or perspective drawings of the building or structures under consideration.

D. The following information shall be included on the Site Plan:

1. A scale of not less than one inch equaling forty feet (1" = 40'), if the subject property is less than three (3) acres; and, one inch equaling one hundred feet (1" = 100'), if it is three (3) acres or more.
2. Date, north point and scale.
3. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
4. The placement of all structures on the subject property and abutting properties.
5. The location of each proposed structure in the development area, the use or uses to be contained therein, the number of stories, gross building areas, distances between structures and lot lines, setback lines, and approximate location of vehicular entrances and loading points.

6. Location and descriptions of all exterior luminaries, including aiming angles. Descriptions should include the glare reduction/control devices and drawings of luminaries and its mounting devices.
 7. The location of all existing and proposed drives and parking areas with the number of parking and/or loading spaces provided.
 8. All pedestrian walks, malls and open areas.
 9. Location and height of all walls, fences and screen planting, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and maintained. (Plant materials shall be chosen and installed in accordance with standards recommended by the County Cooperative Extension Service or American Nursery Association). Landscaping plans are not required in Site Plan reviews of businesses in the B4 district.
 10. The location and right-of-way widths of all abutting streets.
 11. A site construction and improvement timeline that includes specific development benchmarks from the commencement of construction through completion.
 12. Types of surfacing, such as paving, turfing or gravel to be used at the various locations.
 13. A ten (10) year storm event study shall be provided for each development based on Michigan Department of Transportation and American Association of State Highway Transportation Officials Standards (MDOT and AASHTO). A grading plan with topographic elevations of the area shall also be provided.
 14. Size and location of proposed sewer and water lines and connections.
 15. The number of proposed units (or multiple family developments).
 16. Significant environmental features such as wetlands, shoreline, streams, wood lots, existing trees and vegetation.
 17. Information as may be required by the Planning Commission and Village Council to assist in the consideration of the proposed development.
 18. Site Plans must contain the registered seal of a professional architect, planner, landscape architect or engineer responsible for the certification of the Site Plan.
- E. In order that building, open space and landscaping will be in harmony with other structures and improvements in the area, and to assure that no undesirable health, safety, noise and traffic conditions will result from the development, the Planning Commission shall determine whether the Site Plan meets the following criteria, unless the Planning Commission determines that one (1) or more of such criteria are inapplicable:
1. The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress and egress to all parts of the site by fire and safety equipment.
 2. Pedestrian walkways shall be provided as deemed necessary by the Planning Commission for separating pedestrian and vehicular traffic.
 3. Recreation and open space areas shall be provided in all multiple family residential developments.
 4. The Site Plan shall indicate compliance with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements,

including applicable special use requirements, as set forth in the Village of Mackinaw City Zoning Ordinance, unless otherwise provided.

5. The requirements for fencing, walks, and other protective barriers shall be complied with as provided in the Zoning Ordinance of the Village of Mackinaw City and as deemed appropriate by the Planning Commission.

6. Adequate storage space shall be provided for the use therein.

7. Security measures shall be provided as deemed necessary by the Police Chief for resident protection in all multiple family residential developments.

8. Fire protection measures shall be provided as deemed necessary by the Fire Chief in conformance with all applicable laws of the State of Michigan for the protection of residents and/or occupants of the structures.

F. The Site Plan and the site construction and improvement timeline shall be reviewed by the Planning Commission and other appropriate bodies as heretofore designated with a recommendation for its approval or disapproval and any conditions the Planning Commission or other appropriate bodies feel should be imposed.

G. The Village Council shall have the function and power to approve or disapprove the Site Plan and/or site construction and improvement timeline subject to compliance with such modifications and conditions as may be deemed necessary to carry out the purpose of these regulations and other Ordinances or resolutions of the Village.

H. The Village Council shall have the function and power to request additional professional review from the Village Attorney, Engineering Consultant and/or Planning Consultant, and the permittee shall be responsible for any and all charges incurred therefor.

I. The permittee shall be responsible for maintaining compliance with the requirements of this Section 4-117 and this Ordinance. The Zoning Permit may be revoked in any case where the conditions of such permit have not been or are not being complied with, in which case the Village Council shall give the permittee notice of intention to revoke such permit at least ten (10) days prior to review of the permit by the Village Council. After conclusion of such review the Village Council may revoke such permit if it feels that a violation in fact exists and has not been remedied prior to such hearing.

J. Except where an extension is granted by the Village Council after a recommendation from the Planning Commission due to an unforeseen circumstance which shall not include economic changes or financial hardships, all approved Site Plans not in compliance with the site construction and improvement timeline required by Section 4-117 D 11 above shall be valid no longer than one (1) year from the date that the Site Plan is approved by the Village Council. For those Site Plans approved prior to the adoption of the amendments to this Section 4-117 requiring the submission of a site construction and improvement timeline, such Site Plan approvals shall be valid no longer than one (1) year from the effective date of such amendment unless an extension is granted by the Village Council after a recommendation from the Planning Commission.

K. **Fee.** A fee for initial Site Plan review under this Section 4-117, and for any subsequent site changes and/or approval extension requests, may be imposed by the Village in an amount set from time to time by resolution of the Village Council.

L. **Site Change.** Any structure, use, or field change added subsequent to the initial Site Plan approval must be approved by the Village Council after recommendation from the Village Planning Commission. Incidental and minor variations of the approved Site Plan with the written approval of the Zoning Administrator shall not invalidate prior site plan approval.

M. Phased Construction. Where phases or staged construction is contemplated for the development of a project, the Site Plan submitted must show the inter-relationship of the proposed project to the future stages, including the following:

1. Relationship and identification of future structures, roadways, drainage, water, and sewer.
2. Pedestrian and vehicular circulation.
3. Time schedule for completion of the various phases of the proposed construction.
4. Temporary facilities or construction of same as required to facilitate the stated development.

Sec. 2. Effective Date. This ordinance shall take effect immediately upon its publication in a newspaper circulated within the Village.

Yeas: Pres.J. Hingston, Trustees J. Bancroft, M. Yoder, R. Glenn, B. Mollen, R. Perlick, P. Michalak____

Nays: None

Abstain: None

Absent: None

Ordinance declared adopted.

Jeff Hingston, Village President

Lana Jaggi, Clerk

CERTIFICATION

As the Clerk of the Village of Mackinaw City, Michigan, I certify this is a true and complete copy of an ordinance adopted at a meeting of the Village Council held on February 07, 2013, with notice provided as required by law.

February 07, 2013

Lana Jaggi, Clerk

RURAL TASK FORCE DATA SHEET ROAD PROJECT

(To be completed by each county or city for every project submitted to the Task Force)

ALL ITEMS MUST BE COMPLETED

PROJECT REQUEST			CHANGE TYPE:
NEW PROJECT <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AMEND EXISTING? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, INCLUDE JN 112775	<input type="checkbox"/> FY <input checked="" type="checkbox"/> Cost <input type="checkbox"/> Scope <input type="checkbox"/> Delete
FISCAL YEAR 2015	COUNTY Cheboygan	CITY/VILLAGE (If applicable) Mackinaw City	

ROAD PROJECT DESCRIPTION	
ROAD NAME South Huron Avenue	LENGTH (KM or Miles) 0.75
FROM US-23	TO East Central Avenue
PROPOSED WORK: (Please check appropriate work type)	
<input checked="" type="checkbox"/> Resurface <input type="checkbox"/> Reconstruct <input type="checkbox"/> Widening	
OTHER (Please describe work) Mill the existing HMA surface and resurface. The road resurfacing project is intended to correct deficiencies in the roadway pavement	

structure due to HMA surface rutting and potentially aggregate base or sub base failure and improve sidewalk ramps to meet current ADA guidelines.

GRAVEL ROAD? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FUNCTIONAL CLASSIFICATION Rural Major Collector
ANTICIPATED LETTING DATE (Month/Year) February 2015	ALL SEASON <input type="checkbox"/> Pending <input checked="" type="checkbox"/> Complete

PROJECT COSTS: (Not to include ROW, feasibility studies, design, or testing.)

