



**CITY COUNCIL
MEETING AGENDA
May 2, 2024**

**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, May 2, 2024, at 7:00 p.m.

CALL TO ORDER

ROLL CALL

INVOCATION/PLEDGE OF ALLEGIANCE

APPROVAL/CORRECTION(S) TO MINUTES – Regular Meeting – April 18, 2024

APPROVAL/ADJUSTMENTS TO THE AGENDA

CONFLICT OF INTEREST DECLARATION(S)

BRIEF PUBLIC COMMENT(S)

PUBLIC HEARINGS

1. Public Hearing - Proposed 2024-25 Fiscal Year Budget.

Explanation: City Council will conduct the fourth public hearing and schedule the final public hearing and approval of the 2024-25 City budget for May 16, 2024.

UNFINISHED BUSINESS – None

NEW BUSINESS

1. Presentation – Investment Report – City Manager.

Explanation: Bob Valentine of the First Bank Investment Team will present a report of the City's surplus fund investment performance.

2. Approval – Investment Policy – City Manager.

Explanation: Administration is seeking City Council approval of the Investment Policy. No changes are being requested at this time.

3. First Reading of Ordinance No. 1294, Historic Preservation Ordinance of 2024, and Setting the Date of Thursday, May 16, 2024, for the Second Reading, Public Hearing, and Adoption – Planning & Zoning.

Explanation: Administration is requesting the City Council to consider this the first reading of Ordinance No. 1294, Historic Preservation Ordinance of 2024. Administration is requesting that the City Council set May 16, 2024, for the second reading, public hearing adoption of Ordinance No. 1294.

4. First Reading of Ordinance No. 1295, Planning Commission Ordinance of 2024, and Setting the Date of Thursday, May 16, 2024, for the Second Reading, Public Hearing, and Adoption – Planning & Zoning.

Explanation: Administration is requesting the City Council to consider this the first reading of Ordinance No. 1295, Planning Commission Ordinance of 2024. Administration is requesting that the City Council set May 16, 2024, for the second reading, public hearing adoption of Ordinance No. 1295.

5. Approval – Sealcoat Bandshell – Public Works.

Explanation: Public Works is seeking City Council approval to have Draze Sealcoating, seal coat for \$2,627 in front of the band shell and underneath the benches at Ludington Park.

6. Approval – Stainless Steel Dump Box – Public Works.

Explanation: Public Works is requesting City Council approval of a stainless steel dump box from one of the three vendors (Casper's, Monroe, Viking Cives). The estimated bid is expected to be between (\$20,000-\$25,000).

APPOINTMENTS

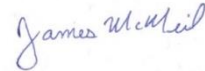
BOARD, COMMISSION, AND COMMITTEE REPORTS

GENERAL PUBLIC COMMENT

ANNOUNCEMENTS

ADJOURNMENT

Respectfully Submitted,



**James R. McNeil
City Manager**

**OFFICIAL PROCEEDINGS
CITY COUNCIL
CITY OF ESCANABA, MICHIGAN
Regular Council Meeting
Thursday, April 18, 2024**

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, Tyler DuBord, Todd Flath, and Karen Moore

Absent: Council Member Ronald J. Beauchamp

Also Present: City Manager James R. 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 excuse Council Member Beauchamp's absence.

DuBord moved, Flath seconded, **CARRIED UNANIMOUSLY**, to approve Regular Meeting minutes from April 4, 2024, as submitted.

Flath moved, DuBord seconded, **CARRIED UNANIMOUSLY**, to approve Special Meeting Budget minutes from April 8, 2024, as submitted.

Flath moved, Moore seconded, **CARRIED UNANIMOUSLY**, to approve Special Meeting Budget minutes from April 9, 2024, as submitted.

ADJUSTMENTS TO THE AGENDA

DuBord moved, Flath 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 Setting of Public Hearing – FY2024-25 Budget – May 2, 2024.

Administration requested City Council set May 2, 2024, as the fourth Public Hearing

on the proposed 2024-25 City Fiscal Year Budget.

NB-1 DuBord moved, Moore seconded, **CARRIED UNANIMOUSLY**, to set May 2, 2024, as the fourth Public Hearing on the proposed 2024-25 City Fiscal Year Budget.

NB-2 Approval – Use of Public Space – Ludington Park and Ludington Street – Annual Krusin Klassic Car Fun Run – Manager.

The Krusin Klassic Car Club requested City Council approval to use Ludington Park and Ludington Street on May 31, 2024, from 6:00 p.m. to 8:15 p.m., for their annual "Krusin Klassics Fun Run". Administration recommended approval of the request contingent upon the following: 1) Proper insurance was provided naming the City of Escanaba as an additional insured, and 2) event sponsors provide all labor material and clean up at the conclusion of the event.

NB-2 DuBord moved, Moore seconded, **CARRIED UNANIMOUSLY**, to approve a request from the Krusin Klassic Car Club to use Ludington Park and Ludington Street on May 31, 2024, from 6:00 p.m. to 8:15 p.m., for their annual "Krusin Klassics Fun Run", contingent upon the following: 1) Proper insurance was provided naming the City of Escanaba as an additional insured, and 2) event sponsors provide all labor material and clean up at the conclusion of the event.

NB-3 Approval – Resolution No. 24-03 – Escanaba Motor Speedway – Manager.

Escanaba Motor Speedway sought City Council approval of Resolution No. 24-03, recognizing them as a nonprofit organization operating in the community for the purpose of obtaining a Charitable Gaming License from the State of Michigan.

“**NB-3** By Council Member Flath, seconded by Council Member DuBord:

Resolution 24-03

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL.432.103(k)(ii))

At a regular meeting of the City of Escanaba
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by Mayor Mark Ammel on 04/18/2024
DATE

at 7:00 p.m. a.m./p.m. the following resolution was offered:
TIME

Moved by Council Member Flath and supported by Council Member DuBord

that the request from Escanaba Motor Speedway of Escanaba,
NAME OF ORGANIZATION CITY

county of Delta, asking that they be recognized as a nonprofit
COUNTY

organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for approval.
APPROVAL/DISAPPROVAL

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

Ayes: Flath, DuBord, Moore, Mayor Ammel

Nays: None

Absent: Beauchamp

RESOLUTION DECLARED ADOPTED.”

NB-4 Presentation – Boil Advisory Power Point – Water Department.

Administration gave a brief presentation on the boil advisory procedure.

NB-5 Approval – Bosk Painting (interior/exterior equipment, pipes, and valves) – Wastewater Department.

Administration requested City Council approval to retain Bosk Paint & Sandblast from Escanaba, MI, for services with regard to the City of Escanaba Wastewater Plant painting of exterior/interior equipment, piping, and valves in an amount not to exceed \$89,935.00 to include \$1,000.00 in contingencies. Money was budgeted for this work within the current fiscal year.

NB-5 DuBord moved, Flath seconded, to approve to retain Bosk Paint & Sandblast from Escanaba, MI, for services with regard to the City of Escanaba Wastewater Plant painting of exterior/interior equipment, piping, and valves in an amount not to exceed \$89,935.00 to include \$1,000.00 in contingencies.

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

Ayes: DuBord, Flath, Moore, Mayor Ammel

Nays: None

Absent: Beauchamp

MOTION CARRIED.

NB-6 Approval – Bio-Solids Removal – 2024 – Wastewater Department.

Administration requested City Council approval to retain professional services from

FSO Management of Oconto Falls, Wisconsin, for the bio-solids removal at a cost of \$0.25/gallon plus a \$12,000.00 mobilization fee. Money was budgeted for this fiscal year.

NB-6 Flath moved, DuBord seconded, to approve to retain professional services from FSO Management of Oconto Falls, Wisconsin, for the bio-solids removal at a cost of \$0.25/gallon plus a \$12,000.00 mobilization fee.

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

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

MOTION CARRIED.

NB-7 Approval – EGLE Affordability and Planning (AP) Grant Engineering Services – Water Department.

Administration requested City Council approval to retain C2AE from Escanaba, MI, for engineering services and implementing/conducting/executing the City of Escanaba’s EGLE AP Grant in an amount not to exceed \$457,050.00.

NB-7 DuBord moved, Flath seconded, to approve to retain C2AE from Escanaba, MI, for engineering services and implementing/conducting/executing the City of Escanaba’s EGLE AP Grant in an amount not to exceed \$457,050.00.

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

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

MOTION CARRIED.

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

City Manager McNeil, with Council consensus made the following reappointment:

Kelli Van Ginhoven reappointed to the Downtown Development Authority, expiring April 21, 2028.

BOARD, COMMISSION, AND COMMITTEE REPORTS

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

GENERAL PUBLIC COMMENT – None

PROCLAMATION

Mayor Ammel proclaimed April 26, 2024, as “Arbor Day”.

ANNOUNCEMENTS

- National Electrical Lineman Day April 18th.
- Council Member DuBord let Council and staff know he will be out of town Monday and Thursday.
- Vouchers are available at Utilities office on May 1ST for Spring Clean up.
- Esky Clean up will be May 13th-17th.

Hearing no further public comment, DuBord moved, Flath seconded, the Council adjourned at 7:27 p.m.

Respectfully submitted,

Phil DeMay
City Clerk

Approved: _____
Mark Ammel, Mayor

Agenda Item: NB-1
Date: 05-02-2024

City Council Agenda Item Request

Date: 4/15/2024

Name: James McNeil

Department: City Manager

Item: Investment Report

Meeting date requested: 5/2/2024

Explanation for request:

Bob Valentine of the First Bank Investment Team will present a report of the City's surplus fund investment performance.

Agenda Item: NB-2
Date: 05-02-2024

City Council Agenda Item Request

Date: 4/15/2024

Name: James McNeil

Department: City Manager

Item: Investment Policy Approval

Meeting date requested: 5/2/2024

Explanation for request:

Administration is seeking council approval of the Investment Policy. No changes are being requested at this time.

CITY OF ESCANABA

INVESTMENT POLICY STATEMENT

*****MUNICIPAL SURPLUS FUNDS*****

Adopted by resolution of the Escanaba City Council

**Recertified by Council Action _____
No New Revisions**

**Mark Ammel
(Mayor)**

Purpose

This policy sets forth the authority, guidelines and procedures for the investing of surplus operating funds of the City of Escanaba. The foregoing further establishes criteria for selection of depositories and investment brokers for investing surplus funds. Surplus funds shall be understood to include all financial assets of the City, excluding retirement account assets, undisbursed tax collections, building authority money, and bond redemption funds. If any provision contained herein is found to conflict with state and federal laws or the City Charter, the legislation in question shall take precedence.

1.0 Authority

By adopting this policy, the Escanaba City Council designates the City Treasurer as the investing official. The Treasurer shall have the authority to invest surplus funds within the parameters of the City's investment policy and within the provisions of Michigan law. The Treasurer shall further exercise his authority under the supervision of the City Manager, who shall retain ultimate authority over City investing. The investing activities of the Treasurer shall be reviewed monthly by the City Manager and also by the City Controller.

