

CITY COUNCIL MEETING MINUTES FROM JANUARY 23, 2018

The Regular Meeting was called to order by Mayor Randall at 7:00 p.m. At the request of Mayor Randall, Pastor Rachel Laughlin of Prince of Peace Lutheran Church gave the invocation and the audience then recited the Pledge of Allegiance. At the request of Mayor Randall, the City Clerk called the roll with the following members present: Councilmembers Chris Burns, Richard Ford, Lori Knapp, Claudette Reid and Terry Urban and Mayor Patricia Randall. Mayor Pro Tem Jim Pearson was absent with excuse. Also in attendance were City Manager Larry Shaffer, City Attorney Randy Brown and City Clerk Adam Herringa.

CONSENT AGENDA: Mayor Randall shared where the public can access the meeting agenda and asked if any Councilmember or anyone in the audience would like an item removed from the Consent Agenda. Councilmember Reid asked that Item A.4, Change Order with Kamminga & Roodvoets, Incorporated, be removed from the Consent Agenda. Councilmember Reid also asked that Item A.7, Small Cell Distributed Antenna System License Agreement, be removed from the Consent Agenda. All items removed from the Consent Agenda were moved to the Regular Business Agenda (Section E).

Motion by Reid, seconded by Burns, to approve the Consent Agenda items as presented. Upon a roll call vote, motion carried 6 to 0.

APPROVAL OF MINUTES: Motion by Reid, seconded by Burns, to approve the Special and Regular Meeting Minutes of January 9 and Pre-Council Meeting Notes of January 22, 2018. Upon a roll call vote, motion carried 6 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JANUARY 23, 2018: Motion by Reid, seconded by Burns, to approve the Accounts Payable Register of January 23, 2018. Upon a roll call vote, motion carried 6 to 0.

STRYKER WAY/PORTAGE ROAD TRAFFIC SIGNAL AND INTERSECTION IMPROVEMENTS: Motion by Reid, seconded by Burns, to award a construction contract to the low bidder, Severance Electric, Incorporated, of Kalamazoo, Michigan, in the amount of \$423,574.54 for the new Stryker Way/Portage Road Traffic Signal and Intersection Improvements and authorize the City Manager to sign all other documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

TWO-YEAR PRICING AGREEMENT WITH ADP, LLC: Motion by Reid, seconded by Burns, to approve a two-year pricing agreement with ADP, LLC, for electronic payroll processing and time and attendance software and hosting at a first-year cost of \$56,500 and a second-year cost of \$57,600 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

KALAMAZOO COUNTY HOUSEHOLD HAZARDOUS WASTE COLLECTION SERVICES: Motion by Reid, seconded by Burns, to approve a contract with Kalamazoo County to provide hazardous waste collection services at the Household Hazardous Waste Center for Portage residents for the 2018 calendar year in the amount of \$41,000 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

COMMITTEE OF THE WHOLE MEETINGS: Motion by Reid, seconded by Burns, to approve Committee of the Whole meetings on February 13, February 27 and April 24, 2018 at 5:30 p.m. Upon a roll call vote, motion carried 6 to 0.

DECEMBER 2017 ENVIRONMENTAL REPORT: Motion by Reid, seconded by Burns, to receive the December 2017 Environmental Report as Information Only. Upon a roll call vote, motion carried 6 to 0.

MINUTES OF BOARDS AND COMMISSIONS: Motion by Reid, seconded by Burns, to receive minutes of the Youth Advisory Committee of December 4, Zoning Board of Appeals of December 11, Environmental Board of December 13 and Planning Commission of December 21, 2017. Upon a roll call vote, motion carried 6 to 0.

MATERIALS TRANSMITTED: Motion by Reid, seconded by Burns, to receive the Materials Transmitted of January 5, 2018 and Department Monthly Reports. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATIONS:

CALENDAR OF MEETINGS: Motion by Ford, seconded by Knapp, to receive the Calendar of Meetings. Upon a roll call vote, motion carried 6 to 0.

