

5:30 p.m. Committee of the Whole - Senior Center Planning.

7:00 p.m. Call to Order.

Invocation: Pastor Ron Hansen, Pathfinder Church.

Pledge of Allegiance.

Roll Call.

Proclamations:

A. Consent Agenda:

1. Approval of City Council Meeting Minutes:
 - a. Committee of the Whole of February 13, 2018.
 - b. Regular Meeting of February 13, 2018.
 - c. Pre-Council Meeting of February 26, 2018.
2. Approval of the Accounts Payable Register of February 27, 2018 as presented.
3. Adopt a refunding bond resolution authorizing limited tax pledge to payment of the Downtown Development Limited Tax Refunding Bonds, Series 2018.
4. Approve a sole source purchase from Maxwell Products, Incorporated, of Salt Lake City, Utah, not to exceed \$69,438.20 for 157,100 pounds of crack sealing material at \$0.442 per pound to be used during the upcoming construction season and authorize the City Manager to execute all documents related to this action on behalf of the city.
5. Approve a three-year extension renewal of the Microsoft Open Value Subscription Agreement with CDW-G in the annual amount of \$63,824.28 and authorize the City Manager to execute all documents related to this action on behalf of the city.
6. Approve the purchase of two Palo Alto firewalls and associated three-year maintenance and support with Data Strategy at a total cost of \$66,368 and authorize the City Manager to execute all documents related to this action on behalf of the city.
7. Grant final approval of the Whispering Meadows No. 4 single-family residential subdivision at 6525 Angling Road, subject to finalization of the storm water agreement, finalization of sidewalk easements and installation of sidewalks and street trees by November 2020.
8. Approve the Preliminary Plat of West Lake Estates (9300 Portage Road) subject to the conditions outlined in the February 9, 2018 Department of Community Development staff report.
9. Resolve to adopt the 2018 Recreation and Open Space Plan Update and authorize the City Manager to submit the approved plan to the Michigan Department of Natural Resources to comply with applicable grant requirement guidelines.
10. Award a construction contract for Storm Sewer Closed Circuit Television Inspection to Pipetek Infrastructure Services of Plymouth, Michigan, in an amount not to exceed \$63,718 and authorize the City Manager to execute all documents related to the contract on behalf of the city.
11. Award a contract for the purchase of traffic signal poles, mast arms and assemblies for the projects on South Westnedge Avenue at J. L. Hudson Drive, Portage Road and Romence Parkway, West Centre Avenue and Oakland Drive to Maico Industries, Inc., in the amount not to exceed \$155,421 and authorize the City Manager to execute all documents related to the contract on behalf of the city.
12. January 2018 Environmental Report - Information Only.
13. Minutes of Boards & Commissions:

- a. Zoning Board of Appeals of January 8, 2018.
 - b. Environmental Board of January 10, 2018.
 - c. Youth Advisory Committee of January 15, 2018.
 - d. Planning Commission of February 1, 2018.
 - 14. Materials Transmitted:
 - a. February 13, 2018.
 - b. Department Monthly Reports.
 - B. Petitions and Statements of Citizens:
 - 1. Comments from students regarding the Mayor and City Council for the Day program.
 - C. Communications:
 - 1. Senior Citizen Advisory Board Annual Update.
 - 2. Calendar of Meetings.
 - D. Public Hearings:
 - 1. Adopt amendments to Chapter 14, Article 12, Businesses and Chapter 42, Article 4, Zoning, for Medical Marihuana Facilities.
 - E. Regular Business Agenda:
 - F. Unfinished Business:
 - 1. Approve the purchase of property addressed as 9125 Portage Road in the amount not to exceed \$220,000 and authorize the City Manager to execute all documents on behalf of the city.
 - G. Council Committee Reports:
 - H. New Business:
 - I. Statements of Citizens:
 - J. Statements of City Council and City Manager.
- Adjournment.

**MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF THE
PORTAGE CITY COUNCIL
OF FEBRUARY 13, 2018**

Mayor Patricia Randall called the meeting to order at 5:30 p.m. The following Councilmembers were present: Councilmembers Richard Ford, Lori Knapp, Claudette Reid and Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Patricia Randall. Also present were City Manager Laurence Shaffer, Deputy City Manager Rob Boulis, City Attorney Randy Brown, Assistant City Attorney Bryan Beach, Technology Services Director Devin Mackinder, City Clerk Adam Herringa and Deputy City Clerk Erica Eklov. Councilmember Chris Burns joined the meeting at 5:36 p.m.

Mayor Randall shared that this Committee of the Whole Meeting was to review a potential policy for electronic remote participation in City Council meetings by absent Councilmembers. Mayor Randall then invited the City Manager to begin the discussion.

City Manager Shaffer introduced the topic and deferred to City Clerk Herringa to explain his research and findings on the matter. City Clerk Herringa explained his effort to survey similar communities and local organizations regarding their respective virtual attendance practices. He noted the Council's existing 2014 "Teleconferencing Rules for Special Council Meetings" provides a good basis to create a comprehensive policy.

Mayor Pro Tem Pearson inquired as to how the remote attendance requesters receive priority. City Clerk Herringa noted the staff recommended a "first-come, first-served" basis for up to two (2) members.

Mayor Randall asked about the City of Kalamazoo's current practice and usage history. City Clerk Herringa shared information gathered from a discussion he had with Kalamazoo City Clerk Scott Borling regarding the experience, frequency and use of Kalamazoo's virtual attendance policy.

Councilmember Reid inquired whether there was a cap on the number of meetings a Councilmember could virtually attend and if so, what the limit was. City Clerk Herringa noted that the recommendation is to limit the number of virtually attended regular meetings to no more than three (3) for each member.

Mayor Pro Tem Pearson asked what the rules were regarding calling into the beginning of a meeting in instances where a Councilmember is running late in order to stay abreast of the discussion until arrival. Councilmember Urban interjected, noting the absence of existing "rules" but that the discussion at present concerned the recommendations of a draft policy. Mayor Pro Tem Pearson wondered how and what manner would be utilized to remotely attend. Councilmember Urban noted potential wiretapping legal issues for certain methods.

City Attorney Brown relayed that City Council should treat Committee of the Whole meetings and other special meetings in the same manner as regular meetings, noting they are all considered similarly under the Open Meetings Act. Councilmember Urban wanted to ensure the use of speaker phone functions adhere to one-party legal guidelines.

Mayor Randall requested further discussion on potential policy points and City Manager Shaffer provided an update on the staff discussion towards a plan. Councilmember Reid offered a reminder of the potential safety hazard with multitasking, using cell phones in cars. City Clerk Herringa finished his review of the staff recommended components of a potential virtual attendance policy. He deferred to Technology Services Director Mackinder to further discuss the recommended technology components for remote attendance.

Director Mackinder noted that City Council will need to refine the various points of a

virtual attendance policy in order to truly enable staff to determine what technology measures are needed. Deputy City Manager Boulis asked for further clarification regarding the digital technology aspects of the proposed Digital Signal Processing system. Director Mackinder noted that the system he is proposing for \$16,000 includes audio, video and cablecasting interconnection aspects and that, if City Council only wanted to pursue audio participation, the price would be significantly less. He commented that the current set-up in Council Chambers would still require some level of upgrade to be more reliable if Council were to adopt a Virtual Attendance Policy.

Councilmember Ford inquired whether any city departments are currently utilizing virtual meeting methods, specifically citing interviews with the Human Resources Department. Deputy City Manager Boulis responded that Human Resources mostly utilizes Skype, which wouldn't be the best option for City Council meetings due to the necessity of visual presentations and interactions required of Council.

Mayor Randall asked about the prior 2014 City Manager candidate interviews using the Whiteboard. Director Mackinder relayed that those proceedings weren't recorded by PMN or broadcast. Director Mackinder noted that cable casting is the difficult aspect and requires a full overhaul of the broadcasting equipment in Council Chambers. Mayor Randall asked if the digital system Director Mackinder was proposing is the same technology that City of Kalamazoo, Portage Public Schools and Portage District Library utilize. Specific technology was unknown.

Councilmember Reid asked how dropped calls would be handled. City Clerk Herringa responded that it would be noted in the minutes. Technology Services Director Mackinder noted that the proposed technology would also show any disconnection at the City Clerk dais station.

Councilmember Knapp asked whether the noted technology entails all or just part of Director Mackinder's proposal and Director Mackinder confirmed that it was just a part of the system. Mayor Pro Tem Pearson stated it would be beneficial if the proposed system matched the Portage Public Schools technology. Secondly, he noted that the current live streaming is undependable.

Councilmember Burns asked how written ballots would be handled and City Clerk Herringa responded that written ballots only happen when selecting a Mayor Pro Tem. Councilmember Urban commented from his experience that interactive involvement is needed albeit rare and cited instances where meeting handouts requiring immediate review would be an issue, suggesting in those instances that virtual attendees recuse themselves. Mayor Pro Tem Pearson relayed that he has been able to keep abreast of discussion from the last two meetings during which he was absent by way of the live streaming. Technology Services Director Mackinder asked City Clerk Herringa whether the CivicClerk could handle the meeting handout issue noted by Councilmember Urban. City Clerk Herringa responded that it could.

Councilmember Burns inquired if closed sessions would be addressed under virtual attendance. City Clerk Herringa confirmed that it is possible but could be concerning in light of confidentiality and disclosure concerns.

Councilmember Reid brought up her recent experience with virtually attending a Council meeting and the difficulty caused by a several minute delay between the video live streaming PMN broadcast combined with the audio of a conference call. She proposed only using virtual attendance at a Committee of the Whole or special meeting and not for regular meetings.

Mayor Pro Tem Pearson asked whether the delay is common with the existing technology and Director Mackinder responded in the affirmative.

Councilmember Ford commented that deficiencies are part of virtual attendance and it should be understood as an expected drawback but that virtual attendance would be only for cases of emergencies and not for regular Councilmember vacations.

Councilmember Reid advised regarding potential conflicts with state legislation prohibiting virtual attendance and Assistant City Attorney Beach noted that the proposed bills to date had never received full approval.

Mayor Pro Tem Pearson noted that the Central County Transportation Authority had discussed use of virtual attendance at its February 12, 2018 meeting. He also advised that Oshtemo Township was currently discussing virtual attendance; however, he hoped that Portage could be at the forefront of such a measure.

Councilmember Burns supported the suggestion that virtual attendance remain an emergency only use but desires to have a policy in place if and when such an emergency comes up. Councilmember Reid remarked that meeting types are different in topics, procedures, etc. and suggested that voice calling and listening be accepted but that votes not be allowed for a year trial period, at which time Council could revisit the issue.

Councilmember Knapp asked Director Mackinder whether his proposed technology would address Council's concerns and Director Mackinder was unsure without being able to first test the suggested technology.

Mayor Randall asked if anyone had any further issues, questions or concerns at which time Councilmember Reid made mention that City Council should be cognizant of potential hearing issues that would further complicate any virtual participation.

Mayor Randall provided her thoughts and concerns, notably the \$16,000 suggested technology system purchase for one to two absences a year. She preferred that staff find a less expensive option and asked the City Manager what the next steps should entail. City Manager Shaffer offered to pursue a revised set of standards/policy that include a sunset clause and optional technology within thirty days.

Councilmember Urban asked that closed sessions be removed from any draft policy and City Attorney Brown stated he would further review the matter, noting that third parties have the potential to access closed sessions. Mayor Randall closed discussion and thanked everyone for attending the meeting.

ADJOURNMENT: Mayor Randall adjourned the meeting at 6:26 p.m.

Erica L. Eklov, Deputy City Clerk

CITY COUNCIL MEETING MINUTES FROM FEBRUARY 13, 2018

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

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.3 (Legal Services for Austin Lake Trail) and Item A.9 (ICON Shelter for Celery Flats) be removed from the Consent Agenda. Councilmember Urban asked that Item A.6 (Purchase of Property at 9125 Portage Road) and Item A.11 (Budget Review Sessions) be removed from the Consent Agenda.

Motion by Pearson, seconded by Reid, to approve the Consent Agenda items as presented. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF MINUTES: Motion by Pearson, seconded by Reid, to approve the Regular Meeting Minutes of January 23 and Pre-Council Meeting Minutes of February 12, 2018. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF FEBRUARY 13, 2018: Motion by Pearson, seconded by Reid, to approve the Accounts Payable Register of February 13, 2018. Upon a roll call vote, motion carried 7 to 0.

BUDGET TRANSFER FOR MAJOR AND LOCAL STREET PROJECTS: Motion by Pearson, seconded by Reid, to approve a budget transfer of \$550,000 from the General Fund to the Capital Improvement Fund for the proposed 2018-2019 Major and Local Street Projects and authorize the City Manager to sign all documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

CHANGE ORDER WITH PERCEPTIVE CONTROLS: Motion by Pearson, seconded by Reid, to approve Change Order No. 1 in the amount of \$72,936 to Perceptive Controls, Incorporated, to furnish and install electronic card readers with the necessary appurtenances, complete the necessary programming 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 7 to 0.

CHANGE ORDER WITH BALKEMA EXCAVATING: Motion by Pearson, seconded by Reid, to approve Change Order No. 2 to Balkema Excavating, Incorporated, of Plainwell, Michigan, in the amount of \$41,484.49 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 7 to 0.

AGREEMENT WITH MICHIGAN MUNICIPAL RISK MANAGEMENT AUTHORITY: Motion by Pearson, seconded by Reid, to approve a one-year agreement for comprehensive liability, property and auto fleet insurance through the Michigan Municipal Risk Management Authority (MMRMA) at a total cost not to exceed \$509,112 for the period of March 1, 2018 to March 1, 2019 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 7 to 0.

UNIFORM VIDEO SERVICES LOCAL FRANCHISING AGREEMENT WITH AT&T: Motion by Pearson, seconded by Reid, to approve the Uniform Video Services Local Franchise Agreement submitted by AT&T Michigan pursuant to the Public Act 480 of 2006 (MCLA 44.3301 et. seq.), the Uniform Video Services Local Franchising Act, adopt the Resolution Authorizing Franchise 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 7 to 0. Resolution recorded on page 435 of City of Portage Resolution Book No. 46.

MINUTES OF BOARDS AND COMMISSIONS: Motion by Pearson, seconded by Reid, to receive minutes of the Portage Public School Board of Education Regular Meetings of December 11, 2017 and January 8, 2018; Historic District Commission of January 3, 2018; Planning Commission of January 4 and 18, 2018 and Human Services Board of January 4 and 18, 2018. Upon a roll call vote, motion carried 7 to 0.

MATERIALS TRANSMITTED: Motion by Pearson, seconded by Reid, to receive the Materials Transmitted of January 23, 2018. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Mr. Rich Eichholz, 10243 Smith Road, Union Pier, MI, introduced himself to City Council and shared that he is running for U.S. Congress in the 6th Congressional District.

COMMUNICATIONS:

CALENDAR OF MEETINGS: Motion by Knapp, seconded by Reid, to receive the Calendar of Meetings. Upon a roll call vote, motion carried 7 to 0.

ANNUAL UPDATE OF THE YOUTH ADVISORY COMMITTEE (YAC): At the invitation of Mayor Randall, Youth Advisory Committee Chairperson Ben Miller, Youth Advisory Committee Secretary Megan Chow and Youth Advisory Committee Member Brandon Pittman provided City Council with an update on the committee's goals, objectives and activities. Mayor Randall thanked the youth for their hard work and dedication and complimented City staff for their efforts in supporting the group.

Motion by Reid, seconded by Ford, to receive the Annual Goals and Objectives Update of the Youth Advisory Committee. Upon a voice vote, motion carried 7 to 0.

2018 CITY COUNCIL COMMITTEE APPOINTMENTS: Councilmember Urban expressed disappointment at his appointment to the Water/Sewer Utility Rate Committee and shared his belief that a newer member of City Council would be a more appropriate appointment. He informed City Council that he did not intend to serve on this Committee. Motion by Pearson, seconded by Burns, to receive the 2018 calendar year appointments to City Council Committees. Upon a roll call vote, motion carried 6 to 1 with Councilmember Urban voting no.

REGULAR BUSINESS AGENDA:

APPROVAL OF LEGAL SERVICES CONTRACT FOR AUSTIN LAKE TRAIL: Mayor Randall invited Councilmember Reid to speak regarding this item and Councilmember Reid inquired as to what is involved in the Austin Lake Trail Project, what the steps are going forward and what the anticipated costs are given that the estimated legal services costs exceed the original anticipated \$100,000 cost for preliminary design, right-of-way services and property acquisition. City Manager Shaffer provided an

overview of the project and how it will enhance the existing trail system in the City. Given the \$145,700 cost for legal services, Councilmember Reid inquired as to why the Office of the City Attorney could not be utilized. City Manager Shaffer stated that the project involves obtaining right-of-way, property acquisition and the potential for eminent domain. These areas of law, Mr. Shaffer continued, are best handled by a dedicated legal expert and the law office of Miller Canfield has a history of performing quality work in this regard for the City. City Attorney Brown confirmed that the legalities involved in this project are not part of his firm's area of expertise. Councilmember Reid then expressed her desire that the City avoid eminent domain unless absolutely necessary. Councilmember Urban inquired how many property owners would be directly involved in property acquisition. Director of Parks, Recreation and Senior Citizens Services Kathleen Hoyle responded that the proposed trails involves four property owners and twelve parcels. Mr. Urban commented that the City had an opportunity to purchase several of the parcels in the past and elected not to do so.

Motion by Reid, seconded by Burns, to approve a Legal Services Agreement with Miller Canfield in the amount of \$145,700 to represent and advise the City of Portage in obtaining real estate interest in property for development of the Austin Lake Trail project and authorize the City Manager to sign all documents pertaining to the agreement of behalf of the city. Upon a roll call vote, motion carried 7 to 0.

PURCHASE OF PROPERTY AT 9125 PORTAGE ROAD: Mayor Randall invited Councilmember Urban to speak regarding this item and Councilmember Urban shared that there were many questions related to this proposed property purchase at the Pre-Council Meeting. Councilmember Urban shared that the proposal is to purchase a commercial property to relocate a sewer lift station. Mr. Urban stated his belief that to purchase the property and use the existing building for City storage was an underutilization of the property especially given the proposed price of \$220,000. City Manager Shaffer stated that he recognized \$220,000 for property for a lift station was costly especially when the removal of the property from the tax rolls is taken into account. However, Mr. Shaffer explained the value and importance of relocating and rebuilding the lift station and reviewed concerns with the lift station's existing location. Mr. Shaffer continued by explaining the construction involved with installing the lift station and the impact on the property both during and after construction. Councilmember Urban commented that the City has proposed closing Emily Drive and, as a result, the entrance to the property. However, Councilmember Urban pointed out the property could have an access installed off of Portage Road. Councilmember Urban then inquired as to the existing location of the lift station and whether the City has an easement in place. Director of Transportation and Utilities Kendra Gwin stated that the map overlay provided to City Council is not exact and the City does not have property rights for the current lift station.

Councilmember Reid inquired if the lift station could be placed in another location on the property such that impact on the potential development of the property is minimized. Director Gwin shared that the lift station will have a larger footprint, a generator that produces a significant amount of noise when running and a potential for odor. Councilmember Reid commented there are ways to mitigate issues such as sound. City Manager Shaffer stated that landscaping is planned as part of this project and emphasized that rebuilding and relocating the lift station allows the City to address long-term issues. In addition, he stated that funds are currently available in the City's operating budget. Attorney Brown commented that the choice is not necessarily between obtaining an easement and buying the property as if the lift station harms the economic value of the property the City will be forced to buy the property anyway.

Councilmember Ford inquired about the construction needs and timetable of the lift station. Director Gwin estimated the project will take six months to complete and involve heavy equipment as the station requires a depth of approximately 40 feet. If the City decides not to purchase the property,

she continued, a large easement will be necessary along with leasing of space to store the construction equipment.

Councilmember Burns inquired what the original plan was to repair this lift station if the adjoining property did not go up for sale. City Manager Shaffer stated that the plan was to locate it across the street but recent nearby development and the asking price for the necessary property made this option highly unattractive. Councilmember Burns expressed interest in supporting the purchase but only if the City works to dispose of any excess property at this location in the future.

Councilmember Urban inquired if the lift station could be located on Emily Drive if Emily Drive is closed. Director Gwin stated that this could be possible but an evaluation would be necessary to confirm. Councilmember Urban expressed support for reviewing this possibility prior to City Council authorizing purchase of the property. Councilmember Urban also inquired if other locations, such as a nearby former gas station property, were considered. City Manager Shaffer replied that the former gas station property likely has contaminated soil and, with regard to closing Emily Drive, nearby residents have not been consulted and there may be opposition.

Councilmember Ford expressed support for locating the lift station such that it minimizes impact on the property and the property can be redeveloped in the future. Mayor Pro Tem Pearson expressed agreement with Councilmembers Burns and Ford in the need to locate the lift station such that the property can be redeveloped especially given its location near West Lake. Mayor Pro Tem Pearson also inquired if the structure on the property would need to be demolished if the property is to be resold. City Manager Shaffer indicated that demolition would likely be necessary.

Councilmember Reid inquired if the design and engineering work has been completed and for information pertaining to the process to close Emily Drive. Director Gwin stated that engineering work has not yet been completed. Ms. Gwin reviewed the road closure process and shared that closing a road will require City Council support. Councilmember Reid expressed support for conducting additional research and investigation prior to purchasing the property.

Mayor Randall expressed skepticism for using the property for storage given its ideal location and presence in an area of the City that is up and coming. She stated that she recognizes the need to repair/replace the lift station but questioned if City Council had all of the information necessary to make a decision. Mayor Randall inquired if the purchase was time sensitive. City Manager Shaffer stated that more information can be gathered and disclosed that the City has a purchase and sale agreement and provided insight as to how the City reached the agreement. Councilmember Reid inquired if there was a deadline for the purchase agreement and City Attorney Brown commented that it is subject to approval by City Council from the date of the last signature on the document which was February 4, 2018.

Motion by Pearson, seconded by Ford, to approve the purchase of property addressed as 9125 Portage Road in the amount not to exceed \$220,000 and authorize the City Manager to execute all documents on behalf of the city. Motion by Urban, seconded by Reid, to table the motion to approve the purchase of property addressed as 9125 Portage Road for two weeks in order for City Administration to gather and provide more information. Mayor Randall inquired as to the process involved in reviewing the possibility of closing Emily Drive with nearby residents. City Manager Shaffer reviewed the usual process and that two weeks is a tight window but staff would do their best. Upon a roll call vote the motion to table the original motion carried 7 to 0.

PURCHASE OF ICON SHELTER FOR CELERY FLATS: Mayor Randall invited Councilmember Reid to speak regarding this item. Councilmember Reid stated that because this project involved such a focal point of the community she thought it prudent for the City Manager to describe the project in greater detail. City Manager Shaffer reviewed the overall plan for Celery Flats including the planned shelter, patio, fountains, food court area, mobile concession hook-ups, parking and trail connection.

Motion by Reid, seconded by Knapp, to approve the purchase of an ICON Shelter from Penchura, LLC, of Brighton, Michigan, to be constructed at the Celery Flats Historical Area at a cost of \$201,880 and authorize the City Manager to sign all documents related to this purchase on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

BUDGET REVIEW SESSIONS: Mayor Randall invited Councilmember Urban to speak regarding this item and Councilmember Urban shared that a 4:30 p.m. start time would be difficult for him due to family commitments. Motion by Reid, seconded by Burns, to establish April 17 and May 1, 2018, from 5:00 to 9:00 p.m. as the dates for review of the proposed Fiscal Year 2018-2019 Budget. Upon a roll call vote, motion carried 7 to 0.

