



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 ZONING BOARD OF APPEALS SEPTEMBER 18, 2014 – 7:00 P.M. VILLAGE HALL

- I. CALL TO ORDER/TAKING OF ROLL/PLEDGE OF ALLEGIANCE
- II. PUBLIC COMMENTS
- III. PUBLIC HEARING AND SUBSEQUENT ACTION
 - A. Rezoning of Parcel #014-020-100-004-00 from MR to B1 Appeal
Richard Barth/TMR Investments – 10888 West US 23 [Action Item]
- IV. ADJOURNMENT

COUNCIL AGENDA SEPTEMBER 18, 2014 - 7:00 P.M.

- I. CALL TO ORDER/TAKING OF ROLL
- II. PRESENTATIONS AND RECOGNITIONS
- III. APPROVAL OF AGENDA
- IV. COUNCIL MINUTES
 - A. Approval of the regular minutes for September 4, 2014 and special meeting minutes of September 11, 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. Schedule Headlee Override Public Informational Meeting [Action Item]
 - B. Headlee Override Informational Document [Action Item]
 - C. Michigan Municipal League Annual Meeting Delegate(s) [Action Item]
- VIII. ACCOUNTS PAYABLE
 - A. Accounts Payable for September 18, 2014 [Action Item]
- IX. COMMITTEE/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 12, 2014
Re: Manager Report & Recommendations for September 18, 2014 Council Meeting



Public Hearing and Subsequent Zoning Board of Appeals Action
Rezoning of Parcel #014-020-100-004-00 from RM to B1 Appeal
Richard Barth/TMR Investments – 10888 West US 23

[Action Item]

Application of Appeal has been made by Richard Barth DBA TMR Investments appealing the decision of denial of the Village of Mackinaw City Planning Commission on June 12, 2014 and the Village Council on June 19, 2014 for a rezoning from RM to B1 for parcel #014-020-100-004-00. The subject property is located at 10888 US 23, Mackinaw City, MI 49701.

Attorney Lane and I would recommend a motion to “reverse and remand” your 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 findings of fact that are based on adopted zoning ordinance provisions and/or applicable state law in support of their recommendation.

Alternative action would be to reaffirm the prior decision of denial of the Planning Commission and Council. *Please refer to attached Planning Commission minutes of June 12, 2014, Council minutes of June 19, 2014, notice of ZBA public hearing and request regarding such, background documentation as previously provided to the Council on June 19, 2014.*

VII. A. Schedule Headlee Override Public Informational Meeting

[Action Item]

Item reserved to schedule public informational meeting regarding Headlee Override ballot item appearing on the November 4, 2014 General Election. Monday, October 20, 2014, 7:00 P.M. has been reserved for use of the multipurpose room at Mackinaw City Public Schools, 609 West Central Avenue.

VII. B. Headlee Override Information Document

[Action Item]

Item reserved for the approval, release and distribution of the draft Headlee Override Information Document. *Please refer to the draft Headlee Override Information Document.*

VII. C. Michigan Municipal League Annual Meeting Delegate(s)

[Action Item]

Pursuant to the provisions of the Michigan Municipal League Bylaws, the Village of Mackinaw City is requested to designate by action of our governing body one of our officials who will be in attendance at the 2014 Convention as our official representative to cast the vote of the municipality at the Annual Meeting, and if possible, to designate one other official to serve as an alternate. *Please refer to the MML correspondence dated August 6, 2012 regarding such.*



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 ZONING BOARD OF APPEALS

NOTICE OF PUBLIC HEARING APPEAL OF VILLAGE COUNCIL DECISION

PLEASE TAKE NOTICE that an Application of Appeal has been made by **Richard Barth DBA TMR Investments** appealing the decision of denial of the Village of Mackinaw City Planning Commission on June 12, 2014 and the Village Council on June 19, 2014 for a **Change in Zoning**, Section 24.101 Changes and Amendments in accordance with Section 24-105 of the Village Zoning Ordinance #138. The applicant is requesting a change in zoning from RM to B1 for Parcel #014-020-100-004-00.

The subject property is located at **10888 US 23, Mackinaw City, MI 49701.**

A public hearing will be held by the **Zoning Board of Appeals** on **September 18, 2014** at **7:00 P.M.**, within the **VILLAGE COUNCIL CHAMBERS** located at 102 S. Huron Avenue, Mackinaw City, MI 49701, to receive public comments.

Written comments will be received at the Village Hall or by mail at the Village of Mackinaw City, Post Office Box 580, 102 S. Huron Avenue, Mackinaw City, MI 49701.

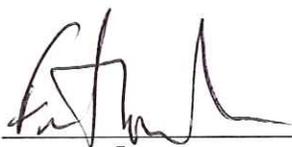
Additional information regarding this application may be obtained at the Village Hall at the above address.

Please be prepared to present your case in detail and with all evidence at these hearings.

Respectfully,
Lana Jaggi
Village Clerk



The above owners of real property within 300 feet of 014-020-100-004-00, which is the subject property applying for an Application of Appeal, 2014-AA-001, to appeal the decision of denial from the Village Planning Commission and Village Council to rezone this parcel from RM to B1. The subject property is located at 10888 US 23, Mackinaw City, MI 49701. Hearing to be held on September 18, 2014. The applicant is Richard Barth DBA TMR Investments

Signed: 

Fred Thompson, Jr.
Interim CDD

Date: 8-19-2014

Michigan DNR
PO Box 30722
Lansing, MI 48909

Mr. & Mrs. Cameron McMurry
153 W. Wilderness Park Dr.
Carp Lake, MI 49718

Mr. Thomas Pfeiffelmann
W61 Mackinac Heights Dr.
Saint Ignace, MI 49781

Mrs. Jolene Rogala
9730 US-23 Hwy.
Mackinaw City, MI 49701

TMR Investment LLC
5889 Vintage Garden Court
Las Vegas, NV 89148

Mackinaw Area Visitors Bureau
10800 W US-23 Hwy
Mackinaw City, MI 49701

Mr. & Mrs. Spencer Austin
PO Box 748
Mackinaw City, MI 49701

Mr. & Mrs. George Robarge
240 Zuni River Circle SW
Los Lunas, NM 87031

Mr. & Mrs. Scott Sauer
3316 Olympia Ave.
Stevens Point, WI 54481

Mr. & Mrs. Arthur Hill Jr.
186 W Quincy
Riverside, IL 60546

Mr. & Mrs. Bob Turner
5209 Berwyck
Troy, MI 48085

Ms. Constance Belanger
20530 Northern Lights Lane
Mackinaw City, MI 49701

David Singer
David Lichenstein
4703 Charest Drive
Waterford, MI 48327

Munro Shores LLC
4 North Fairway
North Salt Lake, UT 84054

A. Michael Deller
19229 Levan Court
Livonia, MI 48152

Mr. Jack Horniman
8557 SE Coconut St.
Hobe Sound, FL 33455

Shores at Mackinaw
Condominium Association
PO Box 538
Mackinaw City, MI 49701

Brian Jaeschke
PO Box 247
20538 Northern Lights Lane
Mackinaw City, MI 49701

VILLAGE OF MACKINAW CITY
 102 S. Huron Avenue, PO Box 580, Mackinaw City, MI 49701
 231-436-5351

APPLICATION OF APPEAL

Date: 7-27-14
 Name: RICHARD BARTH DBA TMR INVESTMENTS
 Address: 5889 VINTAGE GARDEN COURT
LAS VEGAS, NV 89148
 Phone Number: _____ Cell # (810) 623-0466
 Property Location: 10888 VS 23 MACKINAW CITY, MI
49701
Parcel # 014-020-100-004-00

Exact Appeal of Zoning Administrators Decision; I WISH TO REZONE

SO I CAN RENT BUILDING AS AN OFFICE. B-1

1. THE SURROUNDING PARCELS ARE ALL B-1 BOTH CHEYBOWAN COUNTY & THE VILLAGE. B1 IS SIMILAR.
2. THIS PROPERTY SINCE ITS INCEPTION HAS BEEN USED OR RENTED AS A BUSINESS. THE LAST TENANT WAS CAROL BLASKOWSKI, WHO RENTED THE UNITS BELONGING TO SHORES OF MACKINAW. I ONLY WANT TO CONTINUE TO RENT THIS AS OFFICE SPACE & IF
 Signature: _____
 The fee for Appeals is \$200.00 plus any professional service fees and must be remitted with this application.

THERE IS A CONDITIONAL PERMIT FOR JUST OFFICE THAT IS FINE WITH ME.

THERE IS NO KITCHEN OR BATH FACILITIES ON SITE SO I CAN'T RENT IT AS A RESIDENCE BUT IF RESIDENTS AT THE SHORES OPPOSE ME THAT IS WHAT I WILL DO. RICHARD BARTH

July 27, 2014
Village of MACKINAW City
P.O. Box 580
MACKINAW CITY, MI 49701

(1)

Dear FRED Thompson

ATTACHED is my check for \$200
for the appeal and the completed
paperwork you sent me. Thank you.