REGULAR BUSINESS AGENDA:

CHANGE ORDER #1 WITH KAMMINGA & ROODVOETS, INCORPORATED: Mayor Randall invited Councilmember Reid to speak regarding this item and Councilmember Reid expressed concern with a change order that is approximately one-half of the original contract. She questioned why, given the size of the change order, the matter wasn't put out for bids. City Manager Shaffer stated that the change order is part of a larger project and cited aspects of the project that necessitated the change order. He continued by explaining why it made sense to issue the change order and allow the existing contractor to perform the work citing technical and engineering factors. Councilmember Reid reviewed components of the work that is to be performed under the change order and commented that the work does not seem to be part of the original concept of the project. She continued by stating that other vendors may have been able to perform the work for less if given the opportunity to bid.

Director of Transportation and Utilities Kendra Gwin reviewed the overall project and proposed work involved in the change order. She explained that performing the work involved in the change order will only add a minimal amount to the project timeline. Ms. Gwin also reviewed the cost of the project and how much will be required of the City of Portage, City of Kalamazoo and Texas Township. She next pointed out the contribution of the City of Portage is minimal. Councilmember Reid stated that, regardless of who is paying for it, the City of Portage has a responsibility to be good financial stewards. Councilmember Urban inquired how much of the change order is for materials and how much is for labor. Ms. Gwin reviewed some of the materials involved and indicated that materials compromise a majority of the cost. Mayor Randall stated that the project seems to be building for the future and inquired if Texas Township had expressed any concerns with the cost of the project as they are paying a vast majority of the cost. Director Gwin stated that Texas Township has shared some concerns about cost and the City of Portage has worked to get the price of the project down while getting the best value and cited design changes in the project as an example. Councilmember Burns inquired if the City had any rules or procedures regarding when a change order must go out to bid. City Manager Shaffer stated that the City did not have formal rules in place in this regard but reviewed

the purchasing rules and procedures. Mr. Shaffer concluded by stating that, when it comes to change orders, it is often the case that it is cheaper to go with the existing contractor as they are already mobilized, onsite and are familiar with the project. Inserting a new contractor, he stated, is often more costly and problematic. Motion by Ford, seconded by Burns, to approve Change Order #1 with Kamminga & Roodvoets, Incorporated, in the amount not to exceed \$236,286.96 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 5 to 1 with Councilmember Reid voting no.

SMALL CELL DISTRIBUTED ANTENNA SYSTEM LICENSE AGREEMENT: Mayor Randall invited Councilmember Reid to speak regarding this item and Councilmember Reid stated that the proposed agreement with Mobilitie would bring a new type of infrastructure into the community. She inquired as to the difference between antennas placed on private v. public land and how the placements are managed. City Manager Shaffer explained the aesthetics of the proposed antennas and why cell phone carriers are interested in “small cell distributed antenna systems.” Mr. Shaffer stated that the proposed Agreement is a comprehensive approach to regulate the antenna system and protect against proliferation. Director of Information and Technology Devin Mackinder explained that cell phone carriers are looking to antenna systems such as this to boost capacity and address service demand issues. He also shared that an attorney with expertise in developing agreements in this field was consulted to assist the City of Portage with this proposed Agreement. Director of Community Development Vicki Georgeau explained the differences between antennas involved in this system and the larger cell phone towers. She continued by explaining how these small antennas can and cannot be regulated when placed in the public right-of-way and that the Agreement and related permitting process provides the City with the tools it needs to regulate the system. Director Georgeau shared details of the Agreement as to where the antennas are encouraged to locate and the process involved in locating an antenna on private space or in a residential area. One of the goals, she stated, is for the antenna system to balance community impact with service demands.

