

ALPENA CITY COUNCIL MEETING

August 02, 2021 – 6:00 p.m.

AGENDA

The Meeting Will be Held In-Person at City Hall. The Meeting Can Be Viewed Virtually with the Login Information as Follows:

From a Computer, Tablet or Smartphone: <https://www.gotomeet.me/CityofAlpena>

Dial in Using a Phone: United States: [+1 \(646\) 749-3112](tel:+16467493112)

Access Code: 667-050-061

1. Call to Order.
2. Pledge of Allegiance.
3. Approval and Modification of the Agenda.
4. Approve Minutes –Regular and Closed Sessions of July 19, 2021.
5. Citizens Appearing Before Council on Agenda and Non-Agenda Items (Citizens Shall be Allowed a Maximum of Five (5) Minutes Each to Address Their Concerns. This is the Only Time During a Council Meeting that Citizens are Allowed to Address the Council).
6. Public Hearings.
7. Consent Agenda.
 - A. Bills to be Allowed, in the Amount of \$153,857.73.
 - B. Budget Amendment Request to Carryover Projects for the Marina in the amount of \$28,000.
 - C. Budget Amendment Request for a Reduction of the Major Street Fund Balance in the Amount of \$75,000.
 - D. Budget Amendment Request to Carryover Projects in the Major Street Fund in the Amount of \$374,000 and in the Local Street Fund in the Amount of \$233,000.
 - E. Budget Amendment Request to Carryover Projects for the Public Works Department within the General Fund in the Amount of \$103,100.
 - F. Budget Amendment Request to Carryover Projects in the Sewer Fund in the Amount of \$685,000.
 - G. Budget Amendment Request to Carryover Projects in the I.T. Department within the General Fund in the Amount of \$34,087.
 - H. Budget Amendment Request to Carryover Projects in the Water Fund in the Amount of \$172,000.
8. Presentations.
9. Announcements.
10. Mayoral Proclamation.

Friends Together 25th Celebration Week – August 8-14, 2021.

11. Report of Officers.
 - A. Modification of Select Fees for FY22 – Rachel Smolinski, City Manager.
 - B. Approval of Resolution 2021-16, Authorization of the City of Alpena to Apply for Recertification in the Redevelopment Ready Communities Program from the Michigan Economic Development Corporation – Rachel Smolinski, City Manager.
12. Communications and Petitions.
13. Unfinished Business.
14. New Business.
 - A. Ordinance 21-462, An Amendment to the City of Alpena Zoning Ordinance Article 2, 3, 5, and 7-Denise Cline, Northeast Michigan Council of Governments.
 - B. Recreational Marihuana-Amber Hess, Councilwoman.
15. Adjourn to Closed Session to Discuss an Update Regarding Proposed Litigation with the Alpena Prototype Biorefinery, LLC, American Process, Inc., and GranBio LLC.
16. Return to Open Session.
17. Possible Action on Closed Session Topic.
18. Adjourn.

Rachel Smolinski
City Manager

COUNCIL PROCEEDINGS

July 19, 2021

The Municipal Council of the City of Alpena met in regular session in person and via teleconference on the above date and was called to order at 6:00 p.m. by the Mayor.

Present: Mayor Waligora, Mayor Pro Tem Johnson, Councilmembers Hess and Mitchell.

Absent: Councilmember Nowak.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OF AGENDA

Moved by Mayor Pro Tem Johnson, seconded by Councilmember Mitchell, to approve the agenda.

Motion carried 4-0, 1 absent.

MODIFICATION TO THE AGENDA

Moved by Mayor Pro Tem Johnson, seconded by Councilmember Hess, to remove item 14B, Recreational Marihuana, from the agenda under New Business and move to the agenda for the next Council meeting.

Motion carried 4-0, 1 absent.

MINUTES

The July 19, 2021 agenda stated that the minutes to be approved were for the regular and closed sessions of June 6, 2021 in error. However, the July 6, 2021 minutes are the correct minutes to be approved and were in the meeting packet. This oversight was not caught until July 20, 2021.

CONSENT AGENDA

Moved by Mayor Pro Tem Johnson, seconded by Councilmember Hess, that the following Consent Agenda items be approved:

- A. Bills Allowed – in the Amount of \$546,855.93 be Allowed and the Mayor and City Clerk Authorized to Sign Warrant in Payment of Same.
- B. Renewal of auditing services with Straley Lamp & Kraenzlein P.C.
- C. Budget amendment request to decrease General Fund balance by \$6,300 for increased insurance renewal for I.T.

Motion carried 4-0, 1 absent.

HURON HUMANE SOCIETY SEMI-ANNUAL REPORT

Moved by Mayor Pro Tem Johnson, seconded by Councilmember Mitchell, to receive and file the Huron Humane Society semi-annual report as presented.

Motion carried 4-0, 1 absent.

TARGET ALPENA SEMI-ANNUAL REPORT

Moved by Mayor Pro Tem Johnson, seconded by Councilmember Hess, to receive and file the Target Alpena semi-annual report as presented.

Motion carried 4-0, 1 absent.

DESIGNATION OF VOTING DELEGATE

Moved by Mayor Pro Tem Johnson, seconded by Councilmember Mitchell, to designate Rachel Smolinski, City Manager, as the voting delegate for the Annual Michigan Municipal League meeting to be held September 22, 2021 and Matthew Waligora, Mayor, as the alternate.

Motion carried 4-0, 1 absent.

FOURTH QUARTER OF FY21 FINANCIAL REPORT

Moved by Mayor Pro Tem Johnson, seconded by Councilmember Hess, to

receive and file the fourth quarter FY21 financial report as presented.

Motion carried 4-0, 1 absent.

MARINA OPERATIONS AGREEMENT

Moved by Mayor Pro Tem Johnson, seconded by Councilmember Hess, to end the contract with Thunder Bay Shores Marine on August 31, 2021.

Motion carried 4-0, 1 absent.

Moved by Mayor Pro Tem Johnson, seconded by Councilmember Hess, to approve the plan for the City to assume operations of the marina and solicit proposals from various vendors to continue providing boat repair and store services for the boaters.

Motion carried 4-0, 1 absent.

Moved by Mayor Pro Tem Johnson, seconded by Councilmember Mitchell, to pursue a multi-year contract with All Marine beginning September 1, 2021, for travel lift operation services.

Motion carried 4-0, 1 absent.

RECESS

The Municipal Council recessed at 6:51 p.m.

RECONVENE IN CLOSED SESSION

Moved by Mayor Pro Tem Johnson, seconded by Councilmember Mitchell, to reconvene in closed session at 6:53 p.m. to discuss an update regarding proposed litigation with the Alpena Prototype Biorefinery, LLC, American Process, Inc., and

GranBio LLC.

Motion carried 4-0, 1 absent.

RECONVENE IN OPEN SESSION

The Municipal Council reconvened in open session at 7:34 p.m.

ADJOURN

On motion of Mayor Pro Tem Johnson, seconded by Councilmember Mitchell,
the Municipal Council adjourned at 7:35 p.m.

Matthew Waligora
Mayor

ATTEST:

Anna Soik
City Clerk

INVOICE REGISTER

EXP CHECK RUN DATES 08/03/2021 - 08/03/2021

UNJOURNALIZED

OPEN - CHECK TYPE: PAPER CHECK

VENDOR	INVOICE #	DESCRIPTION	AMOUNT
AIRGAS USA LLC	9115366001	SUPPLIES - AMB DISP	39.08
ALPENA AREA CHAMBER OF COMM	21216	LEADERCAST TRAINING	225.00
ALPENA FURNITURE & FLOORING	022020	REPLACE WATER SERVICES	450.00
ALPENA POWER COMPANY	080321	ELECTRIC	5,900.01
AMAZON CAPITAL SERVICES INC	1N4J-49XK-KXFG	UNIFORMS - FIRE/EMS	134.95
AMERICAN PAYROLL ASSOCIATION	335844 09/21	21-22 MEMBERSHIP DUES	262.00
ANGELINA VILLALOBOS	072821	MURAL PROJECT 2021	500.00
BARTON GRAY	AP20-2272C	AMBULANCE REFUND	89.78
BENTLEY SYSTEMS INC	48208142	OPEN ROADS DESIGNER	3,501.70
BERG ASSESSING & CONSULTING INC	072621	ASSESSING CONTRACTED SVCS 08/21	7,083.00
BOUND TREE MEDICAL LLC	84134422	SUPPLIES - EMS DISP	524.66
BOUND TREE MEDICAL LLC	84134423	SUPPLIES - EMS DISP	1,356.22
BOUND TREE MEDICAL LLC	84136229	SUPPLIES - EMS DISP	19.50
BOUND TREE MEDICAL LLC	84136230	SUPPLIES - EMS DISP	10.47
BOUND TREE MEDICAL LLC	84137948	SUPPLIES - EMS DISP	575.60
BRETT MILLER	072421	MEAL REIMB - EMS	100.26
CAROL MARTIN	AP21-0307C	AMBULANCE REFUND	47.88
CASEY WURTSMITH	070221	SEW/WATER BILL REFUND	103.80
CHARTER COMMUNICATIONS	0161607072121	FAX LINE - PUBLIC SAFETY	39.99
CHARTER TOWNSHIP OF ALPENA	072821	REIMB GARAGE NATURAL GAS - FIRE/EMS	19.00
DANYEAL DORR	072821	MURAL PROJECT 2021	500.00
DE LAGE LANDEN FINANCIAL SERVICES	72839270	COPIER LEASE 09/21 - DDA	24.83
DEAN RIVARD	072021	SUPPLIES - FIRE/EMS	248.02
DTE ENERGY	080320	GAS - DDA	34.99
DUFFY GORSKI	072021	STARLITE RENT REFUND	50.00
DWANE HUNT	AP20-7213C	AMBULANCE REFUND	222.54
EAGLE SUPPLY CO	119006	SUPPLIES - FIRE/EMS	632.78
EAGLE SUPPLY CO	119042	SUPPLIES - CITY HALL	58.50
ELIFONSO MATA II	AP20-2941C	AMBULANCE REFUND	200.00
ERNA SCHULER	AP20-7229C	AMBULANCE REFUND	489.00
FREESE HYDRAULICS & EQUIP REPAIR	39481	WESTERN PLOW - EQUIP	6,180.00
FREESE HYDRAULICS & EQUIP REPAIR	39482	LIFT GATE - EQUIP	3,850.00
GALLS LLC	018773414	UNIFORMS - FIRE/EMS	14.67
GALLS LLC	018800635	UNIFORMS - FIRE/EMS	27.50
HARLO DOMKE	AP20-2490C	AMBULANCE REFUND	50.00
HOPE REED	072821	MURAL PROJECT 2021	250.00
HURON ENGINEERING AND SURVEYING INC	4415	TESTING SERVICES - SEW/WATER	679.00
HURON VALLEY GUNS	173578	UNIFORMS - FIRE/EMS	91.00
HURON VALLEY GUNS	174924	UNIFORMS - FIRE/EMS	59.00
HURON VALLEY GUNS	174926	UNIFORMS - FIRE/EMS	59.00
HURON VALLEY GUNS	175115	UNIFORMS - FIRE/EMS	49.54
HURON VALLEY GUNS	174228	UNIFORMS - FIRE/EMS	(125.99)
HURON VALLEY GUNS	174229	UNIFORMS - FIRE/EMS	(110.99)
J. W. TURF INC	E00467	GROUNDS SWEEPER - EQUIP	40,484.65
JAMES CARLS	AP21-1200C	AMBULANCE REFUND	74.15
JAMES STACHLEWITZ	070221	MEAL REIMB - EMS	32.89
JEFFRESS-DYER INC	051021	APPRAISAL - DDA	700.00
L & S TRANSIT MIX	259848	MAINT - PUBLIC WORKS	193.00
L & S TRANSIT MIX	61145	MAINT - PUBLIC WORKS	2,102.50
L & S TRANSIT MIX	61201	MAINT - CEMETERY	40.40
LEFAVE PHARMACY INC	071321	SUPPLIES - EMS DISP	78.00
LEXIPOL LLC	INV3381	ONLINE FIRE POLICY MANUAL	7,255.20
LINDA KLINGENBERG	AP21-1058C	AMBULANCE REFUND	200.00
MARIAH BRANCHEAU	072821	MURAL PROJECT 2021	400.00
MHR BILLING	3937	BILLING 06/21 - EMS	5,048.80
MICHIGAN MUNICIPAL LEAGUE	22651	WEBSITE AD - PLANNER	102.60
MID MICHIGAN MEDICAL CENTER-ALPENA	539	SUPPLIES - EMS DISP	510.00
MID-CONTINENT GROUP	646321568	UST INSURANCE - MARINE	2,120.00
MY-LOR INC	2201	SUPPLIES - FIRE/EMS	20.57
NATIONAL FIRE PROTECTION ASSN	7971929X	21-22 MEMBERSHIP DUES - FIRE	175.00
PRIORITY ONE EMERGENCY	70076428	UNIFORMS - FIRE/EMS	283.98
RESERVE ACCOUNT-PITNEY BOWES	072021	POSTAGE - MAIL MACHINE	1,000.00
ROGER A DORR	072321	COURT SERVICE/SUMMONS	46.88
SAMANTHA FRESKE	072821	MURAL PROJECT 2021	800.00
SANDRA SKALUBA	AP20-3315C	AMBULANCE REFUND	70.00
SARAH BEDFORD	072821	MURAL PROJECT 2021	400.00
SEVAN K INC	313 06/21	VEH MAINT - POLICE	56.25
SUD'S BROS	003277	MAINT - BOAT HARBOR	974.82
TENURGY LLC	ALP-119	UTILITY RATE SAVINGS 07/21	410.59
TIFFANY TRACEY	072821	MURAL PROJECT 2021	500.00
TIME TO SHINE TOUCHLESS CARWASH	4012	VEH MAINT - POLICE	240.00
TONY DAWSON	073121	MILEAGE 07/21	123.76