IN THE EVENT I AM UNSUCCESSFUL IN
my appeal I have retained an
attorney who will file in court my
position.

RECEIVED
8-4-14

FRED, there is no reason not to rezone.
IT conforms to EXISTING neighboring properties
AND HAS ALWAYS BEEN AN OFFICE, NEVER a
residence. IF The Shores people ARE CONCERNED
I would accept conditional zoning for office only
OR would they prefer a family living there
with all the problems a TENANT might provide.

THANKS & I KNOW you will do what you CAN.
Perhaps A CALL to the CITY ATTORNEY MIGHT HELP

(2)

This Building was NOT PART of the PUD & has Always had its own LEGAL & TAX DESCRIPTION. The building was there before the Shores of MACLINAW WAS BUILT. WE PAID TO Be PART of the 425 for water & SEWER. AT NO TIME WAS This property ever included AS PART of the Shores Legal description SO ITS NOT LIKE WE ARE ASKING TO SPLIT A parcel.

IF it WAS PART of the Shores PUD why have I been paying AN Assessment for water & sewer ALL these years?

Thank you.
Lue Parke

Please present this letter AS PART of my Appeal

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

July 16, 2014

Richard Barth
TMR Investments
5889 Vintage Garden Court
Las Vegas, NV 89148

Dear Mr. Barth:

Re: Rezoning 10888 US 23

I have enclosed the necessary information you will need to file an Application of Appeal for zoning application 2014-ZP-004, which was denied by the Mackinaw City Planning Commission and the Village Council.

Please submit the \$200.00 fee with the application. Thank you

Please feel free to contact me with any questions or concerns.

Sincerely,

Fred Thompson
(JTB)

Fred Thompson
Interim CDD



**MINUTES REGULAR COUNCIL MEETING
MACKINAW CITY**

7:00 P.M.

June 19, 2014

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

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, Zoning Interim Fred Thompson, Jr., and Clerk Lana Jaggi.

Visitors – List Attached.

Pledge of Allegiance

II. PRESENTATIONS AND RECOGNITIONS

III. APPROVAL OF AGENDA

Motion Glenn seconded Planisek to approve the agenda as presented. Voice vote – motion carried unanimously.

Manager Smith noted Humbard P.U.D. applicant submitted letter of communication regarding reconsideration of vote that council took at regular meeting June 05, 2014 regarding the development.

IV. COUNCIL MINUTES

A. Motion Mollen seconded Glenn to approve the special meeting minutes of June 05, 2014 as presented. Voice vote-motion carried unanimously.

B. Motion Planisek seconded Perlick to approve the regular meeting minutes of June 05, 2014 as presented. Voice vote-motion carried unanimously.

C. Motion Perlick seconded Mollen to approve the closed session meeting minutes of June 05, 2014 as presented. Voice vote-motion carried unanimously.

V. PUBLIC COMMENTS Agenda or Non Agenda

Joanne Leal-Village Resident

Matthew Vermetten-Attorney, Humbard P.U.D,-went on record to state on behalf of his clients he submitted a letter for reconsideration of council vote of June 05, 2014.

Pres. Hingston polled council asking if there was any further interest of adding the reconsideration of vote from the June 05, 2014 Humbard P.U. D to the agenda. No one spoke.

VI. PUBLIC HEARING AND SUBSEQUENT ACTION

VII. BUSINESS REPORTS AND RECOMMENDATIONS

A. Motion Yoder seconded Mollen to reschedule the regular July 03, 2014 council meeting to July 01, 2014. Voice vote-motion carried unanimously.

**MINUTES REGULAR COUNCIL MEETING
MACKINAW CITY**

7:00 P.M.

June 19, 2014

Page 2

B. Motion Mollen seconded Michalak to approve the Resolution for Designation of Street Administrator, Mike Karll-DPW Superintendent. Voice vote-motion carried unanimously.

C. Motion Planisek seconded Yoder to approve Resolution commemorating the USCGC Mackinaw Crew Reunion. Roll call: Ayes-Yoder, Mollen, Hingston, Planisek, Perlick, Michalak, Glenn. Motion carried.

D. Motion Planisek seconded Perlick to approve Village of Mackinaw City Proclamation for Arbor Day as presented. Voice vote-motion carried unanimously.

E. 2014-2015 Budget Amendment, First Quarter March 1-May 31, 2014

Finance Sub Committee report submitted by Trustee Planisek

Motion Planisek seconded Glenn to approve the 2014-2015 Budget Amendments as submitted. Voice vote-motion carried unanimously.

F. Committee of the Whole will meet Monday, June 23, 2014 at 5:00 PM, Agenda-Special Event Fees and Municipal Finance

G. Motion Planisek seconded Perlick to deny the rezoning of the Parcel # 014-020-100-004-00 from MR to B1 for the reasons given by Planning Commission.

Voice vote-motion carried unanimously.

VIII. Accounts Payable

Motion Planisek seconded Glenn to pay accounts payable for June 19, 2014 in the amount of \$52, 710.70. Voice vote-motion carried unanimously.

IX. Committee/Department Reports

A. Marina Sub Committee Report-Trustee Yoder, submitted/placed on file.

XI. Adjournment at 7:45 PM

Respectfully submitted;

Jeff Hingston; President

Lana Jaggi; Clerk

UNAPPROVED
MACKINAW CITY PLANNING COMMISSION MINUTES
COUNCIL CHAMBERS-VILLAGE HALL

102 S. Huron Ave.
Mackinaw City, MI 49701

PUBLIC HEARING
JUNE 12, 2014

1. Call to order:

Chairperson Mann called the meeting to order at 7:00 p.m.

2. Roll Call:

All commissioners were present

Staff:

Fred Thompson Jr.

Guests:

See attached

3. Request to rezone parcel # 014-020-100-004-00, located at 10888 W. US 23, from RM to B1.

4. Public Comment:

Guests present voiced concerns regarding the proposed lot split.

5. Adjournment:

Commissioner Mann adjourned the public hearing at 7:20 p.m.

M.J. Cooley, Secretary



Rosada Mann, Chairperson

UNAPPROVED
MACKINAW CITY PLANNING COMISSION MINUTES
COUNCIL CHAMBERS-VILLAGE HALL
102 S. Huron Ave.
Mackinaw City, MI 49701
AGENDA-SPECIAL MEETING
JUNE 12, 2014

1. Call to order:

Chairperson Mann called the meeting to order at 7:23 p.m.

2. Roll Call:

All commissioners were present

Staff:

Fred Thompson Jr.

Guests:

See attached

3. Pledge of Allegiance

4. Approval of minutes for regular meeting held on April 24, 2014:

A motion was made to approve amended minutes by Heilman, seconded by Gustafson, all were in favor, motion carried.

5. Public Comment:

6. New Business:

I. Request to rezone parcel #014-020-100-004-00, located at 10888 W. US 23, from RM to B1. Commissioner Heilman made a recommendation for a motion to deny a rezoning change at the proposed location, seconded by Gustafson, all were in favor, motion carried to deny the lot split.

II. General review of PUD

7. Old Business

8. Commissioners Comments

9. Commissioner Calendar

10. Adjournment: A motion was made by Clark to adjourn the meeting, seconded by Dye, all were in favor, meeting was adjourned at 8:30 p.m.

M.J. Cooley, Secretary

A handwritten signature in cursive script, appearing to read "Rosada Mann".

Rosada Mann , Chairperson

RICHARD BARTH
TMR INVESTMENTS
5889 Vintage Garden Court
Las Vegas, NV 89148

(810) 623-0466

April 10, 2014

RECEIVED
4-14-2014

Fred Thompson
Village of Mackinnaw
102 S. Huron
Machinaw City, Mi 49701

Re: Rezoning 10880 US 23

Dear Mr. Thompson

I wish to change the zoning on my property to commercial. Please find enclosed my check for \$300.00 per your conversation with my agent, Gil Chamberlain.

There has been some confusion in the past concerning the correct address of the property but I think 10880 is correct. Please check against your records.

Any questions please feel free to contact me.

Awaiting your reply, I remain

Very truly yours,



Rick Barth
Owner



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
102 SOUTH HURON AVENUE
MACKINAW CITY, MI 49701
Phone: 231-436-5351**

NOTICE OF PUBLIC HEARING ON REZONING OF PROPERTY

The Village of Mackinaw City Planning Commission is holding a Public Hearing to receive written and verbal comments on language to amend Mackinaw City's Zoning Ordinance as follows:

Amendment to Ordinance 138, REZONING of parcel #014-020-100-004-00. This property is located at 10880 West US-23. The property is currently zoned RM and the request is for it to be rezoned B-1.

The Mackinaw City Planning Commission will hold a public hearing for such amendments at a special meeting to be held **June 12, 2014** at 7 PM, within the Mackinaw City Municipal Building located at 102 S. Huron Avenue, Mackinaw City, MI 49701.

A detailed copy of the RM and B-1 zoning district is available for inspection at the above address and on the Internet at <http://www.mackinawcity.org>.