Councilmember Knapp inquired if the antennas were non-exclusive. Director Georgeau confirmed and stated that Mobilitie can contract with multiple cell providers. Councilmember Ford inquired if the small antennas would impact the revenue the City receives for permitting the larger towers and Director Georgeau stated that the smaller antennas are best viewed as supplemental to the larger towers. Councilmember Burns confirmed with Director Georgeau that the proposed agreement is for small antenna systems and not extremely tall antennas. Mayor Randall inquired if, after several years the technology changes or something happens to the company there is a provision for the company to remove the towers. Mr. Mackinder confirmed there are mitigations incorporated within the Agreement. Councilmember Reid inquired how the company is incentivized to co-locate the antennas on existing structures and Ms. Georgeau shared that this was built into the Agreement. With regard to residential areas, and in response to a question from Councilmember Reid, Director Georgeau reviewed the process by which an antenna could be placed in a residential setting. Councilmember Reid inquired if there was a plan to notify nearby residents and businesses when a tower is being installed. Mr. Mackinder stated that notifications are required when, for example, traffic must be re-routed. Otherwise, he stated, notifications would occur on a case by case basis. Councilmember Reid stated there was some pushback when wi-fi was installed in city parks and questioned whether a review had been conducted as to the safety of the antenna system. Mr. Mackinder replied that the Federal Communications Commission has reviewed and cleared the antenna system. Should health issues be identified, Mr. Mackinder stated that there are provisions for removing the antennas. In response to a question from Councilmember Urban, Ms. Georgeau provided a picture of a sample antenna and again reviewed the steps involved in permitting the installation of an antenna.

Motion by Reid, seconded by Knapp, to approve the Small Cell Distributed Antenna System License Agreement between the City and Mobilitie, LLC, and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

FIRST READING OF MEDICAL MARIHUANA FACILITIES ORDINANCE: At the request of Mayor Randall, Director of Community Development Vicki Georgeau reviewed the legal history of medical marihuana laws in Michigan and how communities can authorize medical marihuana facilities in their boundaries. Ms. Georgeau reviewed the proposed amendments to Chapter 14 of the Code of Ordinances and the Zoning Code. Finally, Ms. Georgeau reviewed the various steps taken by the City of Portage with regard to authorizing medical marihuana facilities in the community including a recent unanimous vote of the Planning Commission to accept the proposed changes to the Zoning Code.

City Manager Shaffer complimented Director Georgeau and other City staff for their efforts and stated that City Administration has tried to meet the demands of City Council and provide for, as this is new to the community, a conservative approach. Mr. Shaffer then highlighted recent additions and changes to the proposed ordinances. Mr. Shaffer explained he was confident that any applicant getting a license will be of high quality due to the rigors of the state and proposed local process.

Councilmember Reid stated that she was pleased with the 1,000 foot separation requirement in the latest version of the proposed ordinance and questioned why a lottery system was now being proposed instead of merit-based system. She expressed concern that a lottery system could result in high quality applicants being denied a license while granting a license to an applicant that meets the minimum standards. Assistant City Attorney Charlie Bear responded that the proposed requirements to obtain a permit from the City of Portage are detailed and comprehensive to help ensure that any applicant receiving a license is of high quality. The lottery, he stated, only comes into play if there are conflicts with distance requirements. A lottery, Attorney Bear continued, is a fair and equitable way to decide conflicts. A merit system like the one in use by the City of Lansing, is problematic from a legal perspective due to subjectivity. Mr. Bear expressed concern with potential litigation, people seeking damages, and a potential injunction against the permitting process. Litigation, Mr. Bear pointed out, could take years to be resolved and cited recent court cases involving the City and medical marihuana entities as an example. Mr. Bear continued by stating that the proposed process in the City of Portage is far more comprehensive than many other communities and this is to promote quality in the process. Director Georgeau stated that a merit-based permit process would be unusual for the City of Portage in that, when an applicant applies for any number of other permits, if the minimum is met, the permit is granted. She stated that the closer she looked at the merit-based approach the more concerned she was, especially with the subjectivity component. City Manager Shaffer stated that he understands the appeal of a merit-based system but questioned its practicality and stated that he found the merit-based system in place in Lansing to be weak and vulnerable. Mr. Shaffer expressed confidence that the proposed ordinance sets a high bar that only quality applicants can reach. City Attorney Brown stated that a merit-based system in the private sector and the public sector are very different given the constitutional demands and concerns involved in the public sector.