COUNCIL COMMITTEE REPORTS: Councilmember Urban shared that he and Mayor Pro Tem Pearson attended a meeting of the Central County Transit Authority (CCTA) and that the CCTA was introducing an app to assist in the purchase of bus passes and tokens. Mayor Pro Tem Pearson shared that new buses were in the process of being introduced that are reflective of the new red logo and the age to qualify for senior bus passes is 62.

NEW BUSINESS:

PUBLIC MEDIA NETWORK UPDATE: Mayor Randall stated the City of Portage is represented on the Public Media Network (PMN) Board of Directors by two Councilmembers and one resident. Based on the appointments identified this evening the Portage representatives were herself, Mayor Pro Tem Pearson and Mr. Don Ramlow. Mayor Randall stated that one of the reasons she ran for office was to promote transparency and shared how transparency has been improved over the years. With regard to PMN, she stated it was important for recent correspondence from a former Portage appointee to the PMN Board of Directors and the Executive Director of PMN, Matt Schuster, be made public. Going forward, she stated, she and Mr. Pearson would be looking for ways to improve PMN broadcasting capabilities and citizen reach.

Mayor Pro Tem Pearson stated that he recently attended a PMN strategy session to listen to issues and challenges faced by PMN. He continued by disclosing the City contributes \$383,000 to PMN annually and that he believes the quality of service from PMN does not match the level of contribution. Mr. Pearson continued by sharing that some of the challenges faced by PMN is dwindling revenues due to fewer cable subscribers and the need to integrate social media platforms for greater community reach. Mayor Pro Tem Pearson raised the question of whether it makes sense for the City of Portage to remain a member of PMN or to go in a different direction.

Mr. Matt Schuster, Executive Director of PMN, 2107 Aberdeen, Kalamazoo, and PMN Board Chair Ron Coleman, 3037 Valleywood, Kalamazoo, were invited to the podium. Mr. Schuster shared that the challenges faced by PMN are not unique to PMN and reviewed what the \$383,000 from Portage supports. He continued by stating that PMN is committed to making enhancements and he is looking forward to working with City staff and the new PMN Boardmembers. Mr. Coleman invited Councilmembers to plan a tour of the PMN facility.

City Manager Shaffer shared that he has spoken with Mr. Schuster about enhancing the relationship between PMN and the City of Portage and what that might look like. He reviewed some of his expectations and his belief that issues related to live streaming of meetings and broadcast quality can be solved.

Councilmember Reid clarified the City of Portage does not contract with PMN but rather PMN is supported by a consortium of governmental units. She explained that there is more to PMN than broadcasting governmental meetings and that funding does not come from tax dollars. Funding, she stated, comes from franchise fees paid by subscribers that are passed along to the City by providers.

Councilmember Reid stated her belief that a member of the PMN Board of Directors has a primary fiduciary responsibility to PMN.

Councilmember Ford empathized with PMN that it is a tough time to be in the business of public media with so many people canceling their cable subscriptions. He stated that he is glad to hear PMN is coming up with new ideas and trying to embrace social media opportunities.

City Manager Shaffer shared that the City receives over \$500,000 in franchise fees and, to comply with federal requirements, approximately \$380,000 is provided to PMN for public cable access services. Mr. Shaffer commented that given the level of the City contribution to PMN, the level of service is not as high as it should be. Mr. Shaffer continued by stating that while a PMN Boardmember may have some fiduciary responsibility to PMN he or she also has a responsibility to keep the appointing organization informed on issues and challenges that may arise. The goal, he stated, is to have a relationship that works for PMN, the City of Portage and its citizens.

Councilmember Urban stated the role of PMN is not solely for the benefit of Portage City Government but also to citizens of Portage. He pointed out that PMN offers training and broadcasting opportunities for residents. Mr. Urban commented that the field of public broadcasting has changed with the advent of computer technology and GoPro cameras and PMN must find a way to integrate into this new world.

Councilmember Burns inquired if the City of Portage was getting good value for our contribution. He inquired if PMN knew how many Portage residents were watching, for example, City Council Meetings and how many residents were participating in training sessions. Mr. Schuster stated that he would research the answer, but getting viewership numbers is difficult unless one subscribes to Nielsen Rating Services which PMN does not due to cost. Mr. Schuster stated that there were over 7000 hours broadcast annually for area churches and that there have been multiple classes offered over the past year. Councilmember Knapp stated that getting a breakdown of the number of people watching and participating with PMN would be beneficial. Mayor Randall thanked Mr. Schuster and Mr. Coleman for their time and for the invitation to tour the facility. Mayor Randall indicated that such a tour should include no more than three Councilmembers at a time. Councilmember Reid questioned the Mayor's statement and City Attorney Brown shared that while there is no law against more than three Councilmembers touring a facility together he advises against it to avoid the potential for debate and discussion to evolve.

Motion by Ford, seconded by Reid, to have the City Manager prepare a report on the costs and benefits of a social media plan and include within that report the cable broadcast either via PMN or some other method. In addition, that PMN provide relevant numbers for inclusion in the report. Upon a roll call vote, motion carried 7 to 0.

TOWING CONTRACT: Mayor Randall added vehicle towing to the agenda and stated that she was doing so based on a situation related to the recent snowstorm. She stated that I-94 was closed due to a multiple vehicle accident and that, to avoid the traffic backup, a semi-truck exited at Oakland Drive and tried to turn onto Kilgore Road only to fail to make the turn and block the road. Mayor Randall questioned whether a single source contract for towing was the most effective and efficient way to go. Mayor Pro Tem Pearson expressed optimism that the new Kalamazoo County Consolidated Dispatch Authority (KCCDA) program would be better equipped to arrange/coordinate accident responses throughout the County. Councilmember Reid questioned what happens when there are multiple accidents and our contracted towing provider does not have any tow trucks available. City Manager Shaffer stated that in the City of Portage if the consumer does not indicate a towing company preference public safety will call the City contracted towing company which is McDonald Towing. If McDonald Towing does not have a truck available public safety will contact a different local towing company. Mr. Shaffer stated his optimism that the KCCDA is a great venue for discussing towing at the County level rather than one municipality at a time. Councilmember Reid commented that under

certain weather conditions it would not be uncommon for towing demand to exceed capacity. Councilmember Ford commented that KCCDA could utilize technology to more efficiently dispatch tow trucks. In response to a question from Mayor Randall, Mr. Shaffer shared that Consolidated Dispatch is planned for August or September of this year.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Ford shared that Assessment Notices were recently mailed out and explained that taxable value is different from assessed value and residents might see a slight property tax increase due to the Consumer Price Index.

Councilmember Reid shared that she recently attended a public meeting regarding how Michigan State University is addressing concerns related to circumstances surrounding Dr. Larry Nassar. She continued by stating there is a mistrust of government and administrations that will require time and effort to overcome. She concluded by stating that government at all levels must be welcoming and encourage people to come forward with concerns.

Mayor Pro Tem Pearson thanked City Council for their discussion and complimented Mr. Urban on his accuracy with regard to a prior sale price for 9125 Portage Road.

City Manager Shaffer thanked residents for their patience as crews worked to clear the streets from recent snowfalls. He stated his intention to ensure better communication and technology in response to future snowstorms.

Mayor Randall stated that she and City Manager Shaffer attended a ribbon-cutting at Pfizer in celebration of a recent addition to their facility. She complimented the Office of the City Assessor on getting out Assessment Notices early and shared how the early mailing benefits residents. She reminded residents of an upcoming event in recognition of Black History Month. Mayor Randall wished former Kalamazoo Gazette reporter Tom Haroldson a happy retirement and thanked him for his years of service to the community. Mayor Randall welcomed Mr. Haroldson's replacement, Malachi Barrett, and welcomed Deputy City Clerk Erica Eklov to the dais as Ms. Eklov learns more about supporting City Council Meetings.

ADJOURNMENT: Mayor Randall adjourned the meeting at 9:07 p.m.

Adam Herringa, City Clerk

**MINUTES FROM THE SPECIAL PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF FEBRUARY 26, 2018**

Mayor Randall called the meeting to order at 8:00 a.m. Mayor Patricia Randall was present and Mayor Pro Tem Jim Pearson and Councilmembers Chris Burns, Richard Ford, Lori Knapp and Claudette Reid joined via the conference phone line. Councilmember Terry Urban was absent with excuse. Also in attendance were City Manager Laurence Shaffer, Deputy City Manager Rob Boulis and City Clerk Adam Herringa.

Mayor Randall opened the meeting and inquired if there were any questions or concerns regarding items on the proposed agenda. Councilmember Knapp inquired, with regard to Item A. 6, Palo Alto Firewall, whether the City was purchasing one firewall or two. City Manager Shaffer stated that he would research and respond.

With regard to item A.8, Preliminary Plat of West Lake Estates, Councilmember Knapp asked for additional information pertaining to the redesign plan for the Lakeview Drive intersection with Portage Road, entrance to the plat and access for houses affected by the intersection design change. City Manager Shaffer reviewed the proposed plans and explained that the Lakeview intersection with Portage Road will be moved south, a cul de sac will be created for use by homes directly impacted by the intersection change, and pedestrian access to Lakeview Park will be created along with some traffic calming measures. He stated that staff would put together maps for use by City Council to better understand the proposal. Councilmember Knapp referenced wetland areas involved in the project and what protections are afforded to the wetlands. Councilmember Knapp also inquired if there was a guideline for tree preservation as the proposed development is heavily wooded. Mr. Shaffer stated that he would research and respond. Mayor Randall inquired what would become of the property between where the intersection used to be and the proposed intersection. Mr. Shaffer responded that this property will be deeded to the City. Councilmember Reid referenced the wetland nature of the proposed development and asked for information pertaining to Michigan Department of Environmental Quality wetland provisions. Councilmember Reid also inquired as to the use or potential use of the "excluded unplatted parcel" identified on the plans. She also asked for additional information explaining how this area is good for housing especially given the recent flooding. Mr. Shaffer stated that he would research and respond.

With regard to item A.9, 2018 Recreation and Open Space Plan Update, Councilmember Reid inquired as to the amendment process and if there are modifications to the plan within the next five years. Mr. Shaffer speculated as to how this would be handled but stated he would research and respond.

With regard to item A.12, January 2018 Environmental Activity Report, Councilmember Knapp asked for additional information pertaining to contract updates/renewals on the retention basin monitoring contract and contract regarding deer exclosure installation and monitoring.

With regard to Department of Transportation and Utilities Monthly Report, Councilmember Knapp asked for an explanation as to the difference between street repaving and reconstruction. City Manager Shaffer responded accordingly. Councilmember Knapp inquired as to the flashing beacon at Oakland Drive and Vanderbilt referenced in the report.

Deputy City Manager Boulis stated that there is already a flashing sign, but a flashing signal is planned as motorists seem to be ignoring the flashing sign.

With regard to the Calendar of Meetings, Councilmember Reid commented that reading the Calendar of Meetings would allow viewers to know what meetings are upcoming in case they wish to attend. Mayor Randall concurred and indicated that students could read the Calendar of Meetings at the next meeting.

With regard to the Senior Citizen Annual Update, Mayor Randall shared that word has spread amongst the Senior Center community that City Council will be discussing a potential new or renovated Senior Center Tuesday evening. She stated there is some confusion amongst members of the Senior Center between the Committee of the Whole Meeting and the presentation by the Senior Citizen Advisory Board at the Regular Meeting. She asked City Manager Shaffer to prepare for a large turnout and to arrange for a meal to be brought in for City Council early as there will likely be little time between the Committee of the Whole and the Regular Meeting. Councilmember Reid stated that she would have difficulty arriving early. City Manager Shaffer and Deputy City Manager Boulis stated they would make any necessary accommodations.

Councilmember Reid asked the City Manager to review the process for addressing Item D.1, Medical Marihuana Public Hearing. Mr. Shaffer reviewed the process for the public hearing and City Council discussion on the item. In response to a query from Councilmember Reid, Mr. Shaffer speculated that if substantive changes are requested by City Council that additional review and a public hearing may be necessary. Mr. Shaffer informed City Council that Assistant City Attorney Bear would be at the meeting instead of City Attorney Brown.

Councilmember Knapp stated that the agenda item referenced the 250 foot buffer along municipal boundaries and that the buffer had been removed for all five facilities. She continued by stating that this did not reflect action taken by City Council at the last meeting. Ms. Knapp stated that City Council voted to eliminate the buffer for all facility types with the exception of provisioning centers. Mr. Shaffer stated that he would look into this matter. Councilmember Knapp inquired if adjacent communities such as the City of Kalamazoo were planning a reciprocal 250 foot buffer. Mr. Shaffer stated that he reached out to the Kalamazoo City Manager, Jim Ritsema, who indicated that he was not supportive of a 250 foot buffer. Mr. Shaffer stated that he has asked the City of Kalamazoo for something in writing in this regard. Councilmember Knapp stated that she would like a discussion on the buffer to occur at the City Council Meeting. Councilmember Knapp next inquired as to the spacing requirements between facilities and asked for clarity in this regard. City Manager Shaffer stated that he would research and respond.

Councilmember Ford inquired if there are any areas of the City that are zoned industrial and abut a neighboring jurisdiction. Mr. Shaffer replied in the affirmative.

Mayor Pro Tem Pearson asked for the number of inquiries the City has received regarding medical marihuana. City Manager Shaffer stated there have been many inquiries but not as many as originally anticipated. Mr. Shaffer continued by speculating whether the number of applications will be as high as originally thought.

With regard to Item F.1, Purchase of Property Located at 9125 Portage Road, Mayor Randall stated that there was much discussion surrounding this matter at the last City Council Meeting and if City Council had any questions. Mayor Pro Tem Pearson asked for additional

background on the closing of Emily Drive and the property under the roadway reverting to the adjacent property owners. City Manager Shaffer explained the history of the roadway and that it was part of a plat development and the City never took title to the property under the road. As a result, Mr. Shaffer continued, if the City ever closes the road, the property is ceded to the adjoining property owners in equal proportion. He continued by stating that if the City purchases 9125 Portage Road it would have rights to one-half of the roadway which would still allow for placement of the lift station in a manner designed to maximize future development of the property. Councilmember Ford inquired as to the value of the roadway property and City Manager Shaffer stated that he would look into the matter.

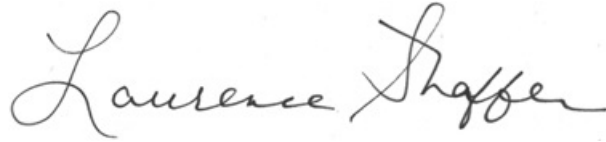
There being no other questions Mayor Randall summarized the questions raised at the meeting requiring follow-up from City Administration.

ADJOURNMENT: Mayor Randall adjourned the meeting at 8:44 a.m.

Adam Herringa, City Clerk

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: William Furry, Director of Finance

ACTION RECOMMENDED: That City Council approve the Accounts Payable Register as of February 27, 2018

The City Council reviews and approves the bi-weekly Accounts Payable Register which includes automated clearing house payments, paper checks and auto-pay payments. The attached Accounts Payable Register covers the period February 4, 2018 through February 18, 2018 and notes \$384,023.01 in automated clearing house payments, \$783,030.05 in paper checks and \$88,130.25 in auto-pay payments for a grand total of \$1,255,183.31.

FUNDING: N/A

Attachments: 1. Accounts Payable Register of 2-27-18

ACCOUNTS PAYABLE REGISTER
Check Dates From: 2/4/2018 TO: 2/18/2018

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Check Type: ACH Transaction

Check Date	Check	Vendor Name	Description	Amount
02/05/2018	8212(A)	ACCESS EMPLOYER STAFFING SERVICES	TEMPORARY EMPLOYEES	10,870.26
02/05/2018	8213(A)	AERCOR WIRELESS, INC.	NETMOTION RENEWAL	3,920.00
02/05/2018	8214(A)	ALL-PHASE ELECTRIC SUPPLY CO.	ELECTRICAL SUPPLIES	485.09
02/05/2018	8215(A)	C D W GOVERNMENT, INC.	LABEL PRINTER	1,563.45
02/05/2018	8216(A)	CENTRAL INTERCONNECT, INC.	MOVE FAX LINE	315.00
02/05/2018	8217(A)	DEPATIE FLUID POWER CO., INC.	HYDRAULIC HOSE	6,118.05
02/05/2018	8218(A)	ETNA SUPPLY, INC.	REPAIR SUPPLIES	101.00
02/05/2018	8219(A)	FIDELITY SECURITY LIFE INSURANCE CO	FEB-JUNE 2018	1,075.84
02/05/2018	8220(A)	GORDON WATER SYSTEMS	EQUIPMENT RENTAL	66.00
02/05/2018	8221(A)	GRAHAM FORESTRY SERVICE, INC.	FORESTRY CONSULTING	368.00
02/05/2018	8222(A)	GRAND ELK RAILROAD	RR CROSSING SIGNALS	16,694.00
02/05/2018	8223(A)	HARTFORD LIFE INSURANCE COMPANY	LIFE & LTD INSURANCE	8,627.78
02/05/2018	8224(A)	INDUSCO SUPPLY CO., INC.	REPAIR SUPPLIES	146.42
02/05/2018	8225(A)	LAKE MICHIGAN MAILERS, INC.	METER PLUS MONTHLY	260.85
02/05/2018	8226(A)	MATERIALS RESOURCES	GLOVES & MISC SUPPLIES	34.59
02/05/2018	8227(A)	MEJEUR ELECTRIC LLC	FIRE FACILITY MAINT	1,673.00
02/05/2018	8228(A)	NORMAN CAMERA CO.	CAMERA LENS/CASE	448.99
02/05/2018	8229(A)	R C M HEADSETS/R C M & ASSOC.	HEADSET	626.00
02/05/2018	8230(A)	ROE-COMM, INC.	COMPUTER EQUIP	2,651.90
02/05/2018	8231(A)	S B F ENTERPRISES, INC.	#9 RETURN ENVELOPES	1,623.70
02/05/2018	8232(A)	SEVERANCE ELECTRIC COMPANY, INC	TRAFFIC SIGNAL SUPPLIES	1,997.69
02/05/2018	8233(A)	SOS TECHNOLOGIES	FIRE EMS SUPPLIES	236.60
02/05/2018	8234(A)	WARNER NORCROSS & JUDD LLP	ARBITRATION LEGAL SERVICES	4,075.00
02/05/2018	8235(A)	WEST MICHIGAN STAMP & SEAL, INC	DATE STAMPS	90.00
02/05/2018	8236(A)	WOLVERINE LAWN SERVICE, INC.	SNOW PLOWING	161.00
02/09/2018	8237(A)	ACCESS EMPLOYER STAFFING SERVICES	TEMPORARY EMPLOYEES	5,064.83
02/09/2018	8238(A)	ADVANTAGE ROOFING, INC.	CDBG LAWSON-WEBB 622	1,800.00
02/09/2018	8239(A)	AIRGAS GREAT LAKES	MAINTENANCE SUPPLIES	463.95
02/09/2018	8240(A)	ALL CITY MANAGEMENT SERVICES, INC.	SCHOOL CROSSING GUARDS	3,250.80
02/09/2018	8241(A)	ALL-PHASE ELECTRIC SUPPLY CO.	ELECTRICAL SUPPLIES	61.40

ACCOUNTS PAYABLE REGISTER
Check Dates From: 2/4/2018 TO: 2/18/2018

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Check Date	Check	Vendor Name	Description	Amount
02/09/2018	8242(A)	AMERICAN SAFETY & FIRST AID	FIRST AID SUPPLIES	101.93
02/09/2018	8243(A)	BLUESTONE PSYCH	EVALUATION	465.00
02/09/2018	8244(A)	BYHOLT INC.	2NS SAND FOR DPS	1,783.47
02/09/2018	8245(A)	C D W GOVERNMENT, INC.	BATTERY CHARGER	38.65
02/09/2018	8246(A)	C T S TELECOM, INC.	TELEPHONE SERVICES	2,877.68
02/09/2018	8247(A)	CAPITAL ADVANTAGE LEASING	EQPT LEASE JULY 2017	15,568.20
02/09/2018	8248(A)	CARRIER & GABLE	TRAFFIC SIGNAL PUSHB	7,544.00
02/09/2018	8249(A)	CHARTER COMMUNICATIONS	CABLE TV	564.48
02/09/2018	8250(A)	CLEANIT CORP	CARWASHES	30.00
02/09/2018	8251(A)	DATA CONSTRUCTS LLC	WEBSITE HOSTING SERVICES	97.95
02/09/2018	8252(A)	DIESEL INJECTION SERVICE, LLC	INJECTORS FOR 239	2,637.24
02/09/2018	8253(A)	ETNA SUPPLY, INC.	CELERY FLATS PROJECT	345.00
02/09/2018	8254(A)	EXTREME POWER EQUIPMENT, INC.	PLOW MAINTENANCE	1,199.78
02/09/2018	8255(A)	FERGUSON WATERWORKS #3386	ELIASON PROJECT	309.00
02/09/2018	8256(A)	GORDON WATER SYSTEMS	WATER COOLER SERVICE	22.25
02/09/2018	8257(A)	GRIFFIN PEST SOLUTIONS, INC.	FIRE FACILITY MAINT	55.00
02/09/2018	8258(A)	HOWARD PRINTING	PORTAGER PRODUCTION	2,835.00
02/09/2018	8259(A)	INDUSCO SUPPLY CO., INC.	FIRE MAINT. SUPPLIES	185.28
02/09/2018	8260(A)	JONS TO GO PORTABLE RESTROOM	PORTABLE RESTROOM	385.00
02/09/2018	8261(A)	KEHOE, EDWARD J	PROGRAM INSTRUCTOR	340.00
02/09/2018	8262(A)	KUSHNER & COMPANY, INC.	COBRA JULY 2017-JAN	352.47
02/09/2018	8263(A)	LANDS END	UNIFORMS	278.80
02/09/2018	8264(A)	MATERIALS RESOURCES	MASKS/FILTERS	1,296.25
02/09/2018	8265(A)	MEEKHOF TIRE SALES & SERVICE INC.	TANDEM TRUCK TIRES	3,661.30
02/09/2018	8266(A)	MEJEUR ELECTRIC LLC	FIRE FACILITY MAINT.	4,283.00
02/09/2018	8267(A)	MICHIGAN ELECTION RESOURCES, LLC	ELECTION SUPPLIES	604.00
02/09/2018	8268(A)	NEW FRESH CLEANING SERVICE	JANITORIAL SERVICES	36.75
02/09/2018	8269(A)	ONE WAY PRODUCTS	FIRE CLEANING SUPPLIES	732.54
02/09/2018	8270(A)	PAM DAZEY	PARK BOARD WEBSITE	68.80
02/09/2018	8271(A)	PECKELS, CHRISTINE	PROGRAM INSTRUCTOR	240.00
02/09/2018	8272(A)	PEOPLEFACTS, LLC 740303	BACKGROUND CHECKS	22.45
02/09/2018	8273(A)	PERCEPTIVE CONTROLS, INC.	SCADA MAINTENANCE	3,304.08