INVOICE REGISTER

EXP CHECK RUN DATES 08/03/2021 - 08/03/2021

UNJOURNALIZED

OPEN - CHECK TYPE: PAPER CHECK

VENDOR	INVOICE #	DESCRIPTION	AMOUNT
TRUGREEN PROCESSING CENTER	143156175	MAINT - CEMETERY	39.95
WATCHGUARD VIDEO	4REINV0012982	UTILITY POLICE INTERCEPTOR IN-CAR CAME	18,687.00
WEINKAUF PLUMBING & HEATING INC	13748	MAINT - FIRE/EMS	185.00
WEINKAUF PLUMBING & HEATING INC	13750	MAINT - CITY HALL	112.50
WITMER PUBLIC SAFETY GROUP	E2081731	UNIFORMS - FIRE/EMS	87.34
WOLVERINE FIREWORKS DISPLAY INC	0029645-IN	FIREWORKS DISPLAY	3,500.00
WOLVERINE FIREWORKS DISPLAY INC	0029644-IN	FIREWORKS DISPLAY	19,500.00

Total: 141,072.12

CHECKS RAN ON 7/21/21 12,785.61
(BREAKDOWN OF INVOICES PAID ATTACHED) -----
TOTAL FOR 8/2/21 COUNCIL MEETING 153,857.73

INVOICE REGISTER

EXP CHECK RUN DATES 07/21/2021 - 07/21/2021

UNJOURNALIZED

OPEN - CHECK TYPE: PAPER CHECK

VENDOR	INVOICE #	DESCRIPTION	AMOUNT
ALPENA POWER COMPANY	072121	ELECTRIC	4,444.53
DTE ENERGY	072121	GAS	3,039.25
VISA/ELAN FINANCIAL SERVICES	2432 07/21	TRAVEL EXPENSE - CLERK/TREAS	454.93
VISA/ELAN FINANCIAL SERVICES	5087 07/21	LOG-IN - MGR	15.89
VISA/ELAN FINANCIAL SERVICES	3610 07/21	SUPP/PROMO - DDA	557.54
VISA/ELAN FINANCIAL SERVICES	6116 07/21	SUPP/TR MATLS/VEH MAINT/LIC RENEWALS-	2,802.10
VISA/ELAN FINANCIAL SERVICES	6134 07/21	SUPP/MAINT - PW/PKS/BH/EQ	1,471.37
		Total:	12,785.61

BUDGET AMENDMENT REQUEST

FUND: Marina
 DEPARTMENT: Marina
 PROJECT: Carryover from FY 20-21 to 21-22

Account No.	Account Description	Current Budget	Proposed Increase or (Decrease)	Proposed Budget
211-760-931-000	Repairs and Maintenance	\$35,000	\$7,000	\$42,000
211-760-976-000	Capital Outlay	\$65,000	\$21,000	\$86,000


Justification for Budget Amendment

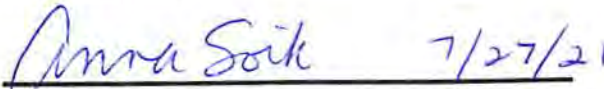
Carryover for projects in progress

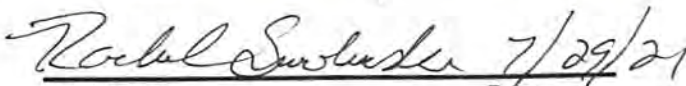
Michigan Uniform Accounting and Budget Act:

** Requires budget amendments before any expenditures exceed the budget.

** The City Manager and City Clerk/Treasurer/Finance Director are authorized by the Municipal Council to make budgetary transfers within the departments established through this budget. All transfers between departments or funds or from fund balance may be made only by further action of the Municipal Council.


 Department Head Date


 Clerk/Treasurer Date


 City Manager Date

 City Council Date

BUDGET AMENDMENT REQUEST

FUND: Major Street
 DEPARTMENT: Maintenance - Bridges
 PROJECT: Bridge Insurance and Yearly Maintenance

Account No.	Account Description	Current Budget	Proposed Increase or (Decrease)	Proposed Budget
202-454-784.102	MAT / CONT - BRIDGES	\$67,500	\$75,000	\$142,500

Justification for Budget Amendment

The standard bridge insurance, miscellaneous maintenance and utilities items were inadvertently left out of the total for this line item

This will come from fund balance.

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 Department Head 7/26/2021
 Date


 Clerk/Treasurer 7/28/21
 Date


 City Manager 07/29/21
 Date

 City Council Date

BUDGET AMENDMENT REQUEST

FUND: Major and Local Streets
 DEPARTMENT: Construction and Maintenance
 PROJECT: Carryover from FY 20-21 to FY 21-22

Account No.	Account Description	Current Budget	Proposed Increase or (Decrease)	Proposed Budget
202-451-782-000	Mat/Cont - Streets	\$522,000	\$345,000	\$867,000
203-451-782-000	Mat/Cont - Streets	\$198,000	\$231,000	\$429,000
202-455-784.103	Mat/Cont - Traf Control	\$45,000	\$29,000	\$74,000
203-455-784.103	Mat/Cont - Traf Control	\$1,000	\$2,000	\$3,000

Justification for Budget Amendment

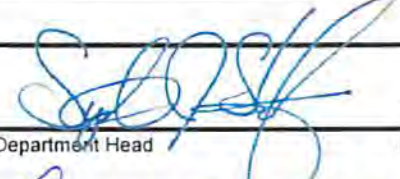
Carry over funding for Thin Overlay Resurfacing and other Capital Preventative Maintenance Projects

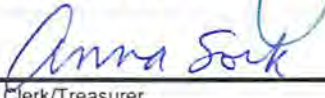
Carry over funding for full round of pavement markings


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 Department Head 7/26/2021
 Date


 Clerk/Treasurer 7/28/21
 Date


 City Manager 7/29/21
 Date

City Council Date

BUDGET AMENDMENT REQUEST

FUND: General
 DEPARTMENT: Public Works
 PROJECT: Carryover from FY 20-21 to 21-22

Account No.	Account Description	Current Budget	Proposed Increase or (Decrease)	Proposed Budget
101-440-975.000	Cap - New Sidewalks	\$1,000	\$1,000	\$2,000
101-440-975.001	Cap - replace Sidewalks	\$27,000	\$9,000	\$36,000
101-440-931.000	Repairs and Maintenance	\$57,000	\$13,500	\$70,500
101-440-975.015	Cap - Recycling	0	\$23,000	\$23,000
101-440-754.001	Durable Goods - Recycling	0	\$56,600	\$56,600

Justification for Budget Amendment

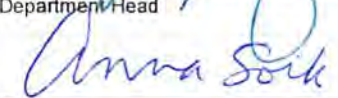
Carryover sidewalks already in progress, Complete Generator Repairs at Public Works, and complete recycling project

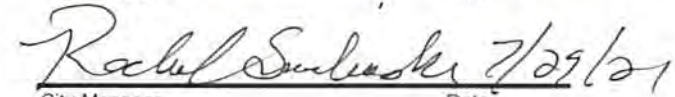
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 Department Head 7/28/2021
 Date


 Clerk/Treasurer 7/28/21
 Date


 City Manager 7/29/21
 Date

 City Council Date

BUDGET AMENDMENT REQUEST

FUND: Sewer
 DEPARTMENT: Treatment & Collection
 PROJECT: Carryover from FY 20-21 to FY 21-22

Account No.	Account Description	Current Budget	Proposed Increase or (Decrease)	Proposed Budget
590-538-981.051	Cap - Sewer Mains	\$1,675,000	\$460,000	\$2,135,000
590-538-981.056	Cap - Lift Stations	\$90,000	\$65,000	\$155,000
590-537-981.000	Capital Outlay	\$65,000	\$85,000	\$150,000
590-537-972.002	Cap - Vehicles	\$130,000	\$75,000	\$205,000

Justification for Budget Amendment

Sewer Mains - Continuation of Oliver Street, Complete Lift Station Upgrades

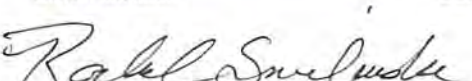
Sewer Treatment - Capital Outlay Funding to continue, Complete Tanker Order,

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 Department Head 7/26/2021
 Date


 Clerk/Treasurer 7/28/21
 Date


 City Manager 7/29/21
 Date

City Council Date

BUDGET AMENDMENT REQUEST

FUND: General
 DEPARTMENT: Exp - IT
 PROJECT: Carryover from FY 20-21 to FY 21-22

Account No.	Account Description	Current Budget	Proposed Increase or (Decrease)	Proposed Budget
101-228-816.000	Prof & Cont Office	\$100,500	\$7,000	\$107,500
101-228-730.300	Durable Goods - Office	\$19,000	\$8,400	\$27,400
101-228-983.002	Cap - Office Equipment	\$13,000	\$18,687	\$31,687

Justification for Budget Amendment

Finish GIS Corrections Project, complete Police Tablets project, finish Police in-car Camera project

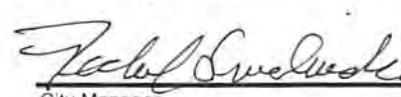
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 Department Head 7/26/2021
 Date


 Clerk/Treasurer 7/28/21
 Date


 City Manager 7/29/21
 Date

City Council Date

BUDGET AMENDMENT REQUEST

FUND: Water
 DEPARTMENT: Treatment & Distribution
 PROJECT: Carryover from FY 20-21 to FY 21-22

Account No.	Account Description	Current Budget	Proposed Increase or (Decrease)	Proposed Budget
591-541-982.000	Capital Outlay	\$390,000	\$50,000	\$440,000
591-542-982.051	Cap - Water Mains	\$1,972,000	\$48,000	\$2,020,000
591-542-982.052	Cap - Main Valves	\$130,000	\$28,000	\$158,000
591-542-982.056	Cap - Repl Water Services	\$35,000	\$46,000	\$81,000

Justification for Budget Amendment

 Finish Capital Outlay at the Treatment Plant

 Capital Water mains carryover funding for Oliver Street, continue main valve replacement, continue lead service replacement


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 Department Head 7/26/2021
 Date



 Clerk/Treasurer 7/28/21
 Date



 City Manager 7/29/21
 Date

 City Council Date



City Hall
208 North First Avenue
Alpena, Michigan 49707
www.alpena.mi.us

FRIENDS TOGETHER PROCLAMATION

WHEREAS, in 1996 Friends Together Cancer Support Organization was established in the City of Alpena supporting families coping with cancer; and

WHEREAS, in February 1997 the first monthly support group was facilitated by Cary Rapin at the Alpena County Library as the foundation for the coming nine programs of support throughout northeast Michigan; and

WHEREAS, the guiding mission of Friends Together is and has been that no one should experience cancer alone in this 6 county region; and

WHEREAS, Friends Together has a strong commitment to provide services of support, transportation assistance and comfort to all persons with a cancer experience without cost; and

WHEREAS, Friends Together is an integral partner with other community organizations supporting the health, mental and emotional needs of our communities; and

WHEREAS, Friends Together has formed a successful partnership with Alpena Cancer Center of the MidMichigan Health System; and

WHEREAS, Friends Together continues to embrace and comfort our communities with needed resources of advocacy at times of most distress; and

WHEREAS, Friends Together is celebrating 25 years of community support and appreciation; and

NOW, THEREFORE, I, Matthew Waligora, by virtue of the authority vested in me as Mayor of the City of Alpena, **DO HEREBY PROCLAIM**, August 8th – August 14th as:

FRIENDS TOGETHER 25TH CELEBRATION WEEK

and congratulate them as they prepare for their dedication and celebration at the Friends Together Center the evening of August 12th.

Signed at Alpena, Michigan this 2nd day of August 2021.



A blue ink signature of Matthew Waligora, consisting of several fluid, overlapping strokes.

Matthew Waligora
Mayor

Memorandum



Date: August 2, 2021

To: Mayor and City Council Members

Copy: Anna Soik, City Clerk/Treasurer/Finance Director

From: Rachel Smolinski, City Manager

Subject: Modification of select fees for FY21-22

Mayor Protem Johnson is requesting the modification of 2 fees within the FY 21-22 fee schedule as listed below:

- Modify the Alpena Regional Trailhead Pavilion to \$100 deposit (refundable) and \$75 rent to align with the fee for the Starlite Beach Pavilion.
- Fence Permit fee- This fee doubled from \$25 to \$50 and the request is to modify the fee to \$35.

It is my recommendation as City Manager that the Alpena Municipal Council approve the above proposed modifications to the fees and direct the City Clerk to modify the FY2021-21 fee schedule accordingly.



Memorandum



Date: August 2, 2021

To: Mayor and City Council Members

Copy: Anna Soik, City Clerk/Treasurer/Finance Director

From: Rachel Smolinski, City Manager

Subject: Redevelopment Ready Communities Recertification

The Redevelopment Ready Communities (RRC) Program is a no cost program designed by the Michigan Economic Development Corporation (MEDC) to assist local municipalities in establishing a sound foundation for redevelopment and investment to occur in their communities. The program measures and then certifies communities that integrate transparency, predictability, and efficiency into their daily development processes. The City of Alpena was the 19th community to be certified under the statewide RRC program in June 2018.

The City must apply for recertification every 3 years. To complete the recertification process, the city and MEDC will need to come to agreement on actions including timelines for completion. To achieve recertification, a community must be in substantial alignment by its certification three-year anniversary, in which the City of Alpena has clearly demonstrated.

Just like Michigan communities, the RRC Best Practices evolve over time. There have been some adjustments based on stakeholder feedback and emerging trends. Although the City of Alpena has exemplified what it means to be Redevelopment Ready, this recertification review identified several areas where the City will need to take steps to better align with the 2021 RRC Best Practices. The attached draft Action Plan was developed by City staff and accepted by the RRC program.

The attached Resolution, Memorandum of Understanding, and Action Plan commits the City of Alpena to continue to participate in the Redevelopment Ready Communities (RRC) program. This includes working towards meeting all the requirements of the RRC Best Practices and to providing the MEDC with periodic progress reports. The Planning, Development, and Zoning Department will serve as the primary contact for this program, although other departments and agencies will be assisting in meeting the RRC Best Practices as well.