Mayor Randall asked if the lottery would only apply to provisioning centers, growers and processors. Mr. Shaffer responded in the affirmative and Mayor Randall inquired if two applicants were approved by the State, paid local fees and met local standards but lost the lottery, if they could simply try to move to another location or if they would have to start the process over. Director Georgeau stated that as part of the process an applicant must demonstrate they have an option on a location but, if not selected, the City would not hold up other applicants while another site is located. The applicant would likely have to reapply in the application window the following year.

Councilmember Urban expressed dissatisfaction with the Lansing application and stated that he understands the bar has been raised in the latest version of the ordinances and asked for clarification as to what has been altered. Assistant City Attorney Bear highlighted recent changes to

the proposed ordinances. In response to a question from Councilmember Burns, Ms. Georgeau reviewed the application window and projected timeline of accepting and reviewing applications, issuing licenses and when the lottery would occur. City Attorney Brown stated that while some deadlines are in the ordinance, the ordinance gives the City Manager authority to establish some dates and deadlines.

Councilmember Burns stated that he was in favor of a merit-based system but that discussion this evening is making him reconsider the value of a lottery. Councilmember Knapp concurred with Councilmember Burns and asked for an explanation of the proposed 250 foot border with other municipalities in which a medical marihuana facility would not be permitted. Assistant City Attorney Bear stated that Kalamazoo Township, Kalamazoo City and the City of Portage had discussed incorporating a 250 foot border between municipalities to avoid medical marihuana facilities from clustering around border areas. City Manager Shaffer stated the 250 foot boundary was something discussed but that a formal request had not occurred. He continued by stating that he would follow up with the City of Kalamazoo to get formal clarification. Mayor Randall inquired as to how many properties would be eliminated as potential sites for medical marihuana facilities should the boundary provision be implemented. Ms. Georgeau shared that the provision would reduce the number of available properties for medical marihuana use and reviewed the numbers both with and without the 1,000 foot distance requirements. Mayor Randall inquired if the City of Portage has boundary restrictions involving other businesses and Director Georgeau stated that the City did not. Councilmember Urban stated that he saw value in the 250 foot restriction but only if other units of government are reciprocative. Councilmember Urban inquired, as it related to the 1,000 foot separation requirements if this distance applied to schools, daycares and the like that are located outside the City of Portage. He cited Hackett Catholic Central and Milham Park as examples and wondered if medical marihuana facilities would have to be located a minimum of 1,000 feet from the school or park. Director Georgeau stated the 1,000 foot distance requirement, as it relates to schools, parks, daycares, etc. only applies to those located within the City of Portage. She continued by stating that, following a review, there are currently no viable parcels for medical marihuana within 1,000 feet of such facilities located outside the City of Portage. Regardless, Councilmember Urban stated he would like to see that provision incorporated in the proposed ordinance.

Councilmember Urban next inquired as to where co-location of medical marihuana facilities will be permitted in the City of Portage and Mr. Bear replied that co-location is not permitted but could be in the future. Mr. Urban next reviewed the “stacking” of grow licenses, if a grower would have to get separate licenses and if our ordinance, as written, would permit such a thing. With regard to stacking, Mr. Shaffer stated that it was permissible via state statute. Director Georgeau commented that she would review the concerns expressed by Councilmember Urban.

Councilmember Ford stated that in the past there was discussion of a six-month waiver to allow businesses to locate within 1,000 feet of each other and wondered how City Administration progressed from this to a lottery. Director Georgeau stated that the potential waiver was related to when the City was considering 12 licenses apiece for provisioning centers, processors and growers. Since then, the City has progressed to not formally limiting the number of licenses and recommending a lottery system. With a lottery, she stated, a waiver in the first year will not be necessary.

Attorney Brown stated that the proposed ordinances are up for First Reading and not a final vote. He continued by stating that a vote in favor of a first reading does not mean that a Councilmember supports the proposed ordinances. Rather, an affirmative vote on a first reading moves the process to the next step which is a public hearing. Mayor Randall then invited public comment.