1.01

The Treasurer's authority with respect to investing activities shall include the discretion to choose depositories, establish accounts, select between investment vehicles, buy and sell securities, and determine portfolio maturity structure within the parameters of this policy and within the confines of Michigan law.

2.0 Prudence

The standard of prudence to be used by the investing official shall be the "prudent person" standard, which shall be applied in the context of managing an overall portfolio, and which shall also be applied in the selection of individual securities. Investments shall be made with the same judgment and care as a person of prudence, discretion and intelligence would exercise under the prevailing circumstances. Officials acting in accordance with the prudent person standard, and within the parameters of this policy, shall not be held personally responsible for any loss resulting from investing activities.

3.0 Pooled Funds Approach

The City of Escanaba shall use a "pooled funds" approach to managing its surplus funds. Under the pooled funds approach, fund balances from the majority of City funds are aggregated for investing as one lump sum. Under the pooled approach, monthly interest earnings are distributed to each of the participating funds in the same relative proportion as each fund's contribution to the principle value of the pool.

4.0 Objectives

The following objectives, in order of priority, will be pursued in conjunction with investing surplus funds: Safety, Liquidity, Return on Investment. Foremost, the Treasurer shall seek adequate assurance of protection of principle on all investments. It is understood that market values can fluctuate substantially throughout the life of certain securities. Therefore, an investment's principle shall be deemed protected if it remains intact at maturity. Second, the Treasurer shall ensure that investments are sufficiently liquid as to meet reasonably foreseeable operating requirements of the City. Third, the Treasurer shall seek to earn a return commensurate with market rates of return for investments of comparable risk and maturity.

5.0 Allowed Investments

Investments are limited to the following securities: 1.) United States Government agency and instrumentality securities; 2.) certificates of deposit at eligible local financial institutions as described below; 3.) commercial paper carrying a rating of A1 by Standard & Poors or P1 by Moodys, the highest grades issued; 4.) Repurchase agreements; 5.) Securities issued by the State of Michigan or its political subdivisions, which are rated “investment grade”. The City shall be prohibited from investing more than 50% of its surplus funds in certificates of deposit. In addition, not more than 10% of the City’s pooled funds may be invested in commercial paper and repurchase agreements in any combination.

5.01

At the Treasurer’s discretion, and subject to other provisions of this policy, the City shall also be permitted to invest in investment pools, money market accounts, or mutual funds whose securities meet the above criteria.

5.02

The maximum maturity allowed for any investment owned by the City shall be 15 years, and weighted average maturity should not exceed 12 years. The investment official shall decide the portfolio’s average maturity based on his or her assessment of current market conditions and the City’s anticipated cash requirements.

6.0 Eligible Institutions

Annually, a committee comprised of the City Manager, Treasurer and Controller shall compile a list of financial institutions eligible as depositories of City funds. Eligibility shall be determined by review of each institution’s financial statements and by review of bank ratings from at least one independent rating agency. To be an eligible depository, a financial institution must maintain at least one business office serving the public within the City limits of Escanaba. Such offices must be established for a minimum of one year for eligibility purposes.

6.01

Repurchase agreements may be entered into with any eligible bank as defined above or with any eligible brokerage as defined below. A master repurchase agreement shall be executed with any bank or dealer who furnishes these securities to the City. Commercial paper may also be obtained from eligible banks and brokerage firms.

6.02

The City may purchase treasury securities from eligible banks or through eligible brokerage firms. Eligible brokerage firms shall be limited to those firms who are designated eligible depositories in accordance with Section 6.0. In addition, brokerage firms must maintain an office presence within the State of Michigan.

6.03

Securities dealers and depositories for City funds shall be required to receive a copy of the City's Investment Policy Statement and shall further be required to agree to comply with all applicable provisions of the statement.

7.0 Operating Cash Balances

By definition, surplus funds include the City's operating cash balances. Operating cash balances are liquid sums, held in various accounts, for the purpose of meeting the day-to-day cash needs of the City. Examples included accounts payable, payroll, pension obligations etc. Where possible, short-term operating balances will be held in interest bearing accounts. Except where prohibited, the City shall seek to pool all operating balances that are not expected to be spent within a thirty-day period.

8.0 Reporting

The Treasurer shall furnish the City Council with a comprehensive annual report of investing activity. Such report shall include a calculation of the annual total return on a market-to-market basis in addition to a summary of gains and losses on individual securities. Further the report shall contain a summary breakdown of the portfolio by investment type and maturity.

8.01

The Treasurer shall also be required to furnish a comprehensive monthly report to the City Manager and City Controller. The Treasurer's investment report shall include costs and current market values for all securities in the portfolio. The report shall also include the treasurer's calculation of monthly and year-to-date portfolio returns compared against returns of market indices with similar risk/maturity profiles.

9.0 Conflicts

The investing official shall be required to disclose to the City Manager, in writing, any personal ownership in banks or brokerages doing business with the City of Escanaba. The investing official shall refrain from personal business activities that could impair his or her ability to make impartial investment decisions.

10.0 Safe Keeping

The investing official shall retain in his or her possession, all saving certificates evidencing money so deposited. Brokerages offering securities to the City of Escanaba are required to maintain all securities in a separate account and may not aggregate Escanaba's securities with those of other account holders.

11.0 Liquidity

The Treasurer shall be required to maintain a portion of the portfolio in readily liquid investments in an amount sufficient to meet any of the City's reasonably foreseeable obligations. Readily liquid investments shall be defined as investments with principle values that do not fluctuate with changes in market rates. Such investments must be convertible to cash within 24 hours with no loss of principle.

This policy was adopted by resolution of the Escanaba City Council on 4/16/2020. This policy shall take effect immediately upon adoption and shall remain in effect until modified or rescinded by future resolution of the Escanaba City Council.

ACKNOWLEDGMENT OF RECEIPT

THE INDIVIDUAL NAMED BELOW, REPRESENTING THE INSTITUTION NAMED BELOW, HEREBY WARRANTS RECEIPT OF A CURRENT COPY OF ESCANABA'S MUNICIPAL INVESTMENT POLICY, AS WELL AS A COPY OF MICHIGAN ACT 20 OF PA 1943, AS AMENDED. THE PARTY NAMED BELOW FURTHER WARRANTS THAT IT HAS READ, AND FULLY UNDERSTANDS, ESCANABA'S POLICY AND MICHIGAN ACT 20. THE BELOW NAMED PARTY FURTHER AGREES TO ABIDE BY ALL TERMS AND CONDITIONS SET FORTH IN ESCANABA'S INVESTMENT POLICY AND IN ACT 20.

THE PARTY NAMED BELOW REPRESENTS THAT ANY FUTURE INVESTMENT ADVICE OR RECOMMENDATIONS SHALL BE IN CONFORMANCE WITH THE ABOVE REFERENCED DOCUMENTS. FURTHER, ANY EXISTING INVESTMENTS THAT ARE NOT IN COMPLIANCE WITH THE ABOVE DOCUMENTS SHALL BE DISCLOSED IMMEDIATELY.

INSTITUTION NAME: _____
(print)

REPRESENTATIVE'S SIGNATURE: _____

REPRESENTATIVE'S NAME: _____
(print)

REPRESENTATIVE'S TITLE: _____
(print)

DATE: _____

City Council Agenda Item Request

Date: 4-08-2024

Name: Tyler Anthony

Department: Planning & Zoning

Item: Historic Preservation Ordinance of 2024

Meeting date requested: 5-02-2024

Explanation for request:

The City Attorney and the Planning & Zoning Admin. have found that the ordinance which created the Historic District Commission (Ord. 1100) was non-self-executing. This means that the Commission wasn't properly established at the beginning, nor does it technically exist.

Per the Local Historic Districts Act (MCL 399.204), a Commission should have been created no later than when the first historic district was established. Since the first and only district was established in 2009, being the same year that the Commission was created, the City has been operating with an illegitimate Commission for 15 years.

Given these conditions, the City Attorney, their associates, and the Planning & Zoning Admin. drafted a new ordinance which would legitimize the Commission. This ordinance would also clarify the roles and duties of the Commission, any historic district study committees, and membership standards for each of those bodies.

Attachments:

1. Historic Preservation Ordinance of 2024 (draft)
2. City Code of Ordinances Section 9-121
3. Michigan Compiled Laws Section 399.204
4. City Code of Ordinances Section 9-138
5. Advertisement Seeking Historic District Study Committee Members (draft)
6. Application & Resume for Historic District Study Committee Members (draft)
7. Advertisement Seeking Historic Preservation Commission Members (draft)
8. Application & Resume for Historic Preservation Commission Members (draft)

ORDINANCE NO. 1294

HISTORIC PRESERVATION ORDINANCE OF 2024

WHEREAS, The People of the City of Escanaba did establish the Historic District Ordinance of the City of Escanaba of 2009, and it is now desired to repeal the existing ordinance and adopt this ordinance to better provide for a Historic Preservation Commission, and for guidelines related to the establishment and administration of local historic districts, NOW THEREFORE, THE PEOPLE OF THE CITY OF ESCANABA HEREBY ORDAIN:

CHAPTER I **SECTIONS AMENDED**

The City of Escanaba Code of Ordinances, Chapter 9, is amended by adding the following:

Article IV. Historic Preservation

Section 101. Establishment

- (1) There shall be one or more historic districts established by the City Council, pursuant to the Historic Districts Act.
- (2) There shall be a City Historic Preservation Commission, hereinafter referred to as "the Commission", pursuant to the Historic Districts Act, with the powers and duties as set forth therein.
- (3) This article shall be officially known and described as the " Historic Preservation Ordinance of 2024".

Section 102. Definitions

- (1) The terms used herein shall have the same meanings as given to them in the Historic Districts Act, or as hereinafter provided in this section, unless the context clearly indicates to the contrary. Terms hereinafter provided are as follows:
 - A. "Alteration" means work that changes the detail of a resource but does not change its basic size or shape.
 - B. "Certificate of Appropriateness" means the written approval of a permit application for work that is appropriate and does not adversely affect a resource.
 - C. "Construction Code Act" means Public Act 230 of 1972, as amended, being the Stille-DeRossett-Hale single state construction code act, MCL 125.1501 *et seq.*
 - D. "Demolition" means the razing or destruction, whether entirely or in part, of a resource and includes, but is not limited to, demolition by neglect.
 - E. "Demolition by neglect" means neglect in maintaining, repairing, or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.
 - F. "Denial" means the written rejection of a permit application for work that is inappropriate and that adversely affects a resource.
 - G. "Evaluation Criteria" means Code of Federal Regulations, Title 36, Section 60.4, as amended, being the Secretary of the Interior's Criteria for Evaluation.
 - H. "Fire alarm system" means a system designed to detect and announce the presence of fire or by-products of fire. Fire alarm systems include smoke alarms.
 - I. "FOIA" means Public Act 442 of 1976, as amended, being the Freedom of Information Act, MCL 15.231 *et seq.*
 - J. "Historic district" means an area, or group of areas, not necessarily having contiguous boundaries, that contains one resource or a group of resources that are related by history, architecture, archaeology, engineering, or culture.
 - K. "Historic Districts Act" means Public Act 169 of 1970, as amended, being the Michigan Local Historic Districts Act, MCL 399.201 *et seq.*
 - L. "Historic preservation" means the identification, evaluation, establishment, and protection of resources significant in history, architecture, archaeology, engineering, or culture.
 - M. "Historic resource" means a publicly or privately owned building, structure, site, object, feature, or open space that is significant in the history, architecture, archaeology, engineering, or culture of the City of Escanaba, State of Michigan, or the United States.
 - N. "Notice to proceed" means the written permission to issue a permit for work that is inappropriate and that adversely affects a resource, pursuant to a finding under Section 205(6) of the Historic Districts Act.