We have recently learned that the recertification will be effective for 5 years rather than 3 years.

It is my recommendation as City Manager and acting Planning, Development, and Zoning Director that City Council approve the Resolution, Memorandum of Understanding, and Action Plan including authorization for Mayor Waligora to sign the MOU.





RRC Recertification: City of Alpena

The City of Alpena was the 19th community to be certified under the statewide Redevelopment Ready Communities® (RRC) program in June 2018. The city received its initial baseline report in June 2017. That report showed the city meeting 22 of the 43 criteria for certification. Upon receiving the baseline report, the city made progress in addressing the unmet criteria to bring plans, codes and processes in line with RRC best practices. As part of those efforts, the city developed a marketing plan, updated the capital improvements plan and created property information packages for prime redevelopment opportunities in the city.

In the three years since certification, Alpena has seen several changes and significant development progress. Alpena has benefited from being RRC certified and has been very proactive toward redevelopment in the community. At this three-year mark, it is important to take a moment to appreciate the success the city has achieved and check in to ensure the city continues to be proactive and action-oriented toward achieving community goals. RRC criteria throughout the years have been improved to provide communities the tools to be more efficient, transparent and predictable. This document will ensure that Alpena is up to date on all RRC criteria.

Much like how communities evolve, the RRC Best Practices also change based on new experiences and challenges. As such, all communities must decide whether to renew their certification every three years. If a community decides to renew, it must demonstrate it meets the *current* RRC Best Practices. This recertification briefing outlines the process and represents the findings of the RRC team regarding Alpena’s alignment with the current best practices, released just a few months ago and outlines steps for renewing Certification. Most recently, the RRC program launched RRC 2.0 in February of 2021, a refresh and reorganization of the Best Practices, with a few eliminations and additions. This three-year recertification check-in helps ensure the city remains aligned with the most up-to-date best practices thus maintaining the edge these best practices bring to communities.

The Recertification Process

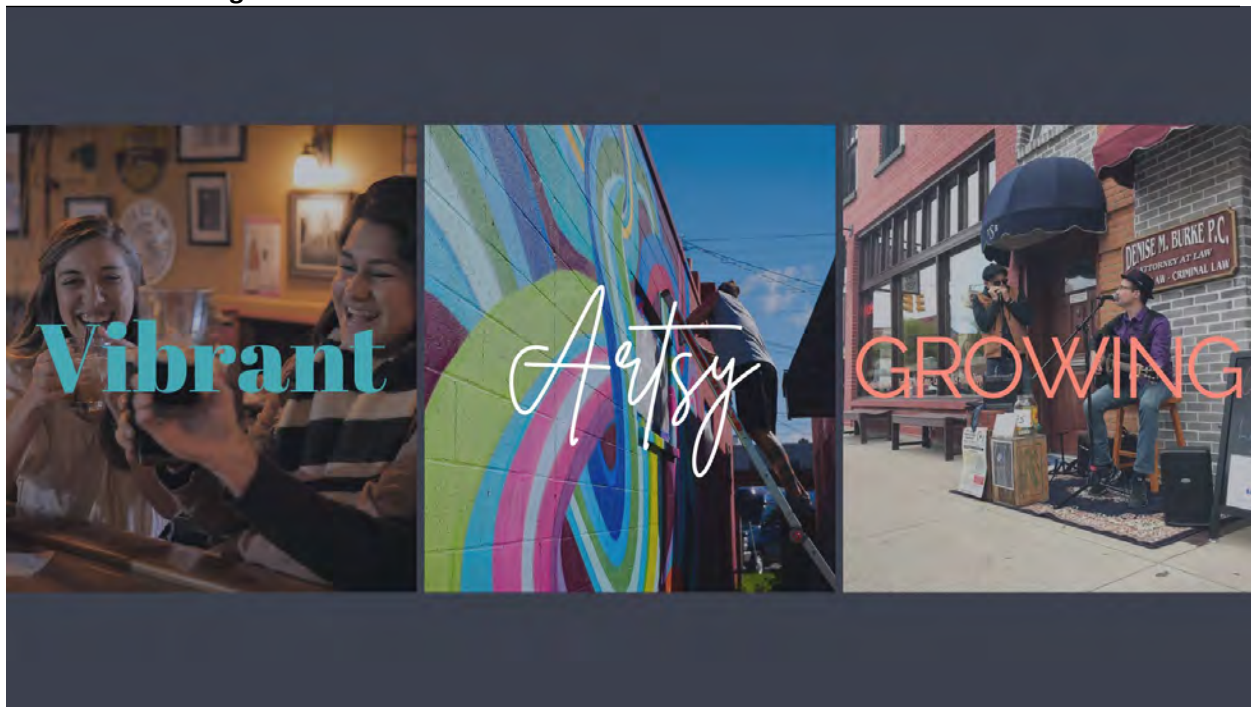
Recognizing the significant work already undertaken to become certified, the RRC recertification process ensures the city remains in substantial compliance with the best practices while not conducting a full formal RRC evaluation:

Step	Description
Complete Training	As part of the recertification process, the community must have at least one staff or official complete RRC Best Practice training within the preceding three-year certification period.
RRC Review	Using the city’s annual updates, reports, and regular communication, the RRC planner evaluates the city’s plans, processes, and procedures against current RRC Best Practices.
Recertification Briefing	RRC planner creates a briefing outlining activity in the city and identifying areas where updates are needed.
Agreement of Action	City provides an Action Plan for meeting any unmet best practice criteria



Plan	and converses with RRC to reach agreement on plan.
Recertification Date	Once agreement is met, the community officially becomes recertified on the three-year anniversary of its current certification
Complete Action Plan	If any action plan items remain, they must be completed within the agreed upon timeframe.

Three Years of Progress



RRC:

Alpena was the 2nd community in region 3 to be certified and has shown a strong commitment to RRC and embracing redevelopment opportunities. For the past three years staff has been completing biannual progress reports and the RRC team and Community Assistance Team have conducted numerous community visits to discuss progress. Since receiving its certification, the City of Alpena has hired a new city manager, a new planning director, and has new council leadership.

The City of Alpena continues to use its tools developed through the RRC program, one of those being pre-development meetings. One of the comments received over the years can be seen below:

“Our development team had a predevelopment meeting today for the hospital. It worked very well, and the meeting yielded positive results that will make the development more successful. Feedback about the process from the development team and the developer were very positive.”



Over the years changes have been made to the public participation strategy, especially with COVID restrictions. Alpena used an online comment system and held a public input survey for both the newly parks and recreation plan, and the newly adopted Master Plan. With the assistance of NEMCOG, the master plan was recently adopted in 2020 and meets all RRC expectations. The DDA also hosted virtual shopping events and inline training for businesses affected by COVID-19.

Another plan to be updated recently is the Parks and Recreation plan which helps Alpena's opportunities when applying for grants through the Michigan Department of Natural Resources. The parks and rec plan also lays out plenty of opportunity to take advantage of economic opportunities when it comes to outdoor recreation.

The DDA also continues to operate annually its façade grants program. The most recent project was awarded in 2018, and the new Whiskey Bar and restaurant named Red Brick Tap & Barrel, opened in September of 2020. The façade program was developed to enhance the historic character of the downtown and are reviewed on a rolling basis.

Most recently, the City of Alpena also developed social districts in response to the pandemic. In hopes to attract more people to the downtown area, unanimous support was given for bars and restaurants in the downtown area to allow customers to leave businesses with their drinks. This will help active public spaces in the downtown area, and still practice social distancing while we begin to return to normal.

Redevelopment Ready Sites (RRSites):

A key piece to RRC is assisting communities to develop a streamlined process to help activate priority redevelopment sites. Over the years, Alpena had significant turnover on sites and more recently have had access to our newly formed redevelopment services team.

RRC has established a Redevelopment Services Team (RSTeam). Upon RRC certification, communities are connected with the expertise of the RSTeam focused on proactive site redevelopment for priority Redevelopment Ready Sites (RRsites). The team is built upon three foundational focus areas:

1. High-quality and in-depth technical assistance
2. RRSites marketing and promotion
3. Developer relationship building and matchmaking.

Engaging with the RSTeam the City of Alpena was able to:

ID the following sites as priorities and RSTeam created property information packages and listed them on our miplace.org website in FY19:

- 109-111 River St:
 - 109-111 River St has been redeveloped. The team provided design assistance comments to the owner.



- 203 N Second Ave:
 - 203 N Second Ave is still being marketed. RSTeam developed a design/build scenario for the owner. This report assesses the site and makes recommendations for redevelopment based on the community’s master plan and future vision, the relative condition of the building and the architectural and site characteristics. These recommendations address market opportunities for this two-story traditional downtown commercial building, develop design and planning scenarios to put the building back into active use, estimate the cost for doing so and help identify potential incentives for redevelopment.

Development Efforts:

Alpena understands that to make a community more attractive, there needs to be physical improvements that can be implemented to help create a unique and special place. This concept is known as placemaking. Placemaking capitalizes on existing resources and transforms public spaces into areas that promote vitality and community importance. MEDC over the years has also supported projects that will help improve the built environment and spur economic vitality.

- Red Brick Tap & Barrel: Match on Main grant awarded to Alpena DDA to support Red Brick Tap & Barrel in the amount of \$25,000. Project will support the creation of an outdoor dining space.
- Thunder Bay Properties, LLC 121 N Second Ave: The second floor will undergo renovations to create an additional 5 market rate residential units in the heart of downtown Alpena. The building currently houses 8 first floor commercial tenants and 5 residential units on the second floor.
- Canute Properties, 109 & 111 River St CRP: includes the renovation of vacant building (previously a bar in its past life) in Downtown Alpena to support 5 new residential units with a roof top patio on the second floor totaling 5,200 sq feet as well as two commercial spaces on the first floor of 5,200 sq feet. The commercial spaces will operate as a new restaurant/bar and also an incubator kitchen, both managed by Red Brick Tap & Barrel, LLC which is a partnership between the developer Corey and an experienced chef Kevin Peterson. The incubator space will allow culinary business concepts a location to prototype their innovation with minimal upfront investment. The incubator space will also serve as a test location to explore new concepts for Red Brick Tap & Barrel, LLC. The cost of rehab is \$1,490,255, of which 42% is requested as CRP support.

Status of RRC Best Practices



Just like Michigan communities, the RRC Best Practices evolve over time. There have been some adjustments based on stakeholder feedback and emerging trends. Although Alpena has exemplified what it means to be Redevelopment Ready, this recertification review identified several areas where the city will need to take steps to better align with the 2021 RRC Best Practices.

The best practice criteria – and recommended actions are included below and in more detail in Table 1.

BP 1 Master Plan

- The Master Plan was last updated and adopted in 2020. It is recommended that a plan of action be created that addresses an annual review of the master plan.

BP 1.4 Public Participation Plan:

- The public participation plan will need to be reviewed to ensure all outreach methods are up-to-date and all stakeholders are included. Given our current pandemic, Alpena had to resort to different measures of public engagement. This is a great opportunity to include lessons learned and new techniques for public engagement. Certified communities are expected to also conduct an annual review of the public participation plan.

BP2 Zoning:

- Ensure there is alignment with the new master plan.

BP3 Development Review:

- Better advertise pre-application conference on zoning webpage.
- Document and update the internal review process.
- Post the fee schedule online.
- Allow for payment of development related fees via credit card and offer forms of payment online.
- Develop a guide to development:
 - Instead of just posting a series of links online to different forms. Use this opportunity to tell of story or guide someone through the development review process. Discuss where an applicant should start and what to expect through the review process.
- Update on the project tracking system
- Review and analyze annual feedback system.



BP4 Recruitment and Education:

- Document appointment process and post online.
- Highlight desired skillsets and expectations for development related boards.
- Reevaluate items given to development related boards for onboarding.
 - Bylaws
 - Ordinances
 - Rules of Procedure
- Document a training strategy.
- Develop by-laws for development related boards and post online.
- Provide additional information on the next joint meeting.

BP5 Marketing and Economic Development:

- Re-evaluate the Economic Development strategy developed in 2018.
- Alpena will need to update the marketing strategy to meet existing best practices. This can be done with assistance from the RRC planner.
- Identify what the process is for reviewing the economic development strategy.

BP6 Redevelopment Ready Sites:

- Continue Work with the Redevelopment Services team to package a site and advertise the site online.

Graphic 1: Status of RRC Best Practices in Alpena



Graphic 1: Status of RRC best practices in Alpena

Table 1: Actions for recertification

Criteria	Description	Proposed Action to Take
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1.1	The governing body has adopted a master plan in the past five years.	Develop an action plan around an annual review of the master plan.
1.4	The community has a documented public participation strategy for engaging a diverse set of community holders.	Review public participation plan to ensure it is up to date with engagement methods. Develop an annual review of the master plan.
2.1	Alignment with Master Plan: The governing body has adopted a zoning ordinance that aligns with the goals of the master plan.	Review the zoning ordinance to make sure it aligns with the current master plan.
3.3	Conceptual Review Meetings: The community defines and offers conceptual review meetings for applicants.	Better advertise pre-application conference option.
3.4	The community has a clearly documented internal staff review policy.	Document and update internal review process document.
3.6	The community maintains a fee schedule.	Post fee schedule online in an easy to find location (on the zoning webpage).
3.7	Payment Methods: The community offers clear methods of payment.	Allow payment of development related fees via credit and offer clear payments online.
3.8	The community maintains a guide to development that explains policies, procedures, and steps to obtain approvals.	Develop a guide to development as mentioned on the text above.
3.9	Project Tracking: The community has a method to track development projects.	Update the project and send to RRC planner for review.
3.10	Continued Improvement: The community solicits feedback and regularly reviews the development review experience.	Update the annual feedback survey, and check if annual reviews have been conducted.
4.1	The community has a clear recruitment and appointment process.	Develop appointment process and post online.
4.2	Expectations & Skill sets: The community sets expectations for board and commission positions.	Highlight skills sets and expectations for development related boards.
4.3	The community provides orientation material to all appointed and elected members of development related boards and commissions.	Provide a copy of orientation packets for development related boards to RRC planner
4.4	The community has bylaws for boards and commissions.	Develop bylaws for development boards and post online.
4.5	Post the annual planning commission report online	Upload the planning commission annual report.