Devin Loker, 1525 West Centre Avenue, questioned the 1,000 foot setback and wondered if the moment an application is submitted if it would automatically create an island of exclusion with a 1,000 foot radius. Mr. Loker commented that he has yet to see anyone from the public attend a City

Council Meeting and demand a 1,000 separation between facilities. Mr. Loker expressed opposition to the 250 foot border.

Ken Jonatzke, 8318 Portage Road, stated that he has been in business in Portage for over 47 years at the same location and asked for special consideration to transition from a medical marihuana caregiver to a licensed provider. He shared the circumstances of his property as it relates to the proposed ordinance.

Robert Hines, 1601 Applecroft, stated that growing and processing goes hand-in-hand and he would like to see growing and processing be co-located. He continued by stating that he looked at potential properties that could be used for a medical marihuana facility and found few available. He concluded by asking that City Council reconsider the distance requirements.

Jevin Weyenberg, 5817 Cheshire, commented that he believes the proposed ordinance will improve access but is still very restrictive. Mr. Weyenberg stated that he looked at potential properties and that many of these properties are already occupied by successful businesses. Conversely, he commented that he believed properties available for medical marihuana businesses are more widespread and affordable in Kalamazoo. He continued by expressing confusion as to what the plan is for the 250 foot border and whether it makes sense to have it apply to all zoning districts and not just residential and whether it makes sense to apply it to all medical marihuana facilities. Mr. Weyenberg supported the request made by Mr. Ken Jonatzke for special consideration.

Josh Cook, 7185 Michigan Street, Mattawan, stated that he, as owner of Green Door Distillery in Kalamazoo, is familiar with the Department of Licensing and Regulatory Affairs and stated his belief that any applicant making it through the State of Michigan's licensing process will be of high quality. Mr. Cook questioned the justification of the 1,000 foot separation between facilities and questioned whether medical marihuana facilities at an industrial park would need separate HVAC systems as utilities at industrial parks are designed to handle multiple tenants.

Kim Willmont, 10028 Harris Drive, commented that the City of Portage is very limited with available properties especially given the proposed 1,000 foot distance requirements. She stated that the proposed 250 foot boundary has a direct impact on a property she just purchased. Ms. Willmont asked City Council to reconsider the 250 foot boundary especially as it relates to the industrial park and grow operations and concluded by stating her support for allowing growing and processing operations to co-locate.

Ryan Dickerson, 633 Daniel, Kalamazoo, expressed concern with the distance requirements and the 250 foot boundary. Mr. Dickerson expressed support for allowing, for example, growing and processing located next to one another. He stated that he looked for properties in Portage but they are limited and unaffordable. He concluded by stating that he did not believe the number of applications for permits would be high due to the limited number of properties and restrictive nature of the proposed ordinances.

Mayor Randall thanked those who offered public comment. Councilmember Burns inquired if City Administration still wished to hear suggested changes to the proposed ordinance. City Manager Shaffer and City Attorney Brown concurred. Mayor Randall expressed overall concern with the 250 foot boundary. City Manager Shaffer proposed to have a conversation regarding this matter with the City of Kalamazoo and to see if they would be willing to send a formal request asking the City of Portage to adopt the 250 foot boundary. Mayor Randall reiterated her concern that this still does not address whether the 250 foot boundary is needed.

Motion by Knapp, seconded by Burns, to amend Ordinance Amendment 17/18-A Medical Marihuana Facilities by deleting the provision regarding the 250 foot municipal boundary rule so that the City Manager may review this matter in its entirety with adjoining jurisdictions and report back to Council for further consideration. Councilmember Urban commented that it appears that City Council is getting rid of the boundary and Councilmember Reid commented that we are proposing to get rid of the 250 foot boundary but may reinstate it depending on the dialogue between municipalities.

Councilmember Knapp confirmed. Councilmember Reid stated the concern seems to be with Provisioning Centers and not Grow or Processing operations as these are located in industrial areas. She stated there should not be a problem unless Grow and Processing centers abut residential areas outside of the City of Portage.