1) STP	\$	225,000.00	2) FED-D	\$	
3) STATE-D	\$	30,483.00	4) LOCAL MATCH	\$	263,398.00
5) NON-PARTICIPATING	\$		6) OTHER (Please specify, including PE and CE)	\$	

CONSTRUCTION COST TOTAL: \$ 518,881.00

NOTE: Costs from 1-6 should equal "Construction Cost Total"

SUBMITTED BY Adam R. Smith	TITLE Village of Mackinaw City Manager	DATE 1/9/14
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Please contact Brandon Wilcox at (517) 335-2948 or wilcoxb1@michigan.gov with any questions.

**NOTICE OF MEETING
OF THE
VILLAGE COUNCIL OF THE
VILLAGE OF MACKINAW CITY**

Pursuant to the provisions of Section 208 of the Revised Municipal Finance Act, being Act 34, Public Acts of Michigan, 2001, as amended (MCL 141.2308), you are hereby notified that the Village Council of the Village of Mackinaw City (the "Village") will hold a meeting in the Village Hall Council Chambers, 102 S. Huron Avenue, Mackinaw City, Michigan, on October 2, 2014, at 7:30 p.m., at which the Village Council will consider adopting a resolution authorizing issuance of the following bonds (the "Bonds"):

MICHIGAN TRANSPORTATION FUND BONDS, SERIES 2015

The Bonds may be issued in one or more series and will be payable from Michigan Transportation Fund revenues. As additional security for the prompt payment of the principal of and interest on the Bonds, the proposed Bonds will contain a limited tax full faith and credit pledge of the Village. In the event there are insufficient moneys for the payment of principal of and interest on the Bonds, the Village shall levy a tax on all taxable property in the Village's district for the prompt payment of principal and interest on the Bonds, which tax shall be limited as to rate and amount by applicable constitutional and statutory limitations on the taxing power of the Village.

VILLAGE OF MACKINAW CITY
(Emmet and Cheboygan Counties, Michigan)

Resolution No. _____

RESOLUTION TO AUTHORIZE ISSUANCE OF
MICHIGAN TRANSPORTATION FUND BONDS, SERIES 2015

Minutes of a regular meeting of the Village Council of the Village of Mackinaw City, Emmet and Cheboygan Counties, Michigan, held in the Village Hall, 102 S. Huron Avenue, Mackinaw City, Michigan 49701-0580, on October 2, 2014, at 7:30 p.m., local time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by Member _____ and supported by Member _____:

WHEREAS, the Village Council of the Village of Mackinaw City (the "Village") hereby determines that it is necessary and in the public interest to undertake certain street improvement projects in the Village (the "Improvements"), which projects are tentatively described as follows subject to such revisions as are approved by the Village Council:

Street Name	System	Termini	Proposed Construction
South Huron Avenue	Major	US 23 to East Central Avenue	Resurfacing
West Central Avenue	Major	Dujauney Street to Headlands Road	Reconstructing

WHEREAS, the cost of the Improvements to the street system, including the payment of legal, engineering, financial, and other costs of issuance is estimated not to exceed \$995,000; and

WHEREAS, to finance the cost of the Improvements, the Village Council deems it necessary to borrow the sum of not to exceed \$995,000 and issue its bonds therefor as authorized by the provisions of Act 175, Public Acts of Michigan, 1952, as amended ("Act 175"); and

WHEREAS, the street Improvement Projects are in accordance with the purposes enumerated in Section 13 of Act 51, Public Acts of Michigan, 1951, as amended ("Act 51"); and

WHEREAS, revenues received by the Village from the Michigan Transportation Fund pursuant to Act 51 during the fiscal year next preceding this contemplated borrowing are more than sufficient to comply with all requirements specified in Section 4 of Act 175 and by the issuance of these bonds, the Village does not pledge for annual debt service an amount, together with any other borrowing for which Michigan Transportation Fund monies are pledged, in excess of 50% of the revenues received during the fiscal year next preceding.

NOW, THEREFORE, BE IT HEREBY RESOLVED as follows:

1. NECESSITY. It is necessary for the public health, safety, and welfare of the Village to make the Improvements and issue bonds of the Village, pursuant to Act 175, to finance the Improvements.

2. ESTIMATED COST - PERIOD OF USEFULNESS. The estimate of the total cost of the Improvements, including the payment of engineer's fees, legal and financial expenses and other expenses incident to the financing of the Improvements, as set forth in the preamble, is hereby approved and confirmed, and the estimated period of usefulness of the Improvements is determined to be in excess of fifteen (15) years.

3. ISSUANCE OF BONDS. To defray the cost of the Improvements, including legal, engineering, financial and other expenses, the Village shall issue its bonds known as Michigan Transportation Fund Bonds, Series 2015 (the "Bonds") in the aggregate principal sum of not to exceed \$995,000 as finally determined by the Authorized Officer (defined below) at the time of sale. The balance of the cost of the Improvements, if any, shall be paid by grants or funds appropriated by the Village.

4. BOND TERMS. The Bonds shall be issued in fully registered form as to both principal and interest, in the denomination of \$1,000 each, or any whole multiple thereof. The Bonds shall be numbered consecutively in the order of their registration, shall be dated the date of delivery or such other date approved by the Authorized Officer, and shall be payable serially or as term bonds on such date as determined by the Authorized Officer at the time of sale,

provided the final maturity shall be no later than December 1, 2030. The Bonds shall bear interest at a rate or rates not exceeding six percent (6%) per annum as determined by the Authorized Officer, payable semiannually on such dates as are determined by the Authority Officer at the time of sale. The Authorized Officer may alter the bond terms within the parameters of this resolution as hereafter provided.

5. PAYMENT OF PRINCIPAL AND INTEREST. Both principal of and interest on the Bonds shall be payable in lawful money of the United States of America to the person appearing on the Bond registration books as the registered owner thereof. Payment of principal on the Bonds shall be made at the principal office of the Paying Agent (defined below), upon surrender of the Bonds. Payment of interest on the Bonds shall be paid to the registered owner at the address as it appears on the registration books as of the determination date. Initially, the determination date shall be the date as of the fifteenth (15th) day of the month prior to the payment date for each interest payment; however, the determination date may be changed by the Village to conform to market practice.

6. APPROPRIATION OF TRANSPORTATION FUNDS. For the purpose of providing monies to pay the principal of and interest on the Bonds, and in accordance with the provisions of Act 175, the Village hereby makes an irrevocable appropriation of an amount sufficient to pay the principal of and interest on the Bonds from the monies to be derived from State-collected taxes returned to the Village for highway purposes, pursuant to law. The Treasurer of the Village is directed, during each year that any of the principal or interest on the Bonds herein authorized remains outstanding and unpaid to set aside in a fund, to be designated MICHIGAN TRANSPORTATION FUND BONDS, SERIES 2015, BOND PAYMENT FUND (the "Bond Payment Fund"), sufficient monies from revenues received during each such year

from the Michigan Transportation Fund, pursuant to law, to pay the principal of and interest on the Bonds next maturing.

7. LIMITED TAX PLEDGE. Pursuant to the authorization of Act 175 and as additional security for the prompt payment of the principal of and interest on the Bonds, the Village irrevocably pledges the limited tax, full faith, credit and resources of the Village, as limited herein. The Village's ability to raise such funds is subject to applicable constitutional and statutory limitations on the taxing power of the Village.

8. PRIOR REDEMPTION.

(a) Mandatory Redemption. Principal designated as a term bond maturity shall be subject to mandatory redemption, in whole or in part, by lot, at par plus accrued interest, on the redemption dates and in the amounts determined by the Authorized Officer. When term bonds are purchased by the Village and delivered to the Paying Agent for cancellation or are redeemed in a manner other than by mandatory redemption, the principal amount of the term bonds affected shall be reduced by the principal amount of the Bonds so redeemed in the order determined by the Village.

(b) Optional Redemption. The Bonds shall be subject to optional redemption prior to maturity as determined by the Authorized Officer at the time of sale.