Rosada Mann
Planning Commission Chairperson



Michigan DNR
PO Box 30722
Lansing, MI 48909

Mr. & Mrs. Cameron McMurry
153 W. Wilderness Park Dr.
Carp Lake, MI 49718

Mr. Thomas Pfeiffelmann
W61 Mackinac Heights Dr.
Saint Ignace, MI 49781

Mrs. Jolene Rogala
9730 US-23 Hwy.
Mackinaw City, MI 49701

TMR Investment LLC
5889 Vintage Garden Court
Las Vegas, NV 89148

Mackinaw Area Visitors Bureau
10800 W US-23 Hwy
Mackinaw City, MI 49701

Mr. & Mrs. Spencer Austin
PO Box 748
Mackinaw City, MI 49701

Mr. & Mrs. George Robarge
240 Zuni River Circle SW
Los Lunas, NM 87031

Mr. & Mrs. Scott Sauer
3316 Olympia Ave.
Stevens Point, WI 54481

Mr. & Mrs. Arthur Hill Jr.
186 W Quincy
Riverside, IL 60546

Mr. & Mrs. Bob Turner
5209 Berwyck
Troy, MI 48085

Ms. Constance Belanger
20530 Northern Lights Lane
Mackinaw City, MI 49701

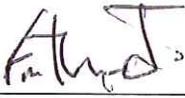
David Singer
David Lichenstein
4703 Charest Drive
Waterford, MI 48327

Munro Shores LLC
4 North Fairway
North Salt Lake, UT 84054

A. Michael Deller
19229 Levan Court
Livonia, MI 48152

Mr. Jack Horniman
8557 SE Coconut St.
Hobe Sound, FL 33455

The above owners of real property within 300 feet of 014-020-100-004-00, which is the subject property applying for an amendment to the Zoning Ordinance to have property currently zoned RM to be rezoned to B-1. The applicant is Richard Barth, TMR Investments.

Signed: 
Fred Thompson, Jr.
Community Development Director

Date: 5-22-2014

Address: 10888 W US-23 , Mackinaw C... , MI ; 49701



MLS#: 282090
List Price: \$ 75,000
Type: Commercial/Industrial
Bus/Inv Vacant building
Descrip:
Prop Commercial
Type:
Township: Mackinaw
County: Cheboygan
Lot Size: 167X150
In City Yes
Limits:



Provided as a courtesy of
KAREN GILLION
PETRIMOULX
 Coldwell Banker Fairbairn Realty
 Associate Broker
 7569 US 31 South PO Box 560
 Alanson, MI 49706
 Office - (231) 548-9336 ext. 14
 Toll Free - (800) 249-9923 ext. 14
 Cellular - (231) 420-4441
karenp1realtor@gmail.com
<http://www.fairbairnrealty.com>

Lake/River Other

Lot Size:	167X150	Office SqFt:	640	Retail SqFt:	640
SqFt Total:	640	SqFt Source:	Other	Tax ID	014-0120-100-004-00
Ownership Status	Owner	Approved by MLS:	Yes	Subdivision or T/R:	T39N R3W
School District:	Mackinaw City	Internet Access	Wireless Broadband		

Public Remarks: REDUCED PRICE WITH BUYERS ASSISTANCE. TO BE UPDATED AND PAINTED. GREAT EXPOSURE ON BUSY HIGHWAY CLOSE TO MACKINAW CITY. CIRCLE DRIVEWAY FOR EASY ACCESS AND TRAFFIC FLOW. Nicely decorated with Grand Hotel scene. Reception area,office,rest room,closet, utility room and small storage room outside.

Supplement

Directions: About 2 miles southeast of Mackinaw City on north side of US 23

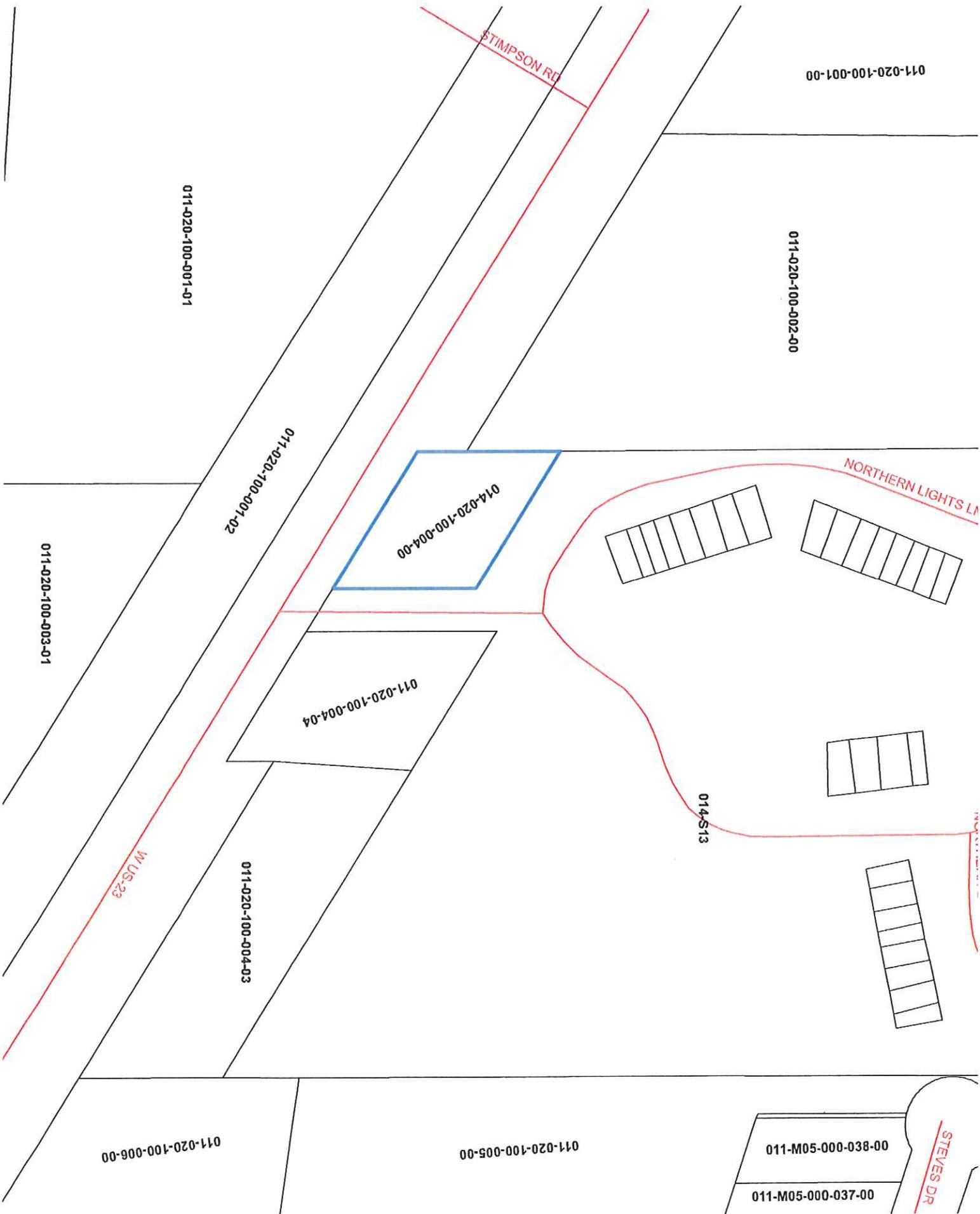
Showing Instructions: Appointment Only Call Listing Agent