ACCOUNTS PAYABLE REGISTER
Check Dates From: 2/4/2018 TO: 2/18/2018

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Check Date	Check	Vendor Name	Description	Amount
02/09/2018	8274(A)	PRECISION METALS PLUS	TRUCK REPAIRS	100.00
02/09/2018	8275(A)	PREMIER TRUCK SALES & RENTAL, INC.	PACKER TRUCK RENTAL	11,900.00
02/09/2018	8276(A)	PROFESSIONAL BUILDING SERVICES LLC	JANITORIAL SERVICES	314.00
02/09/2018	8277(A)	REPUBLIC SERVICES OF WEST MICHIGAN	WASTE SERVICES	698.45
02/09/2018	8278(A)	RIDGE AUTO NAPA	FIRE APPARATUS MAINT	19.76
02/09/2018	8279(A)	ROAD EQUIPMENT PARTS CENTER	MAINTENANCE SUPPLIES	490.68
02/09/2018	8280(A)	S B F ENTERPRISES, INC.	PRINTING AND PROCESS	621.10
02/09/2018	8281(A)	SCHNEIDER ELECTRIC IT USA INC	UPS REPAIRS	1,479.50
02/09/2018	8282(A)	SEVERANCE ELECTRIC COMPANY, INC	TRAFFIC SIGNAL REPAI	4,143.33
02/09/2018	8283(A)	SIMPLIFILE LLC	DOCUMENT RECORDING	198.00
02/09/2018	8284(A)	SOS TECHNOLOGIES	FIRE EMS SUPPLIES	347.95
02/09/2018	8285(A)	STURGIS OVERHEAD DOOR & LADDER	OVERHEAD DOOR SERVICES	455.00
02/09/2018	8286(A)	TERMINAL SUPPLY CO.	BEACONS & SAFETY LIGHTS	2,311.25
02/09/2018	8287(A)	THOMPSON, HELENE	PROGRAM INSTRUCTOR	192.00
02/09/2018	8288(A)	TYLER TECHNOLOGIES, INC.	IBM SERVER MAINT	1,632.75
02/09/2018	8289(A)	UNITED PETROLEUM	FUEL TANK PROBE MAINT	155.00
02/09/2018	8290(A)	W W GRAINGER INC	MAINTENANCE SUPPLIES	348.92
02/09/2018	8291(A)	WEST MICHIGAN INT'L LLC	REPAIR/MAINTENANCE	633.80
02/09/2018	8292(A)	WEST MICHIGAN STAMP & SEAL, INC	EKLOV NOTARY STAMP	44.25
02/09/2018	8293(A)	WIGHTMAN & ASSOCIATES, INC.	ENGINEERING SERVICES	286.30
02/09/2018	8294(A)	WIGHTMAN & ASSOCIATES, INC.	ENGINEERING SERVICES	4,196.25
02/09/2018	8295(A)	WOLVERINE LAWN SERVICE, INC.	SNOW REMOVAL SERVICE	4,515.56
02/16/2018	8296(A)	BLUE CARE NETWORK-GREAT LAKES	FEB-JUNE 2018 BCN	125,427.64
02/16/2018	8297(A)	C M P DISTRIBUTORS, INC.	AMMO	1,417.50
02/16/2018	8298(A)	CLEANIT CORP	CAR WASHES	239.00
02/16/2018	8299(A)	CPS HR CONSULTING	BATTALION CHIEF TEST	380.65
02/16/2018	8300(A)	GORDON WATER SYSTEMS	BOTTLED WATER	184.50
02/16/2018	8301(A)	GREATER KALAMAZOO UNITED WAY	UNITED WAY CONTRIBUTION	580.00
02/16/2018	8302(A)	HOWARD PRINTING	PORTAGER PRODUCTION	2,782.00
02/16/2018	8303(A)	MAIN STREET PORTRAITS INC	RETIREMENT PHOTO	150.00
02/16/2018	8304(A)	PERCEPTIVE CONTROLS, INC.	SCADA SYSTEM UPGRADE	85,610.70
02/16/2018	8305(A)	PORTAGE FIREFIGHTERS	IAFF DUES FOR FEB	1,726.08

ACCOUNTS PAYABLE REGISTER
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Check Date	Check	Vendor Name	Description	Amount
02/16/2018	8306(A)	PORTAGE ON-CALL FIREFIGHTERS	ON CALL FF DUES	80.00
02/16/2018	8307(A)	PORTAGE POLICE OFFICERS ASSOC	PPOA DUES	714.00
02/16/2018	8308(A)	RIDGE AUTO NAPA	FIRE APPARATUS MAINT	38.02
02/16/2018	8309(A)	SAFETY SERVICES, INC.	HI-VIZ CLOTHING	198.78
02/16/2018	8310(A)	SNELL, DEBRA	PROGRAM INSTRUCTOR	264.00
02/16/2018	8311(A)	TECHNOLOGY SOLUTIONS	RECREATE BACKFLOW	780.07
02/16/2018	8312(A)	TOO CLEAN JANITORIAL	MAINTENANCE SERVICE	770.00
02/16/2018	8313(A)	UNITED AUTO. IMPLEMENT WORKERS 2290	UAW DUES FOR FEB	459.68
Total ACH Transactions:				384,023.01

Check Type: Paper Check

02/12/2018	10156	PETTY CASH - LAURIE SHELBURNE	REPLENISHMENT CHECK	255.00
02/12/2018	10157	PETTY CASH-BARB GARLOW	REPLENISHMENT CHECK	325.81
02/12/2018	10158	PETTY CASH-JANET GATES	REPLENISHMENT CHECK	459.08
02/05/2018	305111	36TH JUDICIAL CIRCUIT COURT	BAIL BOND	110.00
02/05/2018	305112	A T & T	TELEPHONE SERVICE	145.81
02/05/2018	305113	ALLEGRA PRINT & IMAGING	PRINTING SERVICES	990.80
02/05/2018	305114	CAMPBELL AUTO SUPPLY	MISC AUTO SUPPLIES	21.70
02/05/2018	305115	CARTRIDGE WORLD	INK CARTRIDGES	32.78
02/05/2018	305116	CINTAS CORP.	PANT RENTAL	154.32
02/05/2018	305117	EMERGENCY VEHICLE PRODUCTS	CHANGE OVER VEH 156	9,475.26
02/05/2018	305118	HAMLIN, BOYD & MARGUERITE	TRIP REFUND	100.00
02/05/2018	305119	HOEKSTRA ROOFING CO.	ROOF REPAIR AMBERLY WELL	2,274.00
02/05/2018	305120	HOLOCENE ENVIRONMENTAL LLC	UST A & B OPERATOR	300.00
02/05/2018	305121	HOME DEPOT	MAINTENANCE SUPPLIES	45.05
02/05/2018	305122	KALAMAZOO COUNTY ROAD COMMISSI	TRAFFIC SIGNALS	538.61
02/05/2018	305123	KALAMAZOO COUNTY TREASURER	STC REFUND	149.67
02/05/2018	305124	KALAMAZOO COUNTY TREASURER'S ASSN	2018 DUES - SHELBURNE	10.00
02/05/2018	305125	MICHIGAN SECURITY & LOCK	MISC KEYS/LOCKS	19.00
02/05/2018	305126	NASON, RICK	FIRE DUES/MEMBERSHIP	375.00
02/05/2018	305127	OFFICE DEPOT, INC.	OFFICE SUPPLIES	142.02
02/05/2018	305128	U S POSTAL SERVICE	REFILL POSTAGE METER	3,000.00

ACCOUNTS PAYABLE REGISTER
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Check Date	Check	Vendor Name	Description	Amount
02/05/2018	305129	U S POSTMASTER	BRM PERMIT #208900	225.00
02/05/2018	305130	UNITED PARCEL SERVICE	WEEKLY DELIVERY	15.60
02/05/2018	305131	WILLIAMS ASSOCIATES ARCHITECTS, LTD	ARCHITECT FIRE	8,715.47
02/05/2018	305132	JAQUA REALTORS	EARNEST MONEY	2,000.00
02/09/2018	305133	AAA SLING & INDUSTRIAL SUPPLY	RECOVERY STRAPS	571.56
02/09/2018	305134	ALLEGRA PRINT & IMAGING	LETTERHEAD	32.50
02/09/2018	305135	ASCENSION HEALTH	OVER PAYMENT STAX17	3,248.89
02/09/2018	305136	B & L BOLT, INC.	HARDWARE	51.60
02/09/2018	305137	BALDWIN, CARLY	SKATE LESSON INTRUCTOR	50.00
02/09/2018	305138	BEAUPREZ, ERIN	ICE SKATING LESSONS	12.00
02/09/2018	305139	BEST WAY DISPOSAL, INC.	17/18 CURBSIDE RECYCLING	47,302.29
02/09/2018	305140	BORGESS HEALTH & FITNESS CENTER	FIRE OPS MED SERVICE	1,020.00
02/09/2018	305141	BRUCE'S TRUCK & AUTO ACCESSORIES	UTILITY TRUCK COATING	1,398.00
02/09/2018	305142	CAMPBELL AUTO SUPPLY	MISC AUTO SUPPLIES	21.70
02/09/2018	305143	CARLETON EQUIPMENT CO.	REPAIR SUPPLIES	41.57
02/09/2018	305144	CARTRIDGE WORLD	INK CARTRIDGES	2,394.65
02/09/2018	305145	CERTIFIED LABORATORIES	SHOP SUPPLIES	280.00
02/09/2018	305146	CHAPMAN, MARY	TRIP REFUND	95.00
02/09/2018	305147	CHICAGO TITLE OF MI	OVER PMT REFUND	10.00
02/09/2018	305148	CINTAS CORP.	UNIFORM RENTAL	151.05
02/09/2018	305149	CITY DIRECTORIES	POLK CITY DIRECTORY	440.00
02/09/2018	305150	COFFEE RESCUE, LLC	REFRESHMENTS	151.50
02/09/2018	305151	CORE TECHNOLOGY CORP.	ANNUAL CORE MAINT	5,999.00
02/09/2018	305152	CUTLER, SUE	PROGRAM REFUND	20.00
02/09/2018	305153	D L GALLIVAN INC.	COPY MACHINE REPAIRS	84.98
02/09/2018	305154	DAVE'S CONCRETE PRODUCTS, INC.	ELIASON PROJECT	3,480.00
02/09/2018	305155	DE JONG JR, MARINUS	REFUND OVERPYMT	89.67
02/09/2018	305156	DEVON TITLE AGENCY	OVER PAYMENT WTR/SWR	158.89
02/09/2018	305157	DZIADOSZ, COURTNEY	INSTRUCTOR FEE - SKATING	50.00
02/09/2018	305158	EMERGENCY VEHICLE PRODUCTS	FIRE APPARATUS MAINT	2,541.20
02/09/2018	305159	FADER EQUIPMENT, INC.	SAW WHEELS	38.00
02/09/2018	305160	FAIR HOUSING CENTER OF SW MICHIGAN	2017-2018 INSTALLMENT	1,000.00

ACCOUNTS PAYABLE REGISTER
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Check Date	Check	Vendor Name	Description	Amount
02/09/2018	305161	FALCON ROAD MAINTENANCE EQUIPMENT	TEMP CONTROLLER	463.88
02/09/2018	305162	FAWLEY OVERHEAD DOOR, INC.	DOOR A-14 REPAIRS	4,321.00
02/09/2018	305163	FIDELITY NATIONAL TITLE CO LLC	OVER PMT WTR/SWR	117.79
02/09/2018	305164	FIRE DEPARTMENT TRAINING NETWORK	FIRE MEMBERSHIPS	240.00
02/09/2018	305165	GARVEY, LYNELLE	STUART MANOR DEPOSIT	150.00
02/09/2018	305166	GORDON FOOD SERVICE	MPIR CONCESSIONS	78.50
02/09/2018	305167	HALT FIRE, INC.	FIRE APPARATUS MAINT	122.59
02/09/2018	305168	HOEKSTRA ROOFING CO.	WELL HOUSE ROOF	18,904.00
02/09/2018	305169	HOLDER, DALE & MICKI	TRIP REFUND	200.00
02/09/2018	305170	HOME DEPOT	MAINTENANCE SUPPLIES	810.90
02/09/2018	305171	HOUSING RESOURCES, INC.	CDBG HOUSING SUPPORT	10,575.00
02/09/2018	305172	INT'L PUBLIC MGT ASSOC FOR HR	POLICE & FIRE TESTING	427.50
02/09/2018	305173	KALAMAZOO COUNTY TREASURER	OAKBROOK MOBILE HOME	322.50
02/09/2018	305174	KALAMAZOO COUNTY TREASURER	2018 DOG LICENSE PAY	2,080.00
02/09/2018	305175	KALAMAZOO COUNTY TREASURER	REFUND FOR DBOR 2017	69.45
02/09/2018	305176	KALAMAZOO NATURE CENTER, INC.	INVASIVE SPECIES	4,500.00
02/09/2018	305177	KCASI	MEMBERSHIP KAL COUNT	30.00
02/09/2018	305178	KIESER & ASSOCIATES, LLC	SEDIMENT SAMPLING	3,484.50
02/09/2018	305179	KZOO TIRE COMPANY	TIRE REPAIR	23.79
02/09/2018	305180	LANGUAGE LINE, INC	LANGUAGE LINE USAGE	39.21
02/09/2018	305181	LIFELOC TECHNOLOGIES, INC.	TESTING SUPPLIES	520.00
02/09/2018	305182	LUBRICATION ENGINEERS, INC.	OIL ANALYSIS KITS	479.37
02/09/2018	305183	MCNALLY ELEVATOR CO.	ELEVATOR MAINT	129.75
02/09/2018	305184	MENARDS, INC	LUMBER SUPPLIES	225.76
02/09/2018	305185	MICH MUNICIPAL POLICE & FIRE REPAIR	POLICE VEHICLE REPAIRS	2,075.80
02/09/2018	305186	MICHIGAN ASSOC. OF SENIOR CENTERS	MYSENIORCENTER TRAINING	80.00
02/09/2018	305187	MICHIGAN SECURITY & LOCK	MISC KEYS/LOCKS	136.50
02/09/2018	305188	MMTA	2018 MMTA MEMBERSHIP	100.00
02/09/2018	305189	MULDERS LANDSCAPE SUPPLIES INC	SNOW PLOW OPERATORS	9,025.00
02/09/2018	305190	MYERS, JAMES	EMPLOYEE REIMBURSEMENT	11.20
02/09/2018	305191	NETWORKFLEET, INC.	MONTHLY SERVICE	4,478.44
02/09/2018	305192	OFFICE DEPOT, INC.	MISC OFFICE SUPPLIES	3,650.29

ACCOUNTS PAYABLE REGISTER
Check Dates From: 2/4/2018 TO: 2/18/2018

Check Date	Check	Vendor Name	Description	Amount
02/09/2018	305195	PARK PLACE & STORAGE	MTT REFUND 2017	347.42
02/09/2018	305196	PARKER, GRETCHEN	INSTRUCTOR FEE - SKATING	100.00
02/09/2018	305197	PARROTT, JACQUELEN	PROGRAM REFUND	20.00
02/09/2018	305198	PET VET FAMILY PET CARE CENTER	CANINE CARE	110.87
02/09/2018	305199	PROFFITT, KIMBERLY	SCHRIER PARK RENTAL	500.00
02/09/2018	305200	PURITY CYLINDER GASES, INC	SHOP SUPPLIES	180.63
02/09/2018	305201	R W LAPINE INC.	HVAC ON-CALL SERVICE	159.75
02/09/2018	305202	RE, ROSEMARY	TRIP REFUND	200.00
02/09/2018	305203	RESCUE WIPES LLC	FIRE PPE CLEANING	75.00
02/09/2018	305204	ROOT SPRING SCRAPER CO.	MAINTENANCE SUPPLIES	870.75
02/09/2018	305205	ROWERDINK, INC.	BRAKE REPAIR PARTS	136.91
02/09/2018	305206	SCHROEDER, TERRAE	SKI LESSONS REFUND	75.00
02/09/2018	305207	SKILLQUEST INTERNATIONAL LLC	2018 RANDOM DRUG TESTS	2,500.00
02/09/2018	305208	SOUTHWEST MICHIGAN FIRST	FY 2017-18 INSTALLMENT	12,500.00
02/09/2018	305209	SPICER, LENA OR	2017 TAX REFUND	1,766.68
02/09/2018	305210	STATE OF MICHIGAN	REGISTRATION FEES	720.00
02/09/2018	305211	STATE SYSTEMS RADIO, INC	MISC RADIO REPAIRS	226.20
02/09/2018	305212	STEENSMA LAWN & POWER EQUIPMENT	FIRE OPS SUPPLIES	1,507.16
02/09/2018	305213	SUITS U TAILOR SHOP INC	UNIFORM ALTERATIONS	506.50
02/09/2018	305214	THAYER, GLENNA	PROGRAM REFUND DAYS	20.00
02/09/2018	305215	TODD ARBANAS ENTERPRISES INC.	TREE REMOVAL SERVICE	975.00
02/09/2018	305216	TRACTOR SUPPLY CORP.	MPPIR SUPPLIES	46.03
02/09/2018	305217	U S A TODAY	LOBBY SUBSCRIPTION	29.00
02/09/2018	305218	U S POSTMASTER	PORTAGER POSTAGE	8,000.00
02/09/2018	305219	UNION STREET HYDRAULICS	CYLINDER REPAIRS	875.72
02/09/2018	305220	VANDALEN, AMY	PRINCESS TEA 2018 REFUND	45.00
02/09/2018	305221	VERIZON WIRELESS SERVICES, LLC	CELL PHONES	2,116.64
02/09/2018	305222	WAKEFIELD, SAMANTHA	INSTRUCTOR FEE - SKATING	100.00
02/09/2018	305223	WESTVIEW CAPITAL, LLC	OVERPYMT REFUND 3800	136.41
02/09/2018	305224	WINTER EQUIPMENT COMPANY, INC.	WING SHOES	1,947.49
02/09/2018	305225	WRIGHT, TAMMY	SCHRIER DEPOSIT REFUND	100.00
02/09/2018	305226	ZOLL DATA SYSTEMS, INC.	FIRE APPARATUS MAINT	10,000.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 2/4/2018 TO: 2/18/2018

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Check Date	Check	Vendor Name	Description	Amount
02/15/2018	305267	LAKELAND ASPHALT CORP.	PORTAGE ROAD, MANDIGO	119,658.89
02/15/2018	305268	MONICA WASHINGTON PADULA	ACCOMPANIST	150.00
02/16/2018	305227	ADP, INC.	PAYROLL SERVICES	3,267.18
02/16/2018	305228	ALLEGRA PRINT & IMAGING	WATER/SEWER PRINTING	204.00
02/16/2018	305229	AMPLE PANTRY INC.	COUNCIL DINNER 02/13	117.50
02/16/2018	305230	ARC STRAP, LLC	FIRE PPE GEAR	958.40
02/16/2018	305231	ARTWEAR APPAREL GRAPHICS, INC.	PARK PATROL VESTS	96.00
02/16/2018	305232	BLUE CROSS/BLUE SHIELD OF MICH	FEB-JUNE 2018 BCBSM	68,187.85
02/16/2018	305233	COSTAR REALTY INFORMATION, INC.	REALTY SALES INFORMATION	321.82
02/16/2018	305234	DEWOLF & ASSOCIATES	EMP TRNG	385.00
02/16/2018	305235	DTN, LLC	WEATHER SERVICE	876.00
02/16/2018	305236	GREATER KALAMAZOO FOP LODGE 98	PPCOA DUES FOR FEB	3,350.12
02/16/2018	305237	HOME DEPOT	FIRE FACILITY MAINT	69.91
02/16/2018	305238	HUNTINGTON NATIONAL BANK	MTT 2017 REFUNDS	651.41
02/16/2018	305239	HUNTINGTON NATIONAL BANK	MTT 2017 REFUNDS	2,762.66
02/16/2018	305240	INTERSTATE OFFICE INTERIORS	BOOKCASE	1,256.30
02/16/2018	305241	KALAMAZOO COUNTY TREASURER	COLONIAL ACRES MOBILE	477.50
02/16/2018	305242	LAKELAND ASPHALT CORP.	RELEASE RETAINAGE	32,959.09
02/16/2018	305243	M M R M A	INSURANCE PREMIUM	254,556.00
02/16/2018	305244	MARIANI, MYRTLE	TRIP REFUND	200.00
02/16/2018	305245	MARKERTEK VIDEO SUPPLY	MEETING TIMER	1,200.00
02/16/2018	305246	MARXMODA, INC.	CHAIR REPAIR	111.02
02/16/2018	305247	MICHIGAN TAX TRIBUNAL	MTT 17-002380 FEE	50.00
02/16/2018	305248	MOTION PICTURE LICENSING CORP.	LICENSE TO SHOW MOVIE	205.00
02/16/2018	305249	NATIONAL BUSINESS FURNITURE LLC	CONFERENCE ROOM CHAIRS	300.00
02/16/2018	305250	NATIONAL KIDNEY FOUNDATION OF MICH	GRAIN ELV WALK RUN	450.00
02/16/2018	305251	NYE UNIFORMS	NEW OFC UNIFORMS	1,137.86
02/16/2018	305252	OFFICE DEPOT, INC.	OFFICE SUPPLIES	107.67
02/16/2018	305253	PARIS CLEANERS	UNIIFORM CLEANING	1,127.18
02/16/2018	305254	RANDALL BAAS	OVER PAYMENT REFUND	44.78
02/16/2018	305255	RED THE UNIFORM TAILOR	FIRE OPS UNIFORMS	82.45
02/16/2018	305256	REYNOUT, BRENT	TRAINING EXPENSES	262.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 2/4/2018 TO: 2/18/2018

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Check Date	Check	Vendor Name	Description	Amount
02/16/2018	305257	ROSS EDUCATION LLC	MTT TAX REFUND	29,035.14
02/16/2018	305258	ROSS EDUCATION, LLC	2017 MTT TAX REFUND	8,268.20
02/16/2018	305259	SADLER, PAMELA	TRIP REFUND	200.00
02/16/2018	305260	STATE OF MICHIGAN (MDEQ)	2018 STORM WATER	4,000.00
02/16/2018	305261	STATE OF MICHIGAN (TREASURY)	WEISSERT PPE CERT	50.00
02/16/2018	305262	TAPLIN GROUP, LLC	EMERGENCY RESPONSE	1,967.50
02/16/2018	305263	U S A TODAY	SUBSCRIPTION	58.00
02/16/2018	305264	UNITED PARCEL SERVICE	WEEKLY PICKUP	31.55
02/16/2018	305265	UNIVERSITY OF PHOENIX, INC	MTT REFUND	26,955.16
02/16/2018	305266	YEO & YEO	2016/2017 AUDIT	1,500.00

Total Paper Checks: 783,030.05

Check Type: Auto-Pay Payments

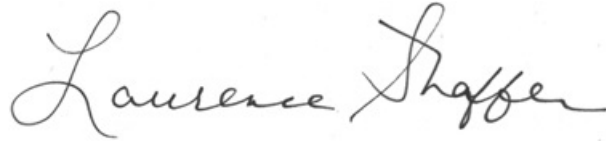
2/06/2018	6133	CONSUMERS ENERGY	GAS-ELECTRIC	4,539.96
2/08/2018	6134	CONSUMERS ENERGY	GAS-ELECTRIC	15,327.25
2/12/2018	6135	CONSUMERS ENERGY	GAS-ELECTRIC	1,020.95
2/13/2018	6136	CONSUMERS ENERGY	GAS-ELECTRIC	13,288.87
2/14/2018	6138	CONSUMERS ENERGY	GAS-ELECTRIC	32,060.99
2/15/2018	6139	CONSUMERS ENERGY	GAS-ELECTRIC	1,884.87
2/15/2018	6108	RANDALL BROWN & ASSOC	RETAINER FEE	18,810.00
2/16/2018	6140	CONSUMERS ENERGY	GAS-ELECTRIC	1,197.36

Total Auto-Pay Payments: 88,130.25

Grand Total: 1,255,183.31

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: 2018 DDA Bond Refunding Resolutions

SUPPORTING PERSONNEL: William Furry, Director of Finance

ACTION RECOMMENDED: Adopt a refunding bond resolution authorizing limited tax pledge to payment of the Downtown Development Limited Tax Refunding Bonds, Series 2018.