(c) Notice of Redemption. Notice of redemption of Bonds shall be given by mail to the Registered Owners of the Bonds to be redeemed not less than thirty (30) days prior to the date fixed for redemption, addressed to the Registered Owner at the registered address shown on the registration books of the Village maintained by the Paying Agent. Bonds so called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the Paying Agent to redeem the same. So long as the book-entry-only system of

registration is in effect, the Paying Agent will give notice to Cede & Co., as nominee of the Depository Trust Company, New York, New York (“DTC”), and only Cede & Co. will be deemed to be a holder of the Bonds.

9. PAYING AGENT AND REGISTRATION.

(a) Appointment of Paying Agent. From time to time the Authorized Officer shall designate and appoint a paying agent, transfer agent and bond registrar (the “Paying Agent”) and is authorized to remove the Paying Agent and appoint a successor Paying Agent. The initial Paying Agent shall be appointed by the Authorized Officer. In the event of a change in the Paying Agent, notice shall be given in writing, by certified mail, to each Registered Owner not less than sixty (60) days prior to the next interest payment date. The Paying Agent shall keep the official books for the recordation of the Registered Owners of the Bonds.

(b) Book-Entry Eligible. At the option of the initial purchaser of the Bonds, the Bonds will be issued initially in book-entry-only form as one fully registered bond per maturity and will be registered in the name of Cede & Co., as bondholder and nominee for DTC. If this option is selected, DTC will act as securities depository for the Bonds, purchase of the Bonds will be made in book-entry-only form, in the denomination of \$1,000 or any integral multiple thereof, purchasers will not receive certificates representing their interest in Bonds purchased, and payment of principal and interest will be made by the Paying Agent to DTC. While the Bonds are held in book-entry-only form, then the Bonds shall be transferred in accordance with the procedures established by DTC. So long as the Bonds are registered to DTC or another bond depository, the Paying Agent or bond registrar shall have no responsibility with respect to such transfers. The Authorized Officer shall have the authority from time to time to

appoint a successor depository trustee to serve in the place of DTC. While the Bonds are issued in book-entry-only form the Paying Agent shall serve as paying agent only.

(c) Discontinuance of Book-Entry-Only. In the event the book-entry-only system is not selected or is discontinued, the following provisions would apply to the Bonds. Bonds may be transferred only by submitting the same to the Paying Agent, together with a satisfactory instrument of transfer signed by the Registered Owner or his legal representative duly authorized in writing, after which a new Bond or Bonds shall be issued by the Paying Agent to the transferee (new registered owner) in denominations of \$1,000 or any integral multiple thereof, in the same aggregate principal amount as the Bond submitted for transfer. No transfer of Bonds shall be valid unless and until recorded on the bond registration books in accordance with the foregoing. The person in whose name any bond is registered may for all purposes, notwithstanding any notice to the contrary, be deemed and treated by the Village and the Paying Agent as the absolute owner thereof, and any payment of principal and interest on any Bond to the Registered Owner thereof shall constitute a valid discharge of the Village's liability upon such Bond to the extent of such payment. No Bond shall be transferred less than fifteen (15) days prior to an interest payment date nor after the Bond has been called for redemption. So long as the Bonds are registered to DTC or another bond depository, the Paying Agent, acting as bond registrar, shall have no responsibility with respect to such transfers.

10. BOND FORM. The Bonds shall be substantially in the form attached hereto as Exhibit A, and incorporated herein, with such changes as are recommended by the Village's Bond Counsel and approved by the officers of the Village signing the Bonds.

11. EXECUTION OF BONDS. The President, the President Pro Tem, and the Clerk or the Deputy Clerk of the Village are hereby authorized and directed to sign the Bonds, either

manually or by facsimile signature, on behalf of the Village. Upon execution, the Bonds shall be delivered to the purchaser thereof upon receipt of the purchase price in accordance with the accepted bid or proposal for the purchase of the Bonds, plus the accrued interest, if any, to the date of delivery.

12. BONDS MUTILATED, LOST OR DESTROYED. If any Bond shall become mutilated, the Village, at the expense of the holder of the Bond, shall execute, and the Paying Agent shall authenticate and deliver, a new Bond of like tenor in exchange and substitution for the mutilated Bond, upon surrender to the Paying Agent of the mutilated Bond. If any Bond issued under this Resolution shall be lost, destroyed or stolen, evidence of the loss, destruction or theft may be submitted to the Paying Agent and, if this evidence is satisfactory to both the Village and the Paying Agent and indemnity satisfactory to the Paying Agent shall be given, the Village, at the expense of the owner, shall execute, and the Paying Agent shall thereupon authenticate and deliver, a new Bond of like tenor, which shall bear the statement required by Act 354, Public Acts of Michigan, 1972, as amended, or any applicable law hereafter enacted, in lieu of and in substitution for the Bond so lost, destroyed or stolen. If any such Bond shall have matured or shall be about to mature, instead of issuing a substitute Bond, the Paying Agent may pay the same without surrender thereof.

13. BOND PAYMENT FUND. The accrued interest, if any, and capitalized interest, if any, received at the time of delivery of the Bonds shall be placed into the Bond Payment Fund. The Village shall budget annually a sufficient amount to pay the annual principal of and interest on the Bonds, including the sums to be deposited into the Bond Payment Fund pursuant to Section 6, and deposit such amount in the Bond Payment Fund as needed to make payments of principal and interest as they become due. Moneys in the Bond Payment Fund shall be expended

solely for payment of principal and interest on the Bonds that first come due. Any monies remaining in the Bond Payment Fund after the annual payments of principal of and interest on the Bonds shall be transferred to the General Fund and shall no longer be pledged hereunder.

14. CONSTRUCTION FUND. Prior to delivery and sale of the Bonds, there shall be established a construction fund (the "Construction Fund"). After deducting the sums that are required to be deposited in the Bond Payment Fund, the balance of the proceeds of the Bonds shall be deposited into the Construction Fund. The moneys on deposit in the Construction Fund from time to time shall be used solely for the purpose for which the Bonds were issued. Any unexpended balance shall be used for such purposes as allowed by law. Any monies remaining in the Construction Fund after payment of all such costs shall be transferred to the Bond Payment Fund. After completion of the Improvements and disposition of any remaining Bond proceeds, pursuant to the provisions of this Section, the Construction Fund shall be closed.

15. INVESTMENT OF FUNDS. Moneys in the funds and accounts established herein may be invested by the Village as allowed by law subject to the limitations imposed by arbitrage regulations and Section 148 of the Internal Revenue Code of 1986, as amended (the "Code").

16. DEPOSITORY AND FUNDS ON HAND. Monies in the several funds and accounts maintained pursuant to this Resolution may be kept in one or more accounts at financial institutions designated by resolution of the Village, and if kept in one account, the monies shall be allocated on the books and records of the Village in the manner and at the times provided in this Resolution.

17. COVENANTS. The Village covenants and agrees with the successive holders of the Bonds that so long as any of the Bonds remain outstanding and unpaid as to either principal or interest:

(a) It will cause the principal of and interest on the Bonds to be paid promptly when due, but solely from the funds pledged by this Resolution.

(b) It will make no use of the proceeds of the Bonds, or any other funds that may be deemed to be proceeds of the Bonds pursuant to Section 103(c) of the Code that, if the use had been reasonably expected on the date of issuance of the Bonds, would have caused the Bonds to be “arbitrage bonds” within the meaning of that Section, and will comply with all requirements of the Code throughout the term of the Bonds.

(c) It will, if required to do so, rebate the amount required by Section 148(f)(2) of the Code in accordance with the provisions of Section 148(f)(3) of the Code.

18. ADDITIONAL BONDS. In accordance with the provisions of Act 175, the Village reserves the right to issue additional bonds, which shall be of equal standing and priority with the Bonds.

19. CONTRACT WITH BONDHOLDERS. The provisions of this Resolution shall constitute a contract between the Village and the holder or holders of the Bonds from time to time and after the issuance of any of such Bonds, no change, variation or alteration of the provisions of this Resolution may be made that would lessen the security for the Bonds. The provisions of this Resolution shall be enforceable by appropriate proceedings taken by such holder or holders, either at law or in equity.