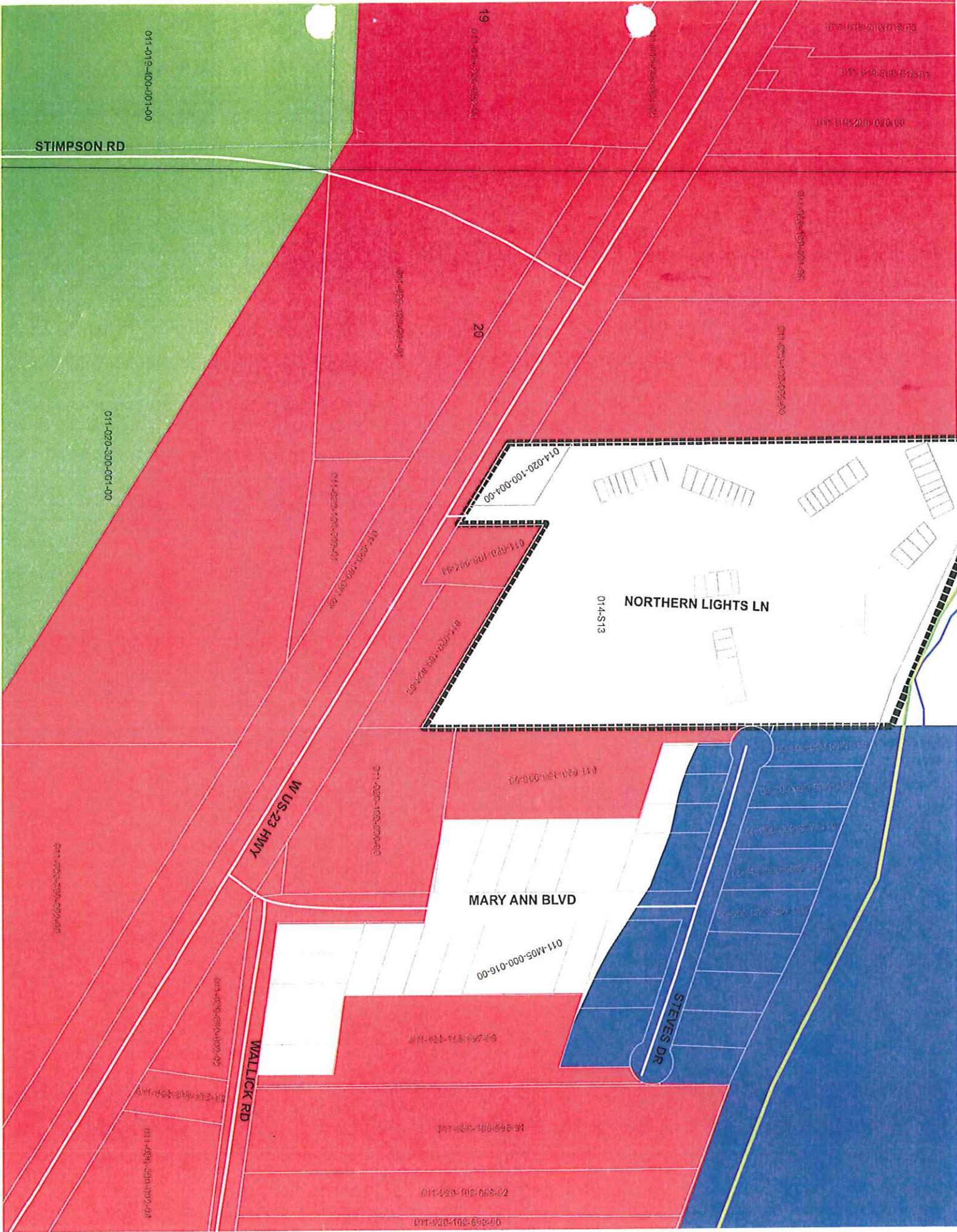
Electric: On Site	Business Information: Lease Information: \$350/mo; Real Estate Only
Gas: On Site	Construction: Concrete Block; Frame
Water: Municipal	Occupant: Tenant
Sewer: Municipal	Taxes and Possession: Possession: TBD
Heat/Air : Natural Gas	Documents/Disclosure: S/r is Lic Agnt/Brkr: No
Basement: Slab	Terms: Cash; Cash to New Mortgage
Extras: High Visibility; Highway Access; Landscaped; Restroom (s)	Drive: Blacktop
Road: Blacktop	Parking: Paved; Parking Lot
	Sign: Yes

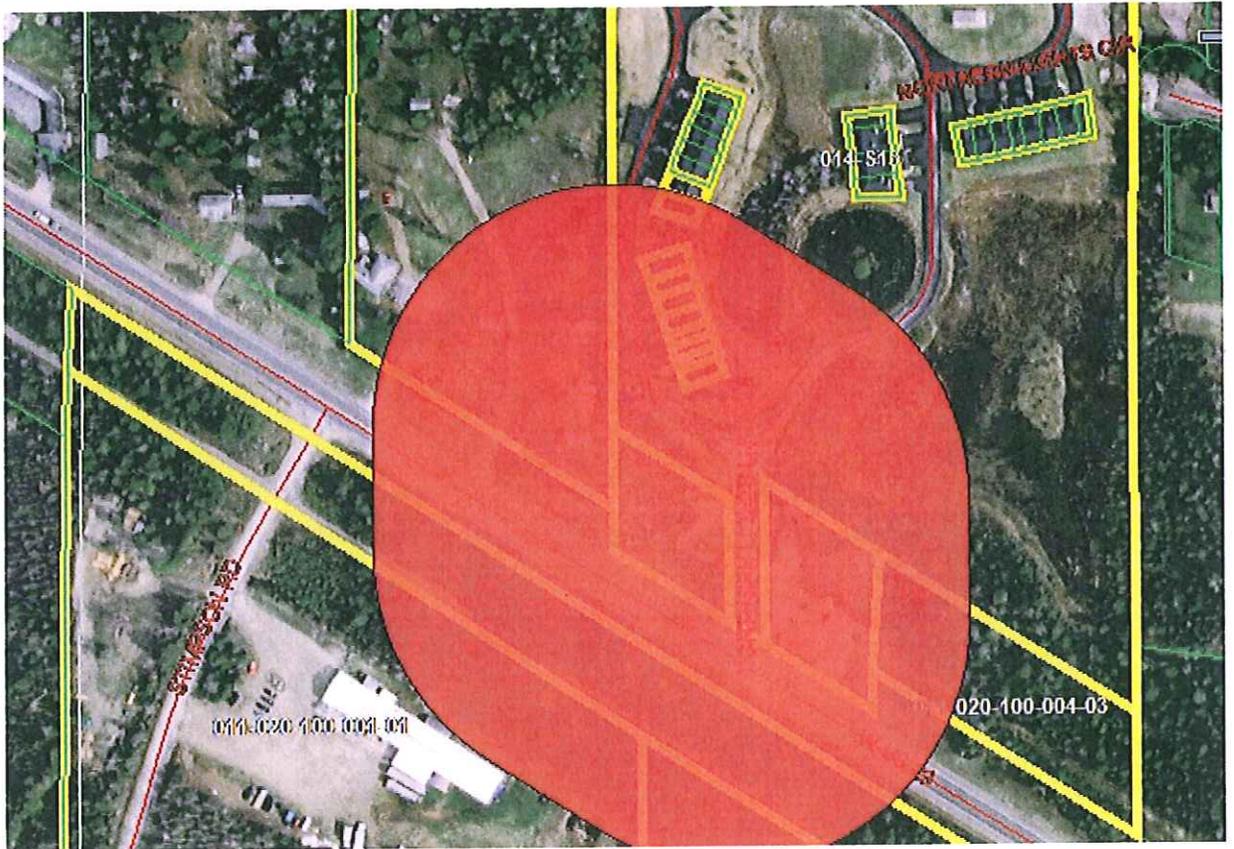


MLS#: 282090

Information is deemed to be reliable, but is not guaranteed. © 2014 MLS and FBS. Prepared by KAREN GILLION PETRIMOULX on Monday, January 20, 2014 9:25 AM. The information on this sheet has been made available by the MLS and may not be the listing of the provider.









Fred Thompson

From: Steve Schnell [steve@cheboygancounty.net]
Sent: Tuesday, February 18, 2014 3:08 PM
To: Fred Thompson
Subject: zoning map around the shores
Attachments: Shores_zoning.pdf

Fred,

This is the zoning around the parcel. The red is Commercial, blue is Lake & Stream, green is Ag/Forest, yellow is Residential.

Let me know if you have any questions.
Steve

Steve Schnell, AICP

Community Development Director

Cheboygan County

870 S. Main St., PO BOX 70

Cheboygan, MI 49721

steve@cheboygancounty.net

www.cheboygancounty.net/planning

Phone: 231-627-8485

Fax: 231-627-3646

Cell: 231-445-2599

ARTICLE IX. RM - MULTIPLE FAMILY DISTRICT

Sec. 9-101 PRINCIPLE PERMITTED USES.

In the RM District, no use shall be permitted unless otherwise provided in this Ordinance, except for the following:

- A. Multiple Dwelling Class 1
- B. Apartments.
- C. Townhouses.
- D. Churches.
- E. Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.
- F. Off-street parking and landing requirements in accordance with Section 4-109.

Sec. 9-102 PERMITTED USES SUBJECT TO SPECIAL USE PERMIT.

- A. Nursery Schools subject to Section 23-107.
- B. Public utility buildings.
- C. Private clubs and lodges subject to Section 23-121.
- D. Convalescent and nursing homes subject to Section 23-122.
- E. Housing for the elderly in accordance with Section 23-111.

Sec. 9-103 SITE PLAN APPROVAL.

For permitted use and use subject to a special use permit, a site plan shall be submitted in accordance with Section 4-117.

Sec. 9-104 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

- A. Lot Dimensions
 - 1. Minimum Lot width: 200 ft.
 - 2. Minimum Lot Area: - (See Sec. 22-102C)
 - 3. Maximum Lot Coverage: 40%
- B. Maximum Building Height
 - 1. Stories: 3.5
 - 2. Height: 35 ft.
- C. Yard Setbacks
 - 1. Front: 40 ft. (See Sec. 22-102A)
 - 2. Sides: 20 ft.
 - a. Total of 2: 40 ft.
 - 3. Rear: 20 ft.
 - 4. Distance between buildings 30 ft. all sides
 - 5. Parking lots: (bldgs >3 families) 25 ft. all sides

D. Minimum Building Dimensions

1. Dwelling Unit Floor Area: 800 sq. ft.

E. Accessory Buildings, Detached Garages

1. Maximum height: 21 ft.
2. Side Yard setback: 25 ft.
3. Side setback: (bldgs >3 families) 25 ft.
4. Rear Yard setback: 25 ft.
5. Side setback: (bldgs >3 families) 25 ft.
6. Front Yard setback: Must be no closer to front property line than an allowable or existing primary structure, whichever is the greater distance.
7. Maximum floor area: 864 ft.
8. Minimum distance from main bldg.: 20 ft.

