

August 09, 2021

A regular meeting of the City Council was held on Monday, August 09, 2021, at 7:00 p.m. in the Council Chambers of City Hall. Mayor Donker presided. The Pledge of Allegiance to the Flag was recited in unison.

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

Councilmen absent: None

MINUTES

Approval of the minutes of the July 26, 2021 regular meeting was offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm. (Motion ADOPTED.)

CONDITIONAL USE PERMIT NO. 73

Director of Planning and Community Development Grant Murschel presented information on Conditional Use Permit No. 73 – a request from Great Lakes Bay Construction, Inc. to allow the development of a drive thru coffee shop at 6615 Eastman Avenue. A public hearing opened at 7:13 p.m. and hearing no comments, the public hearing closed at 7:14 p.m. The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, Great Lakes Bay Construction Inc. has submitted a request for a Conditional Use Permit to allow for the development+ of a drive thru coffee shop in a RC Regional Commercial zoning district located at 6615 Eastman Avenue; and

WHEREAS, the City Planning Commission has conducted a public hearing in accord with Section 28.02(A) of the Zoning Ordinance of the City of Midland on said conditional use; and

WHEREAS, the Planning Commission has submitted its recommendation to approve the permit, in accord with Section 28.02(B) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that the City Council finds the request for the conditional use to be in accord with Section 28.03 of the Zoning Ordinance of the City of Midland, and hereby approves Conditional Use Permit No. 73, in accord with documents provided and submitted at the meeting of August 9, 2021 subject to the following contingency:

1. The approved Conditional Use Permit applies only to the drive-thru coffee shop use. (Motion ADOPTED.)

CDBG 2021-22 BUDGET, 2020-2025 CONSOLIDATED PLAN AND WASHINGTON WOODS BUDGET AMENDMENTS

Director of Planning and Community Development, Grant Murschel presented to City Council regarding an amendment to the FY 2021-22 CDBG budget and FY 2020-2025 Consolidated Plan and the associated proposed amendment to the Washington Woods budget. The public hearing for the CDBG Budget, Consolidated Plan, and Washington Woods Budget amendments opened at 7:38 p.m. Gary Ashley, 4807 Washington St. commented regarding the proposed CDBG expenditures. The public hearing closed at 7:41 p.m.

CDBG 2021-22 BUDGET AND 2020-2025 CONSOLIDATED PLAN AMENDMENTS

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

WHEREAS, the City of Midland received substantial revenue in Community Development Block Grant (CDBG) funds for fiscal year 2021-22 from the U.S. Department of Housing & Urban Development; and

WHEREAS, these revenues include \$216,082 in an annual entitlement award, \$336,317 in Coronavirus relief funds, and \$5.4 million in CDBG Declared Disaster Recovery (CDBG-DDR) funds; and

WHEREAS, the City will have a fund balance of \$122,817 that will be carried over from prior fiscal years and it is expected that the City will receive a total of \$20,000 in program income during the 2021-22 fiscal year; and

WHEREAS, CDBG revenues totaling \$6,095,216 must be programmed to activities that meet the statutory goals and the City’s objectives of the CDBG program, as outlined in the 2020-25 Consolidated Plan as amended; and

WHEREAS, on July 20, 2021, the Housing Commission unanimously recommended approval of the proposed amendments to the 2021-22 CDBG budget, which meets said goals and objectives of the CDBG program; and

WHEREAS, it is necessary to amend the City’s 2020-2025 Consolidated Plan to reflect the proposed amendments; and

WHEREAS, a public hearing was held by the Midland City Council on August 9, 2021 at 7:00 p.m. in the City Council Chambers, City Hall, 333 West Ellsworth Street, Midland, Michigan, for the purpose of receiving public comment on the proposed 2021-22 CDBG budget amendments and changes to the Consolidated Plan; now therefore

RESOLVED, that the City Council hereby adopts the proposed 2021-22 Community Development Block Grant budget amendments and the resulting changes to the Consolidated Plan, as set forth in the attached table (Attachment A), for the proposed use of funds for the Community Development Block Grant program; and

RESOLVED FURTHER, that the Mayor and City Clerk are authorized to execute the sub-recipient agreements, as approved by the City Attorney, on behalf of the City.

**Attachment A
Community Development Block Grant | Proposed Budget Amendments 2021-22**

Community Development Block Grant (CDBG) – Budget 2021-22		
Revenue	Adopted Budget	Proposed Amendments
HUD 2020-21 Entitlement	\$212,944	\$216,082
Program Income	\$20,000	\$20,000
Prior Year Carry-Forward	\$109,300	\$122,817
REVENUE TOTAL	\$342,244	\$358,899
Expenditures		
General Planning and Administration	\$46,000	\$46,000
Contingency	\$5,000	\$5,000
Affordable Housing		
Midland County Habitat for Humanity - Vacant Property Acquisition	\$30,000	\$30,000
Housing Rehabilitation		

Home To Stay - Accessibility Modification or Mobile Home Repair Program	\$10,000	\$10,000
Midland County Habitat for Humanity - Home Repair	\$50,000	\$50,000
SUBTOTAL	\$60,000	\$60,000
Public Facility Improvements		
Washington Woods - Energy Efficiency	\$57,000	\$57,000
Public Services		
Legal Services of E. MI - Fair Housing Testing	\$4,500	\$4,500
Neighborhood Improvements		
City of Midland - Improvements to public spaces in low-income neighborhoods	\$65,444	\$156,399
EXPENDITURES TOTAL	\$267,944	\$358,899

Community Development Block Grant – Coronavirus Relief (CDBG-CV) Budget 2021-22

Revenue	Adopted Budget	Proposed Amendments
HUD Special CDBG-CV Allocation	\$336,317	\$336,317
REVENUE TOTAL	\$336,317	\$336,317
Expenditures		
Planning and Administration	\$0	\$21,317
Public Facility Improvements		
Washington Woods – Eastside Chiller Replacement	\$0	\$315,000
Public Services		
MidMichigan Health – Drive-thru Testing	\$6,000	\$0
MidMichigan Health – COVID Telehub	\$13,837	\$0
EXPENDITURES TOTAL	\$19,837	\$336,317

Community Development Block Grant – Declared Disaster Relief (CDBG-DDR) Budget 2021-22

Revenue	Adopted Budget	2021-22 Proposed Budget
HUD Special CDBG-DDR Allocation	\$0	\$5,400,000
REVENUE TOTAL	\$0	\$5,400,000
Expenditures		
General Planning and Administration	\$0	\$250,000
HMGP Local Match	\$0	\$1,250,000
HMGP 1:1 Housing Replacement	\$0	\$1,700,000
Riverside Place Flooding Restoration	\$0	\$1,000,000
Sewer Improvement & Pump Station Flood Mitigation	\$0	\$1,000,000
City Modern Sustainability & Resiliency Planning	\$0	\$200,000
EXPENDITURES TOTAL	\$0	\$5,400,000

(Motion ADOPTED.)

WASHINGTON WOODS 2021-2022 BUDGET AMENDMENTS

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

WHEREAS, Washington Woods is currently budgeted for a Community Development Block Grant (CDBG) allocation of \$57,000 for the 2021-2022 fiscal year for energy efficiency upgrades and improvements; and

WHEREAS, the City's special allocation of CDBG for Coronavirus relief (CDBG-CV) provided in the CARES Act can be utilized to improve publically-owned housing to make them more resilient against future pandemics; and

WHEREAS, the east side chiller at Washington Woods is over 30 years old and is currently being kept in service by emergency repairs and stopgap measures; and

WHEREAS, reliant cool and comfortable air within the senior living community is critical to the health of the residents and their visitors; and

WHEREAS, the Housing Commission recommended approval of an additional CDBG allocation of \$315,000 utilizing CDBG-CV dollars to fund the replacement of the aging east side chiller at Washington Woods during its meeting on Tuesday, July 20, 2021; and

WHEREAS, it is necessary to amend the FY 2021-2022 Washington Woods budget to include the proposed increase of CDBG funding; and

WHEREAS, a public hearing was held by the Midland City Council on August 9, 2021 at 7:00 p.m. in the Council Chambers of City Hall at 333 W. Ellsworth Street, Midland, Michigan for the purpose of receiving public comment on the proposed 2021-2022 Washington Woods budget amendment; now therefore

RESOLVED, that adopts the proposed 2021-2022 Washington Woods budget amendment by increasing revenues and expenditures by \$315,000 to recognize the amended allocation to fund a portion of the east side chiller replacement project. (Motion ADOPTED.)

PUBLIC COMMENT

John Muste, 4900 Oakridge Drive commented regarding the Sylvan Storage Tank and footing drain disconnects.

FOOTING DRAIN DISCONNECT PROGRAM FRAMEWORK RECOMMENDATIONS

City Manager Brad Kaye provided a review of the topic before introducing the Director of Wastewater Services Jared Driscoll who presented regarding the Footing Drain Disconnect Program Framework and recommendations along with Brian Hannon, Vice President at Moore & Bruggink and Mike Lunn, Chief Innovation Officer at Primodal Inc. John Hill, 4224 Partridge Ln, John Mcgown, 2505 Jamestown Dr., Jim Johnson, 4712 Moordland Dr., Tyler Carter, 4809 Moorland Dr., Donna Herringshaw, 4601 Congress Dr., Brian Mills, 6110 Briarwood Ct., Donald Medema, 4621 Forestview Dr., John Lynn, 4604 Oakridge Dr., Dennis Phillips, 3107 Travis Ct., Ken Babinski, 4612 Forestview Dr., Bob Budinsky, 2506 Jamestown Dr., John Allen, 4107 Congress Dr., Scott Macnellis, 4306 Partridge Ln., Richard Siemer, 5617 Grouse Ct., Jerry Crane, 4618 Forestview Dr., Sam Choo, 6103 Briarwood Ct., John Muste 4900 Oakridge Dr., and Chasen Clement, 4508 Oakridge Dr. commented regarding the proposed program framework. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Wazbinski:

WHEREAS, City Council approved Concept 5 at the regular City Council meeting held on March 8, 2021 and directed staff to return with a proposal for a Footing Drain Disconnect Program (FDDP), which is an integral part of the concept; and
WHEREAS, on June 21, 2021 City Council held a Special Meeting Workshop to discuss with staff and consultants the proposed FDDP framework of the Alternative 5 Sanitary Sewer System Improvements Draft Project Plan which was submitted to the Environment, Great Lakes, and Energy (EGLE) Office for Clean Water State Revolving Fund (CWSRF) funding; and
WHEREAS, City Staff have compiled the Council directives agreed upon at the June 21, 2021 workshop in a report to City Council titled "Wastewater – Footing Drain Disconnect Program Directives"; and
WHEREAS, City Staff also worked with Moore + Bruggink on a framework for a FDDP to address questions resulting from the workshop and Moore + Bruggink provided that review in a document titled Executive Summary"; and
WHEREAS, the City Staff summary report and the Moore + Bruggink Executive Summary collectively will form the basic framework of the proposed FDDP; now therefore
RESOLVED, that City Council accepts and adopts the Footing Drain Disconnect Program framework outlined in the "Wastewater – Footing Drain Disconnect Program Directives" report of City Staff and the attached thereto Executive Summary provided by Moore + Bruggink. (Motion ADOPTED.)

ANNEXATION JH-21-01 OF PROPERTY AT N. STARK ROAD, 5910 N. SAGINAW ROAD, and 5828 N. SAGINAW ROAD

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

RESOLVED, that the City Council of the City of Midland herewith approves the annexation of the following described property to the City of Midland:

DESCRIPTION OF PIN #040-001-200-802-00, AS SURVEYED:

PART OF THE NORTHWEST ¼ AND SOUTHWEST ¼ , SECTION 1, T14N-RO1E, HOMER TOWNSHIP, MIDLAND COUNTY MICHIGAN. BEING FURTHER DESCRIBED AS COMMENCING AT THE WEST ¼ CORNER OF SAID SECTION 1; THENCE ALONG THE WEST SECTION LINE N00°11'45"E", 791.89' TO THE POINT OF BEGINNING; THENCE CONTINUING N00°11;45"E, 50.00;; THENCE ALING THE NORTH RIGHT-OF-WAY OF HERBERT ROAD S89°31;57"E, 462.01;; THENCE N00°11'45"E, 216.26'; THENCE N89°31'57"W, 132.00'; THENCEN00°11'45"E, 85.00'; THENCE N00°11'45"E, 104.72'; THENCE N89°31'57"W, 330.00'; THENCE N00°11'45" E, 72.00'; THENCE S89°31'57"E,

330.00'; THENCE N00°11'45"E, 374.57'; THENCE S89°31'57" E, 97.00'; THENCE S89°30'00" E, 19.99'; THENCE S89°32'00"E, 877.47'; THENCE S00°21'27"W, 469.66'; THENCE S89°41'11"E, 923.80'; THENCE S00°29'20"W, 1323.24' TO THE EAST-WEST ¼ LINE: THENCE ALONG THE EAST-WEST ¼ LINE N89°30'53"W, 921.82' TO A FOUND PIPE WITH CAP #29241; THENCE CONTINUING ALONG THE EAST-WEST ¼ LINE N89°29'12"W, 211.81'; THENCE S33°15'23" W, 161.69' TO THE NORTHERLY RIGHT-OF-WAY OF SAGINAW ROAD; THENCE ALONG SAID RIGHT-OF-WAY N 56°43'14"W, 210.06'; THENCE N 30°48'42" E, 266.24; THENCE N 89°48'15"W, 211.00'; THENCE S00°11'45"W. 180.00' TO THE NORTHERLY RIGHT-OF-WAY OF SAGINAW ROAD; THENCE ALONG SAID RIGHT-OF-WAY N56°43'14"W, 403.78'; THENCE N00°11'45"E, 415.30'; THENCE S89°31'57"E, 221.37'; THENCE N 00°11'45"E, 132.00'; THENCE ALONG THE SOUTH RIGHT-OF-WAY OF HERBERT ROAD N89°31'57"W, 649.99' TO THE POINT OF BEGINNING. CONTAINING 65.24 ACRES.

ALSO:

DESCRIPTION OF PIN #040-001-400-051-00, AS SURVEYED:

PART OF THE SOUTHEAST 1/4, FRACTIONAL SECTION 1, T14N - R01E, HOMER TOWNSHIP, MIDLAND COUNTY, MICHIGAN. BEING FURTHER DESCRIBED AS COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION; THENCE N00°29'13"E ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION, 1490.44' TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF NORTH SAGINAW ROAD AND POINT OF BEGINNING; THENCE CONTINUING N00°29'13"E, 593.70'; THENCE S55°45'51"E, 1295.66' TO THE PERPETUATED SOUTH 1/8 LINE OF SAID SECTION; THENCE N89°55'17"W ALONG SAID PERPETUATED SOUTH 1/8 LINE, 871.81' TO SAID NORTHEASTERLY RIGHT-OF-WAY; THENCE N56°44'22"W ALONG SAID NORTHEASTERLY RIGHT-OF-WAY, 244.45' TO THE POINT OF BEGINNING. CONTAINING 8.68 ACRES, MORE OR LESS AND IS SUBJECT TO ANY AND ALL EASEMENTS AND/OR RIGHTS OF WAY WHETHER USED, IMPLIED OR OF RECORD.

ALSO:

DESCRIPTION OF PIN #040-001-400-200-00, AS SURVEYED:

PART OF THE SOUTHEAST 1/4, FRACTIONAL SECTION 1, T14N - R01E, HOMER TOWNSHIP, MIDLAND COUNTY, MICHIGAN. BEING FURTHER DESCRIBED AS COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION; THENCE N00°29'13"E ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION, 1490.44' TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF NORTH SAGINAW ROAD; THENCE S56°44'22"E ALONG SAID NORTHEASTERLY RIGHT-OF-WAY, 244.45' TO THE PERPETUATED SOUTH 1/8 LINE OF SAID SECTION AND POINT OF BEGINNING; THENCE S89°55'17"E ALONG SAID PERPETUATED SOUTH 1/8 LINE, 671.42'; THENCE S34°28'48"W, 367.55' TO SAID NORTHEAST RIGHT-OF-WAY; THENCE N56°44'22"W ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, 554.11' TO THE POINT OF BEGINNING. CONTAINING 2.34 ACRES, MORE OR LESS AND IS SUBJECT TO ANY AND ALL EASEMENTS AND/OR RIGHTS OF WAY WHETHER USED, IMPLIED OR OF RECORD.

pursuant to Section 9(8) of Public Act 279 of the State of Michigan of 1909, as amended {MSA 5.2088; MCLA 117.9} as a result of a similar petition filed both with the City of Midland and Homer Township by the property owners who hold 100 percent of the record legal title to said property, and upon which no qualified electors, other than the petitioners, presently reside, with said annexation to the City of Midland to be accomplished upon the passage of a similar resolution by the Township Board of Homer Township; and;

RESOLVED FURTHER, that the Planning Department shall forward a copy of this resolution to the Office of the Great Seal in the Secretary of State's Office, and the City Clerk shall forward a copy to the Midland County Clerk. (Motion ADOPTED.)

RECOGNIZED FOLK MUSIC SOCIETY OF MIDLAND AS NONPROFIT ORGANIZATION

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

RESOLVED, that the request from Folk Music Society of the City of Midland, county of Midland, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license, be considered for approval. (Motion ADOPTED.)

Being no further business the meeting adjourned at 10:02 p.m.

Erica Armstrong, City Clerk