20. SALE OF BONDS. The Authorized Officer is authorized to negotiate the sale of the Bonds. The Authorized Officer is authorized to solicit an offer to purchase the Bonds from

such financial institution or institutions as the Authorized Officer shall determine and award the sale of the Bonds to the institution the Authorizing Officer determines provides the offer that is in the best interests of the Village. The Village Council determines that a negotiated sale is in the best interest of the Village since it provides the most flexibility in structuring the sale of the Bonds and in responding to market conditions.

If the Authorized Officer determines that a negotiated sale is not in the best interest of the Village, the Authorized Officer is authorized to sell the Bonds at a public sale. In that event, the Authorized Officer shall set a date and time for the sale of the bonds, which shall be at least seven (7) days after the publication of an official notice of sale. The official notice of sale shall be in such form determined and approved by the Authorized Officer and shall be published in *The Bond Buyer*.

The Authorized Officer may sell the Bonds with a discount of not to exceed 3.0% of the par amount of the Bonds. The Bonds shall not be sold at a price that would make the interest cost on the money borrowed, after deducting any premium or adding any discount, exceed six percent (6%) per annum.

21. AUTHORIZED OFFICER. Notwithstanding any other provision of this Resolution, the Village President and the Village Manager (or acting Village Manager), or either one of them acting alone (the “Authorized Officer”), is authorized within the limitations of this Resolution to determine the title of the Bonds, the interest rate or rates, maximum interest rate, amount of discount or premium, amount of maturities, principal amount (not to exceed the principal amount stated in this Resolution), amount of good faith deposit, if any, denominations, dates of issuance, dates of maturities (with the final maturity no later than December 1, 2030), interest payment dates, optional and mandatory redemption rights, and term bond options.

The Authorized Officer is hereby authorized for and on behalf of the Village, without further Village Council approval, to: (a) award the sale of the Bonds or enter into a bond purchase agreement; (b) purchase municipal bond insurance, if considered necessary, as additional security for the bondholders; (c) apply to rating agencies for a rating on the Bonds; and (d) do all other acts and take all other necessary procedures required to effectuate the sale, issuance and delivery of the Bonds.

Approval by the Village of the matters delegated in this section or any other sections may be evidenced by execution of an order or by the execution and approval of such documents by the Authorized Officer. The Authorized Officer, together with the Manager, the Clerk, and the Treasurer, or any one or more of them, are authorized to execute any documents or certificates necessary to complete the transaction, including, but not limited to, any applications including applications to the Michigan Department of Treasury, including an Application for State Treasurer's Approval to Issue Long-Term Securities and the submission of any supporting or related documents, any certificates, receipts, orders, agreements, instruments, and any certificates relating to federal or state securities laws, rules or regulations.

22. QUALIFIED TAX-EXEMPT OBLIGATION. The Village reasonably anticipates that the amount of qualified tax-exempt obligations that will be issued by the Village and all subordinate entities during the calendar year 2015 shall not exceed \$10,000,000. The Village hereby designates the Bonds, in their total principal amount, as qualified tax-exempt obligations for purposes of Section 265(b)(3)(B) of the Code.

23. DEFEASANCE. In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at

times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional or mandatory redemption, the principal of, premium, if any, and interest on the bonds, shall be deposited in trust, this Resolution shall be defeased and the owners of the bonds shall have no further rights under this Resolution except to receive payment of the principal of, premium, if any, and interest on the bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange bonds as provided herein.

24. INTERNAL REVENUE CODE. The Village has consulted with its bond counsel and understands that the Code contains certain requirements on (i) the expenditure of proceeds from the sale of the Bonds, (ii) the investment of the proceeds from the issuance of the Bonds and (iii) the rebate of interest earned on the investment of the proceeds of the Bonds under certain circumstances. The Village hereby covenants to comply with such requirements.

25. MUNICIPAL BOND INSURANCE. The Authorized Officer is hereby authorized to acquire municipal bond insurance to enhance the marketability of the Bonds. If the Village acquires municipal bond insurance from a municipal bond insurer (the "Insurer"), the Authorized Officer, the President, the Clerk, and the Treasurer, or any one of them, are hereby authorized to take all actions, and to execute any documents, certificates, orders, applications, agreements, conditions, covenants or other instruments necessary to effectuate the issuance of the policy of bond insurance, including, but not limited to the execution of an order or agreement containing such provisions as the Insurer may require with respect to the insurance and the Insurer, which shall be binding on the Village in the same manner as if contained herein.

26. BOND COUNSEL. The firm of Dickinson Wright PLLC is hereby employed as bond counsel to the Village for the issuance of the Bonds.

27. PUBLICATION. This Resolution shall be published once in full in a daily or weekly newspaper of general circulation in the Village.

28. RESOLUTION SUBJECT TO MICHIGAN LAW. The provisions of this Resolution are subject to the laws of the State of Michigan.

29. SECTION HEADINGS. The section headings in this Resolution are furnished for convenience of reference only and shall not be considered to be a part of this Resolution.

30. SEVERABILITY. If any section, paragraph, clause or provision of this Resolution shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution.

31. CONFLICT. Except as provided above, all resolutions or parts thereof, insofar as the same may be in conflict herewith, are hereby repealed; provided, that the foregoing shall not operate to repeal any provision thereof, the repeal of which would impair the obligation on the Bonds.

32. EFFECTIVE DATE OF RESOLUTION. This Resolution is determined by the Village Council to be immediately necessary for the preservation of the peace, health and safety of the Village and shall be in full force and effect from and after its passage.

YEAS: _____

NAYS: _____

ABSENT: _____

RESOLUTION DECLARED ADOPTED.

Lana Jaggi, Clerk
Village of Mackinaw City

STATE OF MICHIGAN)
) SS
COUNTIES OF EMMET AND CHEBOYGAN)

I, Lana Jaggi, the duly qualified and acting Clerk of the Village of Mackinaw City, Emmet and Cheboygan Counties, Michigan (the "Village") do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Village Council at a meeting held on October 2, 2014, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267 of the Public Acts of Michigan of 1976, as amended.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 2nd day of October, 2014.

Lana Jaggi, Clerk
Village of Mackinaw City

EXHIBIT A

No. ____

**UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTIES OF EMMET AND CHEBOYGAN
VILLAGE OF MACKINAW CITY**

MICHIGAN TRANSPORTATION FUND BONDS, SERIES 2015

Interest Rate	Date of Maturity	Date of Original Issue	CUSIP No.
	_____, 1, _____		

Registered Owner:

Principal Amount:

The Village of Mackinaw City, Emmet and Cheboygan Counties, Michigan (the "Village"), acknowledges itself indebted and, for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Date of Maturity specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on _____, 20__, and semiannually thereafter on the first day of _____ and _____ of each year, except as the provisions hereinafter set forth with respect to redemption of this Bond prior to maturity may become applicable hereto.

This Bond is one of a total authorized issue of bonds of even date and like tenor except as to date of maturity, amount and rate of interest, numbered in order of registration, aggregating the principal sum of \$_____ issued in accordance with the provisions of Act 175, Public Acts of Michigan, 1952, as amended ("Act 175") and a resolution adopted by the Village Council on October 2, 2014, for the purpose of paying a portion of the cost of certain capital street improvement projects in the Village (the "Improvements").

This Bond and the interest thereon are payable primarily from the proceeds of the State-collected taxes returned to the Village for road purposes pursuant to law, and the resolution authorizing the issuance and sale of this Bond contains an irrevocable appropriation of the amount necessary to pay the principal of and interest on this Bonds, and the series of bonds of which this is one, from monies derived from such State-collected taxes so returned to the Village for street purposes that have not been heretofore specifically allocated and pledged for the payment of indebtedness. As additional security, the Village has pledged its limited tax, full faith and credit for the payment of the principal and interest on the Bonds, subject to

constitutional and statutory limitations on the taxing power of the Village. The Village reserves the right to issue additional bonds in accordance with the provisions of Act 175 that shall be of equal standing and priority with the Bonds.