ARTICLE XI. B1 - BUSINESS DISTRICT

Sec. 11-101 PRINCIPAL PERMITTED USES.

In the B1 District, no uses shall be permitted unless otherwise provided in this Ordinance except the following:

- A. Grocery store, including beer, wine and liquor, fruit, vegetable, meat, dairy products, and baked goods.
- B. Confectioneries, delicatessens, restaurants and taverns.
- C. Museums.
- D. Financial institutions.
- E. Laundromat & dry cleaning.
- F. Offices for plumbing, roofing, heating contractors, decorators, upholsterers, and similar establishments.
- G. Funeral parlors and mortuaries.
- H. Shoe repair shop.
- I. Watch, television, and radio repair shops.
- J. Barber and beauty shop.
- K. Professional office, except medical or dental clinics.
- L. Retail shops.
- M. Theaters, assembly halls, concert halls and similar places of assembly.
- N. Public utilities.
- O. Single and two-family dwellings.
- P. Mixed uses i.e., commercial and residential uses combined in one (1) building.
- Q. New and used car sales including outdoor displays of vehicles.
- R. Accessory buildings and uses customarily incidental to the above Permitted Principal Uses.
- S. Off-street parking in accordance with the requirements of Section 4-109.
- T. Car Wash.
- U. Health Spa.

Sec. 11-102 PERMITTED USES SUBJECT TO SPECIAL USE PERMIT.

- A. Hotels, motels, and motor court in accordance with Section 23-105.
- B. Medical or Dental Clinics in accordance with Section 23-114.
- C. Office Developments in accordance with Section 23-115.
- D. Hospitals in accordance with Section 23-124.
- E. Bowling Alleys, skating rinks and indoor recreation facilities subject to 23-108.
- F. Gasoline filling stations as defined in Section 2-102 subject to Section 23-125.
- G. Employee/Boarding Housing in accordance with Section 23-130.
- H. Assisted Living Facility in accordance with Section 23-133. (Amended 9/04)
- I. Temporary and Seasonal Unpaved Boat Line Parking. (Amended 4/10)
- J. All open air businesses in accordance with Section 23-109. (Amended 6/16/11)

Sec. 11-103 SITE PLAN APPROVAL.

For permitted uses and uses subject to a special use permit, a site plan shall be submitted in accordance with Section 4-117.

Sec. 11-104 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

A. Lot Dimensions

1. Minimum Lot width: 50 ft.
2. Minimum Lot Area: 6,500 sq. ft.
3. Max. Lot Coverage: -

B. Maximum Building Height

1. Stories: 4
2. Height: 45 feet (maximum 30 feet for all structures between I-75 and Nicolet Street, which are also north of the I-75 exit #338 to protect viewshed from highway towards the downtown and the water)
(Amended 9/05)

C. Yard Setbacks

1. Front: 10 ft. (See Sec. 22-102E)
2. Sides: 10 ft. (See Sec. 22-102G)
 - a. Total of 2: 20 ft.
3. Rear: 10 ft. (See Sec. 22-102F)

D. Minimum Building Dimensions

1. 1st Floor Area (single family): 800 sq. ft.
2. 1st Floor Area (two family): 1,200 sq. ft.
3. Principle Use 1st Floor Area: 500 sq. ft. (Amended 6/03)

E. Accessory Buildings, Detached Garages

1. Maximum height: 30 ft.
2. Side Yard setback: 10 ft. (See Sec. 22-102G)
3. Rear Yard setback: 10 ft. (See Sec. 22-102F)
4. Front Yard setback: Must be no closer to front property line than an allowable or existing primary structure, whichever is the greater distance.
5. Maximum floor area: 864 sq. ft.
6. Minimum distance from main bldg.: 6 ft.

ARTICLE XXIV. ADMINISTRATION AND OPERATION

Sec. 24-101 CHANGES, AMENDMENTS.

The Village Council is authorized and empowered to cause this Ordinance, or any portion thereof, to be amended, supplemented or changed in either the district boundaries as illustrated on the zoning map or the regulations herein established, pursuant to the authority of and according to the procedures set forth in the Zoning Act, as amended.

A. The procedure for amending this Ordinance shall be as follows:

1. Each petition shall be submitted to the Village accompanied by a rezoning fee, as listed on the Permit and Application Fee Schedule held by the Village Clerk and Zoning Administrator, and then referred to the Planning Commission at the next regularly scheduled meeting.
2. The procedure for amending the ordinance, whether for rezoning or other zoning ordinance amendments will follow Section 24-105.
3. Following the public hearing, the Planning Commission shall submit a final report to the Village Council, containing a summary of the comments received at the public hearing and its recommendation on the proposed amendment(s).
4. The Village Council may hold additional public hearings on the proposed amendments if it deems such hearings appropriate. Upon receipt of the Planning Commission's final report, the Village Council may adopt the amended ordinance and maps, with or without changes, or refer the proposed amendments to the ordinance and/or maps again to the Planning Commission for further study and report.
5. Upon presentation of a protest petition against such proposed amendment to this Zoning Ordinance to the Village Council, signed by the owners of at least twenty (20) percent of the area of land in the proposed change or twenty (20) of owners of land within an area extending outward one hundred (100) feet from the boundary of the land included in the proposed change, such amendment shall not be passed except by a two-thirds (2/3) vote of all members of the Village Council. All publicly owned lands shall be excluded in calculating the twenty (20) percent land area required.
6. Following adoption of such amendment to this Zoning Ordinance by the Village Council, the Village shall publish one (1) notice of adoption in a newspaper of general circulation in the Village within fifteen (15) days after the date of adoption. The notice shall include the following information:
 - a. A summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
 - b. The effective date of the Ordinance.
 - c. The place and time where a copy of the Ordinance may be purchased or inspected.

(Amended Feb., 2007)

Sec. 24-102 VIOLATION, ENFORCEMENT.

- A. Buildings or structures erected, altered, razed, or converted, or uses carried on in violation of any provision of this Ordinance are declared to be a nuisance per se. The court may order such nuisance abated, and the owner or agent in charge of such building or land or both may be adjudged guilty of maintaining a nuisance.

Rezoning Request is \$300.00

- B. For any and every violation of the provisions of this Ordinance, the owner, agent, architect, builder, lessee or tenant of the land or building or part thereof where violation has been committed or exists shall be guilty of a misdemeanor and the owner, agent, architect, builder or any person who commits, takes part, or assists in such violation of any of the provisions of this Ordinance, or any person who maintains any building or land in or on which such violation exists, shall be guilty of a civil infraction, and shall be punished by a fine of not more than five hundred (\$500.00) dollars for each offense, or shall be punished by imprisonment in jail for a period not to exceed ninety (90) days. If the owner, lessee, or tenant is an unincorporated association or a non-profit membership corporation, every member of such association or corporation shall be deemed guilty of a civil infraction as herein provided and subject to the penalties herein specified. Each day that a violation is permitted to exist shall constitute a separate offense.
- C. The Village or any interested party may apply to any court of competent jurisdiction to restrain any person, firm or corporation from such disobedience or threatened violation, notwithstanding such disobedience or violation may be punishable by a fine or imprisonment as above provided.

Sec. 24-103 BOARD OF APPEALS.

The Village Council shall function as the Mackinaw City Board of Appeals. The Village Clerk shall serve as Secretary of the Board. All meetings shall be open to the public. The Board shall adopt its own rules of procedure and keep a record of its proceedings, showing the action taken upon each matter considered. The Village President shall serve as Chairman of the Board and is a voting member of the Board of Appeals.

Meetings of the Board shall be held at such times and places as may be designated by the Clerk. The Clerk is authorized to call such meetings at any time when matters are pending requiring attention by the Board. The Clerk shall call such meetings whenever:

- A. A meeting is to be held as previously determined by the Board.
- B. The Clerk is so instructed by the Chairman.
- C. The Clerk is so instructed in writing by any other three members of the Board. Five (5) members shall constitute a quorum. (November 6, 1980.)

Sec. 24-104 VARIANCE AND APPEALS.

- A. A demand for a zoning appeal is received by the zoning administrator. Appeals can be filed by:
 - 1. a person aggrieved, or
 - 2. an officer, department, board, or bureau of the state or local unit of government.
- B. The Appeals Board shall have the authority to hear appeals concerning:
 - 1. All questions that arise in the administration of the zoning ordinance, including interpretation of the zoning map.
 - 2. All administrative orders, requirements, decision or determination made by an administrative official or body charged with enforcement of the zoning ordinance.
 - 3. All decisions of the zoning administrator.
 - 4. All decisions concerning site plan review.
 - 5. All decisions of the planning commission concerning special use permits.
- C. Upon receipt of a demand for appeal, the administrator will review the demand for appeal to insure it is complete and the fee is paid.