4.6	Community has a documented training strategy.	Develop a training strategy for development related boards.
4.7	The community holds joint meetings with boards and commissions.	Hold joint meetings with boards and commissions.
5.1	The community has approved an economic development strategy.	Review and update the 2018 Economic Development strategy.
5.2	The community has adopted policies to guide economic development incentives.	Develop economic development incentives and post online.
5.3	The community has developed a marketing strategy.	Develop a more robust marketing strategy. See text above for more details.

Next Steps

To complete the recertification process, the city and RRC will need to come to agreement on the actions noted above including timelines for completion. To achieve recertification, a community must be in substantial alignment by its certification three-year anniversary. RRC defines substantial alignment as “that all best practices which do not have statutory timeframes or major capacity concerns attached to them should be met.”

As an RRC Certified community, the city continues to have access to a range of RRC technical assistance tools. These tools—which include a network of RRC community contacts, best practice examples, guidance documents, an online library of examples, and technical assistance funds—can help Alpena adapt to the updated RRC Best Practice standards and remain in compliance with all the other best practice standards.

Upon agreement of an action plan, Alpena will then pass a resolution to renew certification (see below) and officially become recertified as a Redevelopment Ready Community®. A refreshed Memorandum of Understanding will be signed once the city passes the resolution. Community®; the actions will become part of the community’s progress reports going forward.

Resolution:

To demonstrate full buy-in for continuing to practice and maintain the RRC Best Practices as a certified community, the **legislative body must pass a resolution acknowledging its desire to be recertified and commit to the investments required to maintain certification.** Examples of this resolution can be found in the RRC Library at www.miplace.org/rrclibrary.

MOU:

Similar to when the community engaged into the RRC program, we are requesting that the community refresh the memorandum of understanding (MOU) between MEDC and the City. The refreshed version of the MOU reaffirms MEDC’s commitment to the community throughout its Certification period and



clearly lays out expectations for the community's continued involvement. Please let me know who from the city will be responsible for signing the MOU.

Resiliency:

The recent pandemic has changed the way we live, plan and do business in our communities. Many communities throughout the state have practices resiliency in some form to allow for them to bounce back economically. RRC has developed a series of resiliency best practices that communities can begin to implement in their plans. The city of Alpena should look into the resiliency toolkit available on the RRC website and begin amending community adopted plans by building resiliency elements into it.

Conclusion

It is abundantly clear that the City of Alpena continues to administer the RRC Best Practices in many ways. As such, we will be pleased to recertify Alpena as a Redevelopment Ready Community for another three years and we look forward to continuing our strong working relationship. We are positive Alpena will continue to see exciting redevelopment opportunities in the years to come and we look forward to formally recertifying the city.

City of Alpena RRC Recertification Action Plan-DRAFT

Criteria	Description	Proposed Action	Responsible Party	Action	Approximate Review Timeline
1.1	The governing body has adopted a master plan in the past five years.	Develop an action plan around an annual review of the master plan.	Planning, Development, and Zoning Director, NEMCOG	In Process: Staff to work both internally and externally with NEMCOG to develop an annual review process	Nov-21
1.4	The community has a documented public participation strategy for engaging a diverse set of community holders.	Review public participation plan to ensure it is up to date with engagement methods. Develop an annual review of the master plan.	Planning, Development, and Zoning Director	In Process: Public participation plan to be reviewed and altered as necessary to reflect current world conditions as well as the populations of Alpena	Oct-21
2.1	Alignment with Master Plan: The governing body has adopted a zoning ordinance that aligns with the goals of the master plan.	Review the zoning ordinance to make sure it aligns with the current master plan.	Planning, Development, and Zoning Director, NEMCOG	In Process: Staff will coordinate with NEMCOG to review and provide feedback regarding disalignments between the Zoning Ordinance and Master Plan	Nov-21
3.3	Conceptual Review Meetings: The community defines and offers conceptual review meetings for applicants.	Better advertise pre-application conference option.	City Engineer / IT	In Process: Change City Website to have a blip about pre-application meetings included on the main Planning / Zoning page	Aug-21
3.4	The community has a clearly documented internal staff review policy.	Document and update internal review process document.	Planning, Development, and Zoning Director, City Engineer	In Process: Document to be updated to reflect current review processes	Nov-21
3.6	The community maintains a fee schedule.	Post fee schedule online in an easy to find location (on the zoning webpage).	City Engineer / IT	In Process: Review fees link to be placed on the Planning / Zoning webpage	Jul-21
3.7	Payment Methods: The community offers clear methods of payment.	Allow payment of development related fees via credit and offer clear payments online.	City Engineer / IT	In Process: Payment methods allowed shall be posted on the Planning / Zoning webpage. City currently accepts credit and debit payments via phone and in person, as well as cash or check payments via mail and in person. Complete: City take Credit card payments over the phone.	Dec-21
3.8	The community maintains a guide to development that explains policies, procedures, and steps to obtain approvals.	Develop a guide to development as mentioned on the text above.	Planning, Development, and Zoning Director, TARGET ALPENA, DDA Director	In Process: Staff to work with others to create a Development Guide that aligns with process and flows with other available resources.	Dec-21
3.9	Project Tracking: The community has a method to track development projects.	Update the project and send to RRC planner for review.	Planning, Development, and Zoning Director, DDA Director, Building Official and Inspector	In Process: Development review staff to work to update the project tracker	Sep-21
3.1	Continued Improvement: The community solicits feedback and regularly reviews the development review experience.	Update the annual feedback survey, and check if annual reviews have been conducted.	Planning, Development, and Zoning Director	In Process: Staff to update the annual feedback survey and place in a public location, as well as online for resident feedback	Sep-21
4.1	The community has a clear recruitment and appointment process.	Develop appointment process and post online.	Planning, Development, and Zoning Director, HR Director, Department Heads, City Manager	In Process: Staff will review appointment process annually and make any necessary changes, positions are posted online	Aug-21
4.2	Expectations & Skill sets: The community sets expectations for board and commission positions.	Highlight skills sets and expectations for development related boards.	Planning, Development, and Zoning Director, HR Director, Department Heads, City Manager	In Process: Staff will review desired skillsets, and expectations for development related boards and update application form accordingly	Aug-21
4.3	The community provides orientation material to all appointed and elected members of development related boards and commissions.	Provide a copy of orientation packets for development related boards to RRC planner	Planning, Development, And Zoning Director, City Engineer, City Manager	Complete: See attached orientation packet	Oct-21
4.4	The community has bylaws for boards and commissions.	Review bylaws for development boards and post online.	Planning, Development, and Zoning Director, City Engineer, City Manager, City Attorney	In Process: Staff will work internally and with development related boards to review and update bylaws for development related boards as needed	Feb-22
4.5	Post the annual planning commission report online	Upload the planning commission annual report.	Planning, Development, and Zoning Director	In Process: Planning Director will create, and have approved a Planning Commission annual report	Sep-21
4.6	Community has a documented training strategy.	Develop a training strategy for development related boards.	Planning, Development, and Zoning Director, City Engineer, City Manager	In Process: Staff will work internally and with development related boards to create, and implement a training strategy.	Nov-21
4.7	The community holds joint meetings with boards and commissions.	Hold joint meetings with boards and commissions.	Planning, Development, and Zoning Director, City Engineer	Complete: See attached minutes from joint City Council, and Planning Commission Meeting	Complete
5.1	The community has approved an economic development strategy.	Review and update the 2018 Economic Development strategy.	Planning, Development, and Zoning Director, DDA Director, Target Alpena	In Process: Planning Director will work to assess and update the economic development strategy to reflect current world conditions	Feb-22
5.2	The community has adopted policies to guide economic development incentives.	Develop economic development incentives and post online.	Planning, Development, and Zoning Director	In Process: Staff to develop economic development incentives and post them online.	Apr-22
5.3	The community has developed a marketing strategy.	Develop a more robust marketing strategy. See text above for more details.	Planning, Development, and Zoning Director, DDA Director	In Process: Staff will review existing marketing activities and develop a more robust marketing strategy that reflects the City population, and current economic conditions.	May-22



Redevelopment Ready Communities® Joint Memorandum of Understanding

This Memorandum of Understanding (“MOU”) by and between the Michigan Economic Development Corporation (“MEDC”), 300 North Washington Square, Lansing, Michigan, and City of Alpena (“Community”), 208 North First Avenue Alpena, Michigan, jointly referred to as the “Parties” and individually as the “Party” is effective as of August 2, 2021 (“Effective Date”).

The Community is interested in applying to the MEDC under the Redevelopment Ready Communities® Program (“Program”) to achieve Redevelopment Ready Communities essentials designation (“RRC Essentials Designation”) or become certified as a Redevelopment Ready Community (“RRC Certification”), and access benefits reserved for communities who have achieved an RRC Essentials Designation or RRC Certification.

The MEDC is interested in evaluating the Community and making recommendations for the Community to achieve an RRC Essentials Designation or RRC Certification under the Program and providing ongoing technical assistance to the Community.

Therefore, the Parties have come together in a strategic collaboration to achieve the above stated goals. This collaboration is based on the following understandings for the period prior to the formal achievement of an RRC Essentials Designation or an RRC Certification:

Community Responsibilities

1. Identifying a primary Program contact who will serve as the lead representative for the Community.
2. Respond in a timely manner to communication from the Program when responses are requested. Provide adequate staff personnel to attend trainings, perform research collection and assessment of current practices of the Community, and to implement the needed actions to achieve an RRC Essentials Designation or RRC Certification designation, after the evaluation.
3. Within thirty (30) days of receiving the draft Community Baseline Report, provide comments and any additional documentation, and schedule the baseline report presentation for the Community’s elected governing body, if necessary.
4. Within thirty (30) days of the Community Baseline Report presentation (if requested), or receipt of the Community Baseline Report memo, Community shall provide a resolution adopted by the Community’s elected governing body that supports the Community’s intent to implement the needed actions to achieve RRC Essentials Designation or RRC Certification to meet the Program best practices.
5. Document Community’s progress to the MEDC of the RRC Essentials Designation or RRC Certification achievement process via the online project management system.
6. Make best efforts to complete implementation of the needed actions to achieve RRC Essentials Designation or RRC Certification, as necessary, to meet the Program best practices.
7. Provide documentation that the Community meets the Program best practices, as determined by the MEDC, prior to being awarded the RRC Essentials Designation or RRC Certification and prior to being awarded recertification.



MEDC Responsibilities

1. Provide general training on the Program.
2. Provide clear guidance on how to achieve an RRC Essentials Designation or an RRC Certification.
3. Provide general technical support to the primary Program contact of the Community in collecting the information necessary to complete the Program evaluation and implementation of the best practices.
4. Evaluate information collected from the Community and produce a Community Baseline Report.
5. If requested by the Community, provide a presentation of the Community Baseline Report or provide a Community Baseline Report memo, outlining, if necessary, recommendations of steps to meet the best practices as identified by the MEDC.
6. If Program criteria are met by the Community, the MEDC will provide formal approval of the achievement of an RRC Essentials Designation or RRC Certification, as applicable.

In the event the Community achieves an RRC Essentials Designation or an RRC Certification, the Parties' collaboration is based on the following understandings for the period following the formal achievement of an RRC Essentials Designation or an RRC Certification:

Community Responsibilities

1. Identify a primary Program contact who will serve as the lead contact and provide overall technical support on behalf of the Community.
2. Provide adequate staff personnel and resources to achieve and maintain best practices related to the Program.
3. Provide progress updates to the MEDC and any other information reasonably requested by the MEDC in order to verify and monitor the Community's participation, progress, utility, status, effort, and eligibility for the Program via the online project management system.

MEDC Responsibilities

1. Provide general training on the Program.
2. Provide assistance to Community to market its status as having achieved a RRC Essentials Designation or an RRC Certification.
3. Provide the benefits commensurate with an RRC Essentials Designation or an RRC Certification, as applicable, which may include technical assistance support and marketing assistance.
4. If necessary, make recommendations of steps to improve Community's alignment with best practices as identified by the MEDC.
5. Provide clear instructions on how to renew the Community's RRC Essentials Designation or RRC Certification, as applicable, and assist Community in the re-application process.

This MOU sets forth the intent of the Parties only and does not, and is not intended to, impose any binding obligations on the Parties, nor shall it be the basis for any legal claims or liabilities by or among the Parties. Any liability of the Parties, whether in contract, tort or under any other legal or equitable theory, arising out of or in connection with this MOU shall be explicitly excluded. Neither Party shall be entitled to claim compensation for any expenses or losses incurred in bad faith if the intention of this MOU cannot be reached entirely or in part.

This MOU constitutes the entire agreement between the Parties hereto. This MOU may be modified, altered, revised, extended or renewed by mutual written consent of all Parties, by the issuance of a written amendment, signed and dated by all the Parties.

This MOU may be signed in multiple copies and in counterparts which, when taken together, shall constitute the executed MOU. Faxed or scanned copies shall be considered an original.

This MOU is effective from the Effective Date until the one-year anniversary of the Effective Date, unless terminated earlier. This MOU shall automatically renew each year on the anniversary of the Effective Date for another one-year term. However, either Party may terminate the MOU at any time for any reason by providing notice in writing to the other Party thirty (30) days in advance of the termination. This MOU shall replace any previous MOU with the MEDC regarding this subject matter.

IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed by their respective authorized representatives.