This Bond is not a general obligation or evidence of indebtedness of the State of Michigan.

Principal of this Bond is payable at the principal office of _____, Grand Rapids, Michigan, or such other Paying Agent as the Village may hereafter designate (the "Paying Agent") by notice mailed to the Registered Owner not less than sixty (60) days prior to the next interest payment date. Interest on this Bond is payable to the Registered Owner of record as of the fifteenth (15th) day of the month preceding the payment date as shown on the registration books of the Village maintained by the Paying Agent, by check or draft mailed to the Registered Owner at the registered address.

Bonds or portions of Bonds maturing on _____ (the "Term Bonds") are subject to mandatory redemption prior to maturity in part, by lot, on each _____ 1, commencing _____ and will be redeemed at the par value thereof plus accrued interest to the redemption date on _____ 1 of each of the following years in the amounts as follows:

<u>Redemption Date</u>	<u>Principal Amount</u>
------------------------	-------------------------

Term Bonds maturing on _____, _____ purchased by the Village and delivered to the Paying Agent for cancellation or that are redeemed in a manner other than by mandatory redemption, shall reduce the principal amount of the Term Bonds subject to mandatory redemption by the amount of the Bonds so redeemed, in the order determined by the Village.

Bonds maturing on or before _____, _____, shall not be subject to redemption prior to maturity. Bonds maturing on or after _____, _____, are subject to redemption prior to maturity as a whole or in part, at the option of the Village, in such order as the Village shall determine, on any dates, on or after _____, _____. Bonds called for redemption shall be redeemed at the par value thereof and accrued interest to the date of redemption, without a premium.

Notice of the call of any Bonds for redemption shall be given by first class mail not less than thirty (30) days prior to the date fixed for redemption, to the Registered Owner at the registered address. Bonds called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the Paying Agent to redeem such Bonds. Bonds shall be called for redemption in multiples of \$1,000, and Bonds of denominations of more than \$1,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the Bond by \$1,000, and such Bonds may be redeemed in part. The notice of redemption of Bonds redeemed in part shall state that upon surrender of the Bond to be redeemed, a new Bond or Bonds in aggregate principal amount equal to the unredeemed portion of the Bond surrendered shall be issued to the Registered Owner thereof. So long as the book-

entry-only system remains in effect, the Paying Agent will give notice to Cede & Co., as nominee of The Depository Trust Company, a New York corporation, only, and only Cede & Co. will be deemed to be a holder of the Bonds.

This Bond shall be registered in the name of the Registered Owner on the registration books kept by the Paying Agent and such registration noted hereon, and thereafter no transfer shall be valid unless made upon the registration books and likewise noted hereon. This Bond is exchangeable at the request of the Registered Owner hereof, in person or by his attorney duly authorized in writing, at the office of the Paying Agent, but only in the manner, subject to the limitations and at his sole expense, for other bonds of an equal aggregate amount, upon surrender of this Bond to the Paying Agent. Upon such transfer, a new registered bond or bonds of the same series and the same maturity of authorized denomination will be issued to the transferee in exchange therefor.

The Village has designated the Bonds of this series as "qualified tax exempt obligations" for purposes of Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended.

It is hereby certified and recited that all acts, conditions and things required by law, precedent to and in the issuance of this Bond, exist and have been done and performed in regular and due time and form as required by law and that the total indebtedness of the Village including this Bond, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the Village of Mackinaw City, Emmet and Cheboygan Counties, Michigan, by its Village Council, has caused this Bond to be signed, by the manual or facsimile signatures of its President and the Clerk, all as of the ____ day of _____, 2015.

Jeff Hingston, President

Lana Jaggi, Clerk

CERTIFICATE OF REGISTRATION AND AUTHENTICATION

This Bond is one of the Village of Mackinaw City \$_____ Michigan Transportation Fund Bonds, Series 2015, and has been registered in the name of the Registered Owner designated on the face thereof in the bond register maintained for the Village.

Authentication Date: _____

As Paying Agent/Bond Registrar/Transfer Agent

WRONGFUL USE OF CERTIFICATE

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation (“DTC”), to the Village or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____

(please print or type social security number or taxpayer identification number and name and address of transferee)

the within bond and all rights thereunder, and does hereby irrevocably constitute and appoint _____ attorney to transfer the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signed: _____

In the presence of: _____

Notice: The signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever. When assignment is made by a guardian, trustee, executor or administrator, an officer of a corporation, or anyone in a representative capacity, proof of his Village to act must accompany the bond.

Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guaranty program.

Signature Guaranteed: _____

DRAFT

12.000 - VILLAGE MANAGER Ord. No. 105 Adopted: September 1, 1983

An Ordinance establishing the office of Village Manager, providing for the appointment, compensation and discharge of such official, specifying the branches of the Village Government and activities under the management and control of said Manager and defining his responsibilities and powers.

THE VILLAGE OF MACKINAW CITY ORDAINS:

12.001 - Establishment of office.

12.002 - Term.

12.003 - Qualifications.

12.004 - Extent of services.

12.005 - Removal.

12.006 - Acting village manager.

12.007 - Compensation.

12.008 - Duties.

12.009 - Purchasing responsibilities.

12.010 - Dealing with employees.

12.011 - Severability.

12.012 - Effective Date.

12.001 - Establishment of office.

Sec. 1. In accordance with the provisions of Act 201 of 1974 (MSA 5.1270 (11)) there is hereby established the office of Village Manager.

(ord. no. 105 adopt. Sept. 1, 1983)

12.002 - Term.

Sec. 2. The Village Manager shall be appointed as specified in an employment agreement approved by resolution of the Village Council.

(ord. no. 105 adopt. Sept. 1, 1983; amend. adopt. June 2, 2005; amend. adopt. Oct. 2, 2014)

12.003 - Qualifications.

Sec. 3. The Manager shall be selected on the basis of administrative, executive, and other special abilities, as well as his training and experience. The Manager need not be a resident of the Village at the time of appointment, but shall reside within a 20 mile radius of the corporate limits within six (6) months thereafter with extensions permitted upon approval of the Council. The Manager shall reside within the 20 mile radius of the Village thereafter during the term of his or her office.

(ord. no. 105 adopt. Sept. 1, 1983; amend adopt. Oct. 2, 2014)

12.004 - Extent of services.

Sec. 4. Except as otherwise provided in an employment agreement approved by resolution of the Village Council, the Manager shall devote his or her entire time, attention and energies to Village business.

(ord. no. 105, adopt. Sept. 1, 1983; amend. adopt. March 21, 2013; amend. adopt. Oct. 2, 2014)

12.005 - Removal.

Sec. 5. Except as otherwise provided in an employment agreement approved by resolution of the Village Council, the Manager shall serve at the pleasure of the Council and may be removed by the affirmative vote of four (4) or more Trustees.

(ord. no. 105 adopt. Sept. 1, 1983; amend. adopt. Oct. 2, 2014)

12.006 - Acting village manager.

Sec. 6. The Village Council shall provide for an interim or acting village manager as follows:

(a) The Village Council shall appoint or designate an acting village manager during the vacancy in the office of village manager and shall make a permanent appointment within 180 days from the effective date of the vacancy. Should the Village Council be actively engaged in an executive search and unable to make a permanent appointment within 180 days, the Village Council can vote to extend the acting village manager appointment for an additional 90 days.

(b) The Village Council may by resolution designate the Village President to serve as the acting or interim village manager until a village manager is appointed and his or her employment in that office has commenced or until such earlier time as the Village Council may specify in that resolution. However, the Village President shall not serve as the interim or acting village manager for more than 90 days. A resolution designating the Village President to serve as the acting or interim village manager shall state any additional compensation to be paid the Village President for that service and may state other terms, conditions or limitations with respect to that service.

(ord. no. 105 adopt. Sept. 1, 1983; amend. adopt. Sept. 15, 2011; amend. adopt Oct. 2, 2014)

12.007 - Compensation.