1. If the application is not complete, the administrator will return the application to the applicant with a letter that specifies the additional material required.
 2. If the application is complete, the administrator and chairman of the appeals board shall establish a date to hold a hearing on the appeal.
- D. The appeal stays all proceedings in furtherance of the action appealed, unless the body or officer from whom the appeal is taken certifies to the zoning board of appeals that by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril of life or property, in which case proceedings may be stayed by a restraining order issued by the zoning board of appeals or a circuit court.
- E. The notices shall be given according to Section 24-105 Public Notice.
- F. The appeals board shall hold a hearing on the demand for appeal.
1. Representation at Hearing – Upon the hearing, any party or parties may appear in person or by agent or by attorney.
 2. Standards for Variance decisions by the appeals board: The appeals board shall base its decision on variances from the strict requirements of this ordinance so that the spirit of the ordinance is observed, public safety secured, and substantial justice done based on the following standards:
 - a. For non-use variances: a non-use variance may be granted by the Zoning Board of Appeals in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:
 1. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic difficulty.
 2. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
 3. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other non-use requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
 4. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
 5. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.
 - b. For Use Variances: Under no circumstances shall the appeals board grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
- G. If the demand for appeal is for a variance the appeals board shall either grant, grant with conditions, or deny the application. The appeals board may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination and may issue or direct the issuance of a permit. A majority vote of the membership of the appeals board is necessary to grant a non-use variance and rule on an interpretation of the ordinance. The decision shall be in writing and reflect the reasons for the decision.

1. At a minimum the record of the decision shall include:
 - a. Formal determination of the facts,
 - b. The conclusions derived from the facts (reasons for the decision)
 - c. The decision.
 2. Within eight days of the decision the record of the decision shall be certified and a copy delivered by first class mail to the person demanding the appeal, the administrator, and other parties.
- H. Any person having an interest affected by such decision shall have a right to appeal to Circuit court within 30 days of the certified decision of the appeals board, as provided by law.

(Amended Feb.,2007)

Sec. 24-105 PUBLIC NOTICE.

24-105.1 Public Notification: All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 and the other provisions of this Section with regard to public notification.

- A. Responsibility: When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the zoning administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Village of Mackinaw City and mailed or delivered as provided in this Section.
- B. Content: All mail, personal and newspaper notices for public hearings shall:
 1. Describe nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
 2. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for a zoning amendment, or rezoning, or when the request is for an ordinance interpretation not involving a specific property.
 3. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).
 4. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
 5. Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.
- C. Personal and Mailed Notice
 1. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - a) The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
 - b) Except for a zoning amendment, or rezoning, requests involving eleven (11) or more adjacent properties or an ordinance interpretation request

that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the Village of Mackinaw City. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

- c) All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to 24-105.2, Registration to Receive Notice by Mail.
2. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The zoning administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
- D. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:
 1. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.

24-105.2 REGISTRATION TO RECEIVE NOTICE BY MAIL:

- A. General: Any neighborhood organization, public utility company, railroad or any other person may register with the zoning administrator to receive written notice of all applications for development approval pursuant to 24-105.1.C.1.c), Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.
- B. Requirements: The requesting party must provide zoning administrator information on an official form to ensure notification can be made. All registered persons must re-register annually to continue to receive notification pursuant to this Section.

(Amended Feb., 2007)

24-106 and 24-107 RESERVED FOR FUTURE AMENDMENTS.

Sec. 24-108 ADMINISTRATIVE OFFICES.

- A. To administer and enforce regulations and restrictions hereafter set forth, there is hereby established the office of Zoning Administrator or Community Development Director to be filled by an appointee of the Village President, subject to approval by the Village Council.
- B. The Zoning Administrator or Community Development Director may delegate clerical, filing, and recording work to the clerical employees of the Village. The Zoning Administrator or Community Development Director shall be responsible for the enforcement of all the provisions of the Ordinance, and shall have the authority to enter any premises, at any reasonable time, when necessary, for the purpose of investigating or inspecting any building conditions. It shall be the duty of the Zoning Administrator or Community Development Director to receive and examine all applications for permits required by this Ordinance and to approve or reject such application. He shall collect all special fees established hereby and turn them in daily to the Village Treasurer. He shall make such inspections as are necessary and he shall have authority to revoke a permit as hereinafter provided.
- C. Authority given to any person or board under this Ordinance shall be construed as adding to and not taking from the authority held under any other chapter or ordinance of the Village. The powers and duties contained in this Ordinance shall be construed as separate and distinct from authorities or duties required of any official or board under any other ordinance of the Village, and shall not be construed as conflicting herewith or limiting the scope thereof.

Sec. 24-109 ZONING PERMITS.

- A. Before proceeding with the erection, alteration, repair, moving, or removing of any building, or part thereof, or any type of paving including but not limited to paving a driveway, entrance to a driveway, part of a parking lot, whether paved previously or not, or paving in the right of way for access to private property, or any improvement to a parcel made to increase or improve vehicular access, an owner or his authorized agent shall obtain a permit from the Zoning Administrator or Community Development Director. The applicant for a permit must file with his request a set of plans and written specifications sufficient to clearly and fully indicate the nature of the contemplated work and the kind and quality of materials to be used therein, together with an estimate of the cost. Drawings shall be made to scale not less than one-eighth (1/8) inch to one (1) foot, and shall clearly indicate the size of structural members, walls, and openings, the position of the building on the site with reference to property and street lines and adjacent buildings, and such other information as may be required by this Ordinance or necessary to provide for the enforcement of this regulation. It shall be the duty of all lot owners to have accurately located all corners and boundaries of their properties prior to building thereon. (Amended: 10/06)
- B. A record of such applications and plans shall be maintained by the Village for such periods of time as the Village Council deems necessary.

Village of Mackinaw City
Richard Barth TMR Investments
10888 US 23
Rezoning Request Analysis
June 12, 2014

Richard Barth, TMR Investments, 5889 Vintage Garden Court, Las Vegas, NV 89148, would like to have Parcel # 014-020-100-004-00 rezoned from (RM) Multiple Family to (B1) Business District. The property is located at 10888 US 23, Mackinaw City, MI 49701.

Rezoning Permit: 2014-ZP-004

Requirements: Sec. 24-101 Changes and Amendments in accordance with Sec. 24-105 of the Village Zoning Ordinance #138.

Requested Action:

The applicant has requested to change the zoning of the parcel from RM to B1 Zoning.

Finding of Facts: Staff offers the following for consideration:

- * This parcel is in a P.U.D. Development that is a 425 Project between the Village of Mackinaw City and Mackinaw Township.
- * The surrounding parcels on US 23 are Cheboygan County zoning-Commercial.
- * The Village's B1 District is similar to Cheboygan Counties Commercial District.
- * On recent correspondence the address has been incorrect, The correct address is 10888 US 23.

Mackinaw City Planning Commission

A Planning Commission Public Hearing was held on June 12, 2014, regarding a request to rezone parcel # 014-020-100-004-00, located at 10888 West US 23, from RM (Multiple Family District) to B1(Business District). At this Public Hearing approximately ten (10) people spoke out against the request to allow rezoning.

Immediately following the Public Hearing, the Planning Commission met. At this meeting Commissioner Robert Heilman made a motion to recommend to deny the request with the second made by Greg Gustafson. The reasoning for said motion was the possibility of an illegal lot split and no planned use for the parcel. The motion passed, 7-0, denying the request to rezone parcel #014-020-100-004-00.

Fred Thompson, Jr.
Interim CDD

UNAPPROVED
MINUTES SPECIAL COUNCIL MEETING
MACKINAW CITY

5:00 P.M.

September 11, 2014

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

President Jeff Hingston called the meeting to order and with the following Trustees present –Matt Yoder Belinda Mollen, Sandy Planisek, Richard Perlick, and Paul Michalak. Absent- Trustee Robert Glenn Also present, Manager Adam Smith and Clerk Lana Jaggi.

Pledge of Allegiance

II PUBLIC COMMENTS

Ron Wallin-Resident

III. BUSINESS REPORTS AND RECOMMENDATIONS

A. Resignation of Village Manager

Motion Planisek seconded Perlick to accept the resignation, with regrets, of Village Manager Adam Smith. Voice vote, motion carried unanimously.

B. MML Executive Search Proposal

Motion Mollen seconded Yoder to contract with the MML to begin executive manager search not to exceed a cost of \$10,000.00 and to utilize MML Lead Executive Recruiter Kathie Grinzinger. Roll Call: Yeas- Yoder, Mollen, Hingson, Planisek, Perlick, Michalak. Absent - Glenn. Motion carried.

C. Michigan Municipal League

Motion Hingston seconded Mollen motion to approach Village's contacted service Provider David White for discussion of Interim Manager Position and potential of employment agreement through the Finance and Human Resource Committee and Manager Smith. Roll Call: Yeas-Mollen, Hingston, Planisek, Perlick, Michalak, Yoder. Absent - Glenn. Motion carried.