Councilmember Ford stated that he could see a buffer with those municipalities that have opted out of medical marihuana but not with those, such as Kalamazoo, that will be participating. He cited pharmacies, restaurants and other businesses that are on opposite street corners to support his position.

Councilmember Urban questioned the need for the motion and City Attorney Brown commented that getting motions such as this on the table provide direction for City Administration and will help move the process along. He also commented that City Council is not bound by any vote or position taken this evening when it comes to voting on the final version. Motion by Reid, seconded by Urban to amend the motion by removing the removal of Provisioning Centers from the 250 foot boundary. Councilmember Reid stated that she was making this motion because she believes there is less concern with grow and processing operations along a municipal boundary than with provisioning centers. She continued by stating that the motion allows the City Manager to have dialogue with the City of Kalamazoo if the Portage City Council has not totally eliminated the 250 boundary. Upon a roll call vote, motion to amend the motion carried 5 to 1 with Councilmember Ford voting no.

The City Clerk then called the roll on the original motion, as amended, with the motion now being: to amend Ordinance Amendment 17/18-A Medical Marihuana Facilities by deleting the provision regarding the 250 foot municipal boundary rule with the exception of Provisioning Centers so that the City Manager may review this matter in its entirety with adjoining jurisdictions and report back to Council for further consideration. Upon a roll call vote, motion carried 4 to 2 with Councilmembers Ford and Urban voting no.

Motion by Urban, seconded by Knapp, to amend the Ordinance Amendment 17/18-A Medical Marihuana Facilities to apply the 1000 foot separation requirement from the list of facilities including schools, child care, etc. to include those that are adjacent to the City of Portage boundaries. Attorney Brown clarified that Councilmember Urban's motion was intended to apply the 1,000 foot separation requirement to all of the uses and all the facilities that are currently included in the proposed ordinance and not just schools and day care centers. Councilmember Urban concurred. Councilmember Burns stated that it was hard to make a determination on the motion when he cannot see the impact. Councilmember Urban stated that, according to the Director of Community Development, there would be no impact. Regardless, Councilmember Burns stated that to the extent there is an impact, he would like to see a map. Upon a roll call vote, motion carried 6 to 0.

Councilmember Urban stated that on the recent Community Survey residents were asked whether they wanted medical marihuana dispensaries and other facilities. He continued by stating that the Survey inquired if residents wanted such facilities and, if so, if there should be enough facilities to service only Portage residents or residents along with the needs of other communities. Councilmember Urban stated that the results showed approximately 80% of residents wanted either no facilities or only enough to service Portage residents. Mr. Urban continued by stating that as an individual elected to represent the City of Portage and its residents, he would make the following motion: To amend the proposed amendment before us to limit the number of facilities of each facility to four. Councilmember Reid seconded the motion.

Councilmember Urban commented that for those who advocate for an unlimited number of facilities in the community, such an approach is problematic to a large segment of our community and problematic to professionals trying to address drug abuse and child welfare concerns. He continued by stating that while the State has enacted medical marihuana laws, marihuana remains illegal at the federal level. He questioned, given his oath of office to uphold the Constitution of the United States and duty to uphold the federal law along with State and local laws, whether his motion is appropriate.

Councilmember Urban continued by stating that his motion goes farther than the initial proposals of City Administration and he would like to see the limitation on the number of facilities specified in the Code of Ordinances. He concluded by stating that as a Councilmember he tends to defer to City Administration as he believes they are experts in their fields. The initial recommendation of City Administration before it was modified based on input from City Council, he stated, is reflective of his motion. Attorney Brown commented that any change to one part of the proposed ordinance has ramifications to other aspects of the ordinance and cited the cap on licenses, separation between facilities, lottery and general standards as four key areas which, if changed, would have a major ripple effect across the entire proposed ordinance. Councilmember Reid stated her belief that City Council should continue to look at issues such as having caps because, she continued, residents are not yet understanding or accepting of medical marihuana facilities in the community. Councilmember Reid stated that City Council should not push the issue too fast because, in light of the Community Survey, residents want to make sure people have access to medical marihuana to meet their healthcare needs but not so many centers that the demands of residents is exceeded. Councilmember Reid advocated that City Council work in a slow and thoughtful manner and offered support for the motion of Councilmember Urban as it reflected the initial proposals of City Administration. Upon a roll call vote motion failed with Councilmembers Burns, Ford, Knapp and Mayor Randall voting no.