Sec. 7. The Village Manager shall receive such compensation as provided in an employment agreement approved by resolution of the Village Council.

(ord. no. 105 adopt. Sept. 1, 1983; amend. adopt. Oct. 2, 2014)

12.008 - Duties.

Sec. 8. The Village Manager shall be the chief administrative officer of the Village and shall be responsible to the Village President and Council for the efficient administration of all affairs of the Village and all departments with the exception of the job of Village Attorney as specified in Ordinance 12.05. The Manager shall:

A. Attend meetings of the Village Council and take part therein but without a vote;

B. Be an ex-officio member, or appoint a delegate, of committees of the Village Council and the Village Planning Commission without the right to vote;

C. Make recommendations to the Council for the adoption of such measures as may be deemed necessary or expedient for the improvement or betterment of the Village.

(ord. no. 105 adopt. Sept. 1, 1983; amend. adopt. Oct. 2, 2014)

12.009 - Purchasing responsibilities.

Sec. 9. The Village Manager shall act as purchasing agent for all Village departments under his authority. The Manager may delegate some or all of the duties as purchasing agent to another officer or employee provided that such delegates shall not relieve the Manager of the responsibility for the proper conduct of those duties.

The Village Manager shall have the authority to purchase any product or service provided that funds have been appropriated in the annual budget. The cost of the product or service shall not exceed the unencumbered balance of the appropriation for that fund. The Village Manager may promulgate rules governing the purchase of products or services.

The Village Manager shall have the authority to purchase any product or service regardless of its cost when such purchase is necessitated by an emergency condition. "Emergency condition" is defined to mean any event that presents an imminent threat to the public health or safety or any event that would result in the disruption of a Village service which is essential to the public health or safety.

(ord. no. 105 adopt. Sept. 1, 1983; amend adopt. Oct. 2, 2014)

12.010 - Dealing with employees.

Sec. 10. Neither the Council nor the Village President shall attempt to influence the employment, appointment or removal of any person by the Village Manager or in any way interfere in the management of departments under the jurisdiction of the Manager. Except for purposes of inquiry the President and Council and its members shall deal with departments under the jurisdiction of the Village Manager through the Manager.

(ord. no. 105 adopt. Sept. 1, 1983)

12.011 - Severability.

Sec. 11. If any portion of this ordinance or the application thereof, to any person or circumstance shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications, provided that such remaining portions or applications are not determined by said Court to be inoperable, and to this end, this ordinance is declared to be severable.

All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed insofar as the conflicting portions thereof are concerned.

(ord. no. 105 adopt. Sept. 1, 1983; amend. adopt. Oct. 2, 2014)

12.- Effective Date.

Sec. 12. This ordinance shall become effective immediately upon adoption.

(amend. adopt. June 2, 2005; amend adopt. Oct. 2, 2014)

**Mackinaw City, Michigan, Compilation-General Ordinances >> - PART 12 >> 12.000 - VILLAGE MANAGER
Ord. No. 105 Adopted: September 1, 1983 >>**

**12.000 - VILLAGE MANAGER
Ord. No. 105
Adopted: September 1, 1983**

An Ordinance establishing the office of Village Manager, providing for the appointment, compensation and discharge of such official, specifying the branches of the Village Government and activities under the management and control of said Manager and defining his responsibilities and powers.

THE VILLAGE OF MACKINAW CITY ORDAINS:

12.001 - Establishment of office.

12.002 - Term.

12.003 - Qualifications.

12.004 - Extent of services.

12.005 - Removal.

12.006 - Acting village manager.

12.007 - Compensation.

12.008 - Duties.

12.009 - Purchasing responsibilities.

12.010 - Dealing with employees.

12.011 - Severability.

12.012 - Effective Date.

12.001 - Establishment of office.

Sec. 1. In accordance with the provisions of Act 201 of 1974 (MSA 5.1270 (11)) there is hereby established the office of Village Manager.

(ord. no. 105 adopl. Sept. 1, 1983)

12.002 - Term.

Sec. 2. The Village Manager shall be appointed at the first regular Council session after the second Monday in April of each year.

(ord. no. 105 adopl. Sept. 1, 1983; amend. adopl. June 2, 2005)

12.003 - Qualifications.

Sec. 3. The Manager shall be selected on the basis of administrative, executive, and other special abilities, as well as his training and experience. The Manager need not be a resident of the Village at the time of appointment, but shall become a resident within six (6) months thereafter with extensions permitted upon approval of the Council. The Manager shall reside in the Village thereafter during the term of his office.

(ord. no. 105 adopl. Sept. 1, 1983)

12.004 - Extent of services.

Sec. 4. Except as otherwise provided in an employment agreement approved by resolution of the Village Council, the Manager shall devote his or her entire time, attention and energies to Village business. However, the Manager may invest personal funds or assets in a manner that requires no duties or responsibilities of the Manager without approval of the Village Council.

(ord. no. 105, adopt. Sept. 1, 1983; amend. adopt. March 21, 2013)

12.005 - Removal.

Sec. 5. The Manager shall serve at the pleasure of the Council and may be removed by the affirmative vote of four (4) or more Trustees.

(ord. no. 105 adopt. Sept. 1, 1983)

12.006 - Acting village manager.

Sec. 6. The Village Council shall provide for an interim or acting village manager as follows:

- (a) The Village Council shall appoint or designate an acting village manager during the vacancy in the office of village manager and shall make a permanent appointment within 180 days from the effective date of the vacancy.
- (b) The Village Council may by resolution designate the Village President to serve as the acting or interim village manager until a village manager is appointed and his or her employment in that office has commenced or until such earlier time as the Village Council may specify in that resolution. However, the Village President shall not serve as the interim or acting village manager for more than 180 days. A resolution designating the Village President to serve as the acting or interim village manager shall state any additional compensation to be paid the Village President for that service and may state other terms, conditions or limitations with respect to that service.
- (c) A village manager appointed in accordance with Section 2 of this ordinance (Section [12.002](#) of the Compiled Code of the Village of Mackinaw City) shall be deemed to be the acting manager from the date of the appointment until he or she becomes a Village resident to the extent state law allows the Village to require the village manager to be a resident.

(ord. no. 105 adopt. Sept. 1, 1983; amend. adopt. Sept. 15, 2011)

12.007 - Compensation.

Sec. 7. The Village Manager shall receive such compensation as the Council shall determine annually by resolution.

(ord. no. 105 adopt. Sept. 1, 1983)

12.008 - Duties.

Sec. 8. The Village Manager shall be the chief administrative officer of the Village and shall be responsible to the Village President and Council for the efficient administration of all affairs of the Village and all departments except as that responsibility is explicitly delegated to another officer by the charter of the Village or by ordinance. Those officers not subordinate to the Village Manager, unless the Village Manager also holds that office, are the following: Clerk, Treasurer, Street Commissioner, Surveyor, Assessor and outside non-salaried professional employees such as engineer and attorney.

The Manager shall have the following functions and duties:

- A. Attend all meetings of the Village Council and take part therein but without a vote;
- B. Appoint or remove those employees under the jurisdiction of the Village Manager, except as otherwise provided for by law or ordinance;
- C. Be an ex-officio member of all committees of the Village Council and the Village Planning Commission without the right to vote;
- D. Prepare and administer the budget as provided for in the Uniform Budgeting and Accounting Act, Act No. 2, P.A. of 1968, as amended;
- E. Recommend to Council salaries or wages of officers or employees under the jurisdiction of the Manager;
- F. Be the purchasing agent of the Village;
- G. Assist the President and Council in directing the activities of the Chief of Police and Harbormaster;
- H. Make recommendations to the Council for the adoption of such measures as may be deemed necessary or expedient for the improvement or betterment of the Village and if also appointed as Street Commissioner, supervise and superintend all the public works departments of the Village, including streets, water, sewer, buildings and parks.

(ord. no. 105 adopt. Sept. 1, 1983)

12.009 - Purchasing responsibilities.