Matt Waligora, Mayor
City of Alpena

Date

Christin Armstrong, Secretary
Michigan Economic Development Corporation

Date

RESOLUTION NO. 2021-16

A RESOLUTION AUTHORIZING THE CITY OF ALPENA TO APPLY FOR RECERTIFICATION IN THE REDEVELOPMENT READY COMMUNITIES (RRC) PROGRAM FROM THE MICHIGAN ECONOMIC DEVELOPMENT CORPORATION (MEDC)

WHEREAS, the City of Alpena participates in the MEDC Redevelopment Ready Communities Program, and has been a certified RRC community since June 2018 becoming the 19th certified community in Michigan and the 2nd community in Region 3; and

WHEREAS, the MEDC has asked the City of Alpena to become recertified in the RRC Program; and

WHEREAS, the City of Alpena recognizes the significant benefit of being a certified RRC and the importance of maintaining a certified community by continuing to identify best practices and strategies for redevelopment; and

WHEREAS, the program includes continuing the strong partnerships with City of Alpena and local committees, including the Downtown Development Authority, Planning Commission, Zoning Board of Appeals, Harbor Advisory Committee, Target Alpena, Alpena Chamber of Commerce, Alpena Area Visitor's Bureau, and others; and

WHEREAS, the City of Alpena has received a Briefing, Action Plan, and MOU from the MEDC and will take the necessary steps to complete the Action Plan; and

WHEREAS, the City of Alpena will adhere to the identified timeline for completion, as described in the Action Plan.

NOW, THEREFORE BE IT RESOLVED, as follows:

1. The City of Alpena will recertify in the MEDC Redevelopment Ready Communities Program, which will involve interactions with the Downtown Development Authority, Planning Commission, Zoning Board of Appeals, Harbor Advisory Committee, Target Alpena, Alpena Chamber of Commerce, Alpena Area Visitor's Bureau, and others.
2. City of Alpena Municipal Council authorizes the City Manager or their designee to sign all documentation related to the program as provided by the MEDC to fully participate in the recertification process.
3. This resolution shall take effect upon authorization by the City Alpena Municipal Council.

Councilmember _____ moved to adopt the above resolution, seconded by Councilmember _____.

Ayes:
Nays:
Absent:

Resolution declared adopted.

I, Anna Soik, City Clerk of the City of Alpena, **DO HEREBY CERTIFY** that the above is a true copy of a resolution adopted by the Municipal Council at a regular meeting held on August 2, 2021.

Anna Soik
City Clerk



Northeast Michigan Council of Governments

80 Livingston Blvd Suite U-108 | PO Box 457 | Gaylord, MI 49734 | Voice: 989.705.3730 | Fax: 989.705.3729 | nemcog.org

MEMORANDUM

TO: Alpena City Council
FROM: Denise Cline, Deputy Director/Chief Planner, NEMCOG
DATE: 7/28/21
RE: Proposed Zoning Amendments

Hello! Included in your packet is a draft amending ordinance which contains proposed zoning amendments to the City of Alpena Zoning Ordinance. The Planning Commission has reviewed these amendments at two meetings and held a public hearing on July 13, 2021. No public comment was received. The Planning Commission recommended adoption of the amendments which is being forwarded to City Council. I have provided further explanation on each topic below:

1. Definitions (Section 2.1)

There are several changes to proposed definitions included in the amending ordinance.

- a. Adult Foster Care: See #4 below.
b. Inoperable Motor Vehicle: See #2 below.
c. Secondary Dwelling Unit: The ordinance allows these structures and has a specific section which regulates them, but there is no definition, so a definition is included in the draft. Most communities use the term "Accessory Dwelling Unit," so this amendment changes the terminology to the more common term.
d. MDNRE/EGLE: This ordinance was written when the DNR and the (then) DEQ were combined into one department. They have since been separated again and the DEQ renamed "EGLE." Therefore, the name MDNRE should be replaced throughout the ordinance. In addition to including a definition of EGLE, the phrase "any subsequently named agency" is included just in case the State of Michigan changes the name again.
e. Human: The definitions under "Sexually Oriented Business" use the phrases "Specified Sexual Activities" or "Specified Anatomical Areas" to define all of the Sexually Oriented Businesses. These two definitions use the word "human." However, there are some sexually-oriented businesses which do not use actual humans in their business and, instead, use robots and other digital likenesses. In order for these business not to be able to circumvent being defined as a Sexually Oriented Business, the definition of human needs to be added to include non-living, human-like devices.

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- f. **Escort Agency:** This definition was missing but the phrase is used under Sexually Oriented Business.
- g. **Telecommunications Towers & Facilities Definitions:** The definition of “Antenna Array” has additional text stating “or any other antenna configuration” – this is due to the fact that new antenna configurations are under development – some of which are ground-mounted antenna. The definition for “Wireless Communication Facility” is also being changed to include ground-mounted antenna facilities. In addition, the ordinance should address “Small Cell Wireless Facilities” which are defined by state law. See #5 below for additional discussion.

2. Sale/Storage of Vehicles (Section 3.12 Accessory Uses)

Storage of vehicles has been an issue which has been raised – specifically this refers to vehicles used for demolition derbies. In order to address this, proposed language to address this has been added to subsection B under Section 3.12 (Accessory Uses). In addition, while the ordinance uses the term “inoperable motor vehicle,” the term was not actually defined, so a draft definition has been provided. This new section (and definition) matches the section that was included in the newly adopted Blight Ordinance so that it can be enforced using either enforcement mechanism.

3. Natural Gardens (Section 3.34)

There have been some issues noted with residents leaving their lawns unmown to create a natural ecosystems to accommodate insects and wildlife. This is in violation of Chapter 102, Article III of the code of ordinances (Noxious Vegetation) which prohibits vegetation over 8” in height, so the Planning Commission is providing a mechanism for allowing a portion of the yard to be used as such.

4. Adult Foster Care (Section 5.26 Table of Permitted & Special Land Uses)

The aging population is resulting in more and more adult foster care facilities across the country. The current Alpena Zoning Ordinance does not adequately address the range of different types of Adult Foster Care facilities. Therefore, definitions from the Adult Foster Care Licensing Act are included. In addition, these types of facilities are now included as Permitted or Special Uses in the Table of Permitted and Special Land Uses. The current adult foster care facilities in the city which are registered with LARA are located in the R-2 District (Adult Foster Care Small Group Homes) and RM-2 (Adult Foster Care Large Group Homes). There is one group home from 3 to 12 residents located in the R-2 District as well (which is both a Small Group and Large Group Home).

5. Telecommunications Facilities (Section 5.26 & Section 7.37)

The current Zoning Ordinance addresses towers over 75’, antenna array attached to a monopole 75’ or less, and amateur radio antenna, however it does not address a ground mounted antenna array or small cell wireless facilities. Small cell wireless facilities are defined

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by Public Act 365 of 2018 (Small Cell Communications Facilities Deployment Act), but the ground mounted antennas above do not fall under this definition because they occupy too large of an area. See below for photos of each:

Example of Ground Mounted Antenna (Earth Stations or Ground Stations)



Example of Small Cell Wireless Facilities



- a. Each of the above are now addressed in the Table of Permitted & Special Land Uses.
- b. A new section D (Approval Process) was added which outlines the specific approval process for Wireless Facilities (except small cells) from the Michigan Zoning Enabling Act.
- c. Setbacks were added for ground-mounted wireless facilities.
- d. PA 365 designates small cells that are in the public right of way as exempt from zoning. However, the Zoning Ordinance now addresses how approval takes place for small cells that are NOT exempt from zoning. PA 365 also specifies the process by which approval shall take place within a community (subsection K in the amendment).

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- e. In addition, subsection L contains language which contains necessary exemption language for single-use towers and masts (according to federal regulations).

6. Accessory Dwelling Units (Section 7.32)

This amendment simply changes the terminology from “Secondary Dwelling Unit” to “Accessory Dwelling Unit” because the latter is the more common term.

Changes are in red or in strikeouts.

City of Alpena Ordinance No. 21-462

An ordinance to amend the City of Alpena Zoning Ordinance Article 2 (Construction of Language and Definitions), Article 3 (General Provisions), Article 5 (District Regulations), and Article 7 (Supplemental Development Regulations).

City of Alpena, Alpena County, Michigan ordains:

SECTION 1: AMENDMENT TO THE CITY OF ALPENA ZONING ORDINANCE

That the City of Alpena Zoning Ordinance, Article 2 (Construction of Language and Definitions) is hereby amended to read as follows:

Section 2.1 Definitions

ADULT FOSTER CARE: ~~See State Licensed Residential Facility~~

A governmental or non-governmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care.

A. The following additional definitions shall apply in the application of this Ordinance.

1. **ADULT DAY CARE FACILITY:** A facility receiving adults for care for periods of less than twenty four (24) hours in a day, for more than two (2) weeks in any calendar year. Care for persons related by blood or marriage to a member of the family occupying the dwelling is excluded from this definition.
2. **ADULT FOSTER CARE FAMILY HOME:** A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
3. **ADULT FOSTER CARE SMALL GROUP HOME (7-12 ADULTS):** An adult foster care facility with the approved capacity to receive at least seven (7) but not more than twelve (12) adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
4. **ADULT FOSTER CARE LARGE GROUP HOME (13-20 ADULTS):** A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

5. **ADULT FOSTER CARE CONGREGATE FACILITY (MORE THAN 20 ADULTS):** An adult foster care large group home with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
6. **STATE-LICENSED RESIDENTIAL FACILITY (6 OR LESS):** A structure constructed for residential purposes that is licensed by the State pursuant to **1979 PA 218 (Adult Foster Care Licensing Act)**, as amended, being Sections 400.701 to 400.737 of the Michigan Compiled Laws, or **1973 PA 116 (Child Care Organizations)**, as amended, being Sections 722.111 to 722.128 of the Michigan Compiled Laws, which provides resident services or care for six (6) or fewer individuals under twenty-four (24) hour supervision for persons in need of that supervision or care. **The licensee is NOT a member of the household nor is an occupant of the residence.**

B. An adult foster care facility does not include the following:

1. A nursing home licensed under Article 17 of the **Public Health Code, 1978 PA 368, MCL 333.20101 to 333.22260.**
2. A home for the aged licensed under Article 17 of the **Public Health Code, 1978 PA 368, MCL 333.20101 to 333.22260.**
3. A hospital licensed under Article 17 of the **Public Health Code, 1978 PA 368, MCL 333.20101 to 333.22260.**
4. A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health under the **Mental Health Code, 1974 PA 258, MCL 330.1001 to 330.2106.**
5. A county infirmary operated by a county department of social services or family independence agency under Section 55 of the **Social Welfare Act, 1939 PA 280, MCL 400.55.**
6. A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under **1973 PA 116, MCL 722.111 to 722.128,** if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
 - a. Two (2), if the total number of residents is ten (10) or fewer.
 - b. Three (3), if the total number of residents is not less than eleven (11) and not more than fourteen (14).
 - c. Four (4), if the total number of residents is not less than fifteen (15) and not more than twenty (20).
 - d. Five (5), if the total number of residents is twenty-one (21) or more.
7. A foster family home licensed or approved under **1973 PA 116, MCL 722.111 to 722.128,** that has a person who is eighteen (18) years of age or older placed in the foster family home under section 5(7) of **1973 PA 116, MCL 722.115.**

8. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.
9. A facility created by the **Michigan Veteran’s Facility Act 1885 PA 152**, MCL 36.1 to 36.12.
10. An area excluded from the definition of adult foster care facility under Section 17(3) of the **Continuing Care Community Disclosure Act, 2014 PA 448**, MCL 554.917
11. A private residence with the capacity to receive at least one (1) but not more than four (4) adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in the residential setting.

INOPERABLE MOTOR VEHICLE: An inoperable motor vehicle is one that is not capable of travel on public highways due to any of the following:

1. The vehicle does not have a valid and current registration;
2. The vehicle is not licensed for operation upon the highways of the state
3. The vehicle is not operable under its own power because of missing, damaged, or broken equipment.

~~**MDNRE:** Michigan Department of Natural Resources and the Environment or any subsequently named agency.~~

(Replace all instances of MDNRE with EGLE in Sections 3.21, 3.33, 5.20.C)

EGLE: Michigan Department of the Environment, Great Lakes and Energy or any subsequently named agency (such as the Department of Environmental Quality).

(Add to Sexually Oriented Businesses definitions)

HUMAN: Besides the customary meaning, the term “human” shall also include non-living anthropomorphic (resembling human) devices, both physical and digital.

ESCORT AGENCY: Any business, agency, or person who, for a fee, commission, hire, reward, or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes, or arranges for persons, who may accompany other persons to or about social affairs, entertainments, or places of amusement, or who may consort with others about any place of public resort or within any private quarters.

SECONDARY ACCESSORY DWELLING UNIT: An accessory ~~secondary~~ residential dwelling unit is one which is located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building. ~~Secondary~~ Accessory dwelling units shall be developed in accordance with the standards set forth in Section 7.32 and only in those zoning districts where the use is listed.

WIRELESS TELECOMMUNICATION TOWERS AND FACILITIES DEFINITIONS:

- 1. **ANTENNA ARRAY**: An Antenna Array is one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel), ~~and~~ parabolic antenna (disc), **or any other antenna configuration**. The Antenna Array does not include the Support Structure.

- 8. **SMALL CELL WIRELESS FACILITY**: A wireless facility that meets both of the following requirements:
 - a. Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six (6) cubic feet.
 - b. All other wireless equipment associated with the facility is cumulatively not more than twenty-five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

A small cell wireless facility is not considered an accessory building or accessory structure.

- 9. **SUPPORT STRUCTURE**: A Support Structure is a structure designed and constructed specifically to support an Antenna Array, and may include a monopole, self-supporting (lattice) tower, and other similar structures. Any device (Attachment Device) which is used to attach an Attachment Structure shall be excluded from this definition. **Also known as "tower."**

- 11. **WIRELESS COMMUNICATION FACILITY**: A Wireless Communication Facility is any facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility and a Support Structure. A Wireless Communication Facility also includes an Antenna Array attached to an existing building or structure (Attachment Structure).