- O. "OMA" means Public Act 267 of 1976, as amended, being the Open Meetings Act, MCL 15.261 *et seq.*
- P. "Open space" means undeveloped land, a naturally landscaped area, or a formal or manmade landscaped area that provides a connective link or buffer between other resources.
- Q. "Ordinary maintenance" means keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition. Ordinary maintenance does not change the external appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for the purposes of this article.
- R. "Proposed historic district" means an area, or group of areas not necessarily having contiguous boundaries, that has delineated boundaries and that is under review by a committee or a standing committee for the purpose of making a recommendation as to whether it should be established as a historic district or added to an established historic district.
- S. "Rehabilitation Standards" means Code of Federal Regulations, Title 36, Section 67.7, as amended, being the Secretary of the Interior's Standards for Rehabilitation.
- T. "Repair" means to restore a decayed or damaged resource to good or sound condition by any process. A repair that changes the external appearance of a resource constitutes work for the purposes of this article.
- U. "Resource" means one or more publicly or privately owned historic or nonhistoric buildings, structures, sites, objects, features, or open spaces located within a historic district.
- V. "Review Board" means the Michigan State Historic Preservation Review Board.
- W. "SHPO" means the Michigan State Historic Preservation Office.
- X. "Smoke alarm" means a single-station or multiple-station alarm responsive to smoke and not connected to a system. As used in this article, "single-station alarm" means an assembly incorporating a detector, the control equipment, and the alarm sounding device into a single unit, operated from a power supply either in the unit or obtained at the point of installation. "Multiple-station alarm" means two (2) or more single-station alarms that are capable of interconnection such that actuation of one alarm causes all integrated separate audible alarms to operate.
- Y. "Work" means construction, addition, alteration, repair, moving, excavation, or demolition.

Section 103. Study Committee

(1) Before establishing, modifying, or eliminating a historic district, the City Council shall appoint an *ad hoc* committee officially known as a "Historic District Study Committee", hereinafter referred to as "Study Committee". Such Study Committees shall consist of five (5) members appointed by the City Council. To be qualified to be a member, individuals shall meet the following qualifications:

- A. shall be a qualified elector of the City;
- B. shall not hold any elected office or employment with the City other than by virtue of membership on the Commission; and
- C. shall not be a declared candidate for any political office.

(2) Most of the persons appointed to a Study Committee shall have a clearly demonstrated interest in or knowledge of historic preservation as follows. The City Council may appoint up to three (3) members of the Commission to a Study Committee.

- A. Two citizen members representing the organized historic preservation interests of the City who meet the following conditions:
 - i. shall be members of non-profit organizations with offices in the City whose bona-fide purpose is to promote historic preservation; and
 - ii. shall be appointed from names nominated by non-profit organizations with offices in the City whose bona-fide purpose is to promote historic preservation;
- B. Two citizen at-large members representing the general historic preservation interests of the City who meet the following conditions:
 - i. shall hold a graduate or bachelor's degree in history or closely related field with:
 - a. at least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic

- institution, historic organization or agency, museum, or other professional institution, or
 - b. substantial contribution through research and publication to the body of scholarly knowledge in the field of history; or
 - ii. shall hold a graduate degree in archeology, anthropology, or closely related field with:
 - a. at least one year of full-time professional experience or equivalent specialized training in archeological research, administration, or management,
 - b. at least four months of supervised field and analytic experience in general North American archeology, and
 - c. demonstrated ability to carry research to completion; or
 - iii. shall hold a graduate or bachelor's degree in architectural history, art history, historic preservation, or a closely related field with coursework in American architectural history with:
 - a. at least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution, or
 - b. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history; or
 - iv. shall hold a professional degree in architecture or be a duly registered architect in the State of Michigan with:
 - a. at least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field, or
 - b. at least one year of full-time professional experience on historic preservation projects; and
 - v. shall be appointed from names submitted in response to advertisements including, but not limited to, in a newspaper with paid circulation in the City;
- C. One citizen at-large member representing the general interests of the City who meets the following conditions:
 - i. shall be appointed from names submitted in response to advertisements including, but not limited to, in a newspaper with paid circulation in the City;
- D. The requirements in subsections A and B are waived if no interested persons are willing to serve on the Study Committee who meet those requirements, except as otherwise required under the Historic Districts Act.

(3) After appointment, a Study Committee shall research and complete a report as follows:

- A. Conduct a photographic inventory of resources within the proposed historic district following procedures established by SHPO.
- B. Conduct basic research of the proposed historic district and historic resources located within that district. A Study Committee shall consider any previously written reports as pertinent to this research.
- C. Determine the total number of historic and non-historic resources within a proposed historic district and the percentage of historic resources of that total.
 - i. In evaluating the significance of historic resources, a Study Committee shall be guided by the Evaluation Criteria, and criteria established or approved by SHPO.
- D. Prepare a preliminary report that addresses:
 - i. The charge of the Study Committee.
 - ii. The composition of the Study Committee's membership.
 - iii. The historic district studied.
 - iv. The boundaries of the proposed historic district in writing and on maps.
 - v. The history of the proposed historic district.
 - vi. The significance of the entire district, as well as enough of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.

- E. Transmit copies of the preliminary report for review and recommendations to the Planning Commission, SHPO, the Michigan Historical Commission, and the Review Board.
- F. Make copies of the preliminary report available to the public, pursuant to Section 3(4) of the Historic Districts Act.
- G. Within sixty (60) calendar days after the preliminary report's transmittal, hold a duly noticed public hearing in compliance with OMA.
 - i. Written notice shall be sent, by first class mail not less than fourteen (14) calendar days prior to the hearing, to the property owners within the proposed historic district.
 - ii. The report shall be made available to the public in compliance with FOIA.
- H. Within one year after a public hearing pursuant to Paragraph G, prepare and submit a final report with the Study Committee's recommendations and those of the Planning Commission, if any, to the City Council as to the action on the historic district.
 - i. If the recommendation is to establish a historic district, the final report shall include a draft of the proposed ordinance amending Section 103(4) to include said historic district's boundaries.
 - ii. If the recommendation is to eliminate a historic district, the final report shall show one or more of the following:
 - a. The historic district has lost those physical characteristics that enabled the establishment of the district.
 - b. The historic district was not significant in the way previously defined.
 - c. The historic district was established pursuant to defective procedures.

(4) A writing prepared, owned, used, in the possession of, or retained by a Study Committee in the performance of an official function shall be made available to the public in compliance with FOIA.

(5) City officials and employees shall provide information and records to a Study Committee, and shall meet therewith upon request to assist with its activities.

Section 104. Districts

(1) The City Council may establish, modify, or eliminate a historic district by ordinance. Such action shall only be taken after, and within one year of, the receipt of a report pursuant to Section 102(3). Upon adoption of such an ordinance, the City Clerk shall file a copy of said ordinance, including a legal description of the property(ies) located within the historic district with the Delta County Register of Deeds.

(2) The City Council shall not act on an ordinance to establish or enlarge a historic district until the following conditions have been satisfied:

- A. The City Clerk shall circulate a written petition among property owners within the proposed historic district. Said petition shall clearly seek the approval of these property owners to establish or enlarge said historic district.
 - i. If fewer than half of the property owners approve of the proposed historic district, then the City Council shall reject the ordinance.
 - ii. If more than half of the property owners approve of the proposed historic district, then the City Council may adopt the ordinance.
- B. The City Council shall not act on an ordinance until 60 days have passed since the district is approved by written petition pursuant to Paragraph A(ii).

(3) Upon receipt of substantial evidence showing the presence of historic, architectural, archaeological, engineering, or cultural significance of a proposed historic district, the City Council may adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the Commission pursuant to this Ordinance. The Commission shall review permit applications with the same powers that would apply if the proposed historic district was an established one. The review may continue in the proposed historic district for not more than one year, or until such time as the City Council approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

(4) Established historic district boundaries are as follows:

- A. The Richter Brewery Historic District: Lots 3 through 8 of Block 7 of the S.H. Selden Addition of the City of Escanaba, according to the plat thereof, as recorded in Liber A of Plats, Page 22, Delta County Records.

Section 105. Commission Membership

(1) The Commission shall consist of seven (7) members appointed by the City Council. To be qualified to be a member, and to remain a member of the Commission, individuals shall meet the following qualifications:

- A. shall be a qualified elector of the City;
- B. shall not hold any elected office or employment with the City other than by virtue of membership on the Commission, unless an *ex officio* member; and
- C. shall not be a declared candidate for any political office, unless an *ex officio* member.

(2) Members shall be appointed for three-year terms which shall be arranged so that, as nearly as possible, the terms of one-third of all Commission members will expire each year. If a vacancy occurs, the vacancy shall be filled within sixty (60) days for the unexpired term in the same manner as provided for an original appointment such that, as nearly as possible, the terms of one-third of all Commission members continue to expire each year. Appointments to the Commission shall be as follows:

- A. In March of each year the City Clerk shall determine which members' terms of office expire, shall determine what organizations qualify to nominate members, and shall contact those organizations to solicit nominations by first class mail.
- B. In April of each year, if the Clerk has not received at least two nominations for each office, then the Clerk shall discard those applications and shall place an advertisement(s) in a newspaper with paid circulation in the City to seek different applications.
- C. In May of each year the City Council shall consider the applications and nominations received and appoint members to the Commission by a majority vote for a three-year term of office which shall begin and end on May 30 at 9:00 a.m. of the respective years.

(3) The terms of office for *ex officio* members shall coincide with their elected terms of office on the City Council, or the term of office of the Mayor who appointed the member, whichever comes first.