Sec. 9. The Village Manager shall act as purchasing agent for all Village departments under his authority. The Manager may delegate some or all of the duties as purchasing agent to another officer or employee provided that such delegates shall not relieve the Manager of the responsibility for the proper conduct of those duties.

The Village Manager shall have the authority to purchase any product or service the cost of which does not exceed \$500.00 provided that funds have been appropriated. The cost of the product or service shall not exceed the unencumbered balance of the appropriation for that account. Except as hereinafter provided, the Village Manager shall not purchase any product or service the cost of which exceeds the above dollar amount without prior approval of the Village Council. The Village Manager may promulgate rules governing the purchase of products or services.

The Village Manager shall have the authority to purchase any product or service regardless of its cost when such purchase is necessitated by an emergency condition. "Emergency condition" is defined to mean any event which presents an imminent threat to the public health or safety or any event which would result in the disruption of a Village service which is essential to the public health or safety.

(ord. no. 105 adopt. Sept. 1, 1983)

12.010 - Dealing with employees.

Sec. 10. Neither the Council nor the Village President shall attempt to influence the employment of any person by the Village Manager or in any way interfere in the management of departments under the jurisdiction of the Manager. Except for purposes of inquiry the President and Council and its members shall deal with departments under the jurisdiction of the Village Manager through the Manager.

(ord. no. 105 adopt. Sept. 1, 1983)

12.011 - Severability.

Sec. 11. If any portion of this ordinance or the application thereof, to any person or circumstance shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications, provided that such remaining portions or applications are not determined by said Court to be inoperable, and to this end, this ordinance is declared to be severable.

(ord. no. 105 adopt. Sept. 1, 1983)

12.012 - Effective Date.

Sec. 12. This ordinance shall become effective immediately upon adoption.

(amend. adopt. June 2, 2005)

David M. White
P.O. Box 280
106 Woodland Drive
East Jordan, MI 49727
231.499-5296

- SUMMARY** Public Administrator with extensive experience in economic development finance, marketing, and banking.
- EDUCATION** **Master of Public Administration**-Michigan State University
Major: Intergovernmental Relations and Public Personnel
Minor: Public Finance
- Bachelor of Science**-Central Michigan University
Major: Political Science
Minor: History
- CONTINUING EDUCATION** **Community Development Lending**-National American Banking Association School
Community Development Lending-KeyCorp
Regular participation in Michigan City Management Association seminars
Regular participation in Michigan Municipal League seminars
- EXPERIENCE** **LANDMARK DEVELOPMENT, LLC.**-Boyne City, Michigan
Principal/Owner (2010-Present)
Downtown Development, Historic Building Rehabilitation, Community Consulting for Economic Development, and Financial Structuring of Downtown Redevelopment Projects
- CITY OF EAST JORDAN**-East Jordan, Michigan
City Administrator (1996-2010)-Population 2,500,
7 Full-time departments
24 Full-time employees
57 Part-time and Seasonal employees
- Developed an 80-acre industrial park
- Managed "Main Street Center Project," a \$2 million downtown historic revitalization development. Project won three state awards and one national award.
- Responsible for budgeting, grant writing, zoning administration, airport management.
- Secured over \$2.5 million in grants for community.

KEYBANK-Ann Arbor, Michigan
Vice President of Community Development (1995-1996)
Vice President of Public Accounts

Provided consultation to various community organizations on funding sources. Participated in tax credit projects. Familiar with all phases of financing alternatives for community revitalization.

Coordinated depository, investment cash management, and lending for public clients throughout Michigan.

CITY OF SALINE-Saline, Michigan
City Administrator (1989-1994)-Population 7,200
Metro area 57, 321
15 City departments
48 employees

Chief Administrator and Director of Personnel: Duties included finance and purchasing, chief labor negotiator, new program development and community partnerships.

Created the Saline Economic Development Center which served as a one-stop business resource center.

Responsible for economic development and industrial park marketing and development.

Created a new recreation department and developed a 50,000 square foot multiuse recreation building.

CITY OF WASHINGTON-Washington Court House, Ohio
City Manager (1987-1989)-Population 11,350
5 City departments
90 employees

Duties included Chief Administrator and financial officer, Director of Personnel, purchasing and budgeting, chief labor negotiator, new program development, grant writing, community partnerships and economic development.

CITY OF SIOUX CITY-Sioux City, Iowa
Assistant to the City Manager (1984-1987)-Population 91,385
33 City departments
897 employees

Coordinated daily operations of all city departments with City Manager, negotiated economic development projects and responsibilities for numerous city projects including finance, personnel, economic development, and public works.

VILLAGE OF CAPAC-Capac, Michigan
Village Manager (1982-1984)-Population 1,500
4 Village departments
15 employees

Chief Administrative Officer, Director of Personnel and Purchasing, new program development, strategic partnerships and project management.

**ADDITIONAL
EXPERIENCE**

GRANTS ADMINISTRATOR (1982-1984)-Williamston, Michigan
Public Administration Intern
Responsible for coordinating grant administration for housing rehabilitation project and final grant closeout.

CITY OF PETOSKEY (1980)-Petoskey, Michigan
Administrative Intern
Responsible for developing guidelines for new purchasing policy for City of Petoskey

**MICHIGAN STATE UNIVERSITY PUBLIC
ADMINISTRATION (1979)**-East Lansing, Michigan
President, Graduate Students Association

STATE OF MICHIGAN (1987-1979)-East Lansing, Michigan
Legislative Aide
Worked with State Representative, James A. Barcia, 101st District, Michigan House, State Capitol, Lansing. Manager of Bay City district office and member of team which drafted legislation to be introduced.

AFFILIATIONS

Rotary International-Served in local and district offices
Past Member, Board of Directors for 911 Central Dispatch for Charlevoix, Emmet, and Cheboygan counties
Member, Michigan Historic Preservation Network

REFERENCES

Available upon request.

VILLAGE OF MACKINAW CITY, MICHIGAN
INTERIM MANAGER EMPLOYMENT AGREEMENT

Introduction

This Agreement, made and entered into this October 2, 2014, by and between the Village of Mackinaw City, 102 S. Huron Ave., Mackinaw City, MI 49701, a municipal corporation, (hereinafter called "Employer") and David M. White, (hereinafter called "Employee") an individual who has the education, training and experience in local government management, both of whom agree as follows:

Section 1: Term

The term of this Agreement shall be for a period of not less than 120 days and not more than 180 days, unless otherwise agreed upon by both parties. In addition, Employee to provide a minimum two-week period as a contracted services provider to assist the permanent manger with the transition of village manager functions and duties.

Section 2: Duties and Authority

Employer agrees to employ David M. White as Interim Village Manager to perform, in accordance with the Employer's generally accepted operating practices and policies, the functions and duties specified in the General Law Village Act and the Village of Mackinaw City Code of Ordinances. Also, to perform other legally permissible and proper duties and functions as assigned by the Village Council.

Section 3: Compensation

Base salary: Employer agrees to pay Employee an annual base salary of \$68,640, payable in installments bi-weekly at the same time that the other employees of the Employer are paid.

Except for the compensation referenced above, or as may otherwise be specified in this Agreement, the Employee shall be responsible for all costs or expenses incurred in the performance of his duties and responsibilities under this Agreement unless the payment of such cost or expense receives prior approval by the Village Council.

Section 4: Health, Disability, and Life Insurance Benefits

Throughout the term of this Agreement, no health, workers compensation, disability, or life insurance benefits will be provided to the Employee by the Village of Mackinaw City.

Section 5: Vacation, Sick, Military Leave, and Other

Throughout the term of this Agreement, no vacation, sick, military leave, or other paid benefits will be provided to the Employee by the Village of Mackinaw City. Unpaid personal leave may be approved by the Village Council at the Employee's request.

Section 6: Employer Provided Vehicle Fuel Allowance

The Employer will provide Employee with a monthly vehicle fuel allowance through the Employer's SuperFleet Account in the amount of \$300.

Section 7: Retirement

No retirement benefits will be provided to the Employee by the Village of Mackinaw City.