- 12. **WIRELESS COMMUNICATION FACILITY (GROUND-MOUNTED) – ALSO CALLED "EARTH STATION OR GROUND STATION"**: A wireless communication facility in which the antenna array is mounted to the ground or any other surface and does not use a Wireless Communications Support Structure (tower).

That the City of Alpena Zoning Ordinance Article 3 (General Provisions) is hereby amended to read as follows:

Section 3.12 Accessory Uses

B. Sale/Storage of Vehicles:

- 1. A resident of a dwelling unit may have not more than two (2) motorized vehicles for sale on the site of such dwelling unit at any time and in no instance shall vacant residential lots or parcels be utilized for the sale of vehicles.

2. A resident may repair vehicles of the resident on the property of the resident's dwelling unit; however, in no instance shall a resident repair the vehicles of other than a resident of the dwelling unit on said property.
3. In no instance shall vehicles for sale be displayed in a front yard other than ~~on~~ in the driveway ~~portion of such yard~~.
4. No more than one (1) inoperable vehicle may be stored outside the dwelling or the garage of the dwelling. Any such inoperable vehicle stored outside the dwelling or garage of the dwelling shall not be stored in the front yard and ~~must~~ shall be properly covered with a car cover which is manufactured for that purpose.
5. Vehicles utilized for demolition derbies, bump and runs, or similar events shall not be stored or repaired in a front or side yard and shall only be stored or repaired in a rear yard. Vehicles used for demolition derbies bump and runs, or similar events shall be screened from view of neighboring property or rights-of-way or shall be kept in an accessory building or attached garage. Vehicles utilized for demolition derbies bump and runs, or similar events shall only be stored/repaired on a solid foundation made of concrete or a similar impermeable material (not soil or grass).

Add Section 3.34 Natural Gardens

All property owners shall conform to the City of Alpena Code of Ordinances Chapter 102, Article III (Noxious Vegetation). Property owners may keep up to twenty-five (25%) percent of their rear yard as a natural garden of unmown vegetation, native to Michigan, for the purpose of providing a natural ecosystem for insects and wildlife. Said natural garden shall maintain side and rear principal building setbacks. At no time shall this natural garden become a nuisance to neighboring property owners due to the proliferation of natural vegetation, insects, or wildlife into the neighboring yards. Unmown vegetation within a natural garden shall not grow to a height greater than four (4) feet.

That the City of Alpena Zoning Ordinance, Article 5 (District Regulations) is hereby amended to read as follows:

Section 5.26 Use Matrix (Communications and Human Care and Social Assistance sections)

TABLE OF PERMITTED USES & SPECIAL LAND USES																	
R = Permitted by right																	
S = Permitted with a Special Use Permit	R1	R2	RT	RM1	RM2	OS1	CBD	CCD	B1	B2	B3	I1	I2	P1	WD	CR	PR
COMMUNICATIONS																	
<i>Amateur Radio Antennae (roof- or ground-mounted)</i>	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*		R*		R*
<i>Telecommunications Businesses (w/vehicle storage)</i>								S		R	R	R	R				
<i>Television/Radio Broadcasting Stations</i>						R	R	R		R	R	R			R		
<i>Video & Sound Recording Studios</i>						R	R	R		R	R	R			R		
<i>Telecommunications antennas (located on existing attachment structures) 35' or less</i> <i>Wireless communication and supporting equipment facilities located on existing attachment structures where antenna is 35' or less above the highest point of the existing structure</i>						R*	R*	R*		R*	R*	R*	R*		R*		
<i>Telecommunication antennas attached to monopole 75' or less</i> <i>Wireless communications facilities attached to monopole 75' or less in height</i>						R*	R*			R*	R*	R*	R*		R*		
<i>Wireless Communications Facility (ground mounted or not mounted to a support structure)</i>											R*	R*	R*				
<i>Telecommunications Towers & Facilities & Alternative Tower Structures (over 75')</i> <i>Wireless Communications Facility with Support Structure (Tower) or Alternative Tower Structures (over 75' in height) or any other type of wireless facility which does not fall under any other category of wireless facility</i>						S*					S*	S*	S*				
<i>Small Cell Wireless Facilities</i>						S*		S*		S*	S*	S*	S*				
HUMAN CARE AND SOCIAL ASSISTANCE																	
<i>Adult Day Care Facilities (in private home)</i>	S	S	S	S	S												
<i>Adult Day Care Facilities (not in private home)</i>	S	S	S	S	S	R			R	R	R						
<i>Adult Foster Care Family Homes (6 or less adults)</i>	R	R	R	R	R												
<i>Adult Foster Care Small Group Home (7-12 adults)</i>	S	S	S	S	S	R		R									
<i>Adult Foster Care Large Group Home (13-20 adults)</i>						R		R									
<i>Adult Foster Care Congregate Facilities (over 20 adults)</i>						R		R									
<i>Assisted Living Home</i>				S*	S*	R*		R*									
<i>Child Day Care Services (see following)</i>																	
<i>Family Child Care Home</i>	R*	R*	R*	R*	R*												
<i>Group Child Care Home</i>	S*	S*	S*	S*	S*												
<i>Child Care Center</i>	S*	S*	S*	S*	S*	R*			R*	R*	R*						
<i>Nursery Schools</i>	S*	S*	S*	S*	S*	R*			R*	R*	R*						
<i>Community/Emergency/ Relief Services</i>						R		R		R	R						
<i>Health Care /Dental /Optical Clinics</i>						R	R	R	R	R	R				R		
<i>Hospitals</i>						S*				S*	S*						
<i>Individual & Family Services</i>						R		R		R	R						
<i>Nursing/Convalescent Home</i>				S*	S*	R*		R*									
<i>Residential Human Care Facility</i>				S*	S*	S*		S*		S*	S*						
<i>State-Licensed Residential Facilities (Adult Foster Care—6 or less adults)</i>	R	R	R	R	R												
<i>Vocational Rehabilitation Services</i>						R		R		R	R						

Sections 5.7 (R-1 and R-2):

B. Uses Permitted by Right & Special Land Uses (Human Care and Social Assistance section)

R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations -Article 7	R-1	R-2
HUMAN CARE AND SOCIAL ASSISTANCE		
<i>Adult Day Care Facilities (in private home)</i>	S	S
<i>Adult Day Care Facilities (not in private home)</i>	S	S
<i>Adult Foster Care Family Homes (6 or less adults)</i>	R	R
<i>Adult Foster Care Small Group Home (7-12 adults)</i>	S	S
<i>Child Day Care Services (see following)</i>		
<i>Family Child Care Home</i>	R*	R*
<i>Group Child Care Home</i>	S*	S*
<i>Child Care Center or Day Care Center</i>	S*	S*
<i>Nursery Schools</i>	S*	S*
<i>State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)</i>	R	R

Sections 5.9 (RT):

B. Uses Permitted by Right & Special Land Uses (Human Care and Social Assistance section)

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	RT
HUMAN CARE AND SOCIAL ASSISTANCE	
<i>Adult Day Care Facilities (in private home)</i>	S
<i>Adult Day Care Facilities (not in private home)</i>	S
<i>Adult Foster Care Family Homes (6 or less adults)</i>	R
<i>Adult Foster Care Small Group Home (7-12 adults)</i>	S
<i>Child Day Care Services (see following)</i>	
<i>Family Child Care Home</i>	R*
<i>Group Child Care Home</i>	S*
<i>Child Care Center or Day Care Center</i>	S*
<i>Nursery Schools</i>	S*
<i>State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)</i>	R

Sections 5.10 (RM-1 and RM-2):

B. Uses Permitted by Right & Special Land Uses (Human Care and Social Assistance section)

R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations -Article 7	RM 1	RM 2
HUMAN CARE AND SOCIAL ASSISTANCE		
<i>Adult Day Care Facilities (in private home)</i>	S	S
<i>Adult Day Care Facilities (not in private home)</i>	S	S
<i>Adult Foster Care Family Homes (6 or less adults)</i>	R	R
<i>Adult Foster Care Small Group Home (7-12 adults)</i>	S	S
<i>Assisted Living Home</i>	S*	S*
<i>Child Day Care Services (see following)</i>		
<i>Family Child Care Home</i>	R*	R*
<i>Group Child Care Home</i>	S*	S*
<i>Child Care Center or Day Care Center</i>	S*	S*
<i>Nursery Schools</i>	S*	S*
<i>Nursing/Convalescent Home</i>	S*	S*
<i>Residential Human Care Facility</i>	S	S
<i>State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)</i>	R	R

Section 5.11 (WD) Waterfront Development District:

B. Uses Permitted by Right & Special Land Uses (Communications and Human Care and Social Assistance sections)

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	WD
COMMUNICATIONS	
<i>Amateur Radio Antennae (roof or ground mounted)</i>	R*
<i>Television/Radio Broadcasting Stations</i>	R
<i>Video & Sound Recording Studios</i>	R
Telecommunications antennas (located on existing attachment structures) 35' or less in height <i>Wireless communication and supporting equipment facilities located on existing attachment structures where antenna is 35' or less above the highest point of the existing structure</i>	R*
Telecommunications antennas attached to monopole 75' or less <i>Wireless communications facilities attached to monopole 75' or less in height</i>	R*

Section 5.12 (CBD) Central Business District:

B. Uses Permitted by Right & Special Land Uses (Communications and Human Care and Social Assistance sections)

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	CBD
COMMUNICATIONS	
<i>Amateur Radio Antennae (roof- or ground-mounted)</i>	R*
<i>Television/Radio Broadcasting Stations</i>	R
<i>Video & Sound Recording Studios</i>	R
<i>Telecommunications antennas (located on existing attachment structures) 35' or less in height- Wireless communication and supporting equipment facilities located on existing attachment structures where antenna is 35' or less above the highest point of the existing structure</i>	R*
<i>Telecommunication antennas attached to monopole 75' or less in height Wireless communications facilities attached to monopole 75' or less in height</i>	R*

Section 5.14 (CCD) Commercial Corridor District:

B. Uses Permitted by Right & Special Land Uses (Communications and Human Care and Social Assistance sections)

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	CCD
COMMUNICATIONS	
<i>Amateur Radio Antennae (roof- or ground-mounted)</i>	R*
<i>Telecommunications Businesses (w/vehicle storage)</i>	S
<i>Television/Radio Broadcasting Stations</i>	R
<i>Video & Sound Recording Studios</i>	R
<i>Telecommunications antennas (located on existing attachment structures) 35' or less in height Wireless communication and supporting equipment facilities located on existing attachment structures where antenna is 35' or less above the highest point of the existing structure</i>	R*
<i>Small Cell Wireless Facilities</i>	S*

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	CCD
HUMAN CARE AND SOCIAL ASSISTANCE	
<i>Adult Foster Care Small Group Home (7-12 adults)</i>	R
<i>Adult Foster Care Large Group Home (13-20 adults)</i>	R
<i>Adult Foster Care Congregate Facilities (over 20 adults)</i>	R
<i>Community/Emergency/ Relief Services</i>	R
<i>Assisted Living Home</i>	R*
<i>Health Care /Dental /Optical Clinics</i>	R
<i>Individual & Family Services</i>	R
<i>Nursing/Convalescent Home</i>	R*
<i>Residential Human Care Facility</i>	S*
<i>Vocational Rehabilitation Services</i>	R

Section 5.15 (OS-1) Office Service District:

B. Uses Permitted by Right & Special Land Uses (Communications and Human Care and Social Assistance sections)

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	OS1
COMMUNICATIONS	
<i>Amateur Radio Antennae (roof- or ground-mounted)</i>	R*
<i>Television/Radio Broadcasting Stations</i>	R
<i>Video & Sound Recording Studios</i>	R
<i>Telecommunications antennas (located on existing attachment structures) 35' or less in height Wireless communication and supporting equipment facilities located on existing attachment structures where antenna is 35' or less above the highest point of the existing structure</i>	R*
<i>Telecommunication antennas attached to monopole 75' or less in height. Wireless communications facilities attached to monopole 75' or less in height</i>	R*
<i>Telecommunications Towers & Facilities & Alternative Tower Structures (over 75' in height) Wireless Communications Facility with Support Structure (Tower) or Alternative Tower Structures (over 75' in height) or any other type of wireless facility which does not fall under any other category of wireless facility</i>	S*
<i>Small Cell Wireless Facilities</i>	S*

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	OS1
HUMAN CARE AND SOCIAL ASSISTANCE	
<i>Adult Day Care Facilities (not in private home)</i>	R
<i>Adult Foster Care Small Group Home (7-12 adults)</i>	R
<i>Adult Foster Care Large Group Home (13-20 adults)</i>	R
<i>Adult Foster Care Congregate Facilities (over 20 adults)</i>	R
<i>Assisted Living Home</i>	R*
<i>Child Day Care Services (see following)</i>	
<i>Child Care Center or Day Care Center</i>	R*
<i>Nursery Schools</i>	R*
<i>Community/Emergency/ Relief Services</i>	R
<i>Health Care /Dental /Optical Clinics</i>	R
<i>Hospitals</i>	S*
<i>Individual & Family Services</i>	R
<i>Nursing/Convalescent Home</i>	R*
<i>Residential Human Care Facility</i>	S*
<i>Vocational Rehabilitation Services</i>	R

Section 5.16 (B-1) Local Business District:

B. Uses Permitted by Right & Special Land Uses (Communications and Human Care and Social Assistance sections)

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	B1
HUMAN CARE AND SOCIAL ASSISTANCE	
<i>Adult Day Care Facilities (not in private home)</i>	R
<i>Child Day Care Services (see following)</i>	
<i>Child Care Center or Day Care Center</i>	R*
<i>Nursery Schools</i>	R*
<i>Health Care /Dental /Optical Clinics</i>	R

Section 5.17 (B-2) General Business District:

B. Uses Permitted by Right & Special Land Uses (Communications and Human Care and Social Assistance sections)

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	B2
COMMUNICATIONS	
<i>Amateur Radio Antennae (roof- or ground-mounted)</i>	R*
<i>Telecommunications Businesses (w/vehicle storage)</i>	R
<i>Television/Radio Broadcasting Stations</i>	R
<i>Video & Sound Recording Studios</i>	R
<i>Telecommunications antennas (located on existing attachment structures) 35' or less in height. Wireless communication and supporting equipment facilities located on existing attachment structures where antenna is 35' or less above the highest point of the existing structure</i>	R*
<i>Telecommunication antennas attached to monopole 75' or less in height. Wireless communications facilities attached to monopole 75' or less in height</i>	R*
<i>Small Cell Wireless Facilities</i>	S*

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	B2
HUMAN CARE AND SOCIAL ASSISTANCE	
<i>Adult Day Care Facilities (not in private home)</i>	R
<i>Child Day Care Services (see following)</i>	
<i>Child Care Center or Day Care Center</i>	R*
<i>Nursery Schools</i>	R*
<i>Community/Emergency/ Relief Services</i>	R
<i>Health Care /Dental /Optical Clinics</i>	R
<i>Hospitals</i>	S*
<i>Individual & Family Services</i>	R
<i>Residential Human Care Facility</i>	S*
<i>Vocational Rehabilitation Services</i>	R

Section 5.18 (B-3) Commercial District:

B. Uses Permitted by Right & Special Land Uses (Communications and Human Care and Social Assistance sections)

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	B3
COMMUNICATIONS	
<i>Amateur Radio Antennae (roof or ground mounted)</i>	R*
<i>Telecommunications Businesses (w/vehicle storage)</i>	R
<i>Television/Radio Broadcasting Stations</i>	R
<i>Video & Sound Recording Studios</i>	R
<i>Telecommunications antennas (located on existing attachment structures) 35' or less in height. Wireless communication and supporting equipment facilities located on existing attachment structures where antenna is 35' or less above the highest point of the existing structure</i>	R*
<i>Telecommunication antennas attached to monopole 75' or less in height. Wireless communications facilities attached to monopole 75' or less in height</i>	R*
<i>Wireless Communications Facility (ground mounted or not mounted to a support structure)</i>	R*
<i>Telecommunications Towers & Facilities & Alternative Tower Structures (over 75' in height) Wireless Communications Facility with Support Structure (Tower) or Alternative Tower Structures (over 75' in height) or any other type of wireless facility which does not fall under any other category of wireless facility</i>	S*
<i>Small Cell Wireless Facilities</i>	S*

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	B3
HUMAN CARE AND SOCIAL ASSISTANCE	
<i>Adult Day Care Facilities (not in private home)</i>	R
<i>Child Day Care Services (see following)</i>	
<i>Child Care Center or Day Care Center</i>	R*
<i>Nursery Schools</i>	R*
<i>Health Care /Dental /Optical Clinics</i>	R
<i>Hospitals</i>	S*
<i>Community/Emergency/ Relief Services</i>	R
<i>Individual & Family Services</i>	R
<i>Residential Human Care Facility</i>	S*
<i>Vocational Rehabilitation Services</i>	R

Section 5.19 (I-1) Light Industrial District:

B. Uses Permitted by Right & Special Land Uses (Communications section)

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	I1
COMMUNICATIONS	
<i>Amateur Radio Antennae (roof or ground mounted)</i>	R*
<i>Telecommunications Businesses (w/vehicle storage)</i>	R
<i>Television/Radio Broadcasting Stations</i>	R
<i>Video & Sound Recording Studios</i>	R
Telecommunications antennas (located on existing attachment structures) 35' or less in height <i>Wireless communication and supporting equipment facilities located on existing attachment structures where antenna is 35' or less above the highest point of the existing structure</i>	R*
Telecommunication antennas attached to monopole 75' or less in height. <i>Wireless communications facilities attached to monopole 75' or less in height</i>	R*
<i>Wireless Communications Facility (ground mounted or not mounted to a support structure)</i>	R*
Telecomm. Towers/Facil./Alt. Tower Structures >75' <i>Wireless Communications Facility with Support Structure (Tower) or Alternative Tower Structures (over 75' in height) or any other type of wireless facility which does not fall under any other category of wireless facility</i>	S*
<i>Small Cell Wireless Facilities</i>	S*

Section 5.20 (I-2) General Industrial District:

B. Uses Permitted by Right & Special Land Uses (Communications section)

R = Permitted by right S = Permitted with a Special Use Permit *uses with Supplemental Regulations -Article 7	I2
COMMUNICATIONS	
<i>Amateur Radio Antennae (roof or ground mounted)</i>	R*
<i>Telecommunications Businesses (w/vehicle storage)</i>	R
Telecommunications antennas (located on existing attachment structures) 35' or less in height <i>Wireless communication and supporting equipment facilities located on existing attachment structures where antenna is 35' or less above the highest point of the existing structure</i>	R*
Telecommunication antennas attached to monopole 75' or less in height. <i>Wireless communications facilities attached to monopole 75' or less in height</i>	R*
<i>Wireless Communications Facility (ground mounted or not mounted to a support structure)</i>	R*
Telecommunications Towers & Facilities & Alternative Tower Structures (over 75' in height) <i>Wireless Communications Facility with Support Structure (Tower) or Alternative Tower Structures (over 75' in height) or any other type of wireless facility which does not fall under any other category of wireless facility</i>	S*
<i>Small Cell Wireless Facilities</i>	S*

That the City of Alpena Zoning Ordinance, Article 7 (Supplemental Development Regulations) is hereby amended to read as follows:

Section 7.32 Secondary Accessory Dwelling Units



The purpose of this section is to allow a minor amount of space within a dwelling to be rented or leased as separate living quarters for extended family or non-family members in all residential neighborhoods within the City. These provisions are further intended to provide reasonable control in recognition of the high percentage of owner occupied single family homes in the City. The purpose of these standards is also to prevent the undesirable proliferation of permanent two-family units which would, over time, disrupt the character of single family neighborhoods. The following regulations shall apply:

- A. One (1) secondary accessory dwelling unit is allowed per lot.
- B. The secondary accessory dwelling unit shall be rented or leased so the tenants are permanent residents rather than transients.
- C. The secondary accessory dwelling unit shall not exceed six hundred (600) square feet or twenty-five (25) percent of the total floor area of the home, whichever is less, so that it remains an accessory use to the primary dwelling and does not result in the creation of a duplex or apartment building.
- D. The secondary accessory dwelling unit shall be provided electricity, plumbing, and heat.
- E. The secondary accessory dwelling unit shall contain only one (1) bedroom.
- F. The secondary accessory dwelling unit shall be a self-contained unit and shall be:
 - 1. located above a garage, or
 - 2. attached to the primary dwelling or garage, or
 - 3. totally within a primary dwelling, or
 - 4. a detached stand-alone structure.
- G. The secondary accessory dwelling unit shall have a separate exterior entrance which shall not be visible from the front yard.
- H. The residents of the primary structure shall maintain the secondary accessory dwelling unit and shall ensure that no excessive noise, traffic, or blight occurs on the property.
- I. The secondary accessory dwelling unit shall conform to the building code standards adopted by the City.
- J. One and one-half (1 ½) parking spaces shall be provided on-site for each dwelling unit.
- K. **Detached Stand-Alone Structures** shall be considered accessory structures. The following regulations shall apply:
 - 1. Such structures shall be located in the rear yard and shall be consistent in appearance with the principal structure.
 - 2. Such structures shall be a maximum of six hundred (600) square feet in size with a minimum

width of twenty (20) feet.

3. The property owner must reside on-site.
4. Separate water and sewer service must be provided.

Section 7.37 Telecommunications Wireless Facilities

A. PURPOSE

The purpose and intent of these regulations pertaining to wireless telecommunication facilities including towers, antennas and structures (accessory buildings, structures, WIFI, antennas and other ground or pole mounted appurtenances) is to establish general guidelines for their location within the City and on individual lots or parcels. The City recognizes that it is in the public interest to permit the location of these facilities within its jurisdiction, while also recognizing the need to protect the adjacent and nearby properties from potential health, safety and aesthetic impacts that may result from the construction of such facilities. As such, these regulations seek to:

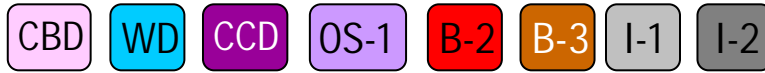
1. Protect residential areas from potential adverse impact of ~~towers and antennas~~ **wireless facilities**;
2. Encourage the location of ~~towers~~ **wireless facilities** in nonresidential areas;
3. Minimize the total number of towers throughout the community;
4. Encourage the joint use of new and existing tower sites rather than the construction of additional towers;
5. Encourage developers of ~~towers and antennas~~ **wireless facilities** to configure them in a way that minimizes their adverse visual impact;
6. Enhance the ability of providers of telecommunication **wireless** services to provide such services to the community quickly, effectively, and efficiently;
7. Consider the public health and safety of telecommunication ~~towers and alternative tower structures~~ **wireless facilities**; and
8. Avoid potential damage to adjacent property from tower failure.
9. Amateur radio antenna: See **§7.3**.

B. TELECOMMUNICATION **WIRELESS FACILITIES PERMITTED BY RIGHT WITH ADMINISTRATIVE REVIEW**

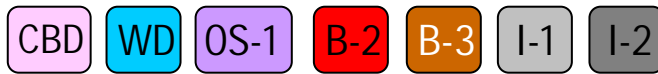
The following telecommunication **wireless** facilities shall be permitted by right following administrative review:

1. Wireless telecommunication ~~antennas~~ and supporting equipment facilities located on existing attachment structures within the OS-1, B-2, B-3, CBD, WD, CCD, I-1 and I-2 districts. Such

antenna shall not extend more than thirty-five (35) feet above the highest point of the existing structure. Supporting equipment facilities shall be located within an enclosed structure and screened as necessary in accordance with the requirements of these regulations.



2. Wireless ~~telecommunication~~ facilities attached to a monopole of seventy-five (75) feet or less in height and in compliance with the development standards of this Section within the OS-1, B-2, B-3, CBD, WD, I-1 and I-2 districts. An increase in total height by up to 20 feet may be approved upon review and approval by the Planning Commission following a determination that the additional height is necessary and will not negatively impact the neighborhood in which it is located.



3. Wireless ~~telecommunication~~ facilities co-located on an existing supporting structure approved for co-location and with sufficient space available for the additional equipment.
4. Wireless ~~telecommunications~~ antennas and supporting appurtenances located on existing utility poles located with public rights-of-ways or within dedicated easements, or on private buildings or structures approved by City staff (WIFI and other similar telecommunications technology).
5. Administrative decisions may be appealed to the **Zoning Board of Appeals**, which shall render a decision following a public hearing in accordance with **§9.6**.

C. PLANNING COMMISSION REVIEW

All ~~wireless telecommunication~~ facilities not permitted by right shall require review and approval by the Planning Commission as a Special Use based on the following considerations:

1. Whether the facility offers opportunities for co-location.
2. Whether all applicable development standards are met.
3. Compatibility of the facility with existing uses located on the site and surrounding properties.
4. The extent to which granting the Special Use would substantially serve the public safety and welfare.
5. The suitability of the site for the proposed use.
6. Demonstration of need for the facility to be located at the subject site.

7. Whether conditions may be imposed by the Planning Commission or commitments made by the applicant which are sufficient to mitigate any potential adverse effects on neighboring properties identified during the review process.
8. Other factors that the Planning Commission may deem relevant.

Such Special Uses may be permitted in the OS-1, B-3, I-1 and I-2 districts (with the exception of Wireless Communications Facilities (ground-mounted) which are not allowed in OS-1).



D. APPROVAL PROCESS

An application for approval of Wireless Communications Facilities described in subsection C above shall include all information required by **subsection F (below)**.

1. After an application is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.
2. If, before the expiration of the 14-day period under **subsection D.1**, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under **subsection D.1** is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.
3. **Administratively-Approved Wireless Communications Facilities.** After the application is deemed complete, the Zoning Administrator shall review the application and issue a zoning permit if all standards are met.
4. **Planning Commission-Approved Wireless Communications Facilities.**
 - a. After the application is deemed complete, a public hearing shall be held for wireless communications that are listed as a Special Land Use. The notice of the public hearing shall be given pursuant to **Section 9.6**.
 - b. The Planning Commission shall conduct a site plan review using the standards in **Section 6.6, Section 6.12 (for Special Land Uses)**, and **subsection E** below. The Planning Commission shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

E. DEVELOPMENT STANDARDS

Notwithstanding any provision of this Zoning Ordinance, the following development standards shall apply to all Wireless Communication Facilities.

1. TOWER DESIGN

All ground mounted towers shall be either a self-supporting lattice or monopole design. Ground mounted towers requiring guy wires shall not be permitted. Guy wires for the support of antennas located on the rooftops of buildings or on water towers may be approved upon review by staff or the Planning Commission.

2. HEIGHT

The maximum height of any Wireless Communications Facility shall be two hundred (200) feet above surface grade.

3. LOCATION ON PROPERTY

Wireless Communication Facilities with ground mounted towers shall be located in the rear yards of property. If no principal structure is located on the property, the Facility shall be located in the rear one-third (1/3) of the property.

4. SETBACKS

- a. **From Residential Districts:** Towers shall be located from any residential district a distance equal to twice the height of the proposed structure.
- b. **From Property Lines and Primary Electric Transmission Lines:** Towers shall be setback a minimum distance from adjoining properties and primary electric transmission lines equal to the height of the structure including antennas.
- c. **Ground Mounted Facilities/Other.** Ground-Mounted wireless communications facilities and other wireless communications facilities shall be set back at least one hundred seventy-five (175) feet from the outside edge of the equipment enclosure to each property line.
- d. The Planning Commission may reduce the setbacks specified in 4.a., 4.b, and 4.c above at its discretion based on a demonstrated need by the applicant and a determination that the health and safety of the public and adjacent properties is adequately protected.