In 2003, the city sold Downtown Development Authority (DDA) bonds to finance the purchase of land for infrastructure improvements and the development of the West Fork Crossing area. The interest rates associated with that bond series ranged from 3.00% to 5.25%. The remaining bonds are callable and refunding of the bonds is expected to yield a present value savings of approximately \$112,811 over the period of 2018 to 2027.

The attached bond resolution was prepared by the city's bond counsel, John Axe. The resolution will initiate the legal process required to refinance the existing DDA bonds, subject to subsequent ratification by the board of the Downtown Development Authority. Bids will be taken on or about May 9, 2018 and the bid results will be reported to City Council soon thereafter.

FUNDING: N/A

Attachments:

1. Portage-DDA-Multiple Rates and Analysis
2. Refunding Bond Resolution
3. Resolution Submitting an Estimate of Anticipated Tax Increment Revenue

City of Portage



DDA Refunding Bonds

\$1,905,000.00

Pricing Summary

Dated: 05/01/2018 | Delivered: 05/24/2018

1st Coupon: 01/01/2019

Type	Principal	Coupon Rate	Maturity Date	Reof Price	Reof Yield	OID/OIP	Gross Production
Serial Bonds	160,000.00	2.000	1/1/2019	100.238	1.600	380.80	160,380.80
	190,000.00	2.000	1/1/2020	100.313	1.800	594.70	190,594.70
	195,000.00	2.500	1/1/2021	101.260	2.000	2,457.00	197,457.00
	210,000.00	3.000	1/1/2022	102.825	2.180	5,932.50	215,932.50
	220,000.00	3.000	1/1/2023	102.598	2.400	5,715.60	225,715.60
	230,000.00	3.000	1/1/2024	102.439	2.530	5,609.70	235,609.70
	225,000.00	3.000	1/1/2025	101.923	2.680	4,326.75	229,326.75
	235,000.00	3.000	1/1/2026	101.290	2.810	3,031.50	238,031.50
	240,000.00	3.000	1/1/2027	100.754	2.900	1,809.60	241,809.60
	1,905,000.00					29,858.15	1,934,858.15

Bid Information

Par amount of bonds	1,905,000.00	True interest cost (TIC)	2.7969027
Underwriter discount (+)	(19,050.00)	All-in TIC	3.3932734
Original issue discount/premium (+)	29,858.15	Arbitrage yield limit (AYL)	2.5754862
Credit enhancements (-)	0.00	Net interest cost (NIC)	2.8128225
Accrued interest (+)	3,365.35	NIC interest	242,693.17
Other costs (-)	50,000.00	Bond years	9,457,164.40
= Proceeds to issuer	1,869,173.50	Average bond years	4.888

DDA Refunding Bonds

\$1,905,000.00

Yearly Savings Summary

Dated: 05/01/2018 | Delivered: 05/24/2018

<i>Fiscal Year</i>	<i>Calendar Date</i>	<i>Prior Debt Service</i>	<i>Refunding Debt Service</i>	<i>Refunding Savings</i>	<i>Discounted Savings @ 2.575486%</i>
2018	07/01/2018	44,240.63		3,365.36	3,249.15
2019	07/01/2019	235,181.25	219,854.17	15,327.08	14,889.62
2020	07/01/2020	252,943.75	237,575.00	15,368.75	14,578.28
2021	07/01/2021	254,843.75	238,237.50	16,606.25	15,388.23
2022	07/01/2022	261,081.25	247,650.00	13,431.25	12,120.88
2023	07/01/2023	266,509.38	251,200.00	15,309.38	13,502.97
2024	07/01/2024	266,334.38	254,450.00	11,884.38	10,213.60
2025	07/01/2025	255,928.13	242,625.00	13,303.13	11,173.36
2026	07/01/2026	259,425.00	245,725.00	13,700.00	11,246.81
2027	01/01/2027	256,562.50	243,600.00	12,962.50	10,401.10
Total Savings		2,353,050.00	2,180,916.67	131,258.06	116,764.00
<i>Discounted Savings as a Percentage of Refunded Bonds.. . . .</i>		6.0804	%	<i>Escrow Yield..</i>	2.5754862
<i>Discounted Savings as a Percentage of Refunding Bonds.. . . .</i>		5.9527	%	<i>Arbitrage Yield Limit (AYL)</i>	2.5754862

City of Portage



DDA Refunding Bonds

\$1,905,000.00

Pricing Summary

Dated: 05/01/2018 | Delivered: 05/24/2018

1st Coupon: 01/01/2019

Type	Principal	Coupon Rate	Maturity Date	Reof Price	Reof Yield	OID/OIP	Gross Production
Serial Bonds	160,000.00	2.500	1/1/2019	100.446	1.750	713.60	160,713.60
	190,000.00	2.500	1/1/2020	100.783	2.000	1,487.70	191,487.70
	195,000.00	3.000	1/1/2021	101.884	2.250	3,673.80	198,673.80
	210,000.00	3.000	1/1/2022	102.057	2.400	4,319.70	214,319.70
	220,000.00	3.000	1/1/2023	102.159	2.500	4,749.80	224,749.80
	230,000.00	3.200	1/1/2024	102.581	2.700	5,936.30	235,936.30
	225,000.00	3.200	1/1/2025	101.789	2.900	4,025.25	229,025.25
	235,000.00	3.200	1/1/2026	101.348	3.000	3,167.80	238,167.80
	240,000.00	3.200	1/1/2027	100.748	3.100	1,795.20	241,795.20
	1,905,000.00					29,869.15	1,934,869.15

Bid Information

Par amount of bonds	1,905,000.00	True interest cost (TIC)	2.9874725
Underwriter discount (+)	(19,050.00)	All-in TIC	3.5875998
Original issue discount/premium (+)	29,869.15	Arbitrage yield limit (AYL)	2.7646770
Credit enhancements (-)	0.00	Net interest cost (NIC)	3.0046067
Accrued interest (+)	3,658.28	NIC interest	260,475.90
Other costs (-)	50,000.00	Bond years	9,452,458.93
= Proceeds to issuer	1,869,477.43	Average bond years	4.885

City of Portage



DDA Refunding Bonds

\$1,935,000.00

Pricing Summary

Dated: 05/01/2018 | Delivered: 05/24/2018

1st Coupon: 01/01/2019

Type	Principal	Coupon Rate	Maturity Date	Reof Price	Reof Yield	OID/OIP	Gross Production
Serial Bonds	165,000.00	1.750	1/1/2019	99.999	1.750	(1.65)	164,998.35
	195,000.00	2.000	1/1/2020	99.999	2.000	(1.95)	194,998.05
	200,000.00	2.250	1/1/2021	99.998	2.250	(4.00)	199,996.00
	215,000.00	2.400	1/1/2022	99.998	2.400	(4.30)	214,995.70
	225,000.00	2.500	1/1/2023	99.998	2.500	(4.50)	224,995.50
	230,000.00	2.700	1/1/2024	99.998	2.700	(4.60)	229,995.40
	225,000.00	2.900	1/1/2025	99.998	2.900	(4.50)	224,995.50
	235,000.00	3.000	1/1/2026	99.998	3.000	(4.70)	234,995.30
	245,000.00	3.100	1/1/2027	99.998	3.100	(4.90)	244,995.10
	1,935,000.00					(35.10)	1,934,964.90

Bid Information

Par amount of bonds	1,935,000.00	True interest cost (TIC)	2.9893980
Underwriter discount (+)	(19,350.00)	All-in TIC	3.5882015
Original issue discount/premium (+)	(35.10)	Arbitrage yield limit (AYL)	2.7636156
Credit enhancements (-)	0.00	Net interest cost (NIC)	2.9737119
Accrued interest (+)	3,159.49	NIC interest	261,033.94
Other costs (-)	50,000.00	Bond years	9,411,190.89
= Proceeds to issuer	1,868,774.39	Average bond years	4.864

DDA Refunding Bonds

\$1,935,000.00

Yearly Savings Summary

Dated: 05/01/2018 | Delivered: 05/24/2018

<i>Fiscal Year</i>	<i>Calendar Date</i>	<i>Prior Debt Service</i>	<i>Refunding Debt Service</i>	<i>Refunding Savings</i>	<i>Discounted Savings @ 2.763616%</i>
2018	07/01/2018	44,240.63		3,159.50	3,034.87
2019	07/01/2019	235,181.25	221,250.83	13,930.42	13,465.12
2020	07/01/2020	252,943.75	239,615.00	13,328.75	12,550.72
2021	07/01/2021	254,843.75	240,415.00	14,428.75	13,259.35
2022	07/01/2022	261,081.25	250,585.00	10,496.25	9,363.07
2023	07/01/2023	266,509.38	255,192.50	11,316.88	9,858.75
2024	07/01/2024	266,334.38	254,275.00	12,059.38	10,253.02
2025	07/01/2025	255,928.13	242,907.50	13,020.63	10,799.42
2026	07/01/2026	259,425.00	246,120.00	13,305.00	10,768.55
2027	01/01/2027	256,562.50	248,797.50	7,765.00	6,131.91
Total Savings		2,353,050.00	2,199,158.33	112,810.54	99,484.78
<i>Discounted Savings as a Percentage of Refunded Bonds.. . . .</i>		5.1649	%	<i>Escrow Yield..</i>	2.7646770
<i>Discounted Savings as a Percentage of Refunding Bonds.. . . .</i>		4.9781	%	<i>Arbitrage Yield Limit (AYL)</i>	2.7636156

CITY OF PORTAGE

At a _____ meeting of the City Council of the City of Portage, Kalamazoo County, Michigan (the "City"), held in the City of Portage Hall in said City, on _____, 2018 at ____:____m., Eastern Standard Time, there were

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and seconded by _____.

REFUNDING BOND RESOLUTION
City of Portage
County of Kalamazoo, State of Michigan
Downtown Development Limited Tax Refunding Bonds, Series 2018

WHEREAS, on December 18, 2003, at the request of the City of Portage Downtown Development Authority (the "Authority"), the City of Portage (the "City"), pursuant to Act No. 197, Public Acts of Michigan, 1975, as amended ("Act 197"), and pursuant to a Tax Increment Finance Plan/Development Plan (the "Plan"), issued its \$2,765,000 City of Portage Downtown Development Limited Tax Bonds, Series 2003 dated December 1, 2003 (the "2003 Bonds"), of which \$1,945,000 remains outstanding; and

WHEREAS, the City may call \$1,945,000 of the 2003 Bonds on July 1, 2018; and

WHEREAS, the 2003 Bonds were issued at a time when interest rates were higher than is currently the case and, accordingly, bear rates of interest in excess of current tax-exempt interest rates; and

WHEREAS, the Authority will determine that it is necessary and appropriate at this time to issue a series of Refunding Bonds pursuant to Act 197 and pursuant to Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34"), to refund all or part of the 2003 Bonds so long as such refunding generates present value savings; and

WHEREAS, the Authority will ratify and approve this form of refunding bond resolution to be adopted for this purpose; and

WHEREAS, an estimate of the tax increment revenues to be available for the payment of the principal of and interest on refunding bonds to be issued by the City is attached hereto as Appendix A; and

WHEREAS, the refunding bonds to be issued by the City are to be payable primarily from tax increment revenues to be received by the Authority (the "Tax Increment Revenues") pursuant to Act 197 and the Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, as follows:

1. **Issuance of Refunding Bonds.** Refunding Bonds aggregating in the principal amount not to exceed Two Million One Hundred Fifty Dollars (\$2,150,000) (the "Refunding Bonds") shall be issued and sold pursuant to the provisions of Act 34, and other applicable statutory provisions, for the purpose of refunding the all of the 2003 Bonds except for the interest payment due on July 1, 2018 (the "Refunded Bonds") so long as such refunding generates present value savings.

2. **Refunding Bond Details.** The Refunding Bonds shall be known as "City of Portage Downtown Development Limited Tax Refunding Bonds, Series 2018" and shall be issued in anticipation of the receipt by the City of the Tax Increment Revenues for each year through and including the year ending June 30, 2027 and shall be dated May 1, 2018 or such later date not more than twelve calendar months thereafter as the City Finance Director shall provide in the Official Notice of Sale. The Refunding Bonds shall be fully registered Refunding Bonds, both as to principal and interest, in any one or more denominations of \$5,000 or a multiple of \$5,000 numbered from 1 upwards as determined by the City Finance Director, regardless of rate and maturity date. The total amount of Refunding Bonds to be issued shall not exceed \$2,150,000. Subject, however, to adjustment as described under "INCREASE OR DECREASE IN AGGREGATE AMOUNT OF REFUNDING BONDS", in Section 7, if \$1,945,000 in Refunding Bonds are to be issued, the Refunding Bonds shall mature on January 1 in each year as follows:

<u>YEAR</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>AMOUNT</u>
2019	\$175,000	2024	\$225,000
2020	200,000	2025	230,000
2021	205,000	2026	225,000
2022	215,000	2027	235,000
2023	225,000	2028	235,000

The Refunding Bonds shall be in substantially the form attached hereto as *EXHIBIT A* with such changes, additions or deletions as are not inconsistent with this resolution.

3. **Interest Payment and Date of Record.** The Refunding Bonds shall bear interest payable January 1, 2019 and each July 1 and January 1 thereafter, until maturity, which interest shall not exceed 6% per annum. Interest shall be paid by check or draft mailed to the registered owner of each Refunding Bond as of the applicable date of record, provided, however, that the City Finance Director may agree with the bond registrar on a different method of payment. If interest is paid differently, the Refunding Bond form attached as Exhibit A and Official Notice of Sale form attached as Exhibit D shall be changed accordingly.

The date of record for each interest payment shall be the 15th day of the calendar month preceding the date such payment is due.

4. **Prior Redemption.** The Refunding Bonds shall not be subject to redemption prior to maturity

5. **Discount.** The Refunding Bonds may be offered for sale at par or at a price of not less than 99% of the face amount thereof, and the City Finance Director is authorized, in his or her discretion, to provide for a higher minimum purchase price in the Official Notice of Sale for the Refunding Bonds.

6. **Adjustment of Refunding Bond Maturities.** The City Finance Director is authorized by order in the form attached as *EXHIBIT B* to adjust the amounts of the maturities of the Refunding Bonds, as set forth in Section 7.

7. **Increase or Decrease in Aggregate Amount of Refunding Bonds.** In the event the amount necessary to refund the Refunded Bonds shall be more or less than \$1,945,000, the City Finance Director shall increase the principal amount of the Refunding Bonds by up to \$205,000, or decrease the principal amount of the Refunding Bonds by any amount to the extent required to avoid the issuance of more Refunding Bonds than will be required in light of the amount of Refunding Bonds to be issued and proposals received, which increase or decrease may be applied to any one or more of the maturities and the Official Notice of Sale attached as *Exhibit D* shall so provide or be changed accordingly. In the event the City or the Authority determines to contribute additional amounts toward the refunding of the bonds, the bonds shall further be reduced by the amount of such contribution.

8. **Payment of Refunding Bonds; Pledge of Tax Increment Revenues.** The Refunding Bonds shall be a general obligation of the City, but shall be payable in the first instance from the Tax Increment Revenues collected by the Authority. Such Tax Increment Revenues and other funds which are the proceeds of Tax Increment Revenues held by the Authority may be used to make such payments. The Authority has heretofore pledged and the City hereby pledges all of the estimated Tax Increment Revenues (see Appendix A hereto), subject to those Tax Increment Revenues already pledged to the City to permit the City to retire the outstanding City of Portage Downtown Development Limited Tax Bonds, Series 2003, for payment of the principal of and interest on the Refunding Bonds and a first security interest is granted in the Tax Increment Revenues (to the extent so pledged) to continue until the payment in full of the principal of and interest on the Refunding Bonds.

9.(A) **Bond Registrar and Paying Agent/Book Entry Depository Trust.** The City Finance Director shall designate, and shall enter into an agreement with, a bond registrar and paying agent for the Refunding Bonds which shall be a bank or trust company located in the State of Michigan which is qualified to act in such capacity under the laws of the United States of America or the State of Michigan. The City Finance Director from time to time as required may designate a similarly qualified successor bond registrar and paying agent. If so designated the Refunding Bonds shall be deposited with a depository trustee designated by the City Finance Director who shall transfer ownership of interests in the Refunding Bonds by book entry and who shall issue depository trust receipts or acknowledgments to owners of interests in the Refunding Bonds. Such book entry depository trust arrangement, and the form of depository trust receipts or acknowledgments, shall be as determined by the City Finance Director after consultation with the depository trustee. The City Finance Director is authorized to enter into any depository trust agreement on behalf of the City upon such terms and conditions as the City Finance Director shall deem appropriate and not otherwise prohibited by the terms of this Resolution, which Contract shall be executed by the City Finance Director. The depository trustee may be the same as the Registrar otherwise named by the City Finance Director, and the Refunding Bonds may be transferred in part by depository trust and in part by transfer of physical certificates as the City Finance Director may determine.

(B) **Exchange and Transfer of Bonds.**

(i) The Refunding Bonds, upon surrender thereof to the bond registrar and paying agent with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney, at the option of the registered owner thereof, may be exchanged for Refunding Bonds of any other authorized denominations of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered Refunding Bonds.

(ii) The Refunding Bonds shall be transferable upon the books of the City, which shall be kept for that purpose by the bond registrar and paying agent, only upon surrender

of such Refunding Bonds together with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney.

(iii) Upon the exchange or transfer of the Refunding Bonds, the bond registrar and paying agent on behalf of the City shall cancel the surrendered Refunding Bonds and shall authenticate and deliver to the transferee new Refunding Bonds of any authorized denomination of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered Refunding Bonds. If, at the time the bond registrar and paying agent authenticates and delivers new Refunding Bonds pursuant to this Section, payment of interest on the Refunding Bonds is in default, the bond registrar and paying agent shall endorse upon the new Refunding Bonds the following: "Payment of interest on this bond is in default. The last date to which interest has been paid is _____, ____."

(iv) The City and the bond registrar and paying agent may deem and treat the person in whose name the Refunding Bonds shall be registered upon the books of the City as the absolute owner of such Refunding Bonds, whether such Refunding Bonds shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Refunding Bonds and for all other purposes, and all payments made to any such registered owner, or upon his or her order, in accordance with the provisions of Section 5 of this Resolution shall be valid and effectual to satisfy and discharge the liability upon such Refunding Bonds to the extent of the sum or sums so paid, and neither the City nor the bond registrar and paying agent shall be affected by any notice to the contrary. The City agrees to indemnify and save the bond registrar and paying agent harmless from and against any and all loss, cost, charge, expense, judgment or liability incurred by it, acting in good faith and without negligence hereunder, in so treating such registered owner.

(v) For every exchange or transfer of the Refunding Bonds, the City or the bond registrar and paying agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer.

(vi) The bond registrar and paying agent shall not be required to transfer or exchange the Refunding Bonds or portion of the Refunding Bonds which has been selected for redemption.

10. **Mutilated, Lost, Stolen or Destroyed Refunding Bonds.** In the event any Refunding Bond is mutilated, lost, stolen or destroyed, the Mayor and the City Clerk may, on behalf of the City, execute and deliver, a new Refunding Bond having a number not then outstanding, of like date, maturity and denomination as that mutilated, lost, stolen or destroyed.

In the case of a mutilated Refunding Bond, a replacement Refunding Bond shall not be delivered unless and until such mutilated Refunding Bond is surrendered to the Bond Registrar. In the case of a lost, stolen or destroyed Refunding Bond, a replacement Refunding Bond shall not be delivered unless and until the City and the Bond Registrar shall have received such proof of ownership and loss and indemnity as they determine to be sufficient, which shall consist at least of (i) a lost instrument Refunding Bond for principal and interest remaining unpaid on the lost, stolen or destroyed Refunding Bond; (ii) an affidavit of the registered owner (or his or her attorney) setting forth ownership of the Refunding Bond lost, stolen or destroyed and the circumstances under which it was lost, stolen or destroyed; (iii) the agreement of the owner of the Refunding Bond (or his or her attorney) to fully indemnify the City and the Bond Registrar against loss due to the lost, stolen or destroyed Refunding Bond and the issuance of any replacement Refunding Bond; and (iv) the agreement of the owner of the Refunding Bond (or his or her attorney) to pay all expenses of the City and the Bond Registrar in connection with

the replacement, including the transfer and exchange costs which otherwise would be paid by the City.

11. **Execution and Delivery.** The Mayor and the City Clerk are hereby authorized and directed to execute the Refunding Bonds for and on behalf of the City by manually executing the same or by causing their facsimile signatures to be affixed. If facsimile signatures are used, the Refunding Bonds shall be authenticated by the Bond Registrar before delivery. The Refunding Bonds shall be sealed with the City's seal or a facsimile thereof shall be imprinted thereon. When so executed and (if facsimile signatures are used) authenticated, the Refunding Bonds shall be delivered to the City Finance Director, who is hereby authorized and directed to deliver the Refunding Bonds to the purchaser upon receipt in full of the purchase price for the Refunding Bonds.

12. **City's Limited Tax Pledge.** The principal of and interest on the Refunding Bonds shall be payable primarily out of the Tax Increment Revenues for each year through and including the year ending June 30, 2027, in anticipation of which the Refunding Bonds are to be issued. In addition, the limited tax pledge of the City is to be irrevocably pledged to the prompt payment of the principal of and interest on the Refunding Bonds when due. If the foregoing collections of Tax Increment Revenues shall not be sufficient to pay the principal of and the interest on the Refunding Bonds as the same shall become due, then moneys sufficient to meet the deficiency shall be advanced from the General Fund of the City. The City's ability to raise such funds is subject to applicable constitutional and statutory limitations on the taxing power of the City.

13. **Principal and Interest Fund.** All monies paid to the City from tax increment revenues pursuant to the Plan shall be set aside by the City in a separate fund hereby established, to be known as the "Bond Payment Fund." All moneys in the Bond Payment Fund shall be kept in a separate depository account with one or more banks or trust companies where the principal of and interest on the Bonds are payable, and such moneys shall be used solely for the purpose of (i) paying principal of, premium, if any, and interest on the Refunding Bonds as well as costs, including the fees and expenses of the Bond Registrar, incidental to the Refunding Bonds; (ii) the annual fees and expenses of the escrow agent under an escrow agreement; and (iii) the fees and expenses of the paying agent or paying agents for the Refunding Bonds. All accrued interest and the premium, if any, received from the purchaser of the Refunding Bonds shall be deposited in the Bond Payment Fund upon receipt.