Section 8: Severance/Unemployment

No severance benefits will be provided to the Employee by the Village of Mackinaw City. The Employee acknowledges and agrees that he shall not be entitled to unemployment benefits after the termination of this Agreement.

Section 9: Resignation

In the event that the Employee voluntarily resigns his or her position with the Employer, the Employee shall provide a minimum of 30 days notice unless the parties agree otherwise.

This Agreement may be terminated by the Employer without cause upon two weeks written notice. Upon termination of this Agreement, neither party shall have any further obligations, except for: (i) obligations occurring prior to the date of termination, and (ii) obligations or promises made in this Agreement which are expressly made to extend beyond the term of this Agreement. Upon receiving the Employer's notice of termination the Employee shall immediately discontinue all services (unless the notice directs otherwise).

Section 10: Hours of Work

It is recognized that the Employee must devote time outside the normal office hours on business for the Employer, and to that end Employee shall be allowed to establish an appropriate work schedule, providing that four days are dedicated during normal office hours each week.

Section 11: Indemnification

Beyond that required under Federal, State or Local Law, except where caused by the negligence or wrongdoing of the Employee, the Employer shall defend, save harmless and indemnify Employee against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as Interim Village Manager or resulting from the exercise of judgment or discretion in connection with the performance of program duties or responsibilities, unless the act or omission involved willful or wanton conduct. The Employee may request and the Employer shall not unreasonably refuse to provide independent legal representation at Employer's expense and Employer may not unreasonably withhold approval. Legal representation, provided by Employer for Employee, shall extend until a final determination of the legal action including any appeals brought by either party.

Except where caused by the negligence or wrongdoing of the Employee, the Employer shall indemnify Employee against any and all losses, damages, judgments, interest, settlements, fines, court costs and other reasonable costs and expenses of legal proceedings including attorney's fees, and any other liabilities incurred by, imposed upon, or suffered by such Employee in connection with or resulting from any claim, action, suit or proceeding, actual or threatened, arising out of or in connection with the performance of his or her duties. Any settlement of any claim must be made with prior approval of the Employer in order for indemnification, as provided in the Section, to be available.

The Contract Employee recognizes that the Employer shall have the right to compromise and unless the Employee is a party to the suit which Employee shall have a veto authority over the settlement, settle any claim or suit; unless, said compromise or settlement is of a personal nature

to Employee. Further, Employer agrees to pay all reasonable litigation expenses of Employee throughout the pendency of any litigation to which the Contract Employee is a party, witness or advisor to the Employer. Such expense payments shall continue beyond Employee's service to the Employer as long as litigation is pending. Further, Employer agrees to pay Employee reasonable consulting fees and travel expenses when Employee serves as a witness, advisor or consultant to regarding pending litigation.

Section 12: Bonding

Employer shall bear the full cost of any fidelity or other bonds required of the Employee under law or ordinance.

Section 13: Work Product

All reports, work sheets, plans, tables, supportive data, documents, and other materials, whether produced or stored on paper, electronically or otherwise, which are produced by the Employee in the course of and for the purpose of performing services for the Employer according to this Agreement are the property of the Employer. Except to the extent disclosure is required by applicable law, the Employee shall not disclose work product to any third party without the prior approval of the Village Council. The requirements of this paragraph shall survive the expiration or termination of this Agreement.

Section 14: General Provisions

1. **Integration.** This Agreement sets forth and establishes the entire understanding between the Employer and the Employee relating to employment of the Employee. Any amendments shall be in writing and incorporated as part of this Agreement.
2. **Binding Effect.** This Agreement shall be binding on the Employer and the Employee as well as their heirs, assigns, executors, personal representatives and successors in interest.
3. **Assignment Prohibited.** The Employee may not assign this Agreement or its rights, privileges, duties, or obligations without the Employer's prior written approval.
4. **Severability.** The invalidity or partial invalidity of any portion of this Agreement will not affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid, the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement of judicial modification of the invalid provisions.

This agreement is effective _____, 2014.

Signed this 26th day of September, 2014.



David M. White

Jeff Hingston, Village President

Lana Jaggi, Village Clerk

CLARK HILL

Kenneth P. Lane
T 616.608.1134
F 616.608.1180
Email: klane@clarkhill.com

Clark Hill PLC
200 Ottawa Avenue NW
Suite 500
Grand Rapids, MI 49503
T 616.608.1100
F 616.608.1199
clarkhill.com

August 20, 2014

Mr. Adam R. Smith
Village Manager
Village of Mackinaw City
102 South Huron Avenue
Mackinaw City, MI 49701

Re: On-Site Legal Services Proposal

Dear Mr. Smith:

On behalf of Clark Hill PLC, thank you for the opportunity to provide a proposal for on-site legal services to the Village of Mackinaw City.

As one of Michigan's largest and oldest law firms, Clark Hill has earned a reputation as having a team of highly talented municipal industry professionals with an impressive record of accomplishment. For decades, our attorneys have been representing municipalities across the State of Michigan.

It is a privilege for me to be able to provide the attached proposal and I am looking forward to the opportunity to begin a new partnership and put our experience and expertise to work for you. I welcome any questions you may have after reviewing our proposal.

Sincerely,

CLARK HILL PLC



Kenneth P. Lane



**VILLAGE OF MACKINAW CITY
PROPOSAL FOR ON-SITE
LEGAL SERVICES**

SUBMITTED BY:

**Kenneth P. Lane
Clark Hill PLC**

**200 Ottawa Street, N.W., Suite 500
Grand Rapids, Michigan 49503**

**212 East Grand River Avenue
Lansing, Michigan 48906**

**(616) 608-1134
(616) 608-1180 (fax)
klane@clarkhill.com**

August 20, 2014

Introduction

In responding to your request for on-site legal services, we wish to initially express how very much we have enjoyed our professional relationship with the Village of Mackinaw City to date, and look forward to continuing and expanding that relationship into the future. Toward that end, we have given this proposal careful thought, particularly in light of the ongoing need for all public entities to develop creative solutions to control costs. As a result, we would like to propose that Clark Hill provide on-site legal services to the Village on a fixed-fee basis, as outlined below.

Proposal for On-Site Legal Services

We propose a monthly retainer not to exceed \$3,840.00 to include:

- One day per week, eight hours per day, of on-site legal services to be provided by Ken Lane, preferably to occur on Fridays each week (while it would be our intention to designate Friday as Ken's "on-site day," we understand that there may be times when the Village or our Firm will need to be flexible to accommodate unavoidable schedule conflicts). The scope of legal services provided will include general municipal, planning and zoning matters, agreement and legal document review and drafting, Village ordinance amendment and/or enforcement issues, Open Meetings Act and FOIA compliance.
- Attendance by Ken Lane, as necessary, at Thursday night Village Council, Planning Commission and Zoning Board meetings.
- Associated travel time and mileage.

Services that can be provided by Ken, or other attorneys at Clark Hill, but are excluded from the monthly retainer amount identified above, would be municipal finance, labor, litigation, bankruptcy or collection matters. All services and hours not included within the monthly retainer would be billed at our standard hourly rates.

With these parameters, the monthly retainer fee would be billed on a monthly basis. We would record hours in the same manner that we record billable hours, in increments of 0.1. Therefore, if the need for on-site legal services in a given month is less than one day per week (off-season), the monthly invoice would be modified accordingly. Services excluded from the retainer will be recorded and billed in the same manner.

Our proposal assumes a reasonable range of hours and services based upon the Village's need for on-site legal services. However, as part of this proposal, we ask that our services and retainer be jointly reviewed on a periodic basis, approximately every six months. In the event that the retainer significantly exceeds the hours provided, or the hours provided significantly exceed the retainer, appropriate adjustments should be made either in fee or utilization.

Conclusion

Thank you for the opportunity to present this proposal for your review and consideration. If the terms outlined above are acceptable, Ken is available to attend the August 28, 2014, Planning Commission meeting and begin providing on-site legal services on August 29, 2014. We look forward to your response and discussing our proposal further with you in the near future. Again, thank you.