



CITY COUNCIL MEETING AGENDA

February 2, 2023

Mark Ammel, Mayor
Karen Moore, Mayor Pro Tem
Ronald J. Beauchamp, Council Member
Tyler DuBord, Council Member
Todd Flath, Council Member

James R. McNeil, City Manager
Phil DeMay, City Clerk
Laura J. Genovich, City Attorney

City Council Chambers located at: City Hall – 410 Ludington Street – Room C101 – Escanaba, MI 49829

The Council has adopted a policy to use a Consent Agenda, when appropriate. All items with an asterisk (*) are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member or citizen so requests, in which event, the item will be removed from the General Order of Business and considered in its normal sequence on the Agenda.

Regular Meeting

Thursday, February 2, 2023, at 7:00 p.m.

CALL TO ORDER

ROLL CALL

INVOCATION/PLEDGE OF ALLEGIANCE

APPROVAL/CORRECTION(S) TO MINUTES – Special Meeting – January 18, 2023

Regular Meeting – January 19, 2023

Special Joint Meeting – January 23, 2023

APPROVAL/ADJUSTMENTS TO THE AGENDA

CONFLICT OF INTEREST DECLARATION(S)

BRIEF PUBLIC COMMENT(S)

PUBLIC HEARINGS

1. Second Reading, Public Hearing and Adoption of Ordinance No. 1273, An Ordinance Imposing Temporary Moratorium on Medical and Adult-Use Marihuana Establishment Applications, Approvals, and Licenses.

Explanation: Administration is requesting the City Council to consider approval and adoption of Ordinance No. 1273, Ordinance Imposing Temporary Moratorium on Medical and Adult-Use Marihuana Establishment Applications, Approvals, and Licenses.

UNFINISHED BUSINESS

NEW BUSINESS

1. Approval – City Manager Contract – HR Director/Treasurer.

Explanation: Administration is requesting City Council approval of the proposed City Manager contract.

2. Approval – AMI Grant Request – Electric.

Explanation: Administration is requesting City Council approval to award a contract to Power Systems Engineering to prepare a grant application for the AMI project with a cost not to exceed \$6,000.

3. Presentation – 2022 Planning Commission Annual Report – Planning & Zoning.

Explanation: During a regular meeting of the Planning Commission on January 12, 2023, a motion was made to approve the Planning Commission Annual Report and Work Plan as presented before them and submit to City Council for review in accordance with the Michigan Planning Enabling Act, PA 33 of 2008, Section 125.3819.

APPOINTMENTS

BOARD, COMMISSION, AND COMMITTEE REPORTS

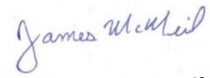
GENERAL PUBLIC COMMENT

ANNOUNCEMENTS

Agenda – February 2, 2023

ADJOURNMENT

Respectfully Submitted

A handwritten signature in blue ink that reads "James McNeil". The signature is written in a cursive, flowing style.

**James R. McNeil
City Manager**

**OFFICIAL PROCEEDINGS
CITY COUNCIL
CITY OF ESCANABA, MICHIGAN
Special Council Meeting
Wednesday, January 18, 2023**

Pursuant to a meeting notice posted on January 12, 2023, the meeting was called to order by the Honorable Mayor Mark Ammel at 6:00 p.m. in the Council Chambers of City Hall located at 410 Ludington Street.

Present: Mayor Mark Ammel, Council Members, Ronald J. Beauchamp, Tyler DuBord, Todd Flath, and Karen Moore

Absent: None

Also Present: Interim City Manager Jim McNeil, City Clerk Phil DeMay, Department Heads, media, and members of the public.

ADJUSTMENTS TO THE AGENDA

Flath moved, DuBord seconded, **CARRIED UNANIMOUSLY**, to approve the City Council Agenda as submitted.

CONFLICT OF INTEREST DECLARATION – None

BRIEF PUBLIC COMMENT – None

PUBLIC HEARINGS – None

UNFINISHED BUSINESS – None

NEW BUSINESS

NB-1 Interview – City Manager Position.

Council interviewed candidate Jim McNeil for the upcoming City Manager position vacancy.

Flath moved, Moore second, to offer the City Manager position to Jim McNeil pending contract approval.

After further discussion, Council Member Flath rescinded his motion. With a lack of support to the motion it dies on the floor.

APPOINTMENTS – None

BOARD, COMMISSION, AND COMMITTEE REPORTS – None

GENERAL PUBLIC COMMENT – None

ANNOUNCEMENTS – None

Hearing no further public comment DuBord moved, Beauchamp seconded, Council adjourned at 7:09 p.m.

Respectfully submitted,

Phil DeMay
City Clerk

Approved: _____
Mark Ammel, Mayor

**OFFICIAL PROCEEDINGS
CITY COUNCIL
CITY OF ESCANABA, MICHIGAN
Regular Council Meeting
Thursday, January 19, 2023**

The meeting was called to order by the Honorable Mayor Mark Ammel at 7:00 p.m. in the Council Chambers of City Hall located at 410 Ludington Street.

Present: Mayor Mark Ammel, Council Members, Ronald J. Beauchamp, Tyler DuBord, Todd Flath, and Karen Moore

Absent: None

Also Present: Interim City Manager Jim McNeil, City Clerk Phil DeMay, Department Heads, media, and members of the public.

City Clerk DeMay led Council in the Pledge of Allegiance.

DuBord moved, Flath seconded, **CARRIED UNANIMOUSLY**, to approve Regular Meeting minutes from January 5, 2023, as submitted.

Flath moved, DuBord seconded, **CARRIED UNANIMOUSLY**, to approve Work Session minutes from January 10, 2023, as submitted.

ADJUSTMENTS TO THE AGENDA

DuBord moved, Beauchamp seconded, **CARRIED UNANIMOUSLY**, to approve the City Council Agenda as submitted.

CONFLICT OF INTEREST DECLARATION

Council Member Moore declared a conflict of interest with New Business Item #4 because she is on the Board of Enhance Escanaba.

BRIEF PUBLIC COMMENT

- Jerod Bender – discussed possible Temporary Moratorium on Medical and Adult-Use Marihuana Establishment Applications.
- Will Carne Jr. – discussed possible Temporary Moratorium on Medical and Adult-Use Marihuana Establishment Applications.

PUBLIC HEARINGS

NB-1 Public Hearing – Citizen Participation – 2023-24 Fiscal Year Budget Preparation.

Each year, Council holds public hearings to facilitate input from citizens for the upcoming FY2023-24 fiscal year budget. This was the first of five (5) scheduled public hearings.

This being a public hearing, Mayor Ammel asked for public comment.

- Jerod Bender – discussed local landfill options.

Hearing no further public comment, Mayor Ammel then closed the public hearing.

NB-2 Public Hearing – Condemnation Located at 1620 9th Avenue South – Code Compliance Department – Public Safety.

Administration requested condemnation of the home at 1620 9th Avenue South due to lack of maintenance and repair and is unfit for human habitation.

Interim City Manager Jim McNeil updated Council on a conversation with the property owner and their intentions to sell the house. Mr. McNeil recommended to postpone the second public hearing until May to see if the sale follows through.

NB-2 Beauchamp moved, DuBord seconded, to postpone the Public Hearing on the Condemnation located at 1620 9th Avenue South until May 4, 2023, Regular City Council meeting.

Upon a call of the roll, the vote was as follows:

Ayes: Beauchamp, DuBord, Moore, Flath, Mayor Ammel

Nays: None

MOTION CARRIED.

UNFINISHED BUSINESS

UB-1 Discussion – City Manager Position – Council/Manager.

City Council held a discussion of the City Manager position and proposed contract.

UB-1 Flath moved, Moore seconded, to approve to hire Jim McNeil as the City Manager / City Assessor pending contract negotiation and verification with the State there is no legal conflict of interest having dual role as City Manager and City Assessor.

Upon a call of the roll, the vote was as follows:

Ayes: Flath, Moore, Beauchamp, DuBord, Mayor Ammel

Nays: None

MOTION CARRIED.

Mayor Ammel and Council Member Beauchamp will represent City Council along with HR Kim Gustafson and City Controller Melissa Becotte in contract negotiation.

NEW BUSINESS

NB-1 Presentation – Audit – City Controller.

Annette Eustice of the audit firm Rehmann gave a presentation of the 06/30/2022 audit.

NB-2 Approval – Resolution to Adopt the Updated Delta County Hazard Mitigation Plan – City Manager.

The CUPPAD Regional Planning Commission sought Council approval of a resolution to adopt the updated Hazard Mitigation Plan for Delta County. After receiving input from local municipalities, the plan was adopted by FEMA, Region V, U.S. Department of Homeland Security and adopted by the County Board of Commissioners. Since the City of Escanaba was part of the planning process, FEMA requested adoption of the plan by the local units of government. This Hazard Mitigation Plan assesses risks and evaluates the community's vulnerability from potential hazards. By adopting the plan, the City will be eligible to apply for funding through the full complement of Hazard Mitigation Assistance Grants offered by the State of Michigan and Federal government.

“NB-2 By Council Member DuBord, seconded by Council Member Moore:

RESOLUTION 23-01

Resolution of the Adoption of the 2023 Delta County Hazard Mitigation Plan

WHEREAS, hazard mitigation is defined as any action taken before, during, or after a disaster or emergency to permanently eliminate or reduce the long-term risk to human life and property; and

WHEREAS, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, is the federal law that creates the framework for state, local, tribal and territorial governments to engage in hazard mitigation planning to receive certain types of non-emergency disaster assistance; and

WHEREAS, FEMA manages the Hazard Mitigation Grant Program which provides funding to state, local, tribal and territorial governments so they can develop hazard mitigation plans and rebuild in a way that reduces, or mitigates, future disaster losses in their communities; and

WHEREAS, the Federal Government, the State of Michigan, Delta County, and the Escanaba City Council all recognize the importance of preventing or lessening the damage and impact of disasters and emergencies through hazard mitigation; and

WHEREAS, the City of Escanaba has a unique role to play in coordinating the hazard mitigation activities of federal and state and local governments by identifying local county hazards; and assisting in possible mitigation efforts; and

WHEREAS, the 2023 Delta County Hazard Mitigation Plan identifies mitigation goals and actions to eliminate or reduce long-term risk to people and property in City of Escanaba from the impacts of future hazards and disasters; and

WHEREAS, adoption by the Escanaba City Council demonstrates their commitment to hazard mitigation and achieving the goals outlined in the 2023 Delta County Hazard Mitigation Plan.

NOW THEREFORE, BE IT RESOLVED the Escanaba City Council adopts the 2023 Delta County Hazard Mitigation Plan.

Upon a call of the roll, the vote was as follows:

Ayes: DuBord, Moore, Beauchamp, Flath, Mayor Ammel
Nays: None

RESOLUTION DECLARED ADOPTED.”

NB-3 Approval – Energy Optimization Program - Electric.

Administration sought approval for the 2023 Energy Optimization Program in the amount of \$150,000. This was a budgeted item. The Electrical Advisory Committee supported and recommended this program.

NB-3 DuBord moved, Flath seconded, to approve the 2023 Energy Optimization Program in the amount of \$150,000.

Upon a call of the roll, the vote was as follows:

Ayes: DuBord, Flath, Moore, Beauchamp, Mayor Ammel
Nays: None

MOTION CARRIED.

NB-4 Approval – Request to Use City Land for History Garden – Manager.

Administration sought Council input on a request from Enhance Escanaba to design and construct/plant a history garden on the unused area of sand point, east of the

water plant.

NB-4 DuBord moved, Flath seconded, **CARRIED UNANIMOUSLY**, to postpone the request to use City Land for History Garden until Enhance Escanaba can render a design and more detailed information.

Abstain: Moore

NB-5 Approval – Engagement Agreement for City Attorney – Manager.

Administration sought City Council approval of an engagement agreement appointing Foster Swift as the City Attorney. This required Council approval in accordance with the City purchasing policy.

NB-5 Moore moved, DuBord seconded, to approve of an engagement agreement appointing Foster Swift as the City Attorney.

Upon a call of the roll, the vote was as follows:

Ayes: Moore, DuBord, Beauchamp, Flath, Mayor Ammel

Nays: None

MOTION CARRIED.

DuBord moved, Flath seconded, to go into recess, **CARRIED UNANIMOUSLY.**

The time was 8:22 p.m.

DuBord moved, Beauchamp seconded, to come back in session, **CARRIED UNANIMOUSLY.**

The time was 8:30 p.m.

NB-6 Closed Session – Discuss a Written Legal Opinion – Attorney.

Pursuant to MCL 15.268(h) a closed session was proposed to discuss with the public body's attorney a memorandum of advice as permitted under section 8(h) of the OMA – "to consider material exempt from discussion or disclosure by state or federal statute."

DuBord moved, Flath seconded, to go into Closed Session.

Upon a call of the roll, the vote was as follows:

Ayes: DuBord, Flath, Moore, Beauchamp, Mayor Ammel

Nays: None

MOTION CARRIED.

The time was 8:31 p.m.

DuBord moved, Flath seconded, to come back into Open Session.

Upon a call of the roll, the vote was as follows:

Ayes: DuBord, Flath, Moore, Beauchamp, Mayor Ammel

Nays: None

MOTION CARRIED.

The time was 9:04 p.m.

No Council actions were taken during closed session.

NB-7 First Reading of Ordinance No. 1273, An Ordinance Imposing Temporary Moratorium on Medical and Adult-Use Marihuana Establishment Applications, Approvals, and Licenses, and Setting the Date of Thursday, February 2, 2023, for the Second Reading, Public Hearing, and Adoption – Manager.

Administration requested City Council to consider this the first reading of Ordinance No. 1273, Ordinance Imposing Temporary Moratorium on Medical and Adult-Use Marihuana Establishment Applications, Approvals, and Licenses. Administration requested that the City Council set February 2, 2023, for the second reading, public hearing, and adoption of Ordinance No. 1273.

NB-7 Mayor Ammel moved, Moore seconded, to consider this the first reading of Ordinance No. 1273 with amendment to Section 3 that reads as follows: “This moratorium does not apply to applicants whose applications were received on or before January 19, 2023”, Ordinance Imposing Temporary Moratorium on Medical and Adult-Use Marihuana Establishment Applications, Approvals, and Licenses and to set February 2, 2023, for the second reading, public hearing, and adoption of Ordinance No. 1273.

Upon a call of the roll, the vote was as follows:

Ayes: Mayor Ammel, Moore, Beauchamp, DuBord

Nays: Flath

MOTION CARRIED.

APPOINTMENT(S) TO CITY BOARDS, COMMISSIONS, AND COMMITTEES

Mayor Ammel and Council member Beauchamp were appointed to the City Manager / City Assessor contract committee along with HR Kim Gustafson and Controller Melissa Becotte.

Interim City Manager James McNeil with Council Consensus made the following appointment:

Mary Blasier appointed to the Recreation Advisory Board, expiring June 1, 2024.

BOARD, COMMISSION, AND COMMITTEE REPORTS

Council Members reviewed City Board and Commission meetings each attended since the last City Council Meeting.

GENERAL PUBLIC COMMENT

- Karen Caswell – discussed Historic Garden by Enhanced Escanaba proposed location.
- Tyler Anthony – discussed Historic Garden.

ANNOUNCEMENTS

- Mayor Ammel congratulated and welcomed Jim McNeil as the City Manager / City Assessor of the City of Escanaba.

Hearing no further public comment Beauchamp moved, the Council adjourned at 9:50 p.m.

Respectfully submitted,

Phil DeMay
City Clerk

Approved: _____
Mark Ammel, Mayor

**OFFICIAL PROCEEDINGS
CITY COUNCIL
PLANNING COMMISSION
CITY OF ESCANABA, MICHIGAN
Special Joint Meeting
Monday, January 23, 2023**

Pursuit to a special joint meeting notice posted January 20, 2023, the meeting was called to order by the Honorable Mayor Mark Ammel at 4:00 p.m. in the Council Chambers of City Hall located at 410 Ludington Street.

Present: Mayor Mark Ammel, Council Members, Ronald J. Beauchamp, Tyler DuBord, and Karen Moore

Absent: Council Member Todd Flath

Planning: Chairperson James Hellermann, Commission Members Dominic Benetti, Mark Hannemann, David Mason, Nevin Naser, and Roy Webber

Absent: Secretary Kelli Van Ginhoven

Also Present: City Manager James R. McNeil, City Clerk Phil DeMay, City Attorney Laura J. Genovich (virtually), media and members of the public.

ADJUSTMENTS TO THE AGENDA

DuBord moved, Beauchamp seconded, **CARRIED UNANIMOUSLY**, to approve the City Council Agenda as submitted.

CONFLICT OF INTEREST DECLARATION – None

BRIEF PUBLIC COMMENT

- Bonnie Hakkola – discussed Marihuana establishments and locations.
- Dennis Renken – discussed Marihuana establishments and locations.
- Barbra Barron – discussed Marihuana establishments and locations.
- Barbie Clairmont - discussed Marihuana establishments and crime.
- Robin Custance - discussed Marihuana establishments and locations.
- Paul Neumeier - discussed Marihuana establishments and locations.

PUBLIC HEARINGS – None

UNFINISHED BUSINESS – None

NEW BUSINESS

NB-1 Discussion – Temporary Moratorium on Medical and Adult-Use Marihuana Establishment Applications, Approvals, and Licenses.

City Council and the Planning Commission agreed to a joint meeting to continue the discussion on the Temporary Moratorium on Medical and Adult-Use Marihuana Establishment Applications, Approvals, and Licenses.

City Council members and Planning Commissioners discussed the temporary moratorium on medical and adult use marihuana establishment applications, approval, and licenses.

Planning Commissioner Dominic Benetti exited the meeting at 5:00 p.m.

APPOINTMENT(S) TO CITY BOARDS, COMMISSIONS, AND COMMITTEES – None

BOARD, COMMISSION, AND COMMITTEE REPORTS

Council Members reviewed City Board and Commission meetings each attended since the last City Council Meeting.

GENERAL PUBLIC COMMENT

- Laura Coleman - discuss Marihuana establishments for consideration around Bay College.
- Robin Custance – discussed Marihuana establishments and locations.
- Chery Corbiere - discussed Marihuana establishments and locations.
- Ed Custance - discussed Marihuana establishments and locations.
- Bonnie Hakkola - discussed Marihuana establishments and locations.
- Tyler DuBord - discussed Marihuana establishments and locations.
- Ed Custance - discussed Marihuana establishments and locations.

BOARD AND COMMISSIONS/STAFF COMMENT AND ANNOUNCEMENTS

- Mayor Ammel thanked the public for coming out and attending the meeting.

Hearing no further public comment DuBord moved, the Council adjourned at 5:28 p.m.

Respectfully submitted,

Phil DeMay
City Clerk

Approved: _____
Mark Ammel, Mayor

Agenda Item: PH-1
Date: 02-02-2023

City Council Agenda Item Request

Date: 01/20/2023

Name: James McNeil

Department: Manager

Item: Second Reading, Public Hearing and Adoption of Ordinance No. 1273

Meeting date requested: 02/02/2023

Explanation for request:

Administration is requesting the City Council to consider approval and adoption of Ordinance No. 1273, Ordinance Imposing Temporary Moratorium on Medical and Adult-Use Marihuana Establishment Applications, Approvals, and Licenses.

**CITY OF ESCANABA
ORDINANCE NO. 1273**

**ORDINANCE IMPOSING TEMPORARY MORATORIUM ON MEDICAL AND
ADULT-USE MARIHUANA ESTABLISHMENT
APPLICATIONS, APPROVALS, AND LICENSES**

THE CITY OF ESCANABA ORDAINS:

Section 1. Definitions.

The terms used in this Ordinance have the meanings set forth in Ordinance Nos. 1269 and 1271.

Section 2. Purpose and Findings.

- A. The City of Escanaba adopted Ordinance No. 1269, Ordinance Authorizing and Regulating Medical and Adult-Use Marihuana Establishments, and Ordinance No. 1271, Ordinance Amending Zoning Ordinance Authorizing and Regulating Medical and Adult-Use Marihuana Establishments, on September 15, 2022.
- B. Based on concerns that have arisen during the first several months of the licensing and approval process, the City Planning Commission wishes to consider recommending amendments to the zoning regulations for medical marihuana facilities and adult-use marihuana establishments in the City, including the permissible locations for these land uses. The City Planning Commission may also recommend that the City Council consider amendments to Ordinance No. 1269.
- C. No medical or adult-use marihuana establishments have received final authorization from the City.
- D. The City is authorized by law to adopt a temporary moratorium on approvals for particular land uses or developments. See *Tahoe-Sierra Pres Council, Inc v Tahoe Reg'l Planning Agency*, 535 US 302, 338 (2002) (recognizing that moratoria are “used widely among land-use planners to preserve the status quo while formulating a more permanent development strategy” and that moratoria are “an essential tool of successful development”).
- E. Imposing a temporary moratorium on marihuana establishment applications and approvals is reasonable and necessary to allow the Planning Commission and City Council sufficient time to explore, analyze, research, and develop any appropriate amendments to the City’s Code of Ordinances and Zoning Ordinance related to medical marihuana facilities and adult-use marihuana establishments.

Section 3. Moratorium.

A moratorium is hereby imposed on the acceptance or processing of applications for medical marihuana facilities or adult-use establishments (including special land use permit applications) and on the issuance of permits, licenses, or approvals for any medical marihuana facility or adult-use marihuana establishment in the City. **This moratorium does not apply to applicants whose applications were received on or before January 19, 2023.**

Section 4. Term of Moratorium.

This moratorium remains in effect for **three months** following the effective date of this Ordinance. Before the moratorium expires, the City Council may, by resolution, extend the moratorium for up to three additional months. If an extension is adopted, the City will publish notice of the extension.

Section 5. Validity and Severability.

Should any portion of this Ordinance be found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

Section 7. Effective Date.

This Ordinance is effective 10 days after publication.

Section 8. Repeal.

This Ordinance does **not** repeal Ordinance No. 1269 or 1271.

APPROVED:

APPROVED:

Laura J. Genovich
City Attorney

Mark Ammel
Mayor

Ordinance No. 1273

Date Approved: (Month) (Date), 2023

Attest

Date Published: (Month) (Date), 2023

Phil DeMay
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, Michigan at a Regular Meeting held on the (date) day of (Month), 2023 and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on (Day), (Month) (Date), 2023, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Phil DeMay
City Clerk

Agenda Item: NB-1
Date: 02-02-2023

City Council Agenda Item Request

Date: January 26, 2023

Name: Kim G.

Department: HR Director/Treasurer

Item: Approval of City Manager Contract

Meeting date requested: February 2, 2023

Explanation for request:

Administration is requesting City Council's approval of the proposed City Manager contract.



Employment Agreement

This agreement, subsequently called "Agreement," is entered into this 2nd day of February 2023, between the City of Escanaba, State of Michigan, a Municipal Corporation, subsequently called "City" and James McNeil, subsequently called "City Manager," both who understands the following:

- A. The City Council is empowered to appoint and remove the City Manager as provided for in the City Charter; and
- B. The City Council desires to employ the services of James McNeil as the City Manager and Assessor; and
- C. James McNeil desires to accept employment as the City Manager and Assessor for the City of Escanaba.

Now, therefore, in consideration of the mutual covenants contained herein, the parties agree to the following:

Term

The City of Escanaba hereby employs, and the City Manager accepts employment, for an indefinite term commencing on the 2nd day of February 2023.

The City Manager is an exempt, salaried, "at-will" employee and shall serve at the pleasure of the City Council and may be terminated without cause. However, according to the City Charter, Section 17:

"After serving one year, a Manager may be removed only upon the affirmative vote of four members of the Council."

During the first year of employment the City Manager may be terminated with a majority vote of City Council without any severance pay for any reason or for no reason. This period began on November 4, 2022, when he was appointed as Interim City Manager. He will also be allowed to return to his original position as City Assessor if he so chooses.

Nothing in this agreement shall prevent, limit, or otherwise interfere with the right of the City Manager to resign at any time from the position with the City. The City Manager agrees to provide the City with 60-days' notice of said resignation, unless the City Council and City Manager otherwise agree. If the City Manager fails to provide such notice to the City Council, any right to benefit payout will be forfeited.

The City Council may place the City Manager on administrative leave with full pay and benefits at any time during the term of this agreement.

Residency within the City is a requirement for this position per City Charter, Section 14.

Duties and Supervision

1. Unless otherwise provided herein, the City Manager shall devote full attention to the position and carry out to the best of his ability and professional manner all duties as City Manager and Assessor. He will also abide by and enforce all applicable City ordinances; state and federal laws; rules and



Mission Statement:

Enhancing the enjoyment and livability of our community by providing quality municipal services.

The City of Escanaba is an equal opportunity employer and provider.

regulations applicable to Escanaba as they now exist or may be changed by the appropriate governmental entity having jurisdiction over the matter.

2. The City Manager will oversee the day-to-day management and operation of the City of Escanaba, including supervision, evaluation, and discipline of City employees.
3. The City Manager shall be supervised, subject to disciplinary action, and evaluated by the City Council.
 - a. The City Council shall review the City Manager's performance under this agreement on a yearly basis. The review will be a written evaluation in accordance with specific criteria developed by the City Council. Criteria may be added or deleted as necessary. If no review is undertaken, performance shall be considered satisfactory.
4. In regard to City Manager discipline, City Council may contact the HR Director at any time, and the HR Director may go to the City Council at any time.
5. The City Manager shall keep the City Council advised of all City employee terminations.
6. Nothing herein will limit the City Manager's right to make passive investments, to participate in charitable service and organizations, other community activities, trade and professional organizations, political activities, and organizations, or to undertake other activities, which in the sole judgement of the City Council do not interfere with the performance of duties.
7. The City Manager shall not otherwise be employed on a full or part-time basis without the written permission of the City Council, other than in his current position as City Assessor.

Salary

The City agrees to pay the City Manager a yearly salary of **\$145,000** for his services rendered pursuant to this agreement; \$120,000 for City Manager duties and \$25,000 for Assessor duties.

Other Benefits

1. The City Manager shall be entitled to paid time off as provided to newly appointed Department Heads, per the Non-Union Employees Handbook, as amended with the exception that the City Manager shall receive 176 hours of Paid Time Off benefits per year, until he reaches the actual eight years of service, then he will accrue according to the Non-Union Paid Time Off schedule.
2. The City Manager shall be entitled to holidays, worker's compensation, unemployment compensation, and disability income insurance as provided to newly appointed Department Heads, per the Non-Union Employee Handbook, as amended.
3. The City shall continue to contribute, according to the current City policy, to the Defined Contribution retirement account on behalf of the City Manager.
4. The City Manager shall be entitled to hospitalization, surgical, dental, vision, and comprehensive medical insurance for himself and his dependents. The City agrees to pay the premium on the same basis as provided to all other non-union City employees.
5. The City will provide the use of a motor pool vehicle for the City Manager for City business. In the event the City Manager shall use his personal vehicle for City business, mileage reimbursement or fuel only shall be provided to the City Manager pursuant to the personnel policies for non-bargaining unit employees.

Mission Statement:



Enhancing the enjoyment and livability of our community by providing quality municipal services.

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6. The City shall provide the City Manager with a City cell phone. If the City Manager chooses to use his personal cell phone, he will be given a stipend pursuant to the personnel policies for non-bargaining unit employees.
7. The City agrees to budget and pay for the State and National City Manager's Association dues. The City shall also pay the dues for one local service organization.
8. The City shall bear the full cost of any fidelity or other bonds required by the City Manager under any law or ordinance.
9. The City shall defend and indemnify the City Manager against any action, including but not limited to any tort, professional liability claim or demand, or other noncriminal legal, equitable or administrative action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of the City Manager's duties as an employee or officer of the City. In addition, the City shall pay the reasonable expenses for the travel, lodging, meals, and lost work time of the City Manager should the City Manager be subject to such action. The City shall be responsible for and have the authority to compromise and settle any action, with prior consultation with the City Manager, and pay the amount of any settlement or judgment rendered on that action. The City Manager shall cooperate fully with the City in the settlement, compromise, preparation of the defense, or trial of any such action. The City will be responsible for any and all costs and attorney fees associated with this provision. The provisions of this paragraph shall survive termination of the City Manager's employment or termination of this agreement.
10. If the City Manager is disabled or otherwise unable to perform his duties because of sickness, non-work-related accident, non-work-related injury, mental incapacity or ill health, he shall be eligible for disability leave upon exhausting all carried paid time off. Disability leave shall be unpaid and shall be at the sole discretion of the City Council for a time period of up to six months. If, upon the expiration of the disability leave approved by the City Council, the City Manager is unable to return to work at the time, the City Council shall have the option to terminate the employment of the City Manager without further liability on the part of the City.

Termination and Severance Pay

1. Except as otherwise provided in this agreement, in the event the City Council terminates the employment of the City Manager, and during such time the City Manager is willing and able to perform his duties under this agreement, the City shall pay to the City Manager a severance payment in an amount equal to the last three (3) month's salary previously budgeted, appropriated and approved. Provided, however, the salary shall be paid over a three (3) month period and shall cease during said three months upon the City Manager securing other employment.
2. In addition to said salary, the City Manager shall receive medical benefits or insurance opt-out reimbursement for 90 calendar days after the date of termination. Said benefits shall cease upon the City Manager securing other employment.
3. The City shall maintain and pay for said health, medical disability, and life insurance in such amounts and on such terms as have been received at the time of such termination. However, no other additional benefits shall accrue during this 90-calendar day period.



Mission Statement:

Enhancing the enjoyment and livability of our community by providing quality municipal services.

The City of Escanaba is an equal opportunity employer and provider.

4. Notwithstanding Section Termination and Severance Pay, paragraph (1), the following reasons shall constitute grounds to terminate the employment of the City Manager without severance pay or medical benefits:
 - a. A willful breach of this agreement or willful and repeated neglect by the City Manager to perform duties that he is required to perform;
 - b. Conviction of any criminal act relating to employment with the City;
 - c. Conduct relating to City employment which, while not necessarily criminal in nature, violates the City's established Policies and Procedures, as they are amended;
 - d. Conviction of a felony;
 - e. Resignation of employment by the City Manager
5. Prior to the time the City Council terminates the City Manager without severance pay for any of the reasons set forth above, the City Council shall provide the City Manager with written notice of proposed termination, which contains the reason and factual basis for such action. Within 30 days of such notice, the City Manager may request an opportunity to respond to the reasons and factual basis provided by the City Council. If such a request to respond is made, the City Council shall conduct a meeting, which may be informal in nature, at which the City Manager and/or his representative may respond to the notice of proposed termination. At such meeting, the City Manager may be represented by an attorney of his choice and present evidence or information relevant to the reasons and factual basis set forth in the notice of proposed termination.

General Provisions

The text here shall constitute the entire agreement between the parties. If any provision or any portion of any provision, contained in this agreement is held unconstitutional, invalid, or unenforceable, the remainder of this agreement, or any portion of it, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

IN WITNESS, the City Council has caused this agreement to be signed and executed on its behalf by its Mayor and the City Manager has signed and executed this agreement, both in duplicate, the day and year first written above.

Mark Ammel, Mayor

Date

James McNeil, City Manager

Date



Mission Statement:

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Agenda Item: NB-2
Date: 02-02-2023

City Council Agenda Item Request

Date: January 26, 2023

Name: Gerald Pirkola

Department: Electric

Item: AMI Grant Request

Meeting date requested: February 2, 2023

Explanation for request:

Administration requests approval to award a contract to Power Systems Engineering to prepare a grant application for the AMI project with a cost not to exceed \$6000.



MEMORANDUM

To: Mark Ammel, Mayor
Karen Moore, Council Member
Ronald Beauchamp, Council Member
Tyler DuBord, Council Member
Todd Flath, Council Member

From: Gerald Pirkola, Electric Utility Director

Date: January 26, 2023

Re: AMI Grant Application Request

The 2021 Infrastructure Investment and Jobs Act has provisions for grant funding for Electric Utility projects including:

- Distribution Line Extensions and Upgrades
- Substation Improvements
- SCADA Upgrades
- AMI Installations

The City of Escanaba has joined in with 15 other municipal utilities through the Michigan Municipal Electric Association (MMEA) to hire Power System Engineering (PSE) to prepare a concept paper for AMI projects, which was submitted to the DOE. The next step in the process is to prepare the grant application by the deadline of March 17, 2023.

The grant funding has not been fully defined; however, it could be up to 50% of the cost of the project. Escanaba's AMI project is estimated at \$1.3 million, so if approved, the city could receive up to \$650,000 through this grant opportunity. The AMI grant application is lengthy and detailed, which is why MMEA contracted PSE to prepare the applications.

PSE has several years of experience and success with grants for electric utilities. Administration is requesting approval to move forward with hiring PSE to prepare the grant application for the AMI project with a cost not to exceed \$6000.



Mission Statement

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Agenda Item: NB-3
Date: 02-02-2023

City Council Agenda Item Request

Date: 1/13/2023

Name: Tyler Anthony

Department: Planning & Zoning

Item: 2022 Planning Commission Annual Report

Meeting date requested: 2/02/2023

Explanation for request:

During a regular meeting of the Planning Commission on January 12 2023, a motion was made to approve the Planning Commission Annual Report and Work Plan as presented before them and submit to City Council for review in accordance with the Michigan Planning Enabling Act, PA 33 of 2008, Section 125.3819.

Attachments:

1. 2022 Planning Commission Annual Report & Work Plan



Planning Commission
Annual Report
2022

INTRODUCTION

The [Michigan Planning Enabling Act](#) (MPEA) allows for the establishment of local Planning Commissions, Master Plans, and other associated activities. The City of Escanaba's Planning Commission is established in the city code of ordinances in Chapter 21, Article II and consists of 7 members. The Planning Commission is responsible for:

- Developing the community's Master Plan which provides a framework for orderly growth and redevelopment.
- Creating a zoning ordinance to translate master planning goals to land use regulations.
- Reviewing and approving development requests.
- Drafting a capital improvements plan.
- Studying special topics or conducting other special projects as requested by the governing body.

MEMBERSHIP

Planning Commission members for this reporting period were:

Seat	Name	Member Since	Term Exp.	Attendance		Training Hours Logged (4 required)
1	David Mason	9/2/2021	6/01/2024	10/13	(77%)	1
2	James Hellermann, Chair	1/13/2014	6/01/2024	13/13	(100%)	1
3	Tyler Anthony	12/16/2021	Resigned 9/8/22	9/10	(90%)	2
	Kelli VanGinhoven	12/01/2022	6/01/2025	1/1	(100%)	0
4	Richard Clark	1/19/2017	6/01/2022	3/5	(60%)	2
	Roy Webber	6/09/2022	6/01/2025	7/8	(88%)	0
5	Nevin Naser	1/07/2021	6/01/2023	8/13	(62%)	1
6	Dominic Benetti, Secretary	2/01/2018	6/01/2023	8/13	(62%)	0
7	Mark Hannemann	8/06/2020	6/01/2025	10/13	(77%)	2.5

MEETINGS

The MPEA requires that local Planning Commissions meet at least four times a year. The Planning Commission meets regularly on the second Thursday of each month and held 12 regular meetings and 1 special meeting this year.

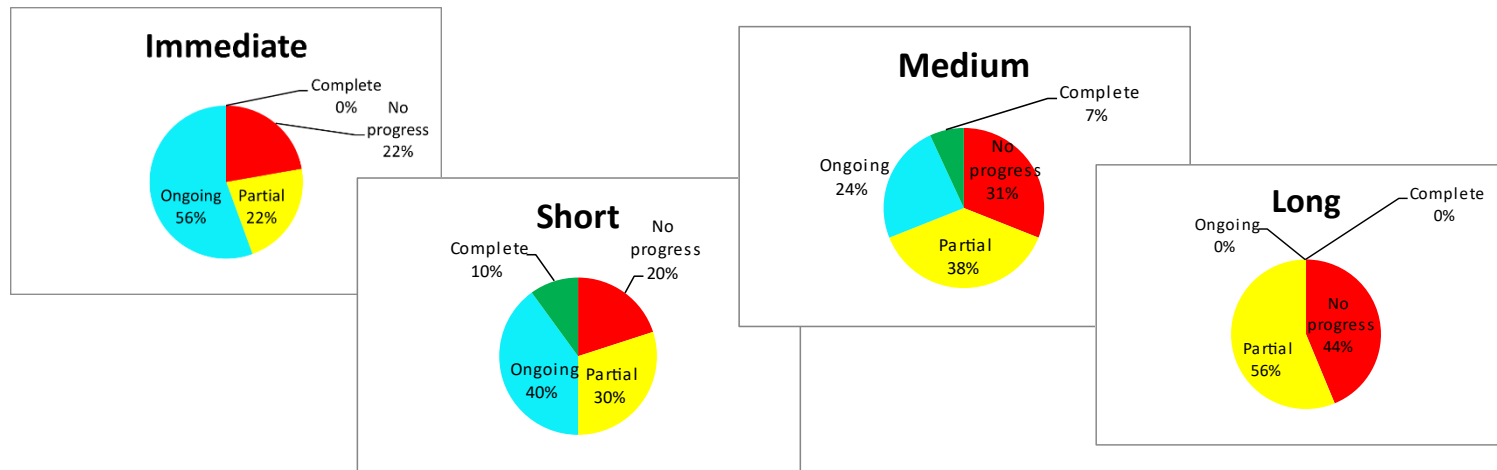
A Joint Meeting with City Council, Planning Commission, Downtown Development Authority, Historic District Commission, and Brownfield Redevelopment Authority took place on February 24, 2022. The agenda included a presentation of the Planning Commission's Annual Report, a discussion on how to strategically move forward with goals outlined in the Master Plan, and an update on RRC certification progress.

MASTER PLAN REVIEW

The Planning Commission is responsible for regularly reviewing and updating the Master Plan to ensure it continues to be relevant to the community's needs. The community's current Master Plan was adopted in 2016. The MPEA requires that a formal review (and update or reaffirmation) occur at least every five years. Most recently, the Planning Commission performed a 5-year review in May 2021 and affirmed that the current plan was adequate.

Attached to this report is a matrix outlining all goals, objectives, and actions of the Master Plan. Attempts were made to document progress to date with specific comments from various departments and external groups involved. The following charts summarize completion statuses of the Plan's 66 action items:

Color	Status	Economy	Housing	Natural Resources	Land Use	Facilities & Services	Recreation	Transport	Total	%
	No Progress	9	1	3	0	0	1	6	21	32%
	Partial Completion	12	3	2	1	0	3	5	25	38%
	Complete	1	0	0	0	0	2	0	3	5%
	Ongoing (no definable completion point)	5	1	0	0	4	6	1	17	26%
	TOTAL ACTION ITEMS	27	5	5	1	4	12	12	66	100%



Meager progress has been reported on several action items in 2022, with three items moving from No Progress to Partial Completion and one item achieving Complete status. The number of actions that have no discernable completion point continues to be problematic. Additionally, the City continues to operate without a strategic plan to achieve these goals in a coordinated way between Council, boards & commissions, departments, and external groups.

ANNUAL MASTER PLAN REVIEW QUESTIONS			
CRITERIA	YES	NO	Comments
Have development patterns changed significantly since the plan was written and adopted?		X	Development patterns have not changed significantly since the plan was written and adopted.
Does the adopted zoning ordinance align with the goals of the plan?		X	Although several zoning district changes were made in 2021 and 2022 to align with the Master Plan, little progress has been made to accomplish these goals overall. Renewed efforts to address these matters will take place in 2023.
Have there been any major changes, such as utility lines, major road improvements, large development approvals, etc.?	X		<p>The Electric Department has been engaged in consistent efforts to improve reliability and efficiency of electric service and street lighting throughout the City. Construction of a circuit joining multiple distant substations began in Fall 2022, the objective being improvement to service reliability across the City. Over 2021 and 2022, 49 new streetlight poles have been placed throughout Escanaba, including 7 on Loren W. Jenkins Dr., 26 aluminum replacements on Ludington St. (18 of them in 2022), and 16 on various side streets as part of a Council initiative.</p> <p>Public Works also undertook major work in 2022, including the complete roadway replacement of S. 15th St. from 1st Ave. S. to 5th Ave. S.</p> <p>Water/Wastewater is engaged in numerous upgrade projects. Many of W/WW's projects have been spurred on by State requirements, but a great deal of work is necessary due to the age and condition of sections of these systems.</p>
Have there been instances when the Planning Commission or elected body has departed from the plan?	X		While Council's pursuit of the former Delta County Jail site redevelopment holds promise for economic development and the positive reuse of vacant land, it does conflict with the Master Plan. Action Item E6 specifically identifies this property to be developed as waterfront public access. This Action Item references the North Shore Master Plan, which states that "[waterfront development] should be of the proper scale to complement, not compete with the downtown," and that hotels, condominiums, and attached retail space "[do] not appear to be the most appropriate use for waterfront property..."
Are the goals and priorities of the plan in sync with the goals and priorities of appointed and elected officials?	X		While a cohesive effort is certainly absent, many appointed and elected City officials express strong interest in carrying out goals and tasks outlined in the Master Plan.
Does the plan address the location and types of land uses frequently requested?	X		The Plan does address the location and types of land uses frequently requested.
Have there been other studies completed that change the relevancy of the plan?		X	The Five-Year Recreation Plan was last updated in 2021.

CAPITAL IMPROVEMENT PLAN REVIEW

The Planning Commission is responsible for recommending a prioritized Capital Improvement Plan (CIP) to City Council. The CIP ties planning goals to budgetary investments over the next six years.

Annual CIP updates are done in tandem with budgeting processes. Department Heads begin updating existing project information and submitting new project requests in January, then the City Manager, City Controller, and Planning & Zoning Administrator compile, review, and prioritize these requests in February. The Planning Commission reviews a draft CIP in March/April and makes a recommendation to City Council. Finally, Council reviews and adopts the recommended CIP in conjunction with the budget in May.

Listed below are CIP projects which were completed this year:

Department	Project Description
Recreation	Tennis Court Replacement- Ludington Park Rebuilt the Ludington Park Tennis Courts (four courts total). Courts are now able to accommodate both pickleball and tennis.
Water/ Wastewater	Turbidity Meter Replacement Replaced existing turbidity meters (measures suspended solids in liquids) at water plant and integrated with SCADA (supervisory control and data acquisition) system per EPA & state rules and regulations.
Water/ Wastewater	Replace Ludington Street Lift Station Automatic Generator Replaced an existing automatic emergency back-up generator to power the lift station during power failures.
Water/ Wastewater	Effluent/Bypass/ De-Watering Pump Purchased a pump capable of providing capacity requirements (appx. 1.2 million gallons/day) in accordance with the needs of the upcoming WWTP Improvement project. Pump will also double as a by-pass pump in times of sewer repairs, and triple as a de-watering pump for City construction projects in areas of ground water.
Water/ Wastewater	23rd Avenue Lift Station Automatic Generator Purchased and installed an on-site automatic emergency back-up generator to power the lift station during power failures.
Water/ Wastewater	BOD Incubator Replaced an existing unit used for biological testing.
Water/ Wastewater	Locator for Under Ground Pipe/ Cable Purchase a new locator for conducting Miss Dig work.

ZONING ORDINANCE TEXT AMENDMENTS & REZONINGS

Zoning is the legal mechanism which turns planning goals into reality via land use and physical regulations. It is imperative that a community maintain an up-to-date zoning ordinance which aligns with those goals and addresses emerging trends. Throughout the year, the Planning Commission discussed and took action on the following amendments:

Topic	Summary	PC Recommend Date	City Council Approval Date	Ord. #
Zoning Ordinance Amendment: Multiple Chapters	Recommend to City Council for the amendment of multiple chapters. Specifically addressed issues included expanding permitted housing types in various districts, the use of shipping containers, and several other changes throughout the ordinance.	2/10/2022	3/17/2022	1259
Zoning Ordinance Amendment: Adult-Use/ Recreational Marihuana	A motion was made by Webber seconded by Anthony, to remove 9A and 9B on page 6 of the ordinance and defer to council as the regulatory ordinance will govern the hours, BC on page 5 of the ordinance will exclude Zone E-3 from the 100 feet exclusion near one-family residential, microbusiness will be allowed in retail (Zone D, E, E-1, E-2, and E3) and language will be added to the ordinance, an error was found page 5, 8A. An establishment may not be located within 750 feet of an existing public or private K-12 school. The map attached as Exhibit A depicts the areas that are within 700 feet of an existing public or private K-12 school. The 700 feet will be updated to 750 feet.	8/17/2022	9/15/2022	1269
Zoning Map Amendment: Re- Zoning on and adjacent to the N. 30 th St. Corridor.	A motion was made by Webber, seconded by Benetti to recommend to City Council the rezoning of designated properties along the North 30 th Street, 3 rd Avenue North, US Highway 2/41, and Willow Creek Road Corridor—Commercial district as presented. MOTION PASSED unanimously.	11/10/2022	1/5/2023	1272

The Planning Commission is also responsible for making recommendations on rezoning requests. Such requests must align with the master plan's future land use map. However, no re-zonings that occurred this year.

Based on discussions regarding the need to increase housing options, it has been determined that a mixed-use district would be best suited near-downtown areas, specifically in "Neighborhood enhancement Areas" as indicated in the 2016 Master Plan's Map 13. Tasks which would help achieve this goal include:

- Seek public engagement to further develop the new district's purpose and requirements.
- Amend the Zoning Ordinance and Map with new zoning district text and boundaries.

DEVELOPMENT APPLICATION REVIEWS

Site plan review is a primary role of the Planning Commission and helps ensure that new development in the community aligns with the zoning ordinance requirements. Prior to Planning Commission review, staff conducts an internal review process as well. Planned Unit Developments (PUDs) have an additional layer of review and approval by City Council.

Project type	Location	Description	Status	Date of Action
Special Land Use	1111 1 st Avenue South (210 South 11 th Street)	Catholic Social Services – Women’s Addiction Recovery Home	Approved Special Land Use Permit for a women’s addiction recovery home.	1/13/2022
Special Land Use	1519 North 26 th Street	North Country Heavy Equipment School – Unconditioned Pole Building	Approved a 7,936 s.f. cold storage building at 1519 North 26 th Street later to be combined with 2927 16 th Avenue North. The metal exterior finish for the entire building has been approved. Landscaping and screening of parking lot from a public way has been waived.	7/14/2022
Special Land Use	201 North Lincoln Road	The Fire Station – Marihuana Retailer	Approved a Special Land Use Permit for a marihuana provisioning center/retailer under the condition that vehicular access to the property be secured.	11/10/2022
Site Plan/ Special Land Use	317 North Lincoln Road	Gram’s Club – Marihuana Retailer	Approved a Special Land Use for a marihuana provisioning center/retailer, including approval of its proposed site plan. Conditions for the approval were that the site plan be amended to include a sidewalk, that the Commission approved their use of composite board siding, and that exterior lighting be restricted to the property’s boundaries.	12/8/2022
Site Plan/ Special Land Use	421 North Lincoln Road	Higher Love Escanaba – Marihuana Retailer	Approved a Special Land Use for a marihuana provisioning center/retailer, including approval of its proposed site plan. Conditions for the approval were that greenspace and minimum tree requirements are satisfied, and that the Planning Commission waive requirements of sections 205.6.9.8, 205.6.9.9, and 205.6.9.13 with the intention to amend these sections in the future.	12/8/2022
Site Plan	723 Ludington Street	Lake Effect Distillery LLC – Craft Distillery	Approved a site plan for a craft distillery including a tasting room and barrel aging facility. Conditions of the approval included that no ADA-accessible ramp be built in the sidewalk on Ludington Street, that the property spanning the alley be considered a contiguous lot, that the lighting design be amended, that utilities be approved administratively, and that the Planning Commission accepts the accessory building and alternative materials as presented.	12/8/2022

ZONING BOARD OF APPEALS ACTIVITY

The Zoning Board of Appeals (ZBA) is tasked with hearing appeals, zoning ordinance interpretations, and variance requests. The ZBA consists of six members. There are currently no vacancies on the ZBA that need to be filled.

The ZBA meets quarterly on the first Tuesday of January, April, July, and October for regular meetings, and can be called for special meetings between. One regular meeting was held in 2022, in which training and housekeeping business was addressed. There was one appeal, for an interpretation and dimensional variance that was held in 2022.

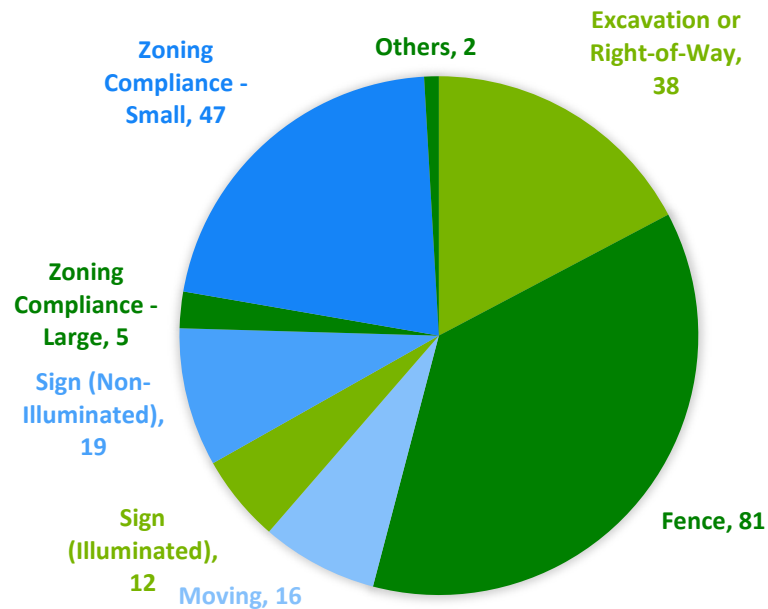
Appeal Type	Location	Description	Status	Date of Action
Interpretation	949 Sheridan Road	Property owner appealed Zoning Administrator's denial of zoning permit for a shed based on it being in front yard space. Applicant contends it is in side yard space.	A motion was made by Curran, seconded by Liss, to rule that an error <u>was not</u> made by the Zoning Administrator in the interpretation that the shed was built in front yard space of the property and to proceed with Appeal #2 for a variance request.	7/5/2022
Dimensional Variance Request		To request a variance from Section 509.2. to allow accessory structure in front yard space.	A motion was made by Clark seconded by Curran, having satisfied all Standards of Review under Section 305.5, a dimensional variance is granted from Section 509.2. to allow a 10' x 12' accessory structure at 949 Sheridan Road, to be located in front yard space along 10 th Avenue North.	7/5/2022

PERMIT ACTIVITY

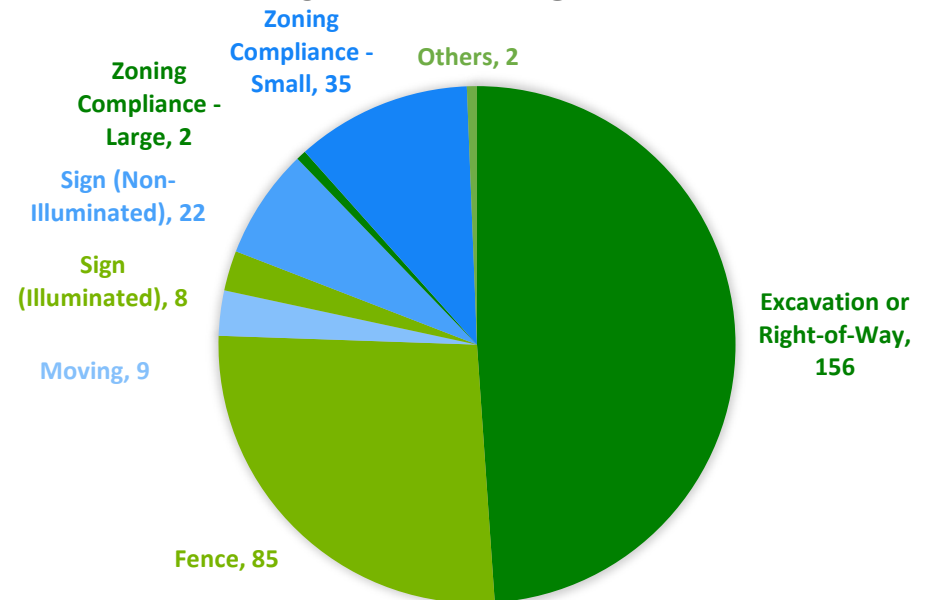
While large-scale zoning permits and Special Land Uses are reviewed as site plans by the Planning Commission, the Zoning Administrator is authorized to review and make decisions on most small-scale zoning permits, fence permits, and sign permits. Following is a summary of all land use permit activity for the year.

Permit Type	# Approved	Fees Collected	# Denied	Reasons for Denial
Zoning – Large	3	\$500	N/A	N/A
Zoning – Marihuana	2	\$1,000	N/A	N/A
Zoning – Small	35	\$1,310	1	Proposed porch didn't meet the 25' front setback.
Fence	85	\$3,120	1	Proposed fence was not constructed of new materials or painted, stained, or preserved in a manner to maintain the fence in good structural condition. The application was incomplete, a complete application is required to process the permit request.
Sign	30	\$1,200	1	Proposed sign copy area exceeds the allowed maximum. Previous wall sign was over the allowed maximum and had no permit on file.
TOTALS	155	\$7,130	3	

2021 PERMIT ACTIVITY



2022 PERMIT ACTIVITY



ZONING VIOLATIONS

Enforcement of the zoning ordinance is critical to maintaining the integrity of the adopted ordinances. It is intended that most violations are handled through a simple owner notification, followed by a voluntary plan to bring the violation into compliance. Serious infractions or prolonged non-compliance may be enforced with municipal civil infraction citations.

Following is a summary of zoning ordinance enforcement cases for the year:

Type	Open	Closed	TOTAL
Easement Encroachment	2	0	2
Fence	4	1	5
Sign	4	2	6
Zoning	9	2	11
Excavation	0	0	0
TOTAL	19	5	24

Citations Issued – 9

District Court Hearings – 0

Sign Ordinance Enforcement:

It has become evident that many signs throughout the city have been installed without a sign permit. With a permit, a sign would be considered legal nonconforming (“grandfathered in”), giving it legal right to continue as approved in the permit even if it did not meet current ordinance regulations. However, without a valid permit on file, a sign cannot be confirmed legal nonconforming (“grandfathered in”), and instead would be considered a violation, meaning enforcement action must be used to bring the sign into compliance with current ordinances through the permit process, or be removed.

Recognizing that:

- Some signs have existed in a state of violation for quite some time;
- The city has not consistently identified nor taken enforcement action on these types of violations in the past;
- The city wants to protect its right to enforce its sign ordinance in the future while continuing to move signs into greater compliance with current ordinances;

An amnesty policy/plan was approved by City Council in 2022 to allow for a grace period to get existing signs (including the re-facing of existing sign structures) permitted and legally protected, within certain parameters. It is anticipated this process will take 12-24 months, after which full enforcement of the sign ordinance will occur.

PUBLIC ENGAGEMENT

Redevelopment Ready Communities Best Practice 1.4 includes an annual summary of public engagement activity in the community, guided by the community's goals and tools outlined in an adopted Public Participation Plan; The City of Escanaba's Public Participation Plan was last updated and adopted in February 2020.

Planning Commission Public Engagement	Jan. 13	Feb. 10	Mar. 10	Apr. 14	May 12	Jun. 9	Jul. 14	Jul. 27	Aug. 17	Sep. 8	Oct. 13	Nov 10.	Dec. 8	Total
Attendance by General Public <small>(not part of commission, staff, or applicants)</small>	3	2	2	0	1	2	5	8	15	0	5	9	11	63
Public Comment on Agenda Items	0	0	0	0	0	0	4	4	0	1	1	1	1	12
General Public Comment	1	0	0	0	1	0	2	3	0	0	1	0	1	9
Zoning Ordinance Amendments														
# of Public Hearings	0	1	0	0	0	0	0	0	1	0	0	1	0	3
# of Comments	0	0	0	0	0	0	0	0	5	0	0	2	0	7
Development Projects														
# of Public Hearings	1	0	0	0	0	0	0	0	0	0	0	1	1	3
# of Comments	0	0	0	0	0	0	0	0	0	0	0	2	2	4
Other Public Hearings														
# of Public Hearings	0	0	1	0	0	0	0	0	0	0	0	0	2	3
# of Comments	0	0	0	0	0	0	0	0	0	0	0	0	0	0

TRAININGS RELATED TO PLANNING, ZONING, AND DEVELOPMENT

		Planning Comm.									ZBA					Historic Dist. Comm.						City Council					DDA							City Staff						
Date	Title/Topic	Anthony, Tyler	Benetti, Dominic	Clark, Richard	Hannemann, Mark (& ZBA)	Hellermann, James	Mason, David	Naser, Nevin	Webber, Roy	VanGinhoven, Kelli	Curran, Don (& HDC)	Clark, Richard	Liss, Jon	Thorsen, Brian	Renner, Christopher	Eisenberger, Suzell	Fouts, Judith	McIntyre, Rebecca	Curran, Don	Lindquist, Karen	Morrison, Monte	O'Donnell, Ellie	Ammeli, Mark	Beaucamp, Ron	Dubord, Tyler	Flath, Todd	Moore, Karen	Bender, Dan	Berg, Peggy	Johnson, Tyler	Parker, Sue	Spaulding, Curt	VanGinhoven, Kelli	Walker, Tony	Czasak, Scott (Staff)	Jordan, Patrick	Calouette, Heather	Spencer, Roxanne	Anthony, Tyler	
1/11/22	EGLE - Floodplains																																						1.5	
1/11/22	MML Newly Elected Official Workshop	1		1	1	1	1	1												1	1	1	1	1	1	1	1		1		1				1	1	1			
4/12/22	Opening Doors to Attainable Housing	1		1																																				
6/20/22	Historic Preservation 101																1	1	1	1																		1		
10/5/22	Reviewing Petitions				1.50						1.50	1.50			1.00																							1.50		1.50

GOALS AND WORK PLAN – 2022

Below are the goals outlined for 2022 and their status:

2022 Goals	Status
1. Create a mixed-use district for the near-downtown areas, including zoning ordinance text and re-zoning of parcels to form the district boundaries.	No Progress. Long-term planning & zoning projects were put on hold after Roxanne Spencer, the previous P&Z Administrator, left the position in spring.
2. Continue to amend the Zoning Ordinance in small portions to address the 2019 Zoning Audit findings and to continue to improve the clarity, organization, and user-friendliness of it. If funding is made available in the budget, begin the process of hiring a consultant to assist in doing a complete overhaul.	On Hold. Due to budgetary concerns. Instead, recommendations for amendments have been handled internally in smaller portions at a slower pace until funding is made available.
3. Revisit the Sidewalk Infill Plan with City Council to improve walkability throughout the city.	On Hold. A Public Hearing by City Council was held in July 2020, but the project was put on hold due to economic concerns and the COVID-19 pandemic. The Planning Commission requested that approval be made to commence implementation of the plan within the next six months. City Council voted to postpone the sidewalk infill plan until further information was gathered from the Public Works Department and legal advice was obtained to determine if they could add a clause to the current recommendation of the ordinance.

GOALS AND WORK PLAN - 2023

Bearing in mind the difficulties which fell on the Planning & Zoning Department in 2022, a productive schedule is planned for 2023.

1. Continued Zoning Ordinance Amendment

Amendments which should be undertaken include the following topics:

- Improvement and better integration of marihuana-related language into appropriate sections.
- Revision of setback and area requirements the Central Commercial District (E3).
- Optimization of Chapters 17-20 (Parking and Circulation Requirements, Site Plan and Sketch Plan Standards, Development Standards, Signs).

2. Create a Mixed-Use District

This zone should be for near-downtown areas, specifically in “Neighborhood Enhancement Areas” as indicated in the 2016 Master Plan’s Map 13. Tasks which would help achieve this goal include:

- Seek public engagement to further develop the new district’s purpose and requirements.
- Amend the Zoning Ordinance and Map with new zoning district text and boundaries.

3. Conduct Review of Mater Plan

Commissioners and staff alike have expressed interest in performing another review of the Master Plan, which was last evaluated in 2021. The intent of this action is to make the plan more user-friendly and better define goals & action items.

4. Undertake “Placemaking” Asset Inventory and Assessment

Identified in Action Item E4 of the Master Plan. Preliminary work should be done to establish how to determine placemaking standards and concepts.