14. **Use of Proceeds.** The proceeds of the sale of the Refunding Bonds shall be used as follows:

- a. Accrued interest shall be transferred to the Bond Payment Fund created pursuant to Section 15 above;
- b. There shall next be transferred to an escrow fund (the "Escrow Fund") an amount which will be sufficient to pay when due the principal of, premium, if any, and interest on the Refunded Bonds when due upon redemption; and
- c. The balance of the proceeds shall be used to pay some or all of the costs of financing including, but not limited to, publication costs, financial costs, consultant fees, counsel fees, printing costs, application fees, bond insurance premiums, rating fees and any other fees or costs incurred in connection with the financing.

15. **Escrow Agreement; Redemption of Refunded Bonds.** In order that the Refunded Bonds may be properly defeased in accordance with Act 34, the City shall enter into an escrow agreement as may be determined by the City Finance Director (the "Escrow Agreement"), with a bank or trust company designated by the City Finance Director. The Escrow Agreement shall be in substantially the form attached as *EXHIBIT C* to this Resolution (with such changes, modifications and additions as may be approved by the City Finance Director). The Escrow Agreement shall be completed by the City Finance Director with appropriate figures prior to execution on behalf of the City by the City Finance Director.

Upon execution of the Escrow Agreement and delivery of the Refunding Bonds, the City and/or the escrow agent shall take all necessary steps to cause the Refunded Bonds to be redeemed at the earliest possible redemption date or dates.

16. **Investments.** Moneys in the Bond Payment Fund may be continuously invested and reinvested in United States government obligations, obligations the principal and interest on which are unconditionally guaranteed by the United States government, or in interest-bearing time deposits selected by the City Finance Director which are permissible investments for surplus funds under Act No. 20, Public Acts of Michigan, 1943, as amended. Such investments shall mature, or be subject to redemption at the option of the holder, not later than the dates moneys in such fund will be required to pay the principal of, premium, if any, and interest on the Refunding Bonds. Obligations purchased as an investment of moneys in the Bond Payment Fund shall be deemed at all times to be a part of such fund, and the interest accruing thereon and any profit realized from such investment shall be credited to such fund.

17. **Depositories.** All of the banks located in the State of Michigan are hereby designated as permissible depositories of the moneys in the funds established by this Resolution, except that the moneys in the Bond Payment Fund shall only be deposited in such banks where the principal of and interest on the Refunding Bonds are payable. The City Finance Director shall select the depository or depositories to be used from those banks authorized in this Section.

18. **Arbitrage and Tax Covenants.** Notwithstanding any other provision of this resolution, the City covenants that it will not at any time or times:

(a) Permit any proceeds of the Refunding Bonds or any other funds of the City or under its control to be used directly or indirectly (i) to acquire any securities or obligations, the acquisition of which would cause any Refunding Bond to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), or (ii) in a manner which would result in the exclusion of any Refunding Bond from the treatment afforded by Section 103(a) of the Code by reason of the classification of any Refunding Bond as a "private activity bond" within the meaning of Section 141(a) of the Code, as a "private loan bond" within the meaning of Section 141(a) of the Code or as an obligation guaranteed by the United States of America within the meaning of Section 149(b) of the Code; or

(b) Take any action, or fail to take any action (including failure to file any required information or other returns with the United States Internal Revenue Service or to rebate amounts to the United States, if required, at or before the time or times required), within its control which action or failure to act would (i) cause the interest on the Refunding Bonds to be includible in gross income for federal income tax purposes, cause the interest on the Refunding Bonds to be includible in computing any alternative minimum tax (other than the alternative minimum tax applicable to interest on all tax-exempt obligations generally) or cause the proceeds of the Refunding Bonds to be used directly or indirectly by an organization described in Section 501(c)(3) of the Code, or (ii) adversely affect the exemption of the Refunding Bonds and the interest thereon from the State of Michigan income taxation.

19. **Qualified Tax-Exempt Obligations.** The Refunding Bonds are designated as "qualified tax-exempt obligations" for purposes of deduction of interest expense by financial institutions under the provisions of Section 265 of the Code, unless, at the time the Official Notice of Sale is circulated, the Refunding Bonds have been determined to be ineligible to be so designated on the basis of the City's reasonable expectations at the time of such publication. In such event, the Official Notice of Sale shall be changed appropriately and the Refunding Bond shall there be so designated.

20. **Defeasance or Redemption of Refunding Bonds.** If at any time,

- (a) the whole amount of the principal of and interest on all outstanding Refunding Bonds shall be paid, or
- (b) (i) sufficient moneys, or Government Obligations (as defined in this Section) not callable prior to maturity, the principal of and interest on which when due and payable will provide sufficient moneys, to pay the whole amount of the principal of and premium, if any, and interest on all outstanding Refunding Bonds as and when due at maturity or upon redemption prior to maturity shall be deposited with and held by a trustee or an escrow agent for the purpose of paying the principal of and premium, if any, and interest on such Refunding Bonds as and when due, and (ii) in the case of redemption prior to maturity, all outstanding Refunding Bonds shall have been duly called for redemption (or irrevocable instructions to call such Refunding Bonds for redemption shall have been given)

then, at the time of the payment referred to in clause (a) of this Section or of the deposit referred to in clause (b) of this Section, the City shall be released from all further obligations under this resolution, and any moneys or other assets then held or pledged pursuant to this resolution for the purpose of paying the principal of and interest on the Refunding Bonds (other than the moneys deposited with and held by a trustee or an escrow agent as provided in clause (b) of this Section) shall be released from the conditions of this resolution, paid over to the City and considered excess proceeds of the Refunding Bonds. In the event moneys or Government Obligations shall be so deposited and held, the trustee or escrow agent holding such moneys or Government Obligations shall, within 30 days after such moneys or Government Obligations shall have been so deposited, cause a notice signed by it to be given to the registered holders thereof not more than sixty (60) days nor less than forty-five (45) days prior to the redemption setting forth the date or dates, if any, designated for the redemption of the Refunding Bonds, (y) a description of the moneys or Government Obligations so held by it, and (z) that the City has been released from its obligations under this resolution. All moneys and Government Obligations so deposited and held shall be held in trust and applied only to the payment of the principal of and premium, if any, and interest on the Refunding Bonds at maturity or upon redemption prior to maturity, as the case may be, as provided in this Section.

The trustee or escrow agent referred to in this Section shall (a) be a bank or trust company permitted by law to offer and offering the required services, (b) be appointed by resolution of the City, and (c) at the time of its appointment and so long as it is serving as such, have at least \$25,000,000 of capital and unimpaired surplus. The same bank or trust company may serve as trustee or escrow agent under this Section and as Bond Registrar so long as it is otherwise eligible to serve in each such capacity.

As used in this Section, the term "Government Obligations" means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America.

21. **Filing with Municipal Finance Division.** If necessary, the Chief Administrative Officer of the City is authorized and directed to:

- (a) apply to the Municipal Finance Division of the Michigan Department of Treasury for approval of the sale of the Refunding Bonds;
- (b) file with such application all required supporting material; and
- (c) pay all fees required in connection therewith.

22. **Competitive Sale – Official Notice of Sale:** The City hereby authorizes its Bond Counsel to publish a Notice of Sale at least seven days prior to the date fixed for receipt of bids of the purchase of the Bonds. The Notice of Sale shall be in substantially the form attached to this resolution as Appendix B with such changes therein as are not inconsistent with this resolution and as are approved by the Finance Director after conferring with Bond Counsel. Once all bids are received, the Finance Director shall determine the lowest true interest cost bid and thereafter award the Bonds to the bidder meeting that criteria. The Bond Counsel and Financial Advisor are hereby designated to act for and on behalf of the City to receive bids for the purchase of the Bonds and to take all other steps necessary in connection with the sale, issuance, transfer and delivery thereof in accordance with the provisions of this resolution.

23. **Retention of Bond Counsel.** The firm of Clark Hill PLC, attorneys of Detroit, Michigan, is hereby retained to act as bond counsel for the City in connection with the issuance, sale and delivery of the Refunding Bonds.

24. **Retention of Financial Consultants.** Municipal Financial Consultants Incorporated, Milford, Michigan, is hereby retained to act as financial consultant and advisor to the City in connection with the sale and delivery of the Refunding Bonds.

25. **Conflicting Resolutions.** All resolutions and parts of resolutions in conflict with the foregoing are hereby rescinded.

26. **Effective Date.** This Resolution shall become effective upon its ratification by the Authority and shall be recorded in the minutes of the Council as soon as practicable after adoption.

A roll call vote on the foregoing resolution was then taken, and was as follows:

YES: _____

NO: _____

ABSTAIN: _____

The resolution was declared adopted.

las.r2-por196

CERTIFICATION

STATE OF MICHIGAN)
) SS.
COUNTY OF KALAMAZOO)

The undersigned, being the City Clerk of the City of Portage, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the City Council at a _____ meeting held on _____, 2018, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records of the proceedings of the Council in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended), and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

_____ City Clerk

[SEAL]

APPENDIX A

**PROJECTED TAX INCREMENT REVENUES
AND DEBT SERVICE COVERAGE**

[PLEASE SEE ATTACHED SCHEDULE]

UNITED STATES OF AMERICA-STATE OF MICHIGAN

CITY OF PORTAGE

County of Kalamazoo, State of Michigan

DOWNTOWN DEVELOPMENT LIMITED TAX REFUNDING BOND, SERIES 2018

RATE MATURITY DATE DATE OF ISSUANCE CUSIP

_____ 1, _____

REGISTERED OWNER:

PRINCIPAL AMOUNT:

FOR VALUE RECEIVED, the City of Portage (the "City"), County of Kalamazoo, State of Michigan, hereby acknowledges itself indebted and promises to pay (but only from the sources referred to herein) on the Maturity Date specified above to the Registered Owner specified above or its registered assigns, the Principal Amount specified above upon presentation and surrender of this bond (this "Refunding Bond") at the designated office of _____, _____, Michigan, as paying agent and bond registrar (the "Bond Registrar"), together with the interest thereon to the Registered Owner of this Refunding Bond, as shown on the books of the City maintained by the Bond Registrar, on the applicable date of record from the Date of Issuance specified above, or such later date through which interest has been paid, at the Rate per annum specified above, commencing on _____, _____, and semi-annually thereafter on the first day of _____ and _____ in each year to and including the Maturity Date. The date of record for each payment of interest shall be the 15th day of the month preceding the date such payment is due. Interest is payable by check or draft mailed by the Bond Registrar to the Registered Owner at the address shown on the books of the City maintained by the Bond Registrar on the applicable date of record and shall be calculated on the basis of a 360-day year consisting of twelve (12) thirty (30) day months.

This Refunding Bond is one of a series of bonds of like date and tenor except as to denomination, date of maturity and interest rate, numbered from 1 upwards, aggregating the principal sum of _____ Dollars (\$_____), issued by the City, pursuant to and in full conformity with the Constitution and statutes of the State of Michigan and especially Act No. 197, Public Acts of Michigan, 1975, as amended ("Act 197") and Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34") to provide funds to be deposited with _____, _____, Michigan, as escrow agent (the "Escrow Agent"), under an escrow agreement dated as of _____, _____. The Escrow Agent will use such proceeds to acquire non-callable direct obligations of the United States which, when paid in accordance with their terms, will provide sufficient funds (i) to pay when due, to and including _____, _____, the interest on the City's outstanding _____ dated _____, maturing in the years _____ through _____ (the "Refunded Bonds") and (ii) on _____, to redeem the Refunded Bonds maturing in the years _____ through _____, at a redemption price of _____% of the principal amount thereof.

The Refunding Bonds are being issued pursuant to the provisions of Act 197, and are being issued in anticipation of and are primarily payable from tax increment revenues ("Tax Increment Revenues") to be collected by the Authority for payment to the City, for each year until the principal of and interest on the Refunding Bonds has been paid in full.

In addition, the limited tax pledge of the City is to be irrevocably pledged to the prompt payment of the principal of and interest on the Refunding Bonds when due. If the foregoing Tax Increment Revenues are insufficient for any reason to make the payment of the principal of and interest on the Refunding Bonds when due, then moneys sufficient to meet the deficiency shall be advanced from the General Fund of the City. However, the City's ability to raise such funds is subject to applicable constitutional, statutory and tax limitations.

The Refunding Bonds maturing prior to _____ 1, ____ shall not be subject to redemption prior to maturity. Refunding Bonds on or after _____ 1, ____ shall be subject to redemption prior to maturity at the option of the Authority, in any order, in whole or in part on any date on or after _____ 1, _____. Refunding Bonds called for redemption shall be redeemed at par, plus accrued interest to the date fixed for redemption.

With respect to partial redemptions, any portion of a refunding bond outstanding in a denomination larger than the minimum authorized denomination may be redeemed provided such portion as well as the amount not being redeemed each constitute an authorized denomination. In the event that less than the entire principal amount of a refunding bond is called for redemption, upon surrender of the Refunding Bond to the bond registrar, the bond registrar shall authenticate and deliver to the registered owner of the Refunding Bond a new refunding bond in the principal amount of the principal portion not redeemed.

Notice of redemption shall be sent to the registered holder of each refunding bond being redeemed by first class mail at least thirty (30) days prior to the date fixed for redemption, which notice shall fix the date of record with respect to the redemption if different than otherwise provided in the resolution authorizing the issuance of the refunding bonds. Any defect in such notice shall not affect the validity of the redemption proceedings. Refunding Bonds so called for redemption shall not bear interest after the redemption date, provided funds are on hand with the bond registrar to redeem the same.

This Refunding Bond shall be transferable on the books of the City maintained by the Bond Registrar with respect to the refunding bonds upon the surrender of this Refunding Bond to the Bond Registrar together with an assignment executed by the Registered Owner or his or her duly authorized attorney in form satisfactory to the Bond Registrar. Upon receipt of a properly assigned bond, the Bond Registrar shall authenticate and deliver a new bond or bonds in authorized denominations in equal aggregate principal amount and like interest rate and maturity to the designated transferee or transferees.

This Refunding Bond may likewise be exchanged for one or more other bonds with the same interest rate and maturity in authorized denominations aggregating the same principal amount as the bond or bonds being exchanged. Such exchange shall be effected by surrender of the bond to be exchanged to the Bond Registrar with written instructions signed by the Registered Owner of the bond or his or her attorney in form satisfactory to the Bond Registrar. Upon receipt of a bond with proper written instructions the Bond Registrar shall authenticate and deliver a new bond or bonds to the Registered Owner of the bond or his or her properly designated transferee or transferees or attorney.

The Bond Registrar is not required to honor any transfer or exchange of refunding bonds during the fifteen (15) days preceding an interest payment date. Any service charge made by the Bond Registrar for any such registration, transfer or exchange shall be paid for by the City, unless otherwise agreed by the City and the Bond Registrar. The Bond Registrar may, however, require payment by a bondholder of a sum sufficient to cover any tax or other governmental charge payable in connection with any such registration, transfer or exchange.

This Refunding Bond and the other bonds of this series have ____ been designated as "qualified tax-exempt obligations" for purposes of Paragraph 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This Refunding Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit until the certificate of authentication hereon has been duly executed by the Bond Registrar.

It is hereby certified, recited and declared that all things, conditions and acts required to exist, happen and be performed precedent to and in connection with the issuance of this Refunding Bond and the other bonds of this series, existed, have happened and have been performed in due time, form and manner as required by the Constitution and statutes of the State of Michigan, and that the total indebtedness of the City, including the series of refunding bonds of which this is one, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City of Portage, County of Kalamazoo, Michigan, has caused this Refunding Bond to be executed in its name with the facsimile signatures of its Mayor and its City Clerk, has caused a facsimile of its seal to be affixed hereto, and has caused this Refunding Bond to be authenticated by the Bond Registrar, as the City's authenticating agent, all as of the Date of Issuance set forth above.

CITY OF PORTAGE

By:
Mayor

[SEAL]

By:
City Clerk

DATE OF AUTHENTICATION:

BOND REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This is Refunding Bond is one of a series of bonds designated "City of Portage Downtown Development Limited Tax Refunding Bonds, Series 2018".

By: _____, Michigan
as Bond Registrar and Authenticating Agent
Authorized Representative

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _____ this Refunding Bond and all rights hereunder and hereby irrevocably constitutes and appoints _____ attorney to transfer this Refunding Bond on the books kept for registration thereof with full power of substitution in the premises.

Dated: _____

Signature:

Notice: The signature(s) to this assignment must correspond with the name as it appears upon the face of this Refunding Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed:

Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

The transfer agent will not effect transfer of this Refunding Bond unless the information concerning the transferee requested below is provided:

Name and Address: _____

(Include information for all joint owners if bond is held by joint account)

PLEASE INSERT SOCIAL SECURITY NUMBER OR OTHER IDENTIFYING NUMBER OF TRANSFEREE

(Insert number for first named transferee if held by joint account)

EXHIBIT B

ORDER ADJUSTING MATURITIES

\$ _____
CITY OF PORTAGE
County of Kalamazoo, State of Michigan
DOWNTOWN DEVELOPMENT LIMITED TAX REFUNDING BONDS, SERIES 2018

The undersigned, City Finance Director, as authorized in the Award Resolution for the above referenced refunding bonds adopted by the City Council on _____ 1, _____, hereby establishes the final maturities for said refunding bonds with interest rates thereon, as follows:

Due		
<u>Oct. 1</u>	<u>Amount</u>	<u>Rate</u>

Dated: _____

City Finance Director

ESCROW AGREEMENT

CITY OF PORTAGE

This escrow agreement (the "Agreement"), dated as of _____ 1, _____, is between the City of Portage (the "City"), County of Kalamazoo, Michigan, and _____, Michigan, as escrow agent (the "Escrow Agent").

WHEREAS, the City has previously issued the following bonds of which the principal amount listed below remains outstanding (all of such outstanding bonds being referred to as the "Prior Bonds", and the Prior Bonds to be refunded referred to as the "Refunded Bonds"):

<u>Prior Bonds</u>	<u>Outstanding Principal</u>	<u>Principal to be Refunded</u>
City of Portage Downtown Development Limited Tax Bonds, Series 2003	\$ _____ maturing in _____ the years _____ thru _____	\$ _____ maturing in _____ the years _____ thru _____

all bearing interest, due as to principal and subject to redemption as more fully described in *APPENDIX I* to this Agreement.

WHEREAS, for the purpose of refunding the Refunded Bonds the City has, pursuant to a refunding bond resolution adopted on _____, _____ (the "Refunding Bond Resolution") authorized the issuance of an issue of refunding bonds dated _____, _____, as designated and described in the Bond Resolution and hereafter (the "Refunding Bonds"); and

WHEREAS, pursuant to the Refunding Bond Resolution the Escrow Agent has been appointed by the City for the purpose of assuring the payment of the principal of, premium, if any, and interest on the Prior Bonds and the Mayor has been authorized and directed to execute this Agreement.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements set forth below the City and the Escrow Agent agree as follows for the respective equal and proportionate benefit and security of the holders of the Prior Bonds;

Section 1. Appointment of Escrow Agent. The Escrow Agent is hereby appointed and agrees to act in such capacity to comply with all requirements of this Agreement, and to be custodian of the escrow fund (the "Escrow Fund"), to perform its duties as custodian of the Escrow Fund created under this Agreement, but only upon and subject to the following express terms and conditions:

(a) The Escrow Agent may perform any of its duties by or through attorneys, agents, receivers or employees but shall be answerable for the conduct of the same in accordance with the standards specified in this Agreement and shall be entitled to advice of counsel concerning all matters of and the duties under this Agreement, and may in all cases pay such reasonable compensation to

such counsel and in addition to all such attorneys, agents, receivers and employees as may reasonably be employed in connection with the same. The Escrow Agent may act upon the opinion or advice of any counsel. The Escrow Agent shall not be responsible for any loss or damage resulting from any action or non-action taken in good faith in reliance upon such opinion or advice.

(b) The Escrow Agent shall not be responsible for any recital in this Agreement, or in the Refunding Bonds or for the validity of the execution by the City of this Agreement or of any supplements to it or instruments of further assurance. The Escrow Agent shall not be bound to ascertain or inquire as to the performance or observance of any covenants, conditions or agreements on the part of the City, except as set forth in this Agreement. The Escrow Agent shall be only obligated to perform such duties and only such duties as are specifically set forth in this Agreement and no implied covenants or obligations shall be read into this Agreement against the Escrow Agent.

(c) The Escrow Agent may become the owner of the Refunding Bonds or Prior Bonds with the same rights which it would have if not Escrow Agent.

(d) The Escrow Agent shall be protected in acting upon any notice, request, consent, certificate, order, affidavit, letter, telex, telegram or other paper or document believed to be genuine and correct and to have been signed or sent by the proper person or persons. Any action taken by the Escrow Agent pursuant to this Agreement upon the request or consent of any person who at the time of making such request or consent is the owner of any Prior Bond, shall be conclusive and binding upon all future owners of the same Prior Bond.

(e) As to the existence or non-existence of any fact or as to the sufficiency or validity of any instrument, paper or proceeding, the Escrow Agent shall be entitled to rely upon a certificate of the City signed by (i) the Mayor, or (ii) any other duly authorized person as sufficient evidence of the facts contained in it, but may secure such further evidence deemed necessary or advisable, but shall in no case be bound to secure the same. The Escrow Agent may accept a certificate of the Mayor to the effect that a resolution in the form attached to such certificate has been adopted by the City as conclusive evidence that such resolution has been duly adopted, and is in full force and effect.

(f) The permissive right of the Escrow Agent to do things enumerated in this Agreement shall never be construed as a duty. The Escrow Agent shall only be responsible for the performance of the express duties outlined in this Agreement and it shall not be answerable for other than its gross negligence or willful default in the performance of those express duties.

(g) At any and all reasonable times the Escrow Agent and its duly authorized agents, attorneys, experts, accountants and representatives, shall have the right fully to inspect any and all of the books, papers and records of the City pertaining to the Prior Bonds, and to take such memoranda from and in regard to the same as may be desired.

(h) The Escrow Agent shall not be required to give any bond or surety in respect of the execution of the powers contained in or otherwise in respect to this Agreement.

(i) Before taking any action under this Agreement (except making investments, collecting investments and making payments to the paying agents with respect to the Prior Bonds) the Escrow Agent may require that a satisfactory indemnity bond be furnished for the reimbursement of all expenses to which it may be put and to protect it against all liability except liability which is adjudicated to have resulted from gross negligence or willful default by reason of any action so taken.

Section 2. Escrow Fund. On _____, _____ the City will irrevocably deposit with the Escrow Agent for the account of the City from the proceeds of the Refunding Bonds and from other City funds available therefor to establish an Escrow Fund for the Prior Bonds an amount which together with the investment income therefrom, shall be held in the Escrow Fund to be maintained by the Escrow Agent and used to pay interest on the Prior Bonds when due to and including _____, _____ and on that date to redeem and pay principal of and call premiums on the Refunded Bonds in accordance with Section 3 hereof.