(4) Most of the membership shall have a clearly demonstrated interest in or knowledge of historic preservation, while the remaining members shall be representative of the City generally, as follows:

- A. Two citizen members representing the organized historic preservation interests of the City shall be appointed for three-year terms of office, or remainders of unexpired terms of office, who meet the following conditions:
 - i. shall be members of non-profit organizations with offices in the City whose bona-fide purpose is to promote historic preservation; and
 - ii. shall be appointed from names nominated by a non-profit organization with offices in the City whose bona-fide purpose is to promote historic preservation;
- B. Two citizen members representing the general historic preservation interests of the City shall be appointed for three-year terms of office, or remainders of unexpired terms of office, who meet the following conditions:
 - i. shall hold a graduate or bachelor's degree in history or closely related field with:
 - a. at least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historic organization or agency, museum, or other professional institution, or
 - b. substantial contribution through research and publication to the body of scholarly knowledge in the field of history; or
 - ii. shall hold a graduate degree in archeology, anthropology, or closely related field with:
 - a. at least one year of full-time professional experience or equivalent specialized training in archeological research, administration, or management,

- b. at least four months of supervised field and analytic experience in general North American archeology, and
 - c. demonstrated ability to carry research to completion; or
 - iii. shall hold a graduate or bachelor's degree in architectural history, art history, historic preservation, or closely related field with coursework in American architectural history with:
 - a. at least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution, or
 - b. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history; or
 - iv. shall hold a professional degree in architecture or be a duly registered architect in the State of Michigan with:
 - a. at least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field, or
 - b. at least one year of full-time professional experience on historic preservation projects; and
 - v. shall be appointed from names submitted in response to advertisements including, but not limited to, in a newspaper with paid circulation in the City;
- C. One citizen member with an architectural background shall be appointed for a three-year term of office, or remainder of an unexpired term of office, who meets the following conditions:
 - i. shall:
 - a. hold a professional degree in architecture plus at least two years of full-time experience in architecture, or
 - b. be a duly registered architect in the State of Michigan; and
 - ii. shall be appointed from names submitted in response to advertisements including, but not limited to, in a newspaper with paid circulation in the City;
- D. One citizen at-large member representing interests of the City shall be appointed for a three-year term of office, or remainder of an unexpired term of office, who meets the following conditions:
 - i. shall be appointed from names submitted in response to advertisements including, but not limited to, in a newspaper with paid circulation in the City.
- E. One member shall be a member of the City Council who meets the following conditions:
 - i. shall be the only member who is a member of the City Council; and
 - ii. shall be appointed as an *ex officio* member of the Commission, for a term of office which is concurrent with their elected position on the City Council.

(5) All members of the Commission shall serve as such with compensation equal to, or less than, the per diem of the City Council per meeting plus mileage.

(6) Appointed members of the Commission shall attend educational programs or engage in other continuing education designed for training members of Historic District Commissions if the adopted City budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training. Nothing in this paragraph shall bar a member who has not had training from finishing his term of office unless the member resigns or is removed by action of the City Council. The member shall be ineligible for reappointment at the conclusion of the term of office if they did not attend training or engage in other continuing education. The Commission shall include in its Bylaws what training programs qualify to meet this requirement, but City Council may also authorize funding for alternative sources of training.

(7) The City Council may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. Failure to repeatedly attend Commission meetings shall be considered nonfeasance in office.

(8) The Secretary of the Commission shall report any member who has missed three regular meetings in a row to the City Council.

Section 106. Commission Liaisons

(1) The Commission, in its Bylaws, may name "liaisons" to the Commission. The purpose of liaisons is to provide certain City and quasi-City officials with the ability to participate in discussion with the Commission, in addition to speaking in public participation, and nothing else. At a minimum, liaisons shall include:

- A. Planning department staff, and their agents and consultants.
- B. City Manager.
- C. City Attorney.
- D. A member of the Planning Commission, as appointed by that body.

(2) Liaisons shall provide information and records to the Commission and its committees, or cause the provision thereof, and shall meet with those bodies upon request to assist with their activities.

Section 107. Commission Powers and Duties

(1) The Commission shall have their powers and duties as set forth in the Historic Districts Act. In addition, the City Council may prescribe by resolution other powers and duties to foster historic preservation activities, projects, and programs in the City.

(2) The Commission shall meet at least once quarterly, and a majority count of the total number of seats for members of the Commission, being four (4) members, shall constitute a quorum for the transaction of the ordinary business.

(3) All questions which shall arise at their meetings shall be determined by an affirmative vote of at least a quorum of the Commission's members.

(4) The Commission shall adopt Bylaws for the transaction of business, Design Review Guidelines to carry out its duties under the Historic Districts Act, and shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record filed in the office of the City Clerk.

(5) The City Council may accept state or federal grants for historic preservation purposes, may participate in state and federal programs that benefit historic preservation, and may accept public or private gifts for historic preservation purposes. The City Council may appoint the Historic District Commission to accept and administer grants, gifts, and program responsibilities pursuant to Section 6 of the Historic Districts Act.

Section 108. Commission Review

(1) A permit shall be obtained before any work affecting the exterior appearance of a resource is performed within a historic district or, if required under this Ordinance, work affecting the interior arrangements of a resource is performed within a historic district. The person, individual, partnership, firm, corporation, organization, institution, or agency of government proposing to do that work shall file an application for a permit with the City.

(2) The Commission shall be responsible for the issuance of Certificates of Appropriateness, and for the review of applications therefor.

- A. In reviewing applications, the Commission shall follow the Rehabilitation Standards. Design review standards and guidelines that address special design characteristics of historic districts administered by the Commission may be followed if they are equivalent in guidance to the Rehabilitation Standards and are established or approved by the State Historic Preservation Office.
- B. In reviewing applications, the Commission shall also consider all of the following:
 - i. The historic or architectural value and significance of the resource, and its relationship to the historic value of the surrounding area.
 - ii. The relationship of any architectural features of the resource to the rest of the resource, and to the surrounding area.
 - iii. The general compatibility of the design, arrangement, texture, and materials proposed to be used.
 - iv. Other factors, such as aesthetic value, that the commission finds relevant.
 - v. Whether the applicant has certified in the application that the property where work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm in compliance with Section 4(c) of the Construction Code Act.

- C. The Commission may delegate the issuance of Certificates of Appropriateness for specified minor classes of work to the Planning Department's staff. The Commission shall provide to said Department's staff specific written standards for issuing Certificates of Appropriateness under this paragraph. The Commission shall review the Certificates of Appropriateness issued by the Planning Department on a quarterly basis to determine whether the delegated responsibilities should be continued.

(3) The Commission shall also be responsible for the issuance of Notices to Proceed, and for the review of applications therefor.

- A. In reviewing applications, the Commission shall determine if any of the following conditions prevail:

- i. The resource constitutes a hazard to the safety of the public or to its occupants.
- ii. The resource is a deterrent to a major improvement program that will be of substantial benefit to the community, and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.
- iii. Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner.
- iv. Retaining the resource is not in the interest of the majority of the community.

- B. The proposed work shall also be demonstrated, by a finding of the Commission, to be necessary to substantially improve or correct any of the conditions listed in paragraph A.

(4) The Commission shall review and act upon only exterior features of a resource; they shall not review and act upon interior arrangements, unless interior work will cause visible change to the exterior of the resource. The Commission shall not disapprove an application due to considerations not prescribed in Section 5 of the Historic Districts Act.

(5) The Commission shall file Certificates of Appropriateness, Notices to Proceed, and denials of applications for permits with the inspector of buildings or other delegated authority.

(6) A permit shall not be issued and proposed work shall not proceed until the Commission has acted as prescribed by this section. If a permit application is denied, the decision shall be binding on the inspector or other authority.

- A. A denial shall be accompanied by the following items:

- i. A written explanation by the Commission of the reasons for denial and, if appropriate, a notice that an application may be resubmitted for Commission review when suggested changes have been made.
- ii. A notification of the applicant's rights of appeal to the Review Board and to the circuit court.

(7) The failure of the Commission to act within 60 calendar days after the date a complete application is filed with the Commission, unless an extension is agreed upon in writing by the applicant and the Commission, shall be considered to constitute approval. Nothing in this Ordinance shall be construed to prevent ordinary maintenance or repair of a resource within a historic district or to prevent work on any resource under a permit issued by the city manager or designee or other duly delegated authority before the ordinance was enacted.

Section 109. Resource Conservation

(1) When work has been done upon a resource without a permit, and the Commission finds that the work does not qualify for a Certificate of Appropriateness, the Commission may do the following:

- A. Require the owner to restore the resource to the condition that the resource was in before the inappropriate work or to modify the work so that it qualifies for a Certificate of Appropriateness.
- B. If the owner does not comply with the restoration or modification requirement within a reasonable time, seek an order from the Circuit Court to require the owner to

restore the resource to its former condition, or to modify the work so that it qualifies for a Certificate of Appropriateness.

- C. If the owner does not or cannot comply with the Court's order, enter the property upon obtaining an order from the Circuit Court and conduct work necessary to restore the resource to its former condition, or to modify the work so that it qualifies for a Certificate of Appropriateness in accordance with the Court's order. The costs of the work shall be charged to the owner and may be levied by the City as a special assessment against the property. The Commission may authorize agents to enter the property for the purposes of this paragraph.

(2) Upon a finding by the Commission that a resource within a historic district, or a proposed historic district, subject to its review and approval is threatened with Demolition by Neglect, the Commission may do of the following:

- A. Require the owner of the resource to repair all conditions contributing to demolition by neglect.
- B. If the owner does not make repairs within a reasonable time, enter the property upon obtaining an order from the Circuit Court and make such repairs as necessary to prevent Demolition by Neglect. The costs of the work shall be charged to the owner and may be levied by the City as a special assessment against the property. The Commission may authorize agents to enter the property for the purposes of this paragraph.

(3) If all efforts by the Commission to preserve a resource fail, or if it is determined by the City Council that public ownership is most suitable, the City Council may acquire the resource using public funds, public or private gifts, grants or proceeds from the issuance of revenue bonds, if considered to be the public interest. The acquisition shall be based upon a recommendation by the Commission.

- A. The Commission is responsible for maintaining publicly owned resources using its own funds, if not specifically designated for other purposes, or public funds committed for that use by the City Council.
- B. Upon a recommendation by the Commission, the City may sell resources acquired under this section with protective easements included in the property transfer documents.

(4) If the City Council determines that pending work will cause irreparable harm to resources located within an established or proposed historic district, the City Council may do the following. Any pending permit application concerning a resource subject to an emergency moratorium may be summarily denied.

- A. By resolution, declare an emergency moratorium on all such work for a period not to exceed six (6) months.
- B. Extend the emergency moratorium for an additional period not to exceed six (6) months, upon finding that the threat of irreparable harm to resources is still present.