Councilmember Ford asked that additional consideration be given by City Administration to either a “first-come first-served” or waiver period in lieu of a lottery for determining who gets a license.

Mayor Randall stated that, based on what she has heard, there are limited properties available for medical marihuana facilities in Portage and for those that are available, the property costs are increasing dramatically. She continued by stating that if we want local residents to be a part of the process there must be available and affordable property for them to purchase. She continued by stating that, in reference to the separation requirement, she has seen maps and details for 1,500 and 1,000 foot spacing requirements but not 750 or 500 feet and asked that such maps be made available. Mayor Randall then asked that City Administration drive around and see if there are viable properties for sale that could be used for a medical marihuana facility and to have an expert look at HVAC systems and if there really needs to be separate HVAC system in a location that has multiple tenants. Mayor Randall also stated that her recollection of the November 30th Committee of the Whole Meeting is that there was discussion about co-location. She stated that it might make sense for growers and processors to co-locate. In addition, she referenced a meeting between herself, Mr. Shaffer and a resident who was interested in having a small grow operation and a storefront located in the same facility. She stated that she would rather see smaller operations such as this as opposed to large commercial entities operating in the community. Mayor Randall concluded by stating that there is no timeline to push medical marihuana through but would like to methodically work through issues and concerns that have been raised.

Motion by Reid, seconded by Knapp, to accept for first reading the amendments to Chapter 14, Article 12, Businesses and Chapter 42, Article 4, Zoning, for Medical Marihuana Facilities and set a public hearing for February 27, 2018, as amended. Upon a roll call vote, motion carried 5 to 1 with Councilmember Urban voting no.

STATEMENTS OF CITIZENS: Ryan Dickerson, 633 Daniel, Kalamazoo, asked for additional information as to what are considered childcare and what are considered recreational facilities for purposes of the proposed ordinance. Director of Community Development Vicki Georgeau stated that recreational facilities are facilities like Kingdom Indoor Center and Airway Lanes and not a play area at McDonald’s. She continued by stating that a list of such facilities is included on maps developed by Community Development and that these maps are available online. She concluded by stating that, to clarify, Carraba’s restaurant is not an eligible site for a medical marihuana facility.

Jake Abraham, 1601 Applecroft, commended City Council for authorizing dispensaries and stated that he has operated a dispensary in Ypsilanti for almost five years. In this time, he stated, there have been no police incidents.

Robert Hines, 1601 Applecroft, asked that City Council revisit the stacking of licenses for grow operations.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Reid stated that the Portage Police Department is going through a reaccreditation process and invited the public to an information session that will be held in this regard. She encouraged the public to provide feedback.

Councilmember Knapp reflected on the variety of issues addressed by City Council at the meeting and complimented City Staff and volunteers on the Boards and Commissions for helping the City to be proactive and moving forward. Ms. Knapp also thanked those who participated in the medical marihuana discussion.

Councilmember Ford echoed the statements of Councilmember Knapp and mentioned that City Council approved a contract for the disposal of household hazardous waste. Mr. Ford encouraged residents to take advantage of this service.

Mayor Randall stated that we are in uncharted waters in areas such as medical marihuana and the Mobilitie contract but the City is still willing to push forward despite uncertainties. She thanked City Council and the City Manager for the work at the recent City Council retreat, expressed optimism in working together and thanked City Council for their time and honesty. Mayor Randall shared that the City recently hosted a group of middle school students from China and thanked Mr. Shaffer and staff for their efforts in welcoming the students. In conclusion, Mayor Randall thanked Wayne Stoffer, Planning Commission Chairperson, for his time and effort regarding medical marihuana.

ADJOURNMENT: Mayor Randall adjourned the meeting at 10:05 p.m.

Adam Herringa, City Clerk