Section 3. Redemption of Refunded Bonds. The City will redeem, prior to their scheduled maturity, Refunded Bonds as follows:

<u>Prior Bonds</u>	<u>Principal to be Refunded</u>
--------------------	-------------------------------------

**City of Portage
Downtown Development
Limited Tax Bonds, Series 2003 \$ _____
maturing in
the years**

The City by execution of this Escrow Agreement, hereby authorizes the Escrow Agent to give the paying agent for the Refunded Bonds irrevocable instructions to call the Refunded Bonds and at the expense of the City not more than forty five (45) nor less than 30 (30) days before _____ 1, _____, their redemption date. The Escrow Agent shall give to the paying agent for the Refunded Bonds such notice, in substantially the form attached to this Agreement as *APPENDIX III*. The paying agent for the Refunded Bonds shall mail such notice on or before thirty (30) days prior to the redemption date, as set forth in *APPENDIX III*, to the registered owner or owners at the addresses listed on the registration books of the Authority maintained by the paying agent for the Refunded Bonds.

Section 4. Investments. As directed by the City, moneys deposited in the Escrow Fund shall be immediately invested in direct obligations of the United States of America and/or obligations the principal of, premium, if any, and interest on which are fully guaranteed by the United States of America described on *APPENDIX IV* ("Investment Securities").

The investment income from the Investment Securities in the Escrow Fund shall be credited to the Escrow Fund and shall not be reinvested. The Escrow Agent shall not sell any Investment Securities. All moneys not invested as provided in this Agreement shall be held by the Escrow Agent as a trust deposit.

Section 5. Use of Moneys. Except as expressly provided in this Agreement, no paying agents' fees for the payment of principal of, premium, if any, or interest on the Refunding Bonds or the Prior Bonds or other charges may be paid from the escrowed moneys or Investment Securities prior to retirement of all Prior Bonds, and the City agrees that it will pay all such fees from its other legally available funds as such payments become due prior to such retirement.

Section 6. Deficiency in Escrow Fund. At such time or times as there shall be insufficient funds on hand in the Escrow Fund for the payment of principal of, premium, if any, and interest falling due on the Prior Bonds, the Escrow Agent shall promptly notify the City of such deficiency.

Section 7. Reports to City. The Escrow Agent shall deliver to the Mayor of the City a semi-annual statement reflecting each transaction relating to the Escrow Fund; and on or before the first day of _____ of each year shall deliver to the City a list of assets of the Escrow Fund as of December 31 of such year and an operating statement for the Escrow Fund for the year then ended.

Section 8. Fees of Escrow Agent. The Escrow Agent agrees with the City that the charges, fees and expenses of the Escrow Agent throughout the term of this Agreement (other than the acceptance fee of the Escrow Agent) shall be the total sum of _____ Dollars (\$_____) payable on the date of closing, which charges, fees and expenses shall be paid from monies deposited with the Escrow Agent from bond proceeds and other available funds of the City, subject to the provisions of Section 12 below.

Section 9. Payments from Escrow Fund. The Escrow Agent shall without further authorization or direction from the City, collect the principal of, premium, if any, and interest on the Investment Securities promptly as the same shall become due and, to the extent that Investment Securities and moneys are sufficient for such purpose, shall make timely payments out of the Escrow Fund to the proper paying agent or agents or their successors for the Prior Bonds, of moneys sufficient for the payment of the principal of, premium, if any, and interest on such Prior Bonds as the same shall become due and payable, all as set out in *APPENDIX II*. The payments so forwarded or transferred shall be made in sufficient time to permit the payment of such principal of, premium, if any, and interest by such paying agent or agents without default. The City represents and warrants that the Escrow Funds will be sufficient to make the foregoing and all other payments required under this Agreement. The proper paying agent for the Prior Bonds is shown in *APPENDIX I*.

When the aggregate total amount required for the payment of principal of, premium, if any, and interest on the Prior Bonds has been paid to the paying agent as provided above, the Escrow Agent shall transfer any moneys or Investment Securities then held under this Agreement for the Prior Bonds to the City, and this Agreement shall cease.

Section 10. Interest of Bondholders Not Affected. The Escrow Agent and the City recognize that the holders from time to time of the Prior Bonds have a beneficial and vested interest in the Investment Securities and moneys to be held by the Escrow Agent as provided in this Agreement. It is therefore recited, understood and agreed that this Agreement shall not be subject to revocation or amendment and no moneys on deposit in an Escrow Fund for the Prior Bonds can be used in any manner for another series.

Section 11. Escrow Agent Not Obligated. None of the provisions contained in this Agreement shall require the Escrow Agent to use or advance its own moneys or otherwise incur financial liability in the performance of any of its duties or the exercise of any of its rights or powers under this Agreement. The Escrow Agent shall be under no liability for interest on any funds or other property received by it under this Agreement, except as expressly provided.

Section 12. Payment of Other Amounts. The City agrees that it will promptly and without delay remit to the Escrow Agent such additional sum or sums of money as may be necessary to assure the payment of any Prior Bonds and to fully pay and discharge any obligation or obligations or charges, fees or expenses incurred by the Escrow Agent in carrying out any of

the duties, terms or provisions of this Agreement that are in excess of the sums provided for under Section 8 above.

Section 13. Segregation of Funds. The Escrow Agent shall hold the Investment Securities and all moneys received by it from the collection of, principal and interest on the Investment Securities, and all moneys received from the City under this Agreement, in a separate escrow account.

Section 14. Resignation of Escrow Agent. The Escrow Agent may resign as such following the giving of thirty (30) days prior written notice to the City. Similarly, the Escrow Agent may be removed and replaced following the giving of thirty (30) days prior written notice to the Escrow Agent by the City. In either event, the duties of the Escrow Agent shall terminate thirty (30) days after the date of such notice (or as of such earlier date as may be mutually agreeable); and, the Escrow Agent shall then deliver the balance of the Escrow Fund then in its possession to a successor Escrow Agent as shall be appointed by the City.

If the City shall have failed to appoint a successor prior to the expiration of thirty (30) days following the date of the notice of resignation or removal, the then acting Escrow Agent may petition any court of competent jurisdiction for the appointment of a successor Escrow Agent or for other appropriate relief; and, any such resulting appointment shall be binding upon the City.

Upon acknowledgment by any successor Escrow Agent of the receipt of the then remaining balance of the Escrow Fund, the then acting Escrow Agent shall be fully released and relieved of all duties, responsibilities, and obligations under this Agreement.

Section 15. Benefit. This Agreement shall be for the sole and exclusive benefit of the City, the Escrow Agent and the holders of the Prior Bonds. With the exception of rights expressly conferred in this Agreement, nothing expressed in or to be implied from this Agreement is intended or shall be construed to give to any person other than the parties set forth above, any legal or equitable right, remedy or claim under or in respect to this Agreement.

Section 16. Severability. If any provision of this Agreement shall be held or deemed to be invalid or shall, in fact, be illegal, inoperative or unenforceable, the same shall not affect any other provision or provisions contained in this Agreement or render the same invalid, inoperative or unenforceable to any extent whatsoever.

Section 17. Notices. Any notice, request, communication or other paper shall be sufficiently given and shall be deemed given when delivered or mailed, by registered or certified mail, postage prepaid or sent by facsimile transmission, except reports as required in Section 7 which may be delivered by regular mail, as follows:

If to the City:

Attention: _____
FAX: _____

If to the Escrow Agent:

Attention: _____
FAX: _____

The City and the Escrow Agent may designate any further or different addresses to which subsequent notices, requests, communications or other papers shall be sent and shall be required to provide written notification of said address change.

Section 18. **Costs of Issuance.** Simultaneously with the transfer of bond proceeds from the Refunding Bonds establishing the Escrow Fund, sufficient moneys from bond proceeds shall be transferred to the Trustee and used to pay all of the costs of issuance for the Refunding Bonds including, but not limited to, financial costs, consultant fees, counsel fees, printing costs, application fees, bond insurance premiums, rating fees and any other fees or costs incurred in connection with the financing. All such costs shall be authorized by the County Treasurer, under the "Instructions to Trustee for Disbursement of Expenses at Closing", and shall be paid on the date of closing.

Section 19. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan.

IN WITNESS WHEREOF, the parties to this Agreement have duly executed it by their duly authorized officers as of the date first above written.

CITY OF PORTAGE

By: _____

Its Mayor

and

By: _____

Its Clerk

_____, as Escrow Agent

By: _____

Its: _____

APPENDIX I

**CITY OF PORTAGE
County of Kalamazoo, State of Michigan
DOWNTOWN DEVELOPMENT LIMITED TAX BONDS, SERIES 2003**

Dated as of _____ 1, ____

SCHEDULE OF PRINCIPAL, PREMIUM AND INTEREST REQUIREMENTS

Bond Registrar and Paying Agent:

Attention: _____

NOTE: Bonds maturing prior to ____ shall not be subject to redemption prior to maturity. Bonds maturing in the years ____ through ____, inclusive, shall be subject to redemption prior to maturity, at the option of the City, in any order, in whole or in part, on or after _____, _____. Bonds so called for redemption at par, plus accrued interest to the date fixed for redemption.

APPENDIX II

**CITY OF PORTAGE
County of Kalamazoo, State of Michigan
DOWNTOWN DEVELOPMENT LIMITED TAX REFUNDING BONDS, SERIES 2018**

Sources of Funds

Bond Proceeds	\$ _____
Issuer Contribution	_____
Good Faith Check Interest	_____
Accrued Interest	_____
TOTAL	\$ _____

Uses of Funds

Cost of Escrow Fund	\$ _____
Costs of Issuance	_____
Accrued Interest	_____
Underwriter's Discount	_____
TOTAL	\$ _____

APPENDIX III

NOTICE OF REDEMPTION

**CITY OF PORTAGE
County of Kalamazoo, State of Michigan
DOWNTOWN DEVELOPMENT LIMITED TAX BONDS, SERIES 2003**

**KALAMAZOO COUNTY
STATE OF MICHIGAN**

DUE _____ THROUGH _____

NOTICE IS HEREBY GIVEN that the City of Portage, Kalamazoo County, Michigan has called for redemption, on _____, _____, (the "Redemption Date"), outstanding maturities of the subject Issue (the "Bonds"), at ____% of the par value, as follows:

<u>Maturity</u>	<u>Due</u>	<u>CUSIP</u>	<u>Rate</u>
\$____,000	_____	_____	____%
____,000	_____	_____	____%
____,000	_____	_____	____%
____,000	_____	_____	____%
____,000	_____	_____	____%
____,000	_____	_____	____%
____,000	_____	_____	____%
____,000	_____	_____	____%

The Bonds to be redeemed should be surrendered on the Redemption Date. The Bonds shall not bear interest on and after the Redemption Date, whether the Bonds are presented for redemption or not.

Bonds may be surrendered for payment at the office of the Bond Registrar and Paying Agent indicated below. Method of delivery is at the option of the Holder, but if by mail, registered mail is suggested.

If by U.S Mail:

Otherwise:

CITY OF PORTAGE

By: _____

Dated: _____

NOTE: Under the provisions of the Interest and Dividend Tax Compliance Act of 1983 and the Comprehensive National Energy Policy Act of 1992, paying agents making payments of principal on municipal securities may be obligated to withhold a 31% tax from remittances to individuals who have failed to furnish the paying agent with a certified and valid Taxpayer Identification Number on a fully completed Form W-9. Holders of the above described Bonds, who wish to avoid the application of these provisions, should submit certified Taxpayer Identification Numbers on I.R.S. Form W-9 when presenting their securities for redemption or for payment at maturity.

APPENDIX IV

**CITY OF PORTAGE
County of Kalamazoo, State of Michigan
DOWNTOWN DEVELOPMENT LIMITED TAX REFUNDING BONDS, SERIES 2018**

Investment Securities to be Acquired Pursuant
to the Escrow Agreement

<u>Purchase</u>	<u>Investment</u>			
<u>Date</u>	<u>Amount</u>	<u>Rate</u>	<u>Maturity</u>	<u>Investment Type</u>

EXHIBIT D
[FORM OF OFFICIAL NOTICE OF SALE]

§
CITY OF PORTAGE
County of Kalamazoo, State of Michigan

CITY OF PORTAGE
DOWNTOWN DEVELOPMENT LIMITED TAX REFUNDING BONDS, SERIES 2018

SEALED OR ELECTRONIC PROPOSALS: Sealed written proposals for the purchase of the bonds described herein (the "Refunding Bonds") will be received by the undersigned for and on behalf of the City of Portage (the "City") at the Office of the _____, _____, on _____, _____ until ____:____.m., Eastern _____ Time, at which time and place said proposals will be publicly opened and read.

In the alternative, sealed written proposals will also be received on the same date and until the same time by an agent of the undersigned at the Municipal Advisory Council of Michigan, Buhl Building, 535 Griswold, Suite 1850, Detroit, Michigan, 48226, where they will be publicly opened simultaneously. Proposals received at _____, Michigan, will be read first, followed by those proposals received at the alternate location. Proposers may choose either location to present proposals and good faith checks, but not both locations. Any proposer may submit a proposal in person to either proposing location. However, no proposer is authorized to submit a FAX proposal to _____.

Also in the alternative, electronic proposals will also be received on the same date and until the same time by an agent of the undersigned Bidcomp/Parity. Further information about Bidcomp/Parity, including any fee charged, may be obtained from Bidcomp/Parity, Eric Washington, 1359 Broadway, 2nd Floor, New York, NY, 10018, (212) 849-5021.

If any provision of this Official Notice of Sale shall conflict with information provided by Bidcomp/Parity as the approved provider of electronic proposing services, this Official Notice of Sale shall control.

The Refunding Bonds will be awarded or all proposals will be rejected by the City Finance Director at a proceeding to be held within twenty-four hours of the sale.

BOND DETAILS: The Refunding Bonds will be dated _____ 1, _____ and will be known as "City of Portage, Downtown Development Limited Tax Refunding Bonds, Series 2018". The Refunding Bonds will be fully registered Refunding Bonds in any one or more denominations of \$5,000 or a multiple of \$5,000, numbered from 1 upwards and will bear interest from their date payable _____ 1, _____ and semi-annually thereafter until maturity. The Refunding Bonds will mature on the 1st day of _____ in each year as follows:

<u>YEAR</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>AMOUNT</u>
-------------	---------------	-------------	---------------

PRIOR REDEMPTION: The Refunding Bonds shall not be subject to redemption prior to maturity.

PRESENT VALUE SAVINGS: The Refunding Bonds must generate present value savings. If after the proposals are received and the final refunding analysis has been calculated, there is no present value savings to the Authority, the Authority shall exercise its right to reject all the proposals and the Refunding Bonds shall not be awarded.

INTEREST RATE AND PROPOSING DETAILS: The Refunding Bonds shall bear interest at a rate or rates not exceeding ___% per annum, to be fixed by the proposals therefor, expressed in multiples of 1/8 or 1/20 of 1%, or both. The interest on any one bond shall be at one rate only. All bonds maturing in any one year must carry the same interest rate. THE INTEREST RATE BORNE BY BONDS MATURING IN ANY YEAR SHALL NOT BE AT A RATE LOWER THAN THE RATE BORNE BY BONDS MATURING IN ANY PRECEDING YEAR. No proposal for the purchase of less than all of the Refunding Bonds, at a price less than ___% of their par value or at an interest rate or rates that will result in a net interest cost exceeding ___%, will be considered.

TERM BOND OPTION: Refunding Bonds maturing in the years ____ - ____, inclusive, are eligible for designation by the original purchaser at the time of sale as serial bonds or term bonds, or both. There may be more than one term bond maturity. However, principal maturities designated as term bonds shall be subject to mandatory redemption, in part, by lot, at par and accrued interest on _____ 1st of the year in which the Refunding Bonds are presently scheduled to mature. Each maturity of term bonds and serial bonds must carry the same interest rate. Any such designation must be made at the time the proposals are submitted.

BOOK-ENTRY-ONLY: The Refunding Bonds will be issued in book-entry-only form as one fully-registered bond per maturity and will be registered in the name of Cede & Co., as nominee for The Depository Trust Company ("DTC"), New York, New York. DTC will act as securities depository for the Refunding Bonds. Purchase of the Refunding Bonds will be made in book-entry-only form, in the denomination of \$5,000 or any multiple thereof. Purchasers will not receive certificates representing their interest in Refunding Bonds purchased. The book-entry-only system is described further in the nearly final official statement for the Refunding Bonds.

BOND REGISTRAR, PAYING AGENT AND DATE OF RECORD: _____, Michigan has been selected as paying agent and bond registrar (the "Bond Registrar") for the Refunding Bonds. The Bond Registrar will keep records of the registered holders of the Refunding Bonds, serve as transfer agent for the Refunding Bonds, authenticate the original and any re-issued refunding bonds and pay interest by check or draft mailed to the registered holders of the Refunding Bonds as shown on the registration books of the City kept by the Bond Registrar on the applicable date of record. The date of record for each interest payment shall be the 15th day of the month before such payment is due. The principal of and redemption premium, if any, on the Refunding Bonds will be paid when due upon presentation and surrender thereof to the Bond Registrar. As long as DTC, or its nominee Cede & Co., is the registered owner of the Refunding Bonds, payments will be made directly to such registered owner. Disbursement of such payments to DTC participants is the responsibility of DTC and disbursement of such payments to the beneficial owners of the Refunding Bonds is the responsibility of DTC participants and indirect participants as described in the nearly final official statement for the Refunding Bonds. The City may from time to time as required designate a successor bond registrar and paying agent.

PURPOSE AND SECURITY: The Refunding Bonds are to be issued pursuant to Act 197, Public Acts of Michigan, 1975, as amended (the "Act"), and Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34") and as specified in the Authority's development and tax increment financing plan, in anticipation of the collection of certain tax increment revenue payments from the City of Portage Downtown Development Authority (the "Authority") to the

City for the purpose of paying costs of refunding the outstanding City of Portage, Downtown Development Limited Tax Bonds, Series 2003 in the aggregate principal amount of \$1,945,000 maturing in the years 2019 through 2027 (the "Refunded Bonds"). In addition, the City has pledged its limited tax full faith and credit as additional security for the payment of the principal of and interest thereon, and pursuant to such pledge, should funds primarily pledged be insufficient for payment, the City is obligated to make such payment from its general funds or from any taxes which it may levy within applicable constitutional and statutory limitations. The rights or remedies of bondholders may be affected by bankruptcy, insolvency, fraudulent conveyance or other laws affecting creditors' rights generally, now existing or hereafter enacted, and by the application of general principles of equity including those related to equitable subordination.

ESCROW AGENT: Proceeds from the Refunding Bonds will be transferred to _____, _____ as escrow agent (the "Escrow Agent") under an escrow agreement (the "Agreement"), who will use such proceeds to acquire investment obligations sufficient to pay principal of, premium, if any, and interest on the Refunded Bonds when due or upon the first permissible redemption date for the Refunded Bonds.

ADJUSTMENT IN PRINCIPAL AMOUNT: The aggregate principal amount of this issue has been determined as the amount necessary to defease the Refunded Bonds and pay a portion or all of the costs of issuance of the Refunding Bonds, assuming certain conditions and events exist on the date of sale. The City reserves the right to increase or decrease the total par amount of the Refunding Bonds by any amount prior to the sale or following the opening of proposals. The purchase price will be adjusted proportionately to the increase or decrease in issue size, but the interest rates specified by the successful proposer for all maturities will not change. The successful proposer may not withdraw the proposal as a result of any changes made within these limits.

ADJUSTMENT IN DISCOUNT: In the event the principal amount of this issue is increased or decreased, the premium or discount bid, if any, will be adjusted upwards or downwards so that it is the same percent as the premium or discount originally bid.

BOND INSURANCE AT PURCHASER'S OPTION: If the Refunding Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of the proposer/purchaser, the purchase of any such insurance policy or the issuance of any such commitment shall be at the option and expense of the purchaser of the Refunding Bonds. Any increased costs of issuance of the Refunding Bonds resulting from such purchase of insurance shall be paid by the purchaser. Any rating agency fees shall be the responsibility of the purchaser. FAILURE OF THE MUNICIPAL BOND INSURER TO ISSUE THE POLICY AFTER THE REFUNDING BONDS HAVE BEEN AWARDED TO THE PURCHASER SHALL NOT CONSTITUTE CAUSE FOR FAILURE OR REFUSAL BY THE PURCHASER TO ACCEPT DELIVERY OF THE REFUNDING BONDS FROM THE CITY.

GOOD FAITH: A certified or cashier's check drawn upon an incorporated bank or trust company or a wire transfer in an amount equal to 2% (\$_____) of the face amount of the Refunding Bonds, and payable to the order of the Authority will be required of the successful proposer as a guarantee of good faith on the part of the proposer, to be forfeited as liquidated damages if such proposal be accepted and the proposer fails to take up and pay for the Bonds. If a check is used, it must accompany each proposal. If a wire transfer is used, the successful proposer is required to wire the good faith deposit not later than Noon, prevailing Eastern Time, on the next business day following the sale using the wire instructions provided by Municipal Financial Consultants Incorporated. The good faith deposit will be applied to the purchase price of the Bonds. No interest shall be allowed on the good faith checks, and checks of each unsuccessful proposer will be promptly returned to such proposer's representative or by

registered mail. The good faith check of the successful proposer will be cashed immediately, in which event, payment of the balance of the purchase price of the Bonds shall be made at the closing.

AWARD OF THE REFUNDING BONDS – TRUE INTEREST COST: : The Bonds will be awarded to the bidder whose bid produces the lowest true interest cost determined in the following manner: the lowest true interest cost will be the single interest rate (compounded on: May 1, 2018 and semi-annually thereafter) necessary to discount the debt service payments from their respective payment dates to May 1, 2018 in an amount equal to the price proposed, excluding accrued interest. May 24, 2018 is the anticipated date of delivery of the Bonds.

LEGAL OPINION: Bids shall be conditioned upon the approving opinion of Clark Hill PLC, Detroit, Michigan (the "Bond Counsel"), a copy of which will be printed on the reverse side of each bond and the original of which will be furnished without expense to the Purchaser of the Bonds at the delivery thereof. The fees of Bond Counsel for its services in connection with such approving opinion are expected to be paid from bond proceeds. Except to the extent necessary to issue such opinion and as described in the official statement, Bond Counsel has not been requested to examine or review, and has not examined or reviewed, any financial documents, statements or other materials that have been or may be furnished in connection with the authorization, marketing or issuance of the Bonds and, therefore, has not expressed and will not express an opinion with respect to the accuracy or completeness of the official statement or any such financial documents, statements or materials.

TAX MATTERS: : It is the opinion of Clark Hill PLC, Bond Counsel, based on its examination of the documents described in its opinion, under existing law as enacted and construed on the date of the initial delivery of the Bonds, the interest on the Bonds is excluded from gross income for federal income tax purposes. Interest on the Bonds is not an item of tax preference for purposes of the individual federal alternative minimum tax. For corporations with tax years beginning after December 31, 2017, the corporate alternative minimum tax was repealed by Public Law No. 115-97 (the "**Tax Cuts and Jobs Act**") enacted on December 22, 2017, effective for tax years beginning after December 31, 2017. For tax years beginning before January 1, 2018, interest on the Bonds is not an item of tax preference for purposes of the corporate alternative minimum tax in effect prior to enactment of the Tax Cuts and Jobs Act; however, interest on the Bonds held by a corporation (other than an S Corporation, regulated investment company, or real estate investment trust) may be subject to the federal alternative minimum tax for tax years beginning before January 1, 2018 because of its inclusion in the adjusted current earnings of a corporate holder. The opinion set forth above is subject to the condition that the City comply with all requirements of the Internal Revenue Code of 1986, as amended (the "**Code**"), that must be satisfied subsequent to the issuance of the Bonds in order that interest thereon be (or continue to be) excluded from gross income for federal income tax purposes. Failure to comply with such requirements could cause the interest on the Bonds to be included in gross income retroactive to the date of issuance of the Bonds. The City has covenanted to comply with all such requirements. Bond Counsel expresses no opinion regarding other federal tax consequences arising with respect to the Bonds and the interest thereon.