5. FENCING AND LANDSCAPING

- a. **Fencing:** A solid fence/wall 8-feet in height constructed of painted, stained or treated lumber, textured concrete block or brick shall enclose the facility, including a locking gate complementary in design and color to the fence/wall. The enclosure shall be maintained in good repair.
- b. **Landscaping:** There shall be a minimum 4-foot wide landscape strip along the perimeter of the fence enclosure consisting of shrubs, flowers, groundcover and/or trees. This requirement may be waived or reduced if the enclosure is deemed to be adequately screened by existing vegetation and/or structures.

6. SIGNAGE

No signs other than signs required pursuant to federal, state or local law and ordinance shall be allowed on an antenna or tower or site.

7. AESTHETICS, PLACEMENT, MATERIALS AND COLORS

Wireless Communication Facilities shall be designed to be compatible with the existing structures and its surroundings to the extent feasible, including placement in a location which is consistent with proper functioning of the Wireless Communications Facility, the use of compatible or neutral colors, or camouflage technology. Contrary color schemes shall be permitted only if mandated by the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC). Written proof of such requirement shall be provided by the applicant.

8. LIGHTING

Wireless Communication Facilities shall not be artificially illuminated, directly or indirectly except for security and safety lighting, and other illumination as may be required by the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC) or other applicable authority. All lighting shall be installed in a manner that will minimize impacts on adjacent properties. Lighting shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by State or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to State or Federal regulations. Lighting may consist of a red top light that does not pulsate or blink.

9. MAINTENANCE INSPECTIONS

All guyed towers, including those installed prior to this ordinance, shall be inspected every two years. Self-supporting towers shall be inspected every four years. Each inspection shall be by a qualified professional engineer or other qualified inspector, and any inspector-recommended repairs and/or maintenance should be completed without unnecessary delay. A copy of the final inspection report shall be filed with the Building Official. At a minimum each inspection shall include the following:

- a. **Tower structure:** Including bolts, loose or damaged members, signs of unusual stress or vibration.
- b. **Guy wires and fittings:** Check for age, strength rust, wear, general condition and any other signs of possible failure.
- c. **Guy anchors and foundations:** Assess for cracks in concrete, signs of corrosion, erosion, movement, secure hardware, and general site condition.
- d. **Condition** of antennas, transmission lines, lighting, painting, insulators, fencing, grounding, and elevator, if any.
- e. **For guyed towers:** Tower vertical alignment and guy wire tension (both required tension and present tension).

10. RADIO FREQUENCY EMISSIONS/SOUND

The following radio frequency emissions standards shall apply to all Wireless Communications Facility installations.

- a. **Radio Frequency Impact:** The FTA gives the FCC Jurisdiction of the regulation of Radio Frequency (RF) emissions, and Wireless Communications Facilities that do not exceed the FCC standards shall not be conditioned or denied on the basis of RF impact.
- b. **FCC Compliance:** In order to provide information to its citizens, copies of ongoing FCC information concerning Wireless Communications Facilities and RF emissions standards may be requested. Applicants for Wireless Communications Facilities shall be required to provide information with the application on the measurement of the effective radiated power of the facility and how this meets the FCC standards.

11. SOUND PROHIBITION

No unusual sound emissions such as alarms, bells, buzzers or the like are permitted.

12. STRUCTURAL INTEGRITY

Wireless Communications Facilities with Support Structures shall be constructed to the Electronics Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard entitled "Structural Standards for Steel Antennas Towers and Antenna Support Structures" (or equivalent), as may be updated and amended. Each Support Structure shall be capable of supporting multiple antenna arrays.

13. HISTORIC DISTRICTS AND DOWNTOWN DEVELOPMENT AUTHORITY DISTRICTS

- a. **Historic Districts:** Any Wireless Communication Facility proposed to be located within an established Historic District, including single site historic designations shall be subject to review by the City Historic District Commission (HDC). Review by the HDC shall be in accordance with procedures for a Certificate of Appropriateness. No administrative or Planning Commission review and action may occur unless a Certificate of Appropriateness has been granted.
- b. **Downtown Development Authority (DDA) District:** Any Wireless Communication Facility proposed to be located within the DDA District shall be subject to review by the DDA Board. No administrative or Planning Commission review and action may occur until a recommendation from the DDA is provided. Such recommendation shall be provided within thirty (30) days of its submittal by staff, otherwise the necessary review may proceed without DDA input.

F. APPLICATION REQUIREMENTS

All requests for a Zoning Permit or Special Use Permit regardless of Wireless Communications Facility type, including but not limited to a Temporary Wireless Communication Facilities, shall submit an application in accordance with the requirements of this section.

1. Application Contents

Each applicant requesting a Wireless Communication Facility or Temporary Wireless Communication Facility shall submit a complete set of drawings prepared by a licensed architect and/or engineer that will include a site plan, elevation view and other supporting drawings, calculations and other documentation showing the location and dimensions of the wireless

communications facility and all improvements associated therewith, including information concerning specifications, antenna locations, equipment facility and shelters, curb cuts, parking, stormwater retention, screening and landscaping. Applicants proposing to co-locate on an existing wireless communication facility shall include a Determination of Radio Frequency Compatibility with their application. The application shall be signed by both the Wireless Communication Facility owner and the property owner, if different.

2. Ownership

The Applicant shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the tower. The applicant, its agents, successors, and assigns shall provide written notice to the Planning Staff of any changes in the legal ownership of the tower within thirty (30) days of the effective date of the change.

3. Proof of Filing FAA Form 7460-1, or as amended

A letter of receipt from the Federal Aviation Administration (FAA) providing proof of filing FAA Form 7460-1 and indicating the assigned AGL/File Number must be submitted along with application for all Wireless Communication Facilities within twenty thousand (20,000) feet of any airport runway, that exceed one hundred (100) feet in height.

4. Existing Network Locations

If a proposed Wireless Communication Facility is part of a larger network of similar facilities, a geographic and written depiction of all locations in this network shall accompany the petition for a proposed Wireless Communication Facility.

5. Affidavits of Co-location Agreement

All applicants for Wireless Communication Facilities must sign and provide the City of Alpena an Affidavit (if applicable) indicating:

- a. That no other co-location opportunities exist within a one-mile radius of the proposed facility, including proof that a good faith effort has been made; names, addresses, and telephone numbers of all owners of Wireless Communication Facilities to whom inquiries have been made; and
- b. Agreement to allow and reasonably market co-location (if applicable) of other Wireless Communication Facility users at rates that are comparable and competitive to those charged for location at comparable Wireless Communication Facilities. The statement shall include the applicant's policy regarding co-location of other providers and the methodology to be used by the applicant in determining reasonable rates to be charged to other providers. The Co-location Agreement shall be considered a condition of issuance of a Zoning Permit.

6. Application Fees

A plan review fee (administrative review) and a Determination of Radio Frequency Compatibility review fee (co-location applicants only), per the adopted Council Fee Schedule, shall accompany each application.

7. Technical Assistance

In the course of its consideration of an application, the Zoning Administrator, the Planning Commission or the Zoning Board of Appeals may deem it necessary, in complex situations, to employ an engineer(s) or other consultant(s) qualified in the design and installation of Wireless

Communication Facilities (chosen by the City) to assist the City in the technical aspects of the application. In such cases, any additional reasonable costs incurred by the City not to exceed three thousand dollars (\$3,000) for the technical review and recommendation shall be reimbursed provided in the form of a cashier's check or money order by the applicant prior to the final hearing on filing a petition for the proposed Wireless Communication Facility.

G. CO-LOCATION POLICY

All new wireless communication facilities requiring a Special Use permit shall be engineered, designed and constructed to be capable of sharing the facility with other providers, to co-locate with other existing wireless communication facilities and to accommodate the future collocation of other wireless communication facilities. A Special Use permit shall not be issued until the applicant proposing a new wireless communication facility shall demonstrate that it has made a reasonable good faith attempt to locate its Wireless Communication Facility onto an existing structure. Competitive conflict and financial burden are not deemed to be adequate reasons against co-location.

All Wireless Communication Facilities with support structure up to a height of 150 feet shall be engineered and constructed to accommodate at least three (3) antenna array. All Wireless Communication Facilities with support structures greater than 150 feet in height shall be engineered and constructed to accommodate at least four (4) antenna array.

H. REMOVAL OF ABANDONED WIRELESS COMMUNICATIONS FACILITIES

Any Wireless Communication Facility that ceases operation for a continuous period of twelve (12) months shall be considered abandoned, and the City, at its election, may require the Wireless Communication Facility owner, or the property owner if the facility owner cannot be located or is no longer in business, to remove the Wireless Communication Facility within 90 days after notice from the City to remove the facility. If the abandoned Wireless Communication Facility is not removed within 90 days, the City may remove it and recover its costs from the facility's owner. At the time of construction the City may require a bond or letter of credit equal to the estimated cost to remove the tower. Such bond or letter of credit shall be of such duration, including renewals, equal to the estimated life of the tower. In the event the City does not require a bond or letter of credit, or the cost of removal exceeds the bond or letter of credit, the City shall invoice the owner for the amount due, and if not paid may be placed as a lien on the facility's property taxes.

If there are two or more users of a single Wireless Communication Facility, this provision shall not become effective until all providers cease to use the facility. If the owner of an abandoned Wireless Communication Facility cannot be located or is no longer in business, the requirements of this section shall be the responsibility of the landowner on whose property the Wireless Communication Facility is located.

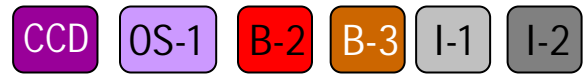
I. REVOCATION PROCEDURE

Any Zoning or Special Use Permit issued for a Wireless Communication Facility pursuant to this Section may be revoked after a hearing as provided hereinafter. If the Planning and Zoning Staff finds that a permit holder has violated any provision of this Section, or has failed to make good faith reasonable efforts to provide or seek collocation, the Planning and Zoning Staff shall notify the permit holder in writing of the violations. The notice shall include the specific areas of non-compliance and specify the date by which such deficiencies must be corrected. The time for correction of deficiencies shall not exceed sixty (60) days. The permit holder shall provide the City with evidence that the required corrective action has been taken. Should the permit holder fail to

correct any deficiencies in the time required, staff shall forward the violation to the Planning Commission for consideration, including a recommendation as to whether the permit should be revoked. The Planning Commission shall convene a public hearing pursuant to §9.6 of this Ordinance to consider revocation of the permit. After the appropriate public hearing, the Planning Commission may revoke the permit upon such terms and conditions, if any, that they may determine.

J. **ZBA:** See §8.2 (F)

K. **Small Cell Wireless Facilities.**



1. **Exempt Small Cell Wireless Facilities.** The co-location of a small cell wireless facility and associated support structure within a public right of way (ROW) is not subject to zoning reviews or approvals under this Ordinance to the extent it is exempt from such reviews under the **Small Wireless Communications Facilities Deployment Act, 2018 PA 365**, as amended. In such case, a utility pole in the ROW may not exceed forty (40') feet above ground level and a small cell wireless facility in the ROW shall not extend more than five (5') feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.
2. **Special Land Use Approval for Non-Exempt Small Cell Wireless Facilities.** The modification of existing or installation of new small cell wireless facilities or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities that are not exempt from zoning review in accordance with **2018 PA 365**, as amended shall be subject to review and approval by the Planning Commission as a Special Land Use in accordance with the following procedures and standards:
 - a. The processing of an application is subject to all of the following requirements:
 - (1) Within thirty (30) days after receiving an application under this Section, the Planning Staff shall notify the applicant in writing whether the application is complete. The notice tolls the running of the 30-day period.
 - (2) The running of the time period tolled under **subsection (1)** resumes when the applicant makes a supplemental submission in response to the Planning staff's notice of incompleteness.
 - (3) The Planning Commission shall approve or deny the Special Land Use application and notify the applicant in writing within ninety (90) days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or one hundred fifty (150) days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and Planning Commission.
 - b. The Planning Commission shall base their review of the request on the standards contained in **Sections 6.6** and **Section 6.12** provided, however, that a denial shall comply with all of the following:

- (1) The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.
 - (2) There is a reasonable basis for the denial.
 - (3) The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.
- c. In addition to the provisions set forth in **subsection b**, in the Planning Commission's review:
- (1) An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.
 - (2) An applicant shall not be required to submit information about its business decisions with respect to any of the following:
 - (a) The need for a wireless support structure or small cell wireless facilities.
 - (b) The applicant's service, customer demand for the service, or the quality of service.
 - (3) The Planning Commission may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.
 - (4) The Planning Commission may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.
- d. Within one (1) year after a zoning approval is granted, a small cell wireless provider shall commence construction of the approved structure or facilities that are to be operational for use by a wireless services provider, unless the Planning Commission and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required, the zoning approval is void.

L. Exemptions (Single-Use Towers and Masts).

Antenna towers and masts erected and operated as a residential or commercial accessory use serving only that property (devices covered by 47 CFR Section 1.4000) are exempt from this Section. An amateur radio service station antenna structure is regulated by **Section 7.3**. Other wireless structures may be erected at the minimum heights and dimensions sufficient to accommodate other such wireless transmissions. See **Over-the-Air Reception Devices (47 CFR Section 1.4000)**. Single-use tower and masts shall comply with all FCC rules and regulations in effect at the time they are erected. Property owners who erect single-use towers and masts shall notify the City prior to erecting such a tower. This

exemption does not cover antennas used to transmit signals to and/or receive signals from multiple customer locations.

SECTION 2: SEVERABILITY

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

SECTION 3: SAVING CLAUSE

The City of Alpena Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

SECTION 4: EFFECTIVE DATE

The ordinance changes shall take effect upon the expiration of seven days after the publication of the notice of adoption.

Mayor

Clerk

I, _____, Clerk for the City of Alpena, hereby certify that the foregoing is a true and correct copy of Ordinance No. _____ of 2021 of the City of Alpena, adopted by at a meeting of the Alpena City Council held on _____.

A copy of the complete ordinance text may be inspected or purchased at the Alpena City Hall, at 208 N. First Avenue, Alpena, Michigan.

Adopted: _____ Published: _____ Effective: _____, subject to PA 110 of 2006 as amended.