XI. ADJOURNMENT: 6:29 PM

Respectfully submitted;

Jeff Hingston; President

Lana Jaggi; Clerk

UNAPPROVED
MINUTES REGULAR COUNCIL MEETING
MACKINAW CITY

7:00 P.M.

September 04, 2014

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

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 Treasurer Patricia Peppler, and Clerk Lana Jaggi.

Department Heads Present:

Chief Patrick Wyman- Chief of Police

Patrick Rivera-Water Sewer Superintendent

Dave Paquet- Rec/Marina

Fred Thompson, Jr.-Ambulance Director/Fire Chief/Zoning Administrator

Mike Karll- DPW Superintendent

Visitors – List Attached.

Pledge of Allegiance

II PRESENTATIONS AND RECOGNITIONS

III. APPROVAL OF AGENDA

Motion Mollen seconded Glenn to approve the agenda with addition of VII. D. Charlevoix Cheboygan Emmet (CCE) Central Dispatch (911) Public Safety Radio Communication Tower. Voice vote – motion carried unanimously.

IV. COUNCIL MINUTES

A. Motion Planisek seconded Perlick to approve the regular meeting minutes of August 21, 2014 as presented. Voice vote-motion carried unanimously.

V. PUBLIC COMMENTS Agenda or Non Agenda

Ron Wallin-Village Resident

Joanne Leal- Village Resident

Eric Doerr-Reporter, St. Ignace News

VI. PUBLIC HEARING AND SUBSEQUENT ACTION

VII. BUSINESS REPORTS AND RECOMMENDATIONS

A. Site Plan Review-2014-SP-007 Shepler Development

Motion Planisek seconded Yoder to postpone review until applicant submits requirements needed pertinent to request. Voice vote, motion carried unanimously.

B. Special Event Application 2015-SE-001 Fort Michilimackinac Pageant Com.

Motion Michalak seconded Glenn to approve Village co-sponsorship with Fort Michilimackinac Pageant Committee, special event application 2015-SE-001 and the waving of fees. Voice vote, motion carried unanimously.

UNAPPROVED
MINUTES REGULAR COUNCIL MEETING
MACKINAW CITY

7:00 P.M.

Page 2

September 04, 2014

- C. RTP 2012-01-03 Village of Mackinaw City-Trailhead Improvements**
Motion Planisek seconded Mollen authorizing the Village Manager to execute the Amendment to Grant Agreement RTP 2012-01-03.
Voice vote, motion carried unanimously.
- D. Charlevoix Cheboygan Emmet (CCE) Central Dispatch (911) Public Safety Radio Communication Tower.**
Presentation given by Emmet County Commission Chair Jim Tamlyn and CCE Director Bob Bradley.
Motion Mollen seconded Planisek preliminary approval of the proposed site, Trails End Road, between bike trail and KOA Campground, for CCE Central Dispatch Authority to construct a public safety radio communication tower.
Voice vote, motion carried unanimously.
- VII. Motion Planisek seconded Glenn to approve the accounts payable for August 07, 2014 in the amount of \$200,297.77 Voice vote-motion carried unanimously.**
- IX. COMMITTEE/DEPARTMENT REPORTS**
Department Head Reports were received and placed of file.
- X. CLOSED SESSION AND SUBSEQUENT COUNCIL ACTION**
- XI. ADJOURNMENT: 8:15 PM**

Respectfully Submitted;

Jeff Hingston, President

Lana Jaggi, Clerk

BALLOT ISSUE

The following is the exact language that will be on the November 4, 2014 ballot. It is referred to as a Headlee Override.

CHECK THE BACK OF THE BALLOT TO VOTE ON ALL ISSUES



Village Operating Millage Restoration Proposal

Shall the Village of Mackinaw City be authorized to levy the following new millages on the taxable value of all taxable property in the Village of Mackinaw City in 2015 and thereafter, restoring the statutorily authorized amounts of these millages that have been reduced by Section 31 of Article IX of the State Constitution of 1963:

- 1.8785 mills (\$1.8785 per \$1,000 of taxable value) to defray the general expenses and liabilities of the Village, increasing the millage rate for this purpose from 10.6215 mills to 12.50 mills (\$10.6215 per \$1,000 of taxable value to \$12.50 per \$1,000 of taxable value) and raising an estimated \$172,247 in the first year of the levy;
- 0.7515 mills (\$0.7515 per \$1,000 of taxable value) for highway and street purposes, increasing the millage rate for this purpose from 4.2485 mills to 5.00 mills (\$4.2485 per \$1,000 of taxable value to \$5.00 per \$1,000 of taxable value) and raising an estimated \$68,908 in the first year of the levy; and
- 0.1505 mills (\$0.1505 per \$1,000 of taxable value) for cemetery maintenance, increasing the millage rate for this purpose from 0.8495 mills to 1.00 mills (\$0.8495 per \$1,000 of taxable value to \$1.00 per \$1,000 of taxable value) and raising an estimated \$13,780 in the first year of the levy.

If approved, this proposal would authorize a total millage increase for these purposes of 2.7805 mills (\$2.7805 per \$1,000 of taxable value) raising an estimated \$254,935 in the first year of the levy to be disbursed to the Village of Mackinaw City.

Yes No

E-mail: village@mackinawcity.org

Web: www.mackinawcity.org

To: POSTAL PATRON

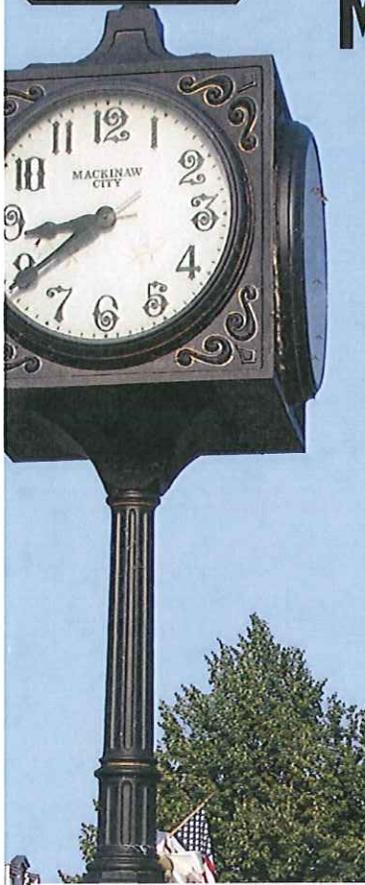
Village of Mackinaw City
102 S. Huron Ave.
Mackinaw City, MI 49701

PRSRRT STD
U.S. POSTAGE
PAID
Crossroads Ind. Inc.
Gaylord MI 49735
Permit #281

Mackinaw City Information

September 2014

Municipal Services Deficit Decisions

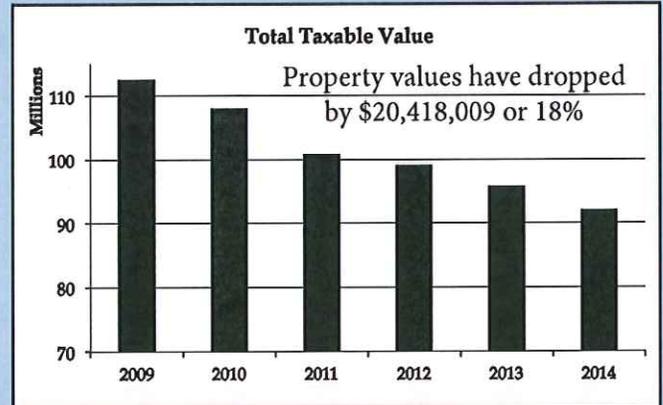


The Situation

The Village of Mackinaw City has experienced an ongoing decrease in revenues as a result of declining property values, Headlee tax rate reductions, tax tribunal decisions, and reductions in State shared revenues. Meanwhile the cost of goods and services has continued to rise. This means the Village needs additional funds to maintain current Village services and safety while it considers ways to reduce costs.

The Village collects 65% of its property taxes from Non-Homestead properties, which means the property is either a second home, multi-family, commercial or industrial. Only 35% of the property taxes arise from Homesteads, defined as properties owned by residents living in the Village of Mackinaw City.

Although the village has several funds to balance, the following is a list of services from the General Fund that may be reduced or eliminated: police and fire protection, recreation center and complex, public bathrooms, ongoing maintenance, sidewalk repairs, park and beach properties, promotion, special events, and annual fireworks.



What is Headlee?

The Headlee Amendment to the Michigan Constitution limits the dollars of property tax increase each year by decreasing the tax rate. Hence, our tax rate has fallen since Headlee adoption in 1979.

Advantages of Headlee Override

- It restores our tax rate to a level we established back in 1979.
- It would be collected on the Village 2015 tax bills, relatively soon compared to other options.

Disadvantages of Headlee Override

- It will only cover about 60% of the current General Fund budget deficit required to maintain existing municipal services.
- Additional taxes are required to maintain some of the existing municipal services - to figure your cost see the EXAMPLE Box.