In the opinion of Clark Hill PLC, Bond Counsel, based on its examination of the documents described in its opinion, under existing law as enacted and construed on the date of the initial delivery of the Bonds, [the Bonds and the interest thereon are exempt from all taxation by the State of Michigan or a political subdivision thereof, except estate taxes and taxes on gains realized from the sale, payment or other disposition thereof.]

"QUALIFIED TAX EXEMPT OBLIGATIONS": The Refunding Bonds have ____ been designated as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986.

"ISSUE PRICE": The winning bidder shall assist the Issuer in establishing the issue price of the Bonds and shall execute and deliver to the Issuer at Closing an "issue price" or similar certificate setting forth the reasonably expected initial offering price to the public or the sales price or prices of the Bonds, together with the supporting pricing wires or equivalent communications, substantially in the form provided by Bond Counsel, with such modifications as may be appropriate or necessary, in the reasonable judgment of the winning bidder, the Issuer and Bond Counsel. All actions to be taken by the Issuer under this Notice of Sale to establish the issue price of the Bonds may be taken on behalf of the Issuer by the Issuer's municipal advisor identified herein and any notice or report to be provided to the Issuer may be provided to the Issuer's municipal advisor.

The Issuer intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining "competitive sale" for purposes of establishing the issue price of the Bonds) will apply to the initial sale of the Bonds (the "competitive sale requirements") because:

- (1) the Issuer is disseminating this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters;
- (2) all bidders shall have an equal opportunity to bid;
- (3) the Issuer anticipates receiving bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and
- (4) the Issuer anticipates awarding the sale of the Bonds to the bidder who submits a firm offer to purchase the Bonds at the lowest true interest cost, as set forth in this Notice of Sale.

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the Bonds, as specified in the bid.

In the event that competitive sale requirements are satisfied, the winning bidder shall be expected to certify as to the reasonably expected initially offering price of the Bonds to the public.

In the event that the competitive sale requirements are not satisfied, the Issuer shall so advise the winning bidder. The Issuer shall treat (i) the first price at which 10% of a maturity of the Bonds (the "10% test") is sold to the public as of the sale date as the issue price of that maturity and (ii) the initial offering price to the public as of the sale date of any maturity of the Bonds not satisfying the 10% test as of the sale date as the issue price of that maturity (the "hold-the-offering-price rule"), in each case applied on a maturity-by-maturity basis (and if different interest rates apply within a maturity, to each separate CUSIP number within that maturity). The winning bidder shall advise the Issuer if any maturity of the Bonds satisfies the 10% test as of the date and time of the award of the Bonds. Any maturity of the Bonds (and if different interest rates apply within a maturity, to each separate CUSIP number within that maturity) that does not satisfy the 10% test as of the date and time of the award of the Bonds shall be subject to the hold-the-offering-price rule. Bids will not be subject to cancellation in the event that any maturity of the Bonds is subject to the hold-the-offering-price rule. Bidders should prepare their bids on the assumption that some or all of the maturities of the Bonds will be subject to the hold-the-offering-price rule in order to establish the issue price of the Bonds.

By submitting a bid, each bidder confirms that, except as otherwise provided in its bid, it has an established industry reputation for underwriting new issuances of municipal bonds, and, further, the winning bidder shall (i) confirm that the underwriters have offered or will offer the Bonds to the public on or before the date of award at the offering price or prices (the "initial offering

price”), or at the corresponding yield or yields, set forth in the bid submitted by the winning bidder and (ii) agree, on behalf of the underwriters participating in the purchase of the Bonds, that the underwriters will neither offer nor sell unsold Bonds of any maturity to which the hold-the-offering-price rule shall apply to any person at a price that is higher than the initial offering price to the public during the period starting on the sale date and ending on the earlier of the following:

- (1) the close of the fifth (5th) business day after the sale date; or
- (2) the date on which the underwriters have sold at least 10% of that maturity of the Bonds to the public at a price that is no higher than the initial offering price to the public.

The winning bidder shall promptly advise the Issuer when the underwriters have sold 10% of that maturity of the Bonds to the public at a price that is no higher than the initial offering price to the public, if that occurs prior to the close of the fifth (5th) business day after the sale date.

The Issuer acknowledges that, in making the representation set forth above, the winning bidder will rely on (i) the agreement of each underwriter to comply with the hold-the-offering-price rule, as set forth in an agreement among underwriters and the related pricing wires, (ii) in the event a selling group has been created in connection with the initial sale of the Bonds to the public, the agreement of each dealer who is a member of the selling group to comply with the hold-the-offering-price rule, as set forth in a selling group agreement and the related pricing wires, and (iii) in the event that an underwriter is a party to a retail distribution agreement that was employed in connection with the initial sale of the Bonds to the public, the agreement of each broker-dealer that is a party to such agreement to comply with the hold-the-offering-price rule, as set forth in the retail distribution agreement and the related pricing wires. The Issuer further acknowledges that each underwriter shall be solely liable for its failure to comply with its agreement regarding the hold-the-offering-price rule and that no underwriter shall be liable for the failure of any other underwriter, or of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a retail distribution agreement to comply with its corresponding agreement regarding the hold-the-offering-price rule as applicable to the Bonds.

By submitting a bid, each bidder confirms that: (i) any agreement among underwriters, any selling group agreement and each retail distribution agreement (to which the bidder is a party) relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such retail distribution agreement, as applicable, to comply with the hold-the-offering-price rule if and for so long as directed by the winning bidder and as set forth in the related pricing wires, and (ii) any agreement among underwriters relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter that is a party to a retail distribution agreement to be employed in connection with the initial sale of the Bonds to the public to require each broker-dealer that is a party to such retail distribution agreement to comply with the hold-the-offering-price rule if and for so long as directed by the winning bidder or such underwriter and as set forth in the related pricing wires.

Sales of any Bonds to any person that is a related party to an underwriter shall not constitute sales to the public for purposes of this Notice of Sale. Further, for purposes of this Notice of Sale:

- (i) “public” means any person other than an underwriter or a related party,
- (ii) “underwriter” means (A) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial

sale of the Bonds to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the Bonds to the public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the public),

(iii) a purchaser of any of the Bonds is a “related party” to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (i) at least 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (ii) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (iii) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other), and

(iv) “sale date” means the date that the Bonds are awarded by the Issuer to the winning bidder.

DELIVERY OF BONDS: The City will furnish Refunding Bonds ready for execution at its expense. Refunding Bonds will be delivered without expense to the purchaser. The usual closing documents, including a certificate that no litigation is pending affecting the issuance of the Refunding Bonds, will be delivered at the time of delivery of the Refunding Bonds. If the Refunding Bonds are not tendered for delivery by twelve o'clock noon, Eastern Time, on the 45th day following the date of sale, or the first business day thereafter if said 45th day is not a business day, the successful proposer may on that day, or any time thereafter until delivery of the Refunding Bonds, withdraw its proposal by serving notice of cancellation, in writing, on the undersigned in which event the City shall promptly return the good faith deposit. Payment for the Refunding Bonds shall be made in Federal Reserve Funds. Accrued interest to the date of delivery of the Refunding Bonds shall be paid by the purchaser at the time of delivery. The Refunding Bonds will be delivered on May 24, 2018.

UNDERTAKING TO PROVIDE CONTINUING DISCLOSURE: In order to assist proposers in complying with SEC Rule 15c2-12, as amended, the City will covenant to undertake (pursuant to resolutions adopted or to be adopted by their governing body), to provide annual reports and timely notice of certain events for the benefit of beneficial owners of the Refunding Bonds. The details and terms of the undertaking are set forth in a Continuing Disclosure Certificate to be executed and delivered by the City, a form of which is included in the nearly final official statement and in the final official statement.

OFFICIAL STATEMENT:

Hard Copy

A copy of the nearly final official statement (the "Nearly Final Official Statement") may be obtained by contacting Municipal Financial Consultants Incorporated at the address listed below. The Nearly Final Official Statement is in a form deemed final as of its date by the City for purposes of SEC Rule 15c2-12(b)(1), but is subject to revision, amendment and completion of a final official statement (the "Final Official Statement"). The successful proposer shall supply to the City, within twenty-four (24) hours after the award of the Refunding Bonds, all pricing information and any underwriter identification determined by Bond Counsel to be necessary to complete the Final Official Statement.

Internet

In addition, the City has authorized the preparation and distribution of a Nearly Final Official Statement containing information relating to the Refunding Bonds via the Internet. The Nearly Final Official Statement can be viewed and downloaded at www.i-dealprospectus.com or at www.tm3.com.

The City will furnish to the successful proposer, at no cost, 10 copies of the Final Official Statement within seven (7) business days after the award of the Refunding Bonds. Additional copies will be supplied upon the proposer's agreement to pay the cost incurred by the City for those additional copies.

The City shall deliver, at closing, an executed certificate to the effect that as of the date of delivery the information contained in the Final Official Statement, including revisions, amendments and completions as necessary, relating to the City and the Refunding Bonds is true and correct in all material respects, and that such Final Official Statement does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading.

CUSIP NUMBERS: It is anticipated that CUSIP numbers will be printed on the Refunding Bonds, but neither the failure to print such numbers nor any improperly printed number shall constitute cause for the purchaser to refuse to accept delivery of or to pay for the Refunding Bonds. All expenses for printing CUSIP numbers on the Refunding Bonds shall be paid for by the City, except that the CUSIP Service Bureau charge for the assignment of such numbers shall be the responsibility of and shall be paid for by the purchaser.

ADDITIONAL INFORMATION: Further information may be obtained from the undersigned at the address specified above or from Municipal Financial Consultants Incorporated, 400 North Main Street, Milford, Detroit, Michigan 48381, John R. Axe, telephone (313) 330-9696 or from Steven Burke, CFA, telephone (313) 782-3011, email: os@mfcj.com.

THE RIGHT IS RESERVED TO REJECT ANY OR ALL PROPOSALS.

ENVELOPES: Envelopes containing the proposals should be plainly marked "Proposal for City of Portage, Downtown Development Limited Tax Refunding Bonds, , Series 2018."

William Furry, Finance Director
City of Portage

**CITY OF PORTAGE
DOWNTOWN DEVELOPMENT AUTHORITY**

**RESOLUTION SUBMITTING AN ESTIMATE OF ANTICIPATED
TAX INCREMENT REVENUE TO BE AVAILABLE FOR PAYMENT OF
REFUNDING BONDS, RECOMMENDING ADOPTION OF REFUNDING BOND
RESOLUTION AND FORWARDING
PROPOSED FORM OF REFUNDING BOND RESOLUTION**

Minutes of the Board of Directors of the Downtown Development Authority of the City of Portage, County of Kalamazoo, Michigan, held at the City of Portage, on _____, 2018 at __:__.m., Eastern Standard Time, there were

PRESENT: _____

ABSENT: _____

The following resolution was offered by Director _____ and supported by Director _____.

WHEREAS, pursuant to Act No. 197 of the Public Acts of Michigan of 1975, as amended (the "Act"), the City of Portage Downtown Development Authority (the "Authority") has a tax increment plan/development plan (the "Development Plan") to assist in the development and redevelopment of all or a portion of the downtown district and to assist in the payment of all or a part of the costs associated with the activities of the Authority and the implementation of the Development Plan; and

WHEREAS, in order to provide funds to finance the Development Plan, it was necessary for the City to issue its City of Portage Downtown Development Limited Tax Bonds, Series 2003 dated December 1, 2003 as authorized by Section 16(1) of Act 197 (the "2003 Bonds"); and

WHEREAS, the 2003 Bonds remain outstanding in various aggregate principal amounts which mature in various principal amounts in various years and bear interest at various rates per annum which rates of interest are higher than those now prevailing; and

WHEREAS, Act 197 authorizes the City to refund all or any part of its indebtedness; and

WHEREAS, the Authority will authorize the issuance of the not to exceed \$2,150,000 City of Portage Downtown Development Limited Tax Refunding Bonds, Series 2018 (the "Refunding Bonds") so long as such refunding generates present value savings; and

WHEREAS, the Authority wishes to ratify the actions of the City Council in taking the necessary steps to issue such Refunding Bonds and has reviewed the necessary estimate of the anticipated tax increment revenues available to pay the Refunding Bonds, a copy of which is attached as Appendix A to this Resolution (the "Estimate of Revenues"); and

WHEREAS, the Authority hereby ratifies and approves the form of refunding bond resolution (the "Refunding Bond Resolution"), to accomplish this purpose and ratifies the adoption of it by the City Council, a copy of such Refunding Bond Resolution is attached to this Resolution as Appendix B.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF PORTAGE DOWNTOWN DEVELOPMENT AUTHORITY as follows:

1. The Authority hereby approves the Estimate of Revenues attached hereto as Appendix A.

2. The action of the City Council in adopting the Refunding Bond Resolution in the form attached to this Resolution as Appendix B is hereby ratified and approved.

3. The Authority hereby authorizes the Chief Administrative Officer of the City, if necessary, to file an application for approval to issue the Refunding Bonds with the Michigan Department of Treasury and to pay the related fee.

BE IT THEREFORE RESOLVED that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and are hereby rescinded.

YEAS: _____

NAYS: _____

ABSENT: _____

This resolution was declared adopted.

Chairman, City of Portage
Downtown Development
Authority

CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a _____ meeting of the City of Portage Downtown Development Authority on the ____ day of _____, 2018.

Chairman, City of Portage
Downtown Development
Authority

APPENDIX A

PROJECTED TAX INCREMENT REVENUES AND DEBT SERVICE COVERAGE

City of Portage Downtown Development Authority Estimated Captured Revenues and Annual Debt Service on Outstanding Bonds and Refunding Bonds

Year	Estimated Revenues	Actual Remaining Annual Debt Service on 2003 Bonds	Estimated Annual Debt Service on Refunding Bonds Series 2018	Actual Annual Debt Service on Refunding Bonds Series 2012	Cummulative Coverage
Beginning Balance					\$283,411.00
2018-2019	\$528,296.20	\$44,240.63	\$221,250.83	\$140,406.00	\$405,809.74
2019-2020	\$534,790.23		\$239,615.00	\$336,506.00	\$364,478.97
2020-2021	\$541,674.29		\$240,415.00	\$350,406.00	\$315,332.26
2021-2022	\$553,949.28		\$250,585.00	\$338,769.00	\$279,927.54
2022-2023	\$566,317.12		\$255,192.50	\$198,094.00	\$392,958.16
2023-2024	\$573,778.73		\$254,275.00	\$198,656.00	\$513,805.89
2024-2025	\$586,634.07		\$242,907.50	\$198,978.00	\$658,554.46
2025-2026	\$594,585.06		\$246,120.00	\$198,700.00	\$808,319.52
2026-2027	\$607,931.68		\$248,797.50	\$197,925.00	\$969,528.70
	\$5,087,956.66	\$44,240.63	\$2,199,158.33	\$2,158,440.00	

APPENDIX B
[PLEASE SEE ATTACHED REFUNDING BOND RESOLUTION]

CITY OF PORTAGE

At a _____ meeting of the City Council of the City of Portage, Kalamazoo County, Michigan (the "City"), held in the City of Portage Hall in said City, on _____, 2018 at ____:____m., Eastern Standard Time, there were

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and seconded by _____.

REFUNDING BOND RESOLUTION **City of Portage** **County of Kalamazoo, State of Michigan** **Downtown Development Limited Tax Refunding Bonds, Series 2018**

WHEREAS, on December 18, 2003, at the request of the City of Portage Downtown Development Authority (the "Authority"), the City of Portage (the "City"), pursuant to Act No. 197, Public Acts of Michigan, 1975, as amended ("Act 197"), and pursuant to a Tax Increment Finance Plan/Development Plan (the "Plan"), issued its \$2,765,000 City of Portage Downtown Development Limited Tax Bonds, Series 2003 dated December 1, 2003 (the "2003 Bonds"), of which \$1,945,000 remains outstanding; and

WHEREAS, the City may call \$1,945,000 of the 2003 Bonds on July 1, 2018; and

WHEREAS, the 2003 Bonds were issued at a time when interest rates were higher than is currently the case and, accordingly, bear rates of interest in excess of current tax-exempt interest rates; and

WHEREAS, the Authority will determine that it is necessary and appropriate at this time to issue a series of Refunding Bonds pursuant to Act 197 and pursuant to Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34"), to refund all or part of the 2003 Bonds so long as such refunding generates present value savings; and

WHEREAS, the Authority will ratify and approve this form of refunding bond resolution to be adopted for this purpose; and

WHEREAS, an estimate of the tax increment revenues to be available for the payment of the principal of and interest on refunding bonds to be issued by the City is attached hereto as Appendix A; and

WHEREAS, the refunding bonds to be issued by the City are to be payable primarily from tax increment revenues to be received by the Authority (the "Tax Increment Revenues") pursuant to Act 197 and the Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, as follows:

1. **Issuance of Refunding Bonds.** Refunding Bonds aggregating in the principal amount not to exceed Two Million One Hundred Fifty Dollars (\$2,150,000) (the "Refunding Bonds") shall be issued and sold pursuant to the provisions of Act 34, and other applicable statutory provisions, for the purpose of refunding the all of the 2003 Bonds except for the interest payment due on July 1, 2018 (the "Refunded Bonds") so long as such refunding generates present value savings.

2. **Refunding Bond Details.** The Refunding Bonds shall be known as "City of Portage Downtown Development Limited Tax Refunding Bonds, Series 2018" and shall be issued in anticipation of the receipt by the City of the Tax Increment Revenues for each year through and including the year ending June 30, 2027 and shall be dated May 1, 2018 or such later date not more than twelve calendar months thereafter as the City Finance Director shall provide in the Official Notice of Sale. The Refunding Bonds shall be fully registered Refunding Bonds, both as to principal and interest, in any one or more denominations of \$5,000 or a multiple of \$5,000 numbered from 1 upwards as determined by the City Finance Director, regardless of rate and maturity date. The total amount of Refunding Bonds to be issued shall not exceed \$2,150,000. Subject, however, to adjustment as described under "INCREASE OR DECREASE IN AGGREGATE AMOUNT OF REFUNDING BONDS", in Section 7, if \$1,945,000 in Refunding Bonds are to be issued, the Refunding Bonds shall mature on January 1 in each year as follows:

<u>YEAR</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>AMOUNT</u>
2019	\$175,000	2024	\$225,000
2020	200,000	2025	230,000
2021	205,000	2026	225,000
2022	215,000	2027	235,000
2023	225,000	2028	235,000

The Refunding Bonds shall be in substantially the form attached hereto as *EXHIBIT A* with such changes, additions or deletions as are not inconsistent with this resolution.

3. **Interest Payment and Date of Record.** The Refunding Bonds shall bear interest payable January 1, 2019 and each July 1 and January 1 thereafter, until maturity, which interest shall not exceed 6% per annum. Interest shall be paid by check or draft mailed to the registered owner of each Refunding Bond as of the applicable date of record, provided, however, that the City Finance Director may agree with the bond registrar on a different method of payment. If interest is paid differently, the Refunding Bond form attached as Exhibit A and Official Notice of Sale form attached as Exhibit D shall be changed accordingly.

The date of record for each interest payment shall be the 15th day of the calendar month preceding the date such payment is due.

4. **Prior Redemption.** The Refunding Bonds shall not be subject to redemption prior to maturity

5. **Discount.** The Refunding Bonds may be offered for sale at par or at a price of not less than 99% of the face amount thereof, and the City Finance Director is authorized, in his or her discretion, to provide for a higher minimum purchase price in the Official Notice of Sale for the Refunding Bonds.

6. **Adjustment of Refunding Bond Maturities.** The City Finance Director is authorized by order in the form attached as *EXHIBIT B* to adjust the amounts of the maturities of the Refunding Bonds, as set forth in Section 7.

7. **Increase or Decrease in Aggregate Amount of Refunding Bonds.** In the event the amount necessary to refund the Refunded Bonds shall be more or less than \$1,945,000, the City Finance Director shall increase the principal amount of the Refunding Bonds by up to \$205,000, or decrease the principal amount of the Refunding Bonds by any amount to the extent required to avoid the issuance of more Refunding Bonds than will be required in light of the amount of Refunding Bonds to be issued and proposals received, which increase or decrease may be applied to any one or more of the maturities and the Official Notice of Sale attached as *Exhibit D* shall so provide or be changed accordingly. In the event the City or the Authority determines to contribute additional amounts toward the refunding of the bonds, the bonds shall further be reduced by the amount of such contribution.

8. **Payment of Refunding Bonds; Pledge of Tax Increment Revenues.** The Refunding Bonds shall be a general obligation of the City, but shall be payable in the first instance from the Tax Increment Revenues collected by the Authority. Such Tax Increment Revenues and other funds which are the proceeds of Tax Increment Revenues held by the Authority may be used to make such payments. The Authority has heretofore pledged and the City hereby pledges all of the estimated Tax Increment Revenues (see Appendix A hereto), subject to those Tax Increment Revenues already pledged to the City to permit the City to retire the outstanding City of Portage Downtown Development Limited Tax Bonds, Series 2003, for payment of the principal of and interest on the Refunding Bonds and a first security interest is granted in the Tax Increment Revenues (to the extent so pledged) to continue until the payment in full of the principal of and interest on the Refunding Bonds.

9.(A) **Bond Registrar and Paying Agent/Book Entry Depository Trust.** The City Finance Director shall designate, and shall enter into an agreement with, a bond registrar and paying agent for the Refunding Bonds which shall be a bank or trust company located in the State of Michigan which is qualified to act in such capacity under the laws of the United States of America or the State of Michigan. The City Finance Director from time to time as required may designate a similarly qualified successor bond registrar and paying agent. If so designated the Refunding Bonds shall be deposited with a depository trustee designated by the City Finance Director who shall transfer ownership of interests in the Refunding Bonds by book entry and who shall issue depository trust receipts or acknowledgments to owners of interests in the Refunding Bonds. Such book entry depository trust arrangement, and the form of depository trust receipts or acknowledgments, shall be as determined by the City Finance Director after consultation with the depository trustee. The City Finance Director is authorized to enter into any depository trust agreement on behalf of the City upon such terms and conditions as the City Finance Director shall deem appropriate and not otherwise prohibited by the terms of this Resolution, which Contract shall be executed by the City Finance Director. The depository trustee may be the same as the Registrar otherwise named by the City Finance Director, and the Refunding Bonds may be transferred in part by depository trust and in part by transfer of physical certificates as the City Finance Director may determine.

(B) **Exchange and Transfer of Bonds.**

(i) The Refunding Bonds, upon surrender thereof to the bond registrar and paying agent with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney, at the option of the registered owner thereof, may be exchanged for Refunding Bonds of any other authorized denominations of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered Refunding Bonds.

(ii) The Refunding Bonds shall be transferable upon the books of the City, which shall be kept for that purpose by the bond registrar and paying agent, only upon surrender

of such Refunding Bonds together with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney.