Section 110. Commission Appeals

(1) An applicant aggrieved by a decision of the Commission concerning a permit application may file an appeal with the Review Board. The appeal shall be filed within sixty (60) calendar days after the decision is furnished to the applicant. The appellant may submit all or part of the appellant's evidence and arguments in written form. The Review Board shall consider an appeal at its first regularly scheduled meeting after receiving the appeal. A permit applicant aggrieved by the decision of the Review Board may appeal the decision to the circuit court having jurisdiction over the historic district commission whose decision was appealed to the Review Board.

(2) Any citizen or duly organized historic preservation organization in the City, as well as resource property owners, jointly or severally aggrieved by a decision of the Commission may appeal the decision to the Circuit Court. However, a permit applicant aggrieved by a decision rendered under this Ordinance may not appeal to the court without first exhausting the right to appeal to the Review Board.

Section 111. Violations and Fines

(1) A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act is responsible for a civil violation and may be fined not more than \$5,000.00.

(2) A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated, or demolished.

CHAPTER II
TRANSITIONAL CLAUSES

The transition from the previous City Historic District Commission and the Commission established in this ordinance shall be gradual and shall take place over the next three years.

The City Council shall continue to make annual appointments, appointing approximately 1/3 of the membership of the Commission as specified herein, so that three years from the effective date of this ordinance the membership, membership representation, and number of members have completed the transition to fully comply with this Ordinance.

All official actions taken by all City Historic District Commissions preceding the Commission created by this ordinance are hereby approved, ratified, and reconfirmed.

Any project, review, or process taking place at the effective date of this Ordinance shall continue with the Commission created thereby, subject to the requirements thereof, and shall be deemed a continuation of any previous City Historic District Commission.

CHAPTER III
SAVINGS CLAUSE

If any section, subsection, sentence, clause, or phrase of this Ordinance is held to be unconstitutional, such decision shall not affect the validity of the remainder of this Ordinance.

The City Council hereby declares that it would have passed this Ordinance, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

CHAPTER IV
CONFLICTING ORDINANCES REPEALING CLAUSE

All other Ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

CHAPTER V
EFFECTIVE DATE

This Ordinance shall be in full force and effect ten (10) days after its passage and publication.

APPROVED:

APPROVED:

Laura Genovich, City Attorney

Mark Ammel, Mayor

Ordinance No. _____

ATTEST:

Date Approved: _____

Date Published: _____

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, State of Michigan, at a regular meeting held on Click or tap to enter a date. Said meeting was conducted, with public notice given, pursuant to and in full compliance with the Open Meetings Act, being MCL 15.261 et seq. Further, said ordinance was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on Click or tap to enter a date. The minutes of said meeting were kept and will be or have been made available as required by said Act.

Phil DeMay, City Clerk

Sec. 9-121. The historic district commission.

- (a) The city council may establish by ordinance a commission to be called a historic district commission. The commission may be established at any time, but not later than the time the first historic district is established. Each member of the commission shall reside within the city limits. The commission shall consist of seven (7) members. Members shall be appointed by the city council. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation. Members shall be appointed for a term of three (3) years, except the initial appointments of three (3) members for a term of two (2) years and two (2) members for a term of one year. Subsequent appointments shall be for three-year terms. Members shall be eligible for reappointment. In the event of a vacancy on the commission, interim appointments shall be made by the city council within sixty (60) calendar days to complete the unexpired term of such position. Two (2) members shall be appointed from a list submitted by duly organized local historic preservation organizations. If such a person is available for appointment, one member shall be an architect who has two (2) years of architectural experience or who is duly registered in the State of Michigan.
- (b) The city council may prescribe powers and duties of the commission, in addition to those prescribed in this article, that foster historic preservation activities, projects, and programs in the local unit.
- (c) The commission may also include a liaison, who is a member of Escanaba City Council, and a liaison who is a member of the Escanaba Planning Commission. The purpose of the liaisons is to provide the Escanaba City Council and the Escanaba Planning Commission the ability to participate in discussions with the commission. Liaisons cannot vote, introduce motions, initiate any other parliamentary action, be counted for a quorum or be expected to comply with attendance requirements of the commission.

(Ord. No. 1100, Ch. I, 10-15-09)

LOCAL HISTORIC DISTRICTS ACT (EXCERPT)
Act 169 of 1970

399.204 Historic district commission; establishment; appointment, qualifications, and terms of members; vacancy; commissions previously established by charter or ordinance.

Sec. 4. The legislative body of a local unit may establish by ordinance a commission to be called the historic district commission. The commission may be established at any time, but not later than the time the first historic district is established by the legislative body of the local unit. Each member of the commission shall reside within the local unit. The membership of the historic district commission in a local unit having a population of 5,000 or more individuals shall consist of not less than 7 or more than 9 members. The membership of the historic district commission in a local unit having a population of less than 5,000 individuals shall consist of not less than 5 or more than 7 members. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation. The members shall be appointed by the township supervisor, village president, mayor, or chairperson of the board of commissioners, unless another method of appointment is provided in the ordinance creating the commission. Initial members shall be appointed within 6 months after the ordinance establishing the commission is enacted. Members shall be appointed for 3-year terms except the initial appointments of some of the members shall be for less than 3 years so that the initial appointments are staggered and that subsequent appointments do not recur at the same time. Members shall be eligible for reappointment. A vacancy on the commission shall be filled within 60 calendar days by an appointment made by the appointing authority. The ordinance creating the commission may provide procedures for terminating an appointment due to the acts or omissions of the member. The appointing authority of a local unit having a population of 25,000 or more individuals shall appoint at least 2 members from a list of citizens submitted by 1 or more duly organized local historic preservation organizations. A local unit having a population of more than 5,000 individuals but less than 25,000 individuals shall appoint at least 1 member from a list of citizens submitted by 1 or more duly organized local historic preservation organizations. The commission of all local units shall include as a member, if available, a graduate of an accredited school of architecture who has 2 years of architectural experience or who is an architect registered in this state. This section does not apply to historic district commissions established by charter or to historic district commissions established by ordinance before August 3, 1970.

History: 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1971, Act 30, Imd. Eff. May 25, 1971;—Am. 1992, Act 96, Imd. Eff. June 18, 1992.

Compiler's note: For transfer of powers and duties of department of history, arts, and libraries or the Michigan historical center relating to the identification, certification, and preservation of historical sites to the Michigan state housing development authority, see E.R.O. No. 2009-26, compiled at MCL 399.752.

For transfer of powers and duties of the state historic preservation office relating to the identification, certification, and preservation of historical sites from the Michigan state housing development authority to the Michigan strategic fund, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

Sec. 9-138. Historic district boundary.

The historic district boundary for the Richter Brewery Historic District is:

(1) Lots 3, 4, 5, and 6 of Block 7, of the S. H. Selden Addition to the City of Escanaba.

(2) Lots 3, 4, 5, 6, 7 and 8 of Block 7, of the S. H. Selden Addition to the City of Escanaba.

(Ord. No. 1100, Ch. I, 10-15-09; Ord. No. 1212 , Ch. I, 8-15-19)

Ord. No. 1212 set out new provisions to be codified as § 9-139. In order to keep similar provisions together and to preserve the style of this Code, at the editor's discretion, the new provisions have been added as § 9-138(2) as herein set out above.

Seeking Historic District Study Committee Members

DATED: [Date of Notice]

NOTICE IS HEREBY GIVEN, in accordance with the Historic Preservation Ordinance of 2024, that the City of Escanaba is seeking applicants to a new Historic District Study Committee (Study Committee).

The Study Committee is charged with researching and completing a report on a potential historic district either proposed to – or proposed by – the City Council. Generally, this charge includes...

- Conducting a photographic inventory of resources within the proposed historic district;
- Conducting basic research of the proposed historic district and historic resources located within that district;
- Determining the number and percentages of historic and non-historic resources within a proposed historic district;
- Preparing a preliminary report that addresses the Study Committee's charge, their composition, the historic district studied, that district's boundaries and history, and both the district's significance and that of individual resources;
- Transmitting the preliminary report to various other bodies;
- Making copies of the preliminary report available to the public;
- Holding a public hearing after the preliminary report's transmittal; and
- Preparing and submitting a final report to the City Council with the Study Committee's recommendations and those of the Planning Commission, if any.

Generally, members of the Study Committee:

1. Must be qualified electors of the City;
2. Must not already hold any elected office or employment with the City; and
3. Must not be declared candidates for any political office.

All qualified persons are invited to apply for membership on the Study Committee. For details on specific qualifications and open offices on the Study Committee, please contact the City Clerk's Office (ph. 906-786-1194), Escanaba City Hall, during regular business hours.

Phil DeMay
City Clerk
City of Escanaba





City Council

Historic District Study Committee
PO Box 948 - 410 Ludington Street
Escanaba, MI 49829
906-786-1194

APPLICATION AND RESUME

Thank you for your interest in serving as a member of a Historic District Study Committee!

Please fill out this form completely and submit it to the City Clerk’s Office to apply.

Generally, a Historic District Study Committee’s members must have a clearly demonstrated interest in – or have a knowledge of – historic preservation.

All members must be residents of Escanaba.

1. Personal and Contact Information

Name (First, Middle, Last): _____

Address: _____

Phone: _____

Email: _____

What is your preferred means of contact?

Mail Phone Email

Do you currently serve on any other public body?

No Yes, I serve on: _____

2. Education

A. Degree: _____ Field: _____

Year: _____ University: _____

B. Degree: _____ Field: _____

Year: _____ University: _____

C. Degree: _____ Field: _____

Year: _____ University: _____

3. Career and Work Experience

A. Position: _____

Organization: _____

Dates: _____

Description: _____

B. Position: _____



City Council

Historic District Study Committee
PO Box 948 - 410 Ludington Street
Escanaba, MI 49829
906-786-1194

APPLICATION AND RESUME

Organization: _____

Dates: _____

Description: _____

C. Position: _____

Organization: _____

Dates: _____

Description: _____

4. Other Experience or Demonstrated Interest

Please feel free to attach other information to this application.

5. Signature and Date

Signed: _____ Date: _____

6. For Office Use Only

Date Received: _____

Applicant meets qualifications for:

() General historic preservation interests

() Architectural background

() Citizen at-large

Appointed?

() No () Yes, date: _____



Seeking Historic Preservation Commission Members

DATED: [Date of Notice]

NOTICE IS HEREBY GIVEN, in accordance with the Historic Preservation Ordinance of 2024, that the City of Escanaba is seeking applicants to the Historic Preservation Commission (HPC).

The HPC carries out duties which...

- Safeguard the City's heritage by preserving historic districts that reflect elements of our history, architecture, archaeology, engineering, or culture;
- Stabilize and improve property values in each district and the surrounding areas;
- Foster civic beauty;
- Strengthen the local economy; and
- Promote the use of historic districts for the education, pleasure, and welfare of the citizens of our City and of our state.

Generally, members of the HPC:

1. Must be qualified electors of the City;
2. Must not already hold any elected office or employment with the City; and
3. Must not be declared candidates for any political office.

All qualified persons are invited to apply for membership on the HPC. For details on specific qualifications and open offices on the HPC, please contact the City Clerk's Office (ph. 906-786-1194), Escanaba City Hall, during regular business hours.

Phil DeMay
City Clerk
City of Escanaba





Historic District Commission

PO Box 948 - 410 Ludington Street, Second Floor
Escanaba, MI 49829
906-789-7302

APPLICATION AND RESUME

Thank you for your interest in serving as a member of the Historic Preservation Commission!

Please fill out this form completely and submit it to the City Clerk’s Office to apply.

Generally, the Historic Preservation Commission’s members must have a clearly demonstrated interest in – or have a knowledge of – historic preservation.

All members must be residents of Escanaba.

1. Personal and Contact Information

Name (First, Middle, Last): _____

Address: _____

Phone: _____

Email: _____

What is your preferred means of contact?

Mail Phone Email

Do you currently serve on any other public body?

No Yes, I serve on: _____

2. Education

A. Degree: _____ Field: _____

Year: _____ University: _____

B. Degree: _____ Field: _____

Year: _____ University: _____

C. Degree: _____ Field: _____

Year: _____ University: _____

3. Career and Work Experience

A. Position: _____

Organization: _____

Dates: _____

Description: _____

B. Position: _____

Organization: _____

MAIL TO: City Clerk, PO Box 948, Escanaba, MI 49829

EMAIL TO: clerk@escanaba.org



Historic District Commission

PO Box 948 - 410 Ludington Street, Second Floor
Escanaba, MI 49829
906-789-7302

APPLICATION AND RESUME

Dates: _____

Description: _____

C. Position: _____

Organization: _____

Dates: _____

Description: _____

4. Other Experience or Demonstrated Interest

Please feel free to attach other information to this application.

5. Signature and Date

Signed: _____ Date: _____

6. For Office Use Only

Date Received: _____

Applicant meets qualifications for:

- General historic preservation interests
- Architectural background
- Citizen at-large

Appointed?

No Yes, date: _____

City Council Agenda Item Request

Date: 4-08-2024

Name: Tyler Anthony

Department: Planning & Zoning

Item: Planning Commission Ordinance of 2024

Meeting date requested: 5-02-2024

Explanation for request:

During the budget hearings and their regular meeting on April 4, the City Council expressed a desire to see better performance from the Planning Commission. As a result of those discussions, the Planning & Zoning Admin. was directed to lay out a course of action to have the Commission meet training goals, and to better represent the community's interests as they exist.

Given these directives the City Attorney, their associates, and the Planning & Zoning Admin. drafted a new ordinance which would make training requirements actually enforceable. This ordinance would also provide for specific membership standards and a process for soliciting nominations from the community.

Attachments:

1. Planning Commission Ordinance of 2024 (draft)
2. Amendment to the Planning Commission's Bylaws (draft)
3. "How planning commissions are appointed can have an impact on success" (article)
4. Advertisement Seeking Planning Commission Members (draft)
5. Planning Commission Application and Resume (draft)

ORDINANCE NO. 1295

PLANNING COMMISSION ORDINANCE OF 2024

WHEREAS, The People of the City of Escanaba did establish the City Planning Commission Ordinance of 2008, and it is now desired to repeal the existing ordinance and adopt this Ordinance to better define the requirements of said Planning Commission, NOW THEREFORE, THE PEOPLE OF THE CITY OF ESCANABA HEREBY ORDAIN:

CHAPTER I **SECTIONS AMENDED**

The City of Escanaba Code of Ordinances, Chapter 21, is amended by adding the following:

Article I. City Planning Commission

Section 1. Establishment

(1) There shall be a City Planning Commission, hereinafter referred to as "the Commission", pursuant to the Planning Act and the Zoning Act, with the powers and duties as set forth therein, and as hereafter provided and staffed a planning department.

(2) This article shall be officially known and described as the "Planning Commission Ordinance of 2024".

Section 2. Definitions

(1) The terms used herein shall have the same meanings as given to them in the Planning Act and the Zoning Act, or as herein provided in this section, unless the context clearly indicates to the contrary. Terms herein provided are as follows:

- A. "Ex officio member" means a member with full voting rights who serves on the Commission by virtue of holding another office, for the term of that other office.
- B. "Master plan" means either of the following:
 - i. As provided in section 81(1) of the Planning Act, any plan adopted or amended before September 1, 2008 under a planning act repealed under section 85 of the Planning Act.
 - ii. Any plan adopted or amended under the Planning act.
 - a. This includes, but is not limited to, a plan prepared by a planning commission authorized by said Act and used to satisfy the requirement of section 203(1) of the Zoning Act, regardless of whether it is entitled a master plan, basic plan, county plan, development plan, guide plan, land use plan, municipal plan, township plan, plan, or any other term.
- C. "Planning Act" means Public Act 33 of 2008, as amended, being the Michigan Planning Enabling Act, MCL 125.3801 *et seq.*
- D. "Population" means the population according to the most recent federal decennial census or according to a special census conducted under section 7 of the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.907, whichever is the more recent.
- E. "Zoning Act" means Public Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act, MCL 125.3101 *et seq.*
- F. "Zoning commission" means a zoning commission as described under section 301 of the Zoning Act, MCL 125.3301.

Section 3. Membership

(1) The Commission shall consist of seven (7) members appointed by the City Mayor and confirmed by the City Council. To be qualified to be a member, and to remain a member of the Commission, the individual shall meet the following qualifications:

- A. shall be a qualified elector of the City, except one nonqualified elector may be a member of the Commission as provided in subsection 4;
- B. shall not hold any elected office or employment with the City other than by virtue of membership on the Commission, unless an *ex officio* member;
- C. shall not be a declared candidate for any political office, unless an *ex officio* member; and
- D. after an individual's first appointment, and before reappointment, shall have attended training for Commission members, pursuant to subsection 7.

(2) Members shall be appointed for three-year terms which shall be arranged so that, as nearly as possible, the terms of one-third of all Commission members will expire each year. If a vacancy occurs, the vacancy shall be filled within sixty (60) days for the unexpired term in the same manner as provided for an original appointment such that, as nearly as possible, the terms of one-third of all Commission members continue to expire each year. Appointments to the Commission shall be as follows:

- A. In April of each year, the City Clerk shall determine which members' terms of office expire, shall determine what organizations qualify to nominate members pursuant to Paragraphs (4)B through (4)F, and shall contact those organizations to solicit nominations by first class mail.
- B. In May of each year, if the Clerk has not received at least two nominations for each office pursuant to Paragraphs 4(B) through 4(F), then the Clerk shall discard those applications and shall place an advertisement(s) in a newspaper with paid circulation in the City to seek different applications.
- C. In June of each year, the City Mayor shall consider the applications and nominations received and appoint members to the Commission, subject to approval by a majority vote of the City Council, for a three-year term of office which shall begin and end on June 30 at 9:00 a.m. of the respective years.

(3) The terms of office for *ex officio* members shall coincide with their elected terms of office on the City Council.

(4) The membership shall be representative of the important segments of the population, such as the economic, governmental, educational, and social development of the City, in accordance with the major interests as they exist in the City, as follows:

- A. Member 1. One citizen at-large member representing interests of the City shall be appointed for a three-year term of office, or remainder of an unexpired term of office, who meets the following conditions:
 - i. Shall be appointed from names submitted in response to advertisements including, but not limited to, in a newspaper with paid circulation in the City;
 - ii. shall not hold any elected office or employment position in the City Government other than by virtue of membership on the Planning Commission; and
 - iii. shall be a resident of the City.
- B. Member 2. One citizen member representing the agricultural, environmental, forestry, and land use interests of the City shall be appointed for a three-year term of office, or remainder of an unexpired term of office, who meets the following conditions:
 - i. shall, when possible, be:
 - a. a member of the county conservation district board,
 - b. a member of the board of the county chapter of Farm Bureau,
 - c. a professional forester with his or her business office in the City, or
 - d. an employee of the United States Forest Service or the Michigan Department of Natural Resources;
 - ii. shall, when possible, be appointed from names nominated by the county conservation district board, county chapter of Farm Bureau, the United States Forest Service, Michigan Department of Natural Resources, and professional foresters in the City;
 - iii. shall not hold any elected office or employment position in City Government other than by virtue of membership on the Commission; and
 - iv. may, when possible, be a resident of the City.
- C. Member 3. One member representing communication, recreational, and tourist interests of the City shall be appointed for a three-year term of office, or remainder of an unexpired term of office, who meets the following conditions:
 - i. shall, when possible, be:
 - a. a member of the board for a visitor and convention bureau whose corporate office is in the City, or
 - b. who shall be a member in good standing of one of the county-wide non-profit corporations with its corporate office in the City whose bona-fide purpose is to be a tourist promotion organization; and

- ii. shall, when possible, be appointed from names nominated by visitor and convention bureaus whose corporate offices are in the City, and by county-wide non-profit corporations with their corporate offices in the City whose bona-fide purpose is to be a tourist promotion organization;
 - iii. may, when possible, be a resident of the City.
- D. Member 4. One citizen member representing the educational interests of the City shall be appointed for a three-year term of office, or remainder of an unexpired term of office, who meets the following conditions:
- i. shall, when possible, be appointed from names nominated by school district board(s) of education included, in whole or in part, within the City's boundaries;
 - ii. shall, when possible, be a member of a public school board or an administrative employee of a school district included, in whole or in part, within the City's boundaries;
 - iii. shall not hold any elected office or employment position in City Government other than by virtue of membership on the Planning Commission; and
 - iv. may, when possible, be a resident of the City.
- E. Member 5. One member representing sanitation, environmental health, housing, and human services interests of the City shall be appointed for a three-year term of office, or remainder of an unexpired term of office, who meets the following conditions:
- i. shall, when possible, be:
 - a. an employee of the environmental health division of the public health department or district which has jurisdiction in the City,
 - b. a member of a City housing commission or county-wide housing organization, or
 - c. a member in good standing of a county-wide human services coordination organization;
 - ii. shall, when possible, be appointed from names nominated by the environmental health division of the public health department, or district, which has jurisdiction in the City, the housing commission, a housing organization, and a human services coordination organization; and
 - iii. may, when possible, be a resident of the City.
- F. Member 6. One citizen member representing the economic, industrial, and transportation interests of the City shall be appointed for a three-year term of office, or remainder of an unexpired term of office, who meets the following conditions:
- i. shall, when possible, be a member in good standing of one of the county-wide non-profit corporations with its corporate office in the City, or a City funded agency, whose bona-fide purpose is to promote business, commerce, and industry in the City;
 - ii. shall, when possible, be appointed from names nominated by county-wide non-profit corporations with their corporate office in the City whose bona-fide purpose is to promote business, commerce, and industry in the City; and
 - iii. may, when possible, be a resident of the City.
- G. Member 7. One member shall be a member of the City Council who meets the following conditions:
- i. shall be the only member who is also a member of the City Council;
 - ii. shall be appointed for a term of office which is concurrent with their elected position on the City Council; and
 - iii. shall be appointed as an *ex officio* member of the Commission.

(5) The membership shall also be representative of the entire geography of the City to the extent practicable, and as a secondary consideration to the representation of the major interests.

(6) All members of the Planning Commission shall serve as such with compensation equal to, or less than, the *per diem* of the City Council per meeting.

(7) Appointed members of the Commission shall attend educational programs designed for training members of Michigan planning commissions, if the adopted City budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the

training. Nothing in this paragraph shall bar a member who has not had training from finishing his term of office unless the member resigns or is removed by action of the City Council. The member shall be ineligible for reappointment at the conclusion of the term of office if they did not attend training. The Commission shall include in its Bylaws what training programs qualify to meet this requirement.

(8) The City Council may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. Failure to repeatedly attend Commission meetings shall be considered nonfeasance in office.

(9) The secretary of the Commission shall report any member who has missed three regular meetings in a row to the City Council.

Section 4. Liaisons

(1) The Commission, in its bylaws, may name "liaisons" to the Commission. The purpose of liaisons is to provide certain City and quasi-City officials with the ability to participate in discussion with the Commission in addition to speaking in public participation, and nothing else. At a minimum, liaisons shall include:

- A. Planning department staff, and their agents and consultants.
- B. City Manager.
- C. City Attorney.

(2) Liaisons shall provide information and records to the Commission and its committees, or cause the provision thereof, and shall meet with those bodies upon request to assist with their activities.

Section 5. Powers and Duties

(1) The Commission shall have their powers and duties as set forth in the Planning Act.

(2) The powers and duties of a zoning commission shall be exercised and performed by the Commission as set forth in the Zoning Act.

(3) The Commission shall meet at least once every month. A majority of the Commission, being four (4) members, shall constitute a quorum for the transaction of the ordinary business.

(4) All questions which shall arise at their meetings shall be determined by an affirmative vote of at least a quorum of the Commission's members. The affirmative vote of two-thirds (2/3) of the total number of seats for members of the Commission, being five (5) members, shall be necessary for the adoption of any plan or amendment to a plan, or recommendation therefor.

(5) The Commission shall adopt Bylaws for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record filed in the office of the City Clerk.

(6) The Commission shall have authority to apply for and receive grants from any government agency or the federal government and to receive gifts.

(7) Unless the bylaws provide otherwise, a special meeting of the Commission may be called by the chairperson or by 2 other members, upon written request to the secretary. Unless the bylaws provide otherwise, the secretary shall send written notice of a special meeting to Commission members not less than 48 hours before the meeting.

Section 6. Staff

(1) The appointment of the Planning Director and other such employees shall be subject to the same provisions of law, employment policies, employee roster, employee or union contracts, if any, as govern other employees of the City.

(2) Employees that are assigned to work with the Commission shall follow the directives of the Commission in matters of planning and zoning public policy issues, but they shall not be subject to Commission directives concerning employment provisions of law, employment policies, employee roster, employee or union contracts, if any.

CHAPTER III
TRANSITIONAL CLAUSES

The transition from the previous City Planning Commission and the Commission established in this Ordinance shall be gradual and shall take place over the next three years.

The City Council shall continue to make annual appointments, appointing approximately 1/3 of the membership of the Commission as specified herein, so that three years from the effective date of this Ordinance the membership, membership representation, and number of members have completed the transition to fully comply with this Ordinance.

All official actions taken by all City Planning Commissions preceding the Commission created by this Ordinance are hereby approved, ratified, and reconfirmed.

Any project, review, or process taking place at the effective date of this Ordinance shall continue with the Commission created thereby, subject to the requirements thereof, and shall be deemed a continuation of any previous City Planning Commission.

All other aspects of this Ordinance shall have immediate effect.

CHAPTER IV
SAVINGS CLAUSES

If any section, subsection, sentence, clause, or phrase of this Ordinance is held to be unconstitutional, such decision shall not affect the validity of the remainder of this Ordinance.

The City Council hereby declares that it would have passed this Ordinance, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

CHAPTER V
CONFLICTING ORDINANCES REPEALING CLAUSES

The City Planning Commission Ordinance of 2008, being City Code of Ordinances, Chapter 21, Sections 16 through 25, is hereby repealed.

All other ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

CHAPTER VI
EFFECTIVE DATE

This Ordinance shall be in full force and effect ten (10) days after its passage and publication.

APPROVED:

APPROVED:

Laura Genovich, City Attorney

Mark Ammel, Mayor

Ordinance No. _____

ATTEST:

Date Approved: _____

Date Published: _____

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, State of Michigan, at a regular meeting held on [Click or tap to enter a date.](#) Said meeting was conducted, with public notice given, pursuant to and in full compliance with the Open Meetings Act, being MCL 15.261 *et seq.* Further, said ordinance was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on [Click or tap to enter a date.](#) The minutes of said meeting were kept and will be or have been made available as required by said Act.

Phil DeMay, City Clerk

2. Membership

...

204. Training. Each member shall achieve certain training goals in planning and zoning during all of the member’s terms of office. If so provided in the ordinance creating the Commission, failure to meet the training requirements shall result in the member not being reappointed for another term of office.

- (1) During the member’s first term of office only, they shall have attended the “Planning Commissioner Toolkit” training workshop provided by the Michigan Association of Planning, or equivalent, within one year after appointment. If the “Planning Commissioner Toolkit” workshop was unavailable for attendance during said first year, the member shall do the following:
 - A. Seek out an equivalent training within 15 months after appointment.
 - B. Once such a training is found, the Secretary shall request that the City Council approve its equivalency, which shall be determined by a vote of that body.
 - C. If so approved, the member shall attend the equivalent training within three months of the date of approval.
- (2) During the member’s first and subsequent terms of office, they shall have attended at least four hours per year of training.
- (3) Training shall be provided by one or more of the following organizations: Michigan Association of Planning, Michigan State University Extension, Michigan Municipal League, continuing education programs of Michigan State University, the University of Michigan, Northern Michigan University, Central Michigan University, or Wayne State University.

...

4. Officers

401. The Commission shall have the following officers, as selected from its membership:

...

- (3) A Secretary, whose duties shall be as follows:
 - A. Execute documents in the name of the Commission;
 - B. Review the proposed minutes, sign them, submit them for approval to the Commission, and have them spread in suitable volumes, including the distribution of copies to each member of the Commission, as soon as reasonably possible after review (the Secretary may delegate this duty to Commission staff);
 - C. Be responsible for the minutes of each meeting, pursuant to Section 601, if there is not a Recording Secretary;
 - D. Receive all communications, petitions, and reports to be addressed by the Commission, delivered, or mailed to the Secretary in care of the Planning and Zoning Department Office;
 - E. Keep attendance records pursuant to Section 203;

- F. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to OMA (the Secretary may delegate this duty to City staff);
- G. Prepare an agenda for Commission meetings pursuant to Section 510 (the Secretary may delegate this duty to Commission staff);
- H. Submit requests to the City Council regarding equivalent training pursuant to Paragraph 204(1)B (the Secretary may delegate this duty to Commission staff); and
- I. Perform such other duties as may be ordered by the Commission.

...

16. Commission Staff

...

1606. Planning Director's Duties. The Planning Director shall be responsible for the professional and administrative work in directing and coordinating the program of the Commission. Their work shall be carried on with the widest degree of professional responsibility, subject to the policy determinations and job description as adopted from time to time by the Commission and administrative policies of the City. In addition to any job description adopted from time to time by the Commission, the basics of the Planning Director's job shall include, but not be limited to:

...

- (5) Commission duties delegated to the Planning Director:
 - A. Oversee and coordinate Commission staff teams, pursuant to Chapter 8, as directed.
 - B. Spread the proposed minutes in suitable volumes, including the distribution of copies to each member of the Commission, as soon as reasonably possible after review by the Secretary, pursuant to Paragraph 401(3)B, as directed;
 - C. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to Paragraph 401(3)F, as directed;
 - D. Prepare an agenda for Commission meetings, pursuant to Paragraph 401(3)G, as directed; and
 - E. Submit requests to the City Council regarding equivalent training pursuant to Paragraph 401(3)H.

How planning commissions are appointed can have an impact on success

Kurt H. Schindler, Michigan State University Extension - June 02, 2015

Communities struggle with finding local volunteers for commissions. Empowering appointed officials, broadening their duties and formal representation can help.

Many local governments have a difficult time finding people to serve on local boards and commissions. Finding people to serve might be easier when the planning commission focuses on more than just zoning, and there is a process to identify and recruit members that cross-represent important segments of a community.

For more about focusing on more than just zoning see this article from Michigan State University Extension (https://www.canr.msu.edu/news/planning_commission_is_much_more_than_zoning).

This article will focus on representing the important segments of a community on a planning commission. The Michigan Planning Enabling Act (MPEA) has certain requirements for a planning commission membership. Those requirements are often expressed as a range, or a choice that the local government makes when creating, or organizing, its planning commission. A planning commission is created by the elected body of the local government (township board, village council, city council, county board) through the adoption of a planning commission ordinance. That ordinance should not simply reiterate what the MPEA says. The local ordinance should narrow those choices down to what is felt to be specifically best for one's community.

For example, the MPEA says the total members on a planning commission can be five, seven or nine members. A county planning commission can be five, seven, nine or eleven members (MCL 125.3815(2)). The ordinance creating the planning commission should be specific, for example stating it shall be seven members.

The MPEA provides choices and flexibility for local government when setting up a planning commission. The local ordinance which creates a planning commission should identify the specifics: a fixed number of members, ex officio members, if there are liaisons, if there are, or are not, non-resident members, and more. The goal is to strive for continuity and stability. Likewise, the statute indicates membership is to be representative of the identified important segments of the community.

The MPEA also says membership "shall be representative of the important segments of the community such as . . ." (MCL 125.3815(3)). The act then goes on to list examples of "important segments." Again, the local planning commission ordinance should not simply reiterate what the MPEA says. The local ordinance should narrow those choices and state the specific "important segments" for one's own community. Best practice should identify "important local segment(s)" to a specific seat on the planning commission.

Often when this is done well, the planning commission can be a very dynamic commission, with each member having a stronger sense of purpose. That excitement and purpose can make it easier to find people willing to serve on the local commission.

When preparing the ordinance that creates a local planning commission (or updating the existing ordinance), one of the first steps is for the elected body to discuss “important segments of the community economic, governmental, educational and social development of the local unit of government, in accordance with the major interests as they exist in the local unit of Government.” The task is to create a list that might include:

- agriculture
- natural resources
- recreation
- education
- public health
- government
- transportation
- industry
- commerce

An urban community may decide “agriculture” does not belong on its list. Or a rural township may decide “industry” does not belong on its list. A local government may have another “important segment,” not listed above, that should be on its list. A common addition I have often seen is representation of property owner groups. Others do not, pointing out everyone on the planning commission likely owns real property or rents from a real property owner.

When the list has been created, one then has an idea how many members should be on the local planning commission. For example, if the final list has seven items, then membership could be specified as seven. Sometimes, the final list results in an even number (not a membership option in the MPEA). In those cases, a community might combine two “important segments” together. For example: recreation and natural resources.

The result is each “important segment” is assigned to a seat for a member on the planning commission. Next, in larger population communities, the elected body then identifies local groups and organizations that work in or services service those “important segments.” The result of this task might look like this:

Seat number	Representing	Local groups and organizations that work in or service those “important segments.”	Member term expiration date (three year terms, staggered)
1	Tourism	Visitor and Convention Bureaus Other tourist promotion organization	November 30, 2015 at 9 a.m.
2	Business and Economic Development	non-profit organizations to promote business, commerce and industry in the county: economic development corporation, chambers of commerce, better business bureaus	November 30, 2015 at 9 a.m.
3	Agricultural	County Conservation District Board, County Chapter of Farm Bureau	November 30, 2016 at 9 a.m.
4	Environmental	environmental organizations: Michigan United Conservation Clubs affiliate, Michigan Audubon affiliate, lake associations, soil conservation district, river or watershed associations	November 30, 2016 at 9 a.m.

Seat number	Representing	Local groups and organizations that work in or service those “important segments.”	Member term expiration date (three year terms, staggered)
5	Education	member of a public school board or an administrative employee of a school district: school district board(s) of education included, in whole or in part, within the community's boundaries	November 30, 2017 at 9 a.m.
6	Human Services	Human Services Collaborative Body	November 30, 2017 at 9 a.m.
7	Elected Body (ex officio)	The elected body, selecting one of their own members.	Concurrent with term on the Elected Body

The planning commission is appointed to specifically have each member representing those “important segments.” One can go further and ask those local groups and organizations for whom they would nominate as a member to the planning commission.

Consider the dynamic this can have for a planning commission. The organizations identified for the “important segments” have *their* representatives sitting around the table. Collaboration, communication, opportunity to identify projects to work together on, buy-in, and much more has a better chance to occur. This approach has been especially effective for a county planning commission without county zoning.

For more on preparation of the ordinance creating the planning commission see *Land Use Series: “Sample #1B; Ordinance to create a planning commission”* and *“Sample #10: Joint Planning Commission Agreement/Ordinance”* (<http://lu.msue.msu.edu/pamphlets.htm#BSample>).

This article was published by Michigan State University Extension. For more information, visit <https://extension.msu.edu>. To have a digest of information delivered straight to your email inbox, visit <https://extension.msu.edu/newsletters>. To contact an expert in your area, visit <https://extension.msu.edu/experts>, or call 888-MSUE4MI (888-678-3464).

Source:

Schindler, Kurt H. “How Planning Commissions Are Appointed Can Have an Impact on Success.” MSU Extension, October 4, 2018.
https://www.canr.msu.edu/news/how_planning_commissions_are_appointed_can_have_an_impact_on_success.



Seeking Planning Commission Members

DATED: [Date of Notice]

NOTICE IS HEREBY GIVEN, in accordance with the Historic Preservation Ordinance of 2024, that the City of Escanaba is seeking applicants to the Planning Commission.

The Planning Commission is charged with...

- Educating the public about local planning issues, the master plan, and land use regulations;
- Cooperating and coordinating with other units of local government on planning matters;
- Preparing, adopting, and maintaining a master plan;
- Reviewing other community's draft master plans when submitted for that purpose, and providing coordination of planning and zoning in other units of government;
- Drafting and presenting to the City Council a zoning ordinance and amendments, and advising on various zoning actions;
- Reviewing and commenting on proposed public works;
- Preparing and annually adopting a capital improvement program; and
- Preparing subdivision regulations and advising on proposed plats.

Generally, members of the Study Committee:

1. Must be qualified electors of the City, except for one which may not;
2. Must not already hold any elected office or employment with the City; and
3. Must not be declared candidates for any political office.

All qualified persons are invited to apply for membership on the Planning Commission. For details on specific qualifications and open offices on the Planning Commission, please contact the City Clerk's Office (ph. 906-786-1194), Escanaba City Hall, during regular business hours.

Phil DeMay
City Clerk
City of Escanaba



Mission Statement

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



Planning Commission

PO Box 948 - 410 Ludington Street, Second Floor
Escanaba, MI 49829
906-789-7302

APPLICATION AND RESUME

Thank you for your interest in serving as a member of the Planning Commission!

Please fill out this form completely and submit it to the City Clerk's Office to apply.

1. Personal and Contact Information

Name (First, Middle, Last): _____

Address: _____

Phone: _____ P.O. Box (if any): _____

Email: _____

What is your preferred means of contact?

Mail Phone Email

Do you currently serve on any other public body?

No Yes, I serve on: _____

Are you currently a declared candidate running for political office?

No Yes

2. Representation

What general segment of the community's interests do you represent?

Agricultural, Environmental, Forestry, and Land Use. You are:

- A member of the county conservation district board,
- A member of the board of the county chapter of Farm Bureau,
- A professional forester with your business office in the City, or
- An employee of the United States Forest Service or the Michigan Department of Natural Resources.

Communication, Recreational, and Tourism. You are:

- A member of the board for a visitor and convention bureau whose corporate office is in the City, or
- A member in good standing of one of the county-wide non-profit corporations with its corporate office in the City whose bona-fide purpose is to be a tourist promotion organization,

Educational. You are:

- A member of a public school board or an administrative employee of a school district included, in whole or in part, within the City's boundaries

MAIL TO: City Clerk, PO Box 948, Escanaba, MI 49829

EMAIL TO: clerk@escanaba.org



Planning Commission

PO Box 948 - 410 Ludington Street, Second Floor
Escanaba, MI 49829
906-789-7302

APPLICATION AND RESUME

- () Sanitation, Environmental Health, Housing, and Human Services. You are:
 - An employee of the environmental health division of the public health department or district which has jurisdiction in the City,
 - A member of a City housing commission or county-wide housing organization, or
 - A member in good standing of a county-wide human services coordination organization.
- () Economic, Industrial, and Transportation. You are:
 - A member in good standing of one of the county-wide non-profit corporations with its corporate office in the City, or a City funded agency, whose bona-fide purpose is to promote business, commerce, and industry in the City.
- () None of the above.

3. Other Experience or Demonstrated Interest

Please feel free to attach other information to this application.

4. Signature and Date

Signed: _____ Date: _____

5. For Office Use Only

Date Received: _____

Applicant meets qualifications for:

- | | |
|--------------|--------------|
| () Member 1 | () Member 4 |
| () Member 2 | () Member 5 |
| () Member 3 | () Member 6 |

Appointed?

() No () Yes, date: _____

Agenda Item: NB-5
Date: 05-02-2024

City Council Agenda Item Request

Date: 4-25-24

Name: Kent Dubord

Department: Public Works

Item: Sealcoat bandshell

Meeting date requested: 5-2-24

Explanation for request:

Public Works is seeking approval to have Draz Sealcoating, seal coat for \$2,627 in front of the band shell and underneath the benches at Ludington Park. This would include crack sealing in front of the stage and underneath all the benches. Boards in need of replacement will be fixed and all the benches will be painted, before sealcoating takes place. It is the 100 year anniversary for the City Band. All work will be expected to be completed by June 15th.

DRAZE SEALCOATING LLC

Proposal / Invoice

Tom, Amy & Dylan Drazé
W1863 Orchard Ln • Wilson, MI 49896
(906) 466-0143

PHONE [REDACTED]	DATE 4-25-24
JOB NAME/LOCATION Kent Dubord	
TOTAL SQUARE FEET	
LINEAR FEET OF CRACK	

TO: City of Escanaba Band Shell
Ludington Park - Memorial Drive
Escanaba, MI

Contact Name: Tom

WE HEREBY PROPOSE TO FURNISH, IN ACCORDANCE WITH SPECIFICATIONS BELOW OR ATTACHED PAGES, ALL MATERIAL AND LABOR NECESSARY TO COMPLETE THE FOLLOWING:

1. Clean and fill cracks and potholes as required using hot rubberized crack filler. Asphalt, cold patch and/or MASTIC may be used when necessary. Price does not include spider cracks. \$ 552⁰⁰
 2. Apply a milled coal tar emulsion. In accordance with manufacturer's specifications, the admixture TARMAX R-100 shall be added. The finish coating will represent a coverage of 50 square feet per gallon. \$ 2075⁰⁰
 3. Restripe lot as previously laid out with yellow, white, red or blue zone marking paint.
 feet lines stencils other \$
- for the sum of dollars \$ 2627⁰⁰

Payment to be made UPON COMPLETION OF WORK UNLESS OTHERWISE STATED BELOW.

Price includes cleaning asphalt w/ steel brooms + forced air blowers, repair cracks on front pad using hot rubberized crack filler and apply one coat of STAR coal tar asphalt sealant to all surfaces

There shall be a one (1) year guarantee on the material and all workmanship, except that as applied to cracks. The guarantee shall be limited to the replacement of the material and application of same. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance. We reserve the right to put any photos in advertisements.

Authorized Signature [Signature]

Sign and return one copy to address above, or call if interested in booking.

Note: This proposal may be withdrawn by us if not accepted within 30 days.

Acceptance of Proposal The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be outlined above. Legal fees and court costs incurred in the collection of monies owed according to this contract will be borne by the customer.

Signature _____

Date of acceptance _____

Signature _____

City Council Agenda Item Request

Date: 4-25-24

Name: Kent Dubord

Department: Public Works

Item: Stainless Steel Dump Box

Meeting date requested: 5-2-24

Explanation for request:

Public Works is requesting approval of a stainless steel dump box from one of the three vendors (Casper's, Monroe, Viking Cives). The estimated bid is expected to be between (\$20,000-\$25,000). Dump truck and current salter #93 is a 2002 with 105,400 miles, 8,800 hours, and has a dump box that is completely rusted out. A new box would be able to be moved to a newer truck at a later date. The estimated time for a new box to come in is 3-4 months. After the winter we took the salter insert out that has only been removed once in 12 years. The dump box gave us two options long term.

Option 1: Have mechanics grind all the bad material off, sandblast, rebuild the box, and paint. With a lot of variables such as how long it would take and how much material it would take to make the box usable again. Estimated: \$12,500

Option 2: 3 quotes for a stainless steel dump box. We need the salter in the winter time and we need a dump truck the rest of the year for AMZ and projects not only for Public Works to provide for the city, but for trucks to be readily available for other departments to use as well.

The quotes are expected to be in by Tuesday April 30th. Emails will be sent as soon as the quotes are received. This is an unbudgeted item.

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