Other long-term options:

- Increase property values - council continues to try to make decisions that increase property values. Keeping the community clean and safe for residents and visitors are high priorities.
- Seek other revenue sources such as Ferry Service Licenses Fee, PA 33 for Police and Fire Services, city income tax, local government "room tax", sale of Village property, DDA district expansion, PA 289 of 1977 State Fire Protection Services, greater Townships cost sharing in Fire Department, special event fees, parking meters, etc. Some of these revenue sources will take considerable time and state legislative action to implement or change the current law.

EXAMPLE: HEADLEE OVERRIDE FINANCIAL IMPACT

Residential Taxable Value (TV)	Tax increase
\$50,000	\$139.02
\$60,000	\$166.83
\$75,000	\$208.54

Tax Formula: $TV \times \text{millage rate } (2.7805) \div 1,000 = \text{Your Cost}$
The cash value of property is typically twice its taxable value.

Will there be an opportunity for voters to learn more about this Ballot Proposal? Yes, the Village is planning to hold an informational meeting on Monday, October 20th at 7pm at the Multipurpose Room at the school to outline the need for the Headlee override and answer any questions. The entire village budget can be seen on the village web site, www.mackinawcity.org.



michigan municipal league

Better Communities. Better Michigan.

August 6, 2014

Michigan Municipal League Annual Meeting Notice

(Please present at the next Council, Commission or Board Meeting)

RECEIVED
8-12-14

Dear Official:

The Michigan Municipal League Annual Convention will be held in Marquette, October 15-17, 2014. The League's "Annual Meeting" is scheduled for 11:15 am on Thursday, October 16 in the Lakes Ballroom at the Northern Michigan University. The meeting will be held for the following purposes:

1. Election of Trustees. To elect six members of the Board of Trustees for terms of three years each (see #1 on page 2).

2. Policy. A) To vote on the Core Legislative Principles document.

In regard to the proposed League Core Legislative Principles, the document is available on the League website at <http://www.mml.org/delegate>. If you would like to receive a copy of the proposed principles by fax, please call Susan Vasher at the League at 800-653-2483.

B) If the League Board of Trustees has presented any resolutions to the membership, they also will be voted on. (See #2 on page 2.)

In regard to resolutions, member municipalities planning on submitting resolutions for consideration by the League Trustees are reminded that under the Bylaws, they must be submitted to the Trustees for their review by September 16, 2014.

3. Other Business. To transact such other business as may properly come before the meeting.

Designation of Voting Delegates

Pursuant to the provisions of the League Bylaws, you are requested to designate by action of your governing body one of your officials who will be in attendance at the Convention as your official representative to cast the vote of the municipality at the Annual Meeting, and, if possible, to designate one other official to serve as alternate. Please submit this information through the League website by visiting <http://www.mml.org/delegate> no later than September 24, 2014.

Regarding the designation of an official representative of the member to the annual meeting, please note the following section of the League Bylaws:

"Section 4.4 - Votes of Members. Each member shall be equally privileged with all other members in its voice and vote in the election of officers and upon any proposition presented for discussion or decision at any meeting of the members. Honorary members shall be entitled to participate in the discussion of any question, but such members shall not be entitled to vote. The vote of each member shall be cast by its official representative attending the meeting at which an election of officers or a decision on any proposition shall take place. Each member shall, by action of its governing body prior to the annual meeting or any special meeting, appoint one official of such member as its principal official representative to cast the vote of the member at such meeting, and may appoint one official as its alternate official representative to serve in the absence or inability to act of the principal representative."

1. Election of Trustees

Regarding election of Trustees, under Section 5.3 of the League Bylaws, six members of the Board of Trustees will be elected at the annual meeting for a term of three years. The regulations of the Board of Trustees require the Nominations Committee to complete its recommendations and post the names of the nominees for the Board of Trustees on a board at the registration desk at least four hours before the hour of the business meeting.

2. Statements of Policy and Resolutions

Regarding consideration of resolutions and statements of policy, under Section 4.5 of the League Bylaws, the Board of Trustees acts as the Resolutions Committee, and "no resolution or motion, except procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is either (1) submitted to the meeting by the Board of Trustees, or (2) submitted in writing to the Board of Trustees by resolution of the governing body of a member at least thirty (30) days preceding the date of the annual meeting." Thus the deadline this year for the League to receive resolutions is September 16, 2014. Please submit resolutions to the attention of Daniel P. Gilmartin, Executive Director/CEO at 1675 Green Rd., Ann Arbor, MI 48105. Any resolution submitted by a member municipality will go to the League Board of Trustees, serving as the resolutions committee under the Bylaws, which may present it to the membership at the Annual Meeting or refer it to the appropriate policy committee for additional action.

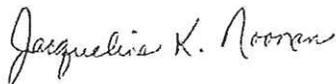
Further, "Every proposed resolution submitted by a member shall be stated in clear and concise language and shall be accompanied by a statement setting forth the reasons for recommending the proposed resolution. The Board shall consider the proposal at a Board meeting prior to the next annual meeting and, after consideration, shall make a recommendation as to the advisability of adopting each such resolution or modification thereof."

3. Posting of Proposed Resolutions and Core Legislative Principles

The proposed Michigan Municipal League Core Legislative Principles and any new proposed Resolutions recommended by the Board of Trustees for adoption by the membership will be available on the League website, or at the League registration desk to permit governing bodies of member communities to have an opportunity to review such proposals and delegate to their voting representative the responsibility for expressing the official point of view of the member at the Annual Meeting.

The Board of Trustees will meet on Wednesday, October 15 in the Lakes Ballroom at Northern Michigan University for the purpose of considering such other matters as may be requested by the membership, in addition to other agenda items.

Sincerely,



Jacqueline Noonan
President
Mayor of Utica



Daniel P. Gilmartin
Executive Director & CEO



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



DAN WYANT
DIRECTOR

September 3, 2014

✓ Mr. Adam Smith, Village Manager
Village of Mackinaw City
P.O. Box 580
Mackinaw City, Michigan 49701

Dear Mr. Smith:

SUBJECT: Notice of Grant Application Approval
Village of Mackinaw City
Wastewater and Stormwater Asset Management Plans
SAW Grant Project Number 1513-01

The Michigan Department of Environmental Quality (DEQ), pursuant to Parts 52 and 53, Clean Water Assistance, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), has reviewed your Stormwater, Asset Management, and Wastewater (SAW) Grant Application received on December 2, 2013, and determined that the application is administratively complete. The DEQ has determined that the village of Mackinaw City is eligible to receive grant assistance as provided by Part 5204(4)(b), of the amended NREPA and hereby approves the application. Exhibit A, attached, identifies the DEQ approved grant amount along with the approved project scope, budget items with approved project costs, effective grant period (start/end dates), and ineligible services, if any.

By copy of this letter, we are requesting the Michigan Finance Authority (MFA), who will also receive a copy of your SAW Grant Application, to prepare a grant agreement for the amount stated in the attached exhibit for signature under the provisions set forth in Part 5204(4)(b), of the NREPA, as amended.

You may anticipate the grant award in October 2014. Should you have any questions about this project, please contact the project manager, Valorie White, by phone at 517-284-5420, e-mail at WhiteV1@michigan.gov, or by mail at DEQ, P.O. Box 30241, Lansing, Michigan 48909-7741, or you may contact me.

Sincerely,

Sonya T. Butler, Chief
Revolving Loan Section
Office of Drinking Water and Municipal Assistance
517-284-5433

Attachment

cc/att: Mr. Joe Fielek, Executive Director, MFA (w/copy of SAW Grant Application)
Mr. Larry Fox, C2AE, Gaylord
Mr. Alan J. Lambert, Assistant Attorney General, Office of Attorney General
Mr. Jay Parent, DEQ-WRD, Upper Peninsula District Office
Ms. Valorie White and Ms. Debbie Martinson, DEQ-ODWMA

SAW Grant Program**Exhibit A**

Grantee: Village of Mackinaw City

Project Name: Wastewater and Stormwater Asset Management Plans

DEQ Approved Grant Amount: \$427,215 (Four Hundred Twenty-seven Thousand Two Hundred Fifteen Dollars)

Time Period for Eligible Costs: Start Date September 2013

End Date April 2017

Description of Approved Project Scope:

Preparation of a Wastewater Asset Management Plan and a Stormwater Asset Management Plan.

DEQ Approved Project Costs	
1. Project Planning Costs	\$0
2. Design Engineering Costs	\$0
3. User Charge System Development Costs	\$0
4. Wastewater Asset Management Plan Costs	\$278,324
5. Stormwater Asset Management Plan Costs	\$196,359
6. Stormwater Management Plan Costs	\$0
7. Innovative Wastewater and Stormwater Technology Costs	\$0
8. Disadvantaged Community Construction Costs	\$0
9. Eligible Cost Subtotal	\$474,683
10. LESS Local Match <i>(if applicable)</i>	\$47,468
11. Requested SAW Grant Amount (Line 9 minus Line 10)	\$427,215

The following services have been determined to be ineligible for SAW Grant Assistance, for the reasons listed, and have been excluded from the approved project costs shown above:

* The Christine Geographic Information System program costs are ineligible due to concerns about the capability and legality of the software.