(iii) Upon the exchange or transfer of the Refunding Bonds, the bond registrar and paying agent on behalf of the City shall cancel the surrendered Refunding Bonds and shall authenticate and deliver to the transferee new Refunding Bonds of any authorized denomination of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered Refunding Bonds. If, at the time the bond registrar and paying agent authenticates and delivers new Refunding Bonds pursuant to this Section, payment of interest on the Refunding Bonds is in default, the bond registrar and paying agent shall endorse upon the new Refunding Bonds the following: "Payment of interest on this bond is in default. The last date to which interest has been paid is _____, ____."

(iv) The City and the bond registrar and paying agent may deem and treat the person in whose name the Refunding Bonds shall be registered upon the books of the City as the absolute owner of such Refunding Bonds, whether such Refunding Bonds shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Refunding Bonds and for all other purposes, and all payments made to any such registered owner, or upon his or her order, in accordance with the provisions of Section 5 of this Resolution shall be valid and effectual to satisfy and discharge the liability upon such Refunding Bonds to the extent of the sum or sums so paid, and neither the City nor the bond registrar and paying agent shall be affected by any notice to the contrary. The City agrees to indemnify and save the bond registrar and paying agent harmless from and against any and all loss, cost, charge, expense, judgment or liability incurred by it, acting in good faith and without negligence hereunder, in so treating such registered owner.

(v) For every exchange or transfer of the Refunding Bonds, the City or the bond registrar and paying agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer.

(vi) The bond registrar and paying agent shall not be required to transfer or exchange the Refunding Bonds or portion of the Refunding Bonds which has been selected for redemption.

10. **Mutilated, Lost, Stolen or Destroyed Refunding Bonds.** In the event any Refunding Bond is mutilated, lost, stolen or destroyed, the Mayor and the City Clerk may, on behalf of the City, execute and deliver, a new Refunding Bond having a number not then outstanding, of like date, maturity and denomination as that mutilated, lost, stolen or destroyed.

In the case of a mutilated Refunding Bond, a replacement Refunding Bond shall not be delivered unless and until such mutilated Refunding Bond is surrendered to the Bond Registrar. In the case of a lost, stolen or destroyed Refunding Bond, a replacement Refunding Bond shall not be delivered unless and until the City and the Bond Registrar shall have received such proof of ownership and loss and indemnity as they determine to be sufficient, which shall consist at least of (i) a lost instrument Refunding Bond for principal and interest remaining unpaid on the lost, stolen or destroyed Refunding Bond; (ii) an affidavit of the registered owner (or his or her attorney) setting forth ownership of the Refunding Bond lost, stolen or destroyed and the circumstances under which it was lost, stolen or destroyed; (iii) the agreement of the owner of the Refunding Bond (or his or her attorney) to fully indemnify the City and the Bond Registrar against loss due to the lost, stolen or destroyed Refunding Bond and the issuance of any replacement Refunding Bond; and (iv) the agreement of the owner of the Refunding Bond (or his or her attorney) to pay all expenses of the City and the Bond Registrar in connection with

the replacement, including the transfer and exchange costs which otherwise would be paid by the City.

11. **Execution and Delivery.** The Mayor and the City Clerk are hereby authorized and directed to execute the Refunding Bonds for and on behalf of the City by manually executing the same or by causing their facsimile signatures to be affixed. If facsimile signatures are used, the Refunding Bonds shall be authenticated by the Bond Registrar before delivery. The Refunding Bonds shall be sealed with the City's seal or a facsimile thereof shall be imprinted thereon. When so executed and (if facsimile signatures are used) authenticated, the Refunding Bonds shall be delivered to the City Finance Director, who is hereby authorized and directed to deliver the Refunding Bonds to the purchaser upon receipt in full of the purchase price for the Refunding Bonds.

12. **City's Limited Tax Pledge.** The principal of and interest on the Refunding Bonds shall be payable primarily out of the Tax Increment Revenues for each year through and including the year ending June 30, 2027, in anticipation of which the Refunding Bonds are to be issued. In addition, the limited tax pledge of the City is to be irrevocably pledged to the prompt payment of the principal of and interest on the Refunding Bonds when due. If the foregoing collections of Tax Increment Revenues shall not be sufficient to pay the principal of and the interest on the Refunding Bonds as the same shall become due, then moneys sufficient to meet the deficiency shall be advanced from the General Fund of the City. The City's ability to raise such funds is subject to applicable constitutional and statutory limitations on the taxing power of the City.

13. **Principal and Interest Fund.** All monies paid to the City from tax increment revenues pursuant to the Plan shall be set aside by the City in a separate fund hereby established, to be known as the "Bond Payment Fund." All moneys in the Bond Payment Fund shall be kept in a separate depository account with one or more banks or trust companies where the principal of and interest on the Bonds are payable, and such moneys shall be used solely for the purpose of (i) paying principal of, premium, if any, and interest on the Refunding Bonds as well as costs, including the fees and expenses of the Bond Registrar, incidental to the Refunding Bonds; (ii) the annual fees and expenses of the escrow agent under an escrow agreement; and (iii) the fees and expenses of the paying agent or paying agents for the Refunding Bonds. All accrued interest and the premium, if any, received from the purchaser of the Refunding Bonds shall be deposited in the Bond Payment Fund upon receipt.

14. **Use of Proceeds.** The proceeds of the sale of the Refunding Bonds shall be used as follows:

- a. Accrued interest shall be transferred to the Bond Payment Fund created pursuant to Section 15 above;
- b. There shall next be transferred to an escrow fund (the "Escrow Fund") an amount which will be sufficient to pay when due the principal of, premium, if any, and interest on the Refunded Bonds when due upon redemption; and
- c. The balance of the proceeds shall be used to pay some or all of the costs of financing including, but not limited to, publication costs, financial costs, consultant fees, counsel fees, printing costs, application fees, bond insurance premiums, rating fees and any other fees or costs incurred in connection with the financing.

15. **Escrow Agreement; Redemption of Refunded Bonds.** In order that the Refunded Bonds may be properly defeased in accordance with Act 34, the City shall enter into an escrow agreement as may be determined by the City Finance Director (the "Escrow Agreement"), with a bank or trust company designated by the City Finance Director. The Escrow Agreement shall be in substantially the form attached as *EXHIBIT C* to this Resolution (with such changes, modifications and additions as may be approved by the City Finance Director). The Escrow Agreement shall be completed by the City Finance Director with appropriate figures prior to execution on behalf of the City by the City Finance Director.

Upon execution of the Escrow Agreement and delivery of the Refunding Bonds, the City and/or the escrow agent shall take all necessary steps to cause the Refunded Bonds to be redeemed at the earliest possible redemption date or dates.

16. **Investments.** Moneys in the Bond Payment Fund may be continuously invested and reinvested in United States government obligations, obligations the principal and interest on which are unconditionally guaranteed by the United States government, or in interest-bearing time deposits selected by the City Finance Director which are permissible investments for surplus funds under Act No. 20, Public Acts of Michigan, 1943, as amended. Such investments shall mature, or be subject to redemption at the option of the holder, not later than the dates moneys in such fund will be required to pay the principal of, premium, if any, and interest on the Refunding Bonds. Obligations purchased as an investment of moneys in the Bond Payment Fund shall be deemed at all times to be a part of such fund, and the interest accruing thereon and any profit realized from such investment shall be credited to such fund.

17. **Depositories.** All of the banks located in the State of Michigan are hereby designated as permissible depositories of the moneys in the funds established by this Resolution, except that the moneys in the Bond Payment Fund shall only be deposited in such banks where the principal of and interest on the Refunding Bonds are payable. The City Finance Director shall select the depository or depositories to be used from those banks authorized in this Section.

18. **Arbitrage and Tax Covenants.** Notwithstanding any other provision of this resolution, the City covenants that it will not at any time or times:

(a) Permit any proceeds of the Refunding Bonds or any other funds of the City or under its control to be used directly or indirectly (i) to acquire any securities or obligations, the acquisition of which would cause any Refunding Bond to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), or (ii) in a manner which would result in the exclusion of any Refunding Bond from the treatment afforded by Section 103(a) of the Code by reason of the classification of any Refunding Bond as a "private activity bond" within the meaning of Section 141(a) of the Code, as a "private loan bond" within the meaning of Section 141(a) of the Code or as an obligation guaranteed by the United States of America within the meaning of Section 149(b) of the Code; or

(b) Take any action, or fail to take any action (including failure to file any required information or other returns with the United States Internal Revenue Service or to rebate amounts to the United States, if required, at or before the time or times required), within its control which action or failure to act would (i) cause the interest on the Refunding Bonds to be includible in gross income for federal income tax purposes, cause the interest on the Refunding Bonds to be includible in computing any alternative minimum tax (other than the alternative minimum tax applicable to interest on all tax-exempt obligations generally) or cause the proceeds of the Refunding Bonds to be used directly or indirectly by an organization described in Section 501(c)(3) of the Code, or (ii) adversely affect the exemption of the Refunding Bonds and the interest thereon from the State of Michigan income taxation.

19. **Qualified Tax-Exempt Obligations.** The Refunding Bonds are designated as "qualified tax-exempt obligations" for purposes of deduction of interest expense by financial institutions under the provisions of Section 265 of the Code, unless, at the time the Official Notice of Sale is circulated, the Refunding Bonds have been determined to be ineligible to be so designated on the basis of the City's reasonable expectations at the time of such publication. In such event, the Official Notice of Sale shall be changed appropriately and the Refunding Bond shall there be so designated.

20. **Defeasance or Redemption of Refunding Bonds.** If at any time,

- (a) the whole amount of the principal of and interest on all outstanding Refunding Bonds shall be paid, or
- (b) (i) sufficient moneys, or Government Obligations (as defined in this Section) not callable prior to maturity, the principal of and interest on which when due and payable will provide sufficient moneys, to pay the whole amount of the principal of and premium, if any, and interest on all outstanding Refunding Bonds as and when due at maturity or upon redemption prior to maturity shall be deposited with and held by a trustee or an escrow agent for the purpose of paying the principal of and premium, if any, and interest on such Refunding Bonds as and when due, and (ii) in the case of redemption prior to maturity, all outstanding Refunding Bonds shall have been duly called for redemption (or irrevocable instructions to call such Refunding Bonds for redemption shall have been given)

then, at the time of the payment referred to in clause (a) of this Section or of the deposit referred to in clause (b) of this Section, the City shall be released from all further obligations under this resolution, and any moneys or other assets then held or pledged pursuant to this resolution for the purpose of paying the principal of and interest on the Refunding Bonds (other than the moneys deposited with and held by a trustee or an escrow agent as provided in clause (b) of this Section) shall be released from the conditions of this resolution, paid over to the City and considered excess proceeds of the Refunding Bonds. In the event moneys or Government Obligations shall be so deposited and held, the trustee or escrow agent holding such moneys or Government Obligations shall, within 30 days after such moneys or Government Obligations shall have been so deposited, cause a notice signed by it to be given to the registered holders thereof not more than sixty (60) days nor less than forty-five (45) days prior to the redemption setting forth the date or dates, if any, designated for the redemption of the Refunding Bonds, (y) a description of the moneys or Government Obligations so held by it, and (z) that the City has been released from its obligations under this resolution. All moneys and Government Obligations so deposited and held shall be held in trust and applied only to the payment of the principal of and premium, if any, and interest on the Refunding Bonds at maturity or upon redemption prior to maturity, as the case may be, as provided in this Section.

The trustee or escrow agent referred to in this Section shall (a) be a bank or trust company permitted by law to offer and offering the required services, (b) be appointed by resolution of the City, and (c) at the time of its appointment and so long as it is serving as such, have at least \$25,000,000 of capital and unimpaired surplus. The same bank or trust company may serve as trustee or escrow agent under this Section and as Bond Registrar so long as it is otherwise eligible to serve in each such capacity.

As used in this Section, the term "Government Obligations" means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America.

21. **Filing with Municipal Finance Division.** If necessary, the Chief Administrative Officer of the City is authorized and directed to:

- (a) apply to the Municipal Finance Division of the Michigan Department of Treasury for approval of the sale of the Refunding Bonds;
- (b) file with such application all required supporting material; and
- (c) pay all fees required in connection therewith.

22. **Competitive Sale – Official Notice of Sale:** The City hereby authorizes its Bond Counsel to publish a Notice of Sale at least seven days prior to the date fixed for receipt of bids of the purchase of the Bonds. The Notice of Sale shall be in substantially the form attached to this resolution as Appendix B with such changes therein as are not inconsistent with this resolution and as are approved by the Finance Director after conferring with Bond Counsel. Once all bids are received, the Finance Director shall determine the lowest true interest cost bid and thereafter award the Bonds to the bidder meeting that criteria. The Bond Counsel and Financial Advisor are hereby designated to act for and on behalf of the City to receive bids for the purchase of the Bonds and to take all other steps necessary in connection with the sale, issuance, transfer and delivery thereof in accordance with the provisions of this resolution.

23. **Retention of Bond Counsel.** The firm of Clark Hill PLC, attorneys of Detroit, Michigan, is hereby retained to act as bond counsel for the City in connection with the issuance, sale and delivery of the Refunding Bonds.

24. **Retention of Financial Consultants.** Municipal Financial Consultants Incorporated, Milford, Michigan, is hereby retained to act as financial consultant and advisor to the City in connection with the sale and delivery of the Refunding Bonds.

25. **Conflicting Resolutions.** All resolutions and parts of resolutions in conflict with the foregoing are hereby rescinded.

26. **Effective Date.** This Resolution shall become effective upon its ratification by the Authority and shall be recorded in the minutes of the Council as soon as practicable after adoption.

A roll call vote on the foregoing resolution was then taken, and was as follows:

YES: _____

NO: _____

ABSTAIN: _____

The resolution was declared adopted.

las.r2-por196

CERTIFICATION

STATE OF MICHIGAN)
) SS.
COUNTY OF KALAMAZOO)

The undersigned, being the City Clerk of the City of Portage, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the City Council at a _____ meeting held on _____, 2018, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records of the proceedings of the Council in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended), and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

_____ City Clerk

[SEAL]

APPENDIX A

**PROJECTED TAX INCREMENT REVENUES
AND DEBT SERVICE COVERAGE**

[PLEASE SEE ATTACHED SCHEDULE]

EXHIBIT A

UNITED STATES OF AMERICA-STATE OF MICHIGAN

CITY OF PORTAGE

County of Kalamazoo, State of Michigan

DOWNTOWN DEVELOPMENT LIMITED TAX REFUNDING BOND, SERIES 2018

RATE MATURITY DATE DATE OF ISSUANCE CUSIP

_____ 1, _____

REGISTERED OWNER:

PRINCIPAL AMOUNT:

FOR VALUE RECEIVED, the City of Portage (the "City"), County of Kalamazoo, State of Michigan, hereby acknowledges itself indebted and promises to pay (but only from the sources referred to herein) on the Maturity Date specified above to the Registered Owner specified above or its registered assigns, the Principal Amount specified above upon presentation and surrender of this bond (this "Refunding Bond") at the designated office of _____, _____, Michigan, as paying agent and bond registrar (the "Bond Registrar"), together with the interest thereon to the Registered Owner of this Refunding Bond, as shown on the books of the City maintained by the Bond Registrar, on the applicable date of record from the Date of Issuance specified above, or such later date through which interest has been paid, at the Rate per annum specified above, commencing on _____, _____, and semi-annually thereafter on the first day of _____ and _____ in each year to and including the Maturity Date. The date of record for each payment of interest shall be the 15th day of the month preceding the date such payment is due. Interest is payable by check or draft mailed by the Bond Registrar to the Registered Owner at the address shown on the books of the City maintained by the Bond Registrar on the applicable date of record and shall be calculated on the basis of a 360-day year consisting of twelve (12) thirty (30) day months.

This Refunding Bond is one of a series of bonds of like date and tenor except as to denomination, date of maturity and interest rate, numbered from 1 upwards, aggregating the principal sum of _____ Dollars (\$ _____), issued by the City, pursuant to and in full conformity with the Constitution and statutes of the State of Michigan and especially Act No. 197, Public Acts of Michigan, 1975, as amended ("Act 197") and Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34") to provide funds to be deposited with _____, _____, Michigan, as escrow agent (the "Escrow Agent"), under an escrow agreement dated as of _____, _____. The Escrow Agent will use such proceeds to acquire non-callable direct obligations of the United States which, when paid in accordance with their terms, will provide sufficient funds (i) to pay when due, to and including _____, _____, the interest on the City's outstanding _____, dated _____, maturing in the years _____ through _____ (the "Refunded Bonds") and (ii) on _____, to redeem the Refunded Bonds maturing in the years _____ through _____, at a redemption price of _____% of the principal amount thereof.

The Refunding Bonds are being issued pursuant to the provisions of Act 197, and are being issued in anticipation of and are primarily payable from tax increment revenues ("Tax Increment Revenues") to be collected by the Authority for payment to the City, for each year until the principal of and interest on the Refunding Bonds has been paid in full.

In addition, the limited tax pledge of the City is to be irrevocably pledged to the prompt payment of the principal of and interest on the Refunding Bonds when due. If the foregoing Tax Increment Revenues are insufficient for any reason to make the payment of the principal of and interest on the Refunding Bonds when due, then moneys sufficient to meet the deficiency shall be advanced from the General Fund of the City. However, the City's ability to raise such funds is subject to applicable constitutional, statutory and tax limitations.

The Refunding Bonds maturing prior to _____ 1, ____ shall not be subject to redemption prior to maturity. Refunding Bonds on or after _____ 1, ____ shall be subject to redemption prior to maturity at the option of the Authority, in any order, in whole or in part on any date on or after _____ 1, _____. Refunding Bonds called for redemption shall be redeemed at par, plus accrued interest to the date fixed for redemption.

With respect to partial redemptions, any portion of a refunding bond outstanding in a denomination larger than the minimum authorized denomination may be redeemed provided such portion as well as the amount not being redeemed each constitute an authorized denomination. In the event that less than the entire principal amount of a refunding bond is called for redemption, upon surrender of the Refunding Bond to the bond registrar, the bond registrar shall authenticate and deliver to the registered owner of the Refunding Bond a new refunding bond in the principal amount of the principal portion not redeemed.

Notice of redemption shall be sent to the registered holder of each refunding bond being redeemed by first class mail at least thirty (30) days prior to the date fixed for redemption, which notice shall fix the date of record with respect to the redemption if different than otherwise provided in the resolution authorizing the issuance of the refunding bonds. Any defect in such notice shall not affect the validity of the redemption proceedings. Refunding Bonds so called for redemption shall not bear interest after the redemption date, provided funds are on hand with the bond registrar to redeem the same.

This Refunding Bond shall be transferable on the books of the City maintained by the Bond Registrar with respect to the refunding bonds upon the surrender of this Refunding Bond to the Bond Registrar together with an assignment executed by the Registered Owner or his or her duly authorized attorney in form satisfactory to the Bond Registrar. Upon receipt of a properly assigned bond, the Bond Registrar shall authenticate and deliver a new bond or bonds in authorized denominations in equal aggregate principal amount and like interest rate and maturity to the designated transferee or transferees.

This Refunding Bond may likewise be exchanged for one or more other bonds with the same interest rate and maturity in authorized denominations aggregating the same principal amount as the bond or bonds being exchanged. Such exchange shall be effected by surrender of the bond to be exchanged to the Bond Registrar with written instructions signed by the Registered Owner of the bond or his or her attorney in form satisfactory to the Bond Registrar. Upon receipt of a bond with proper written instructions the Bond Registrar shall authenticate and deliver a new bond or bonds to the Registered Owner of the bond or his or her properly designated transferee or transferees or attorney.

The Bond Registrar is not required to honor any transfer or exchange of refunding bonds during the fifteen (15) days preceding an interest payment date. Any service charge made by the Bond Registrar for any such registration, transfer or exchange shall be paid for by the City, unless otherwise agreed by the City and the Bond Registrar. The Bond Registrar may, however, require payment by a bondholder of a sum sufficient to cover any tax or other governmental charge payable in connection with any such registration, transfer or exchange.

This Refunding Bond and the other bonds of this series have ____ been designated as "qualified tax-exempt obligations" for purposes of Paragraph 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This Refunding Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit until the certificate of authentication hereon has been duly executed by the Bond Registrar.

It is hereby certified, recited and declared that all things, conditions and acts required to exist, happen and be performed precedent to and in connection with the issuance of this Refunding Bond and the other bonds of this series, existed, have happened and have been performed in due time, form and manner as required by the Constitution and statutes of the State of Michigan, and that the total indebtedness of the City, including the series of refunding bonds of which this is one, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City of Portage, County of Kalamazoo, Michigan, has caused this Refunding Bond to be executed in its name with the facsimile signatures of its Mayor and its City Clerk, has caused a facsimile of its seal to be affixed hereto, and has caused this Refunding Bond to be authenticated by the Bond Registrar, as the City's authenticating agent, all as of the Date of Issuance set forth above.

CITY OF PORTAGE

By:
Mayor

[SEAL]

By:
City Clerk

DATE OF AUTHENTICATION:

BOND REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This is Refunding Bond is one of a series of bonds designated "City of Portage Downtown Development Limited Tax Refunding Bonds, Series 2018".

By: _____, Michigan
as Bond Registrar and Authenticating Agent

Authorized Representative

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _____ this Refunding Bond and all rights hereunder and hereby irrevocably constitutes and appoints _____ attorney to transfer this Refunding Bond on the books kept for registration thereof with full power of substitution in the premises.

Dated: _____

Signature:

Notice: The signature(s) to this assignment must correspond with the name as it appears upon the face of this Refunding Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed:

Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

The transfer agent will not effect transfer of this Refunding Bond unless the information concerning the transferee requested below is provided:

Name and Address: _____

(Include information for all joint owners if bond is held by joint account)

PLEASE INSERT SOCIAL SECURITY NUMBER OR OTHER IDENTIFYING NUMBER OF TRANSFEREE

(Insert number for first named transferee if held by joint account)

EXHIBIT B

ORDER ADJUSTING MATURITIES

\$ _____
CITY OF PORTAGE
County of Kalamazoo, State of Michigan
DOWNTOWN DEVELOPMENT LIMITED TAX REFUNDING BONDS, SERIES 2018

The undersigned, City Finance Director, as authorized in the Award Resolution for the above referenced refunding bonds adopted by the City Council on _____ 1, _____, hereby establishes the final maturities for said refunding bonds with interest rates thereon, as follows:

Due		
<u>Oct. 1</u>	<u>Amount</u>	<u>Rate</u>

Dated: _____

City Finance Director

ESCROW AGREEMENT

CITY OF PORTAGE

This escrow agreement (the "Agreement"), dated as of _____ 1, _____, is between the City of Portage (the "City"), County of Kalamazoo, Michigan, and _____, Michigan, as escrow agent (the "Escrow Agent").

WHEREAS, the City has previously issued the following bonds of which the principal amount listed below remains outstanding (all of such outstanding bonds being referred to as the "Prior Bonds", and the Prior Bonds to be refunded referred to as the "Refunded Bonds"):

<u>Prior Bonds</u>	<u>Outstanding Principal</u>	<u>Principal to be Refunded</u>
City of Portage Downtown Development Limited Tax Bonds, Series 2003	\$ _____ maturing in _____ the years _____ thru _____	\$ _____ maturing in _____ the years _____ thru _____

all bearing interest, due as to principal and subject to redemption as more fully described in *APPENDIX I* to this