

September 13, 2021

A regular meeting of the City Council was held on Monday, September 13, 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 August 23, 2021 regular meeting was offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm. (Motion ADOPTED.)

CULTURAL AWARENESS MONTH AND MIDLAND NEIGHBORING WEEK

Community Affairs Director Selina Tisdale presented information on Cultural Awareness Month and introduced Emily Migut, a member of the Cultural Awareness Coalition, who accepted the proclamation. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Hall:

RESOLVED, that the Mayor is authorized to issue a proclamation designating October 1 – 31, 2021 as Cultural Awareness Month, together with Midland Neighboring Week in a joint partnership. (Motion ADOPTED.)

CITY OF PEACE DAY

Community Affairs Director Selina Tisdale presented information on City of Peace Day and introduced Gail Hoffman, a member of the Nonviolent Peaceforce Midland Chapter, who accepted the proclamation. The following resolution was then offered by Councilman Hall and seconded by Councilman Arnosky:

RESOLVED, that the Mayor is authorized to issue the attached proclamation naming September 21, 2021 City of Peace Day in the City of Midland. (Motion ADOPTED.)

CONDITIONAL USE PERMIT NO. 74

Community Development Planner, Tom Wyatt presented information on Conditional Use Permit No. 74 – a request from David Laurette for an existing single-family residential home at property located at 4917 Hedgewood Drive. A public hearing opened at 7:18 p.m. and hearing no comments, the public hearing closed at 7:19 p.m. The following resolution was offered by Councilman Arnosky and seconded by Councilman Wazbinski:

WHEREAS, David Laurette has submitted a request for a Conditional Use Permit to allow the continued use of an existing single-family home located at 4917 Hedgewood Drive; 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. 74, in accord with documents provided and submitted at the meeting of September 13, 2021 subject to the following contingency:

1. Approval is granted for the single-family residential home. Any additional uses of the property shall be reviewed and approved in accordance with the standards of the City of

Midland Zoning Ordinance, including the requirements for site plan approval under Article 27. (Motion ADOPTED.)

2021-22 CDBG-DDR BUDGET AMENDMENTS

Community Development Planner, Tom Wyatt presented to City Council regarding an amendment to the FY 2021-22 CDBG-DDR budget. The public hearing for the CDBG-DDR Budget amendment opened at 7:26 p.m. John Elson, 6106 Sturgeon Creek Pkwy, commented on general planning and administration. The public hearing closed at 7:28 p.m. The original resolution was offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm. Councilman Arnosky moved to amend the resolution, to allocate \$76,035 to the Sewer Improvement & Pump Station Flood Mitigation category (Motion FAILED. YEAS: Arnosky, Hall, NAYS: Brown Wilhelm, Donker, Wazbinski) The following original resolution was then presented for consideration:

WHEREAS, the City of Midland is estimated to receive 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 a special grant of \$5,476,035 million in CDBG Declared Disaster Recovery (CDBG-DDR) funds; and

WHEREAS, this is an increase of \$76,035 from the original estimate; and

WHEREAS, it is necessary to program the additional revenue to an activity that meets the statutory goals and the City’s objectives of the CDBG program, as outlined in the 2020-25 Consolidated Plan as amended; and

WHEREAS, the required seven (7) day public comment period has been held; now therefore

RESOLVED, a public hearing was held by the Midland City Council on September 13, 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; now therefore

RESOLVED, that the City Council hereby adopts the proposed 2021-22 Community Development Block Grant budget amendment, as set forth in the attached table (Attachment A), for the proposed use of funds for the Community Development Block Grant program.

Attachment A

CDBG-DDR | Proposed Budget 2021-22

Community Development Block Grant – Declared Disaster Relief (CDBG-DDR) Budget 2021-22		
Revenue	Adopted Budget	2021-22 Proposed Amendments
HUD Special CDBG-DDR Allocation	\$5,400,000	\$5,476,035
REVENUE TOTAL	\$5,400,000	\$5,476,035
Expenditures		
General Planning and Administration	\$250,000	\$326,035
HMGP Local Match	\$1,250,000	\$1,250,000
HMGP 1:1 Housing Replacement	\$1,700,000	\$1,700,000
Riverside Place Flooding Restoration	\$1,000,000	\$1,000,000
Sewer Improvement & Pump Station Flood Mitigation	\$1,000,000	\$1,000,000
City Modern Sustainability & Resiliency Planning	\$200,000	\$200,000

EXPENDITURES TOTAL	\$5,400,000	\$5,476,035
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(Motion ADOPTED.)

PUBLIC COMMENT

John Elsen, 6106 Sturgeon Creek Pkwy commented on planning and infrastructure in the City.

CENTER CITY LOFTS PILOT

Community Development Planner, Tom Wyatt presented to City Council regarding the PILOT ordinance. Introduction and first reading of the following ordinance amendment was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTION 2-260.21 AND 2-264.19 AND BY AMENDING SECTION 2-262, ARTICLE XIII OF CHAPTER 2 THEREOF.

The City of Midland Ordains:

Section 1. Sections 2-260.21, 2-262, and 2-264.19 of Article XIII of Chapter 2 are hereby amended to read as follows:

Sec. 2-260.21. CENTER CITY LOFTS.

The City acknowledges that ~~Center City Lofts~~, Center City Lofts Limited Dividend Housing Association Limited Partnership (A SPONSOR, AS DEFINED HEREIN) has offered, subject to receipt of financing from the authority, to erect or operate and maintain a housing development identified as Center City Lofts located on the following described property:

2710 & 2712 Jefferson Avenue, Midland, Michigan 48640;

And further described as:

2710 Jefferson Avenue:

BEGINNING 165 FEET SOUTH OF NORTHWEST CORNER OF SOUTHWEST 1/4 OF NORTHWEST 1/4 SECTION 15, THENCE EAST 300 FEET, SOUTH 60 FEET, EAST 228.35 FEET, SOUTH 46.48 FEET, SOUTH 38 DEGREES 31 MINUTES 24 SECONDS EAST 74.93 FEET, THENCE WEST 575.29 FEET, NORTH 165 FEET TO POINT OF BEGINNING. CONTAINING 1.719 ACRES.

AND

2712 Jefferson Avenue:

BEGINNING 165 FEET SOUTH & 300 FEET EAST OF NORTHWEST CORNER OF SOUTHWEST 1/4 OF SECTION 15, THENCE EAST 228.0 FEET, SOUTH 60 FEET, WEST 228.35 FEET, NORTH 60 FEET TO POINT OF BEGINNING. CONTAINING 0.314 ACRES.

In the city to serve low income persons, and that center city lofts Limited Dividend Housing Association Limited Partnership has offered to pay the city on account of said housing development an annual service charge for public services in lieu of all taxes.

Sec. 2-262. Class of housing developments.

It is hereby determined that the class of housing developments to which the tax exemption shall apply, and for which a service charge shall be paid in lieu of such taxes, shall be that portion of a development which is for elderly persons or low-income persons and which is financed or assisted pursuant to the act. It is further determined that Grove Street Commons I, Grove Street Commons II, The Village At Joseph's Run, Granite Club Acres #1, Chippewassee Court Phase I, Chippewassee Court Phase 11, Adams Acres Phase I, 606/608 Hemlock Street, 5004 Tucker Street, 1111 Franklin Street, 4301 Hancock Drive, 310 E. Pine Street, 1414 Lincoln Street, 1417 Mill Street, 2520 Charles Street and 528 Cottonwood Street, Bracken Woods 11 Apartments,

Center City Lofts, and the elderly portions of Charter Square and Green Hill are of this class.

SEC. 2-264.19. ESTABLISHMENT OF ANNUAL SERVICE CHARGE FOR CENTER CITY LOFTS.

- (A) *Annual service charge.* The housing development identified as Center City Lofts and the property on which it is constructed shall be exempt from all property taxes from and after the enactment of the ordinance for which this section derives and for the year subsequent to timely notification of exemption by the Michigan State Housing Development Authority. The city, acknowledging that the sponsor and the authority have established the economic feasibility of the housing development in reliance upon the enactment and continuing effect of the ordinance from which this section derives and the qualification of the housing development for exemption from all property taxes and a payment in lieu of taxes as established in the ordinance from which this section derives, and in consideration of the sponsor's offer, subject to receipt of an allocation of low-income housing tax credits under Section 42 of the Internal Revenue Code of 1986, as amended, to erect, operate, and maintain the housing development, agrees to accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charge shall be equal to nine percent (9%) of the annual shelter rents less utilities. This pilot exemption shall last for 20 years or until the associated mortgage is paid off, whichever occurs sooner. THIS EXEMPTION SHALL REMAIN IN EFFECT SO LONG AS THE HOUSING DEVELOPMENT IS SUBJECT TO THE AFFORDABILITY RESTRICTIONS OF SECTION 42 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, BUT NOT MORE THAN TWENTY (20) YEARS.
- (B) *Limitation on the payment of annual service charge.* Notwithstanding subsection (a), the service charge to be paid each year in lieu of taxes for the part of the housing development which is tax exempt and which is occupied by other than low-income persons shall be equal to the full amount of taxes which would be paid on that portion of the housing development if the housing development were not exempt. However, it is agreed that all 100% OF THE units of the new facility will serve low-income persons.

SEC. 2-267. DURATION

THIS ARTICLE SHALL REMAIN IN EFFECT AND SHALL NOT TERMINATE SO LONG AS A MORTGAGE LOAN MADE TO A SPONSOR FOR A DEVELOPMENT SUBJECT TO THIS ARTICLE REMAINS OUTSTANDING AND UNPAID OR THE AUTHORITY HAS ANY INTEREST IN PROPERTY SUBJECT TO A SERVICE CHARGE UNDER THIS ARTICLE, AND SO LONG AS THE PROJECT REMAINS COMPLIANT WITH SECTION 42 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, IF APPLICABLE; PROVIDED, THAT CONSTRUCTION OF ANY HOUSING DEVELOPMENT SUBJECT TO THIS ARTICLE COMMENCES WITHIN 24 MONTHS FROM THE EFFECTIVE DATE OF THE ORDINANCE ESTABLISHING THE ANNUAL SERVICE CHARGE FOR SAID DEVELOPMENT.

Section 2. This Ordinance shall take effect upon publication. (Motion ADOPTED. Considered first reading.)

CENTER CITY S. SAGINAW ROAD STREETScape PROJECT

Director of Community Affairs, Selina Crosby Tisdale presented to City Council regarding funding for the S. Saginaw Road Streetscape project, grants from the Charles J. Strosacker Foundation, the Dow Company Foundation and the Rollin. M. Gerstacker Foundation; and.

ACCEPT GIFTS FROM THE CHARLES J. STROSACKER FOUNDATION, THE DOW COMPANY FOUNDATION, AND THE ROLLIN M. GERSTACKER FOUNDATION

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

WHEREAS, on August 5, 2019, Midland City Council approved the pursuit of funding and design development for Phase One of the Center City Redevelopment Plan: S. Saginaw Road Streetscape, Dartmouth to Patrick Road; and
WHEREAS, in support of the project, the Charles J. Strosacker Foundation has granted \$300,000, the Dow Company Foundation has granted \$500,000, and the Rollin M. Gerstacker Foundation has granted \$1,000,000; now therefore
RESOLVED, that Midland City Council hereby graciously accepts the funding donations totaling \$1,800,000 from the Charles J. Strosacker Foundation, the Dow Company Foundation, and the Rollin M. Gerstacker Foundation and approves said funding to be held at the Midland Area Community Foundation until such time that construction begins on the S. Saginaw Road Streetscape. (Motion ADOPTED.)

ALLOCATE MIDLAND COUNTY ROAD MILLAGE

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

WHEREAS, on August 5, 2019, Midland City Council approved the pursuit of funding and design development for Phase One of the Center City Redevelopment Plan: S. Saginaw Road Streetscape, Dartmouth to Patrick Road; and
WHEREAS, the \$5.2 million project includes the construction of eight-foot sidewalks to improve the safety of biking and walking, a planted buffer between the sidewalk and roadway, consistent street trees and enhanced motorist and pedestrian lighting; and
WHEREAS, more than \$3,790,000 in community funding and grant support is identified for this project, and a contribution from local government is desired; now, therefore
RESOLVED, that Midland City Council hereby allocates \$1,000,000 from the Midland County Road Millage to the S. Saginaw Road Streetscape project. (Motion ADOPTED.)

PARKS AND RECREATION COMMISSION RESIGNATION

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

RESOLVED, that the resignation of David Rice as a member of the Parks and Recreation Commission is hereby accepted effective immediately, and the Administration is directed to convey the Council's appreciation to Mr. Rice for his service on this important Commission; and
RESOLVED FURTHER, that City staff is directed to begin disseminating information regarding the Parks and Recreation Commission vacancy. (Motion ADOPTED.)

DEPARTMENT OF PUBLIC SERVICES – TANDEM AXLE SNOW REMOVAL TRUCK AND FORESTRY AERIAL LIFT TRUCK PURCHASES

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

WHEREAS, competitive bids for heavy and medium duty trucks are solicited by the State of Michigan's MiDEAL Extended Purchasing Program on a bi-annual basis and the City of Midland is authorized to make purchases from these cooperative purchasing programs; and
WHEREAS, competitive bids for snow and ice removal equipment were solicited by the City of Rochester Hills, Michigan on behalf of the City of Midland; and
WHEREAS, sufficient funding for the purchase of one tandem axle dump truck with snow/ice removal equipment and one forestry aerial truck with chip body is included in the FY 2021/22 Equipment Revolving Fund Capital Outlay account as replacements for existing aging, high maintenance units; now therefore
RESOLVED, that the Accounting Manager is authorized to issue purchase orders to the State of Michigan's selected vendor, D&K Truck Company of Lansing, MI in the amount of \$88,202.00

for the purchase of one tandem axle dump truck chassis; the City of Rochester Hills' selected vendor Truck and Trailer Specialties of Dutton, MI in the amount of \$155,148.70 for the purchase of one stainless steel dump box and associated snow removal equipment; and to the State of Michigan's selected vendor, Altec Industries of Waterford, MI in the amount of \$196,450.00 for the purchase of one aerial lift truck with chip body, all in accordance with the associated cooperative purchasing programs' proposals and specifications; and RESOLVED FURTHER, that the City Manager be authorized to approve changes to the purchase orders up to 5% of the total cost for unforeseen modifications that may come up during the build process. (Motion ADOPTED.)

ZONING AMENDMENT PETITION NO. 633 (REZONING REQUEST)

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

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, August 24, 2021 for property located at 2601 Washington Street for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, from split zoning of OS Office Service and RC Regional Commercial to RC Regional Commercial subject to conditions offered by the petitioner; now therefore RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, October 11, 2021, at 7:00 p.m. in the Council Chambers, City Hall for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance, which is hereby introduced and given first reading; and RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners within three hundred (300) feet of the area proposed to be rezoned by transmitting notice on or before September 17, 2020 and to publish said notice on September 18, 2021.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE A RC REGIONAL COMMERCIAL ZONING DISTRICT, WITH CONDITIONS, WHERE SPLIT ZONING OF OS OFFICE SERVICE AND RC REGIONAL COMMERCIAL ZONING DISTRICTS PRESENTLY EXIST.

The City of Midland Ordains:

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

BEG 40 FT W & 607.5 FT N OF THE CEN OF SEC 15, W 257.5 FT, N 187.5 FT, E 257.5 FT, S 187.5 FT TO BEG, and the same is hereby changed to RC Regional Commercial zoning subject to conditions.

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

Section 3. This Ordinance shall take effect upon publication. (Motion ADOPTED. Considered first reading.)

NEW BUSINESS

City Council held a discussion regarding marijuana and the City Council's position. The City Council then directed the City Attorney to report back to Council on or before the Council retreat in January.

Being no further business the meeting adjourned at 9:07 p.m.

Lacey Todd, Deputy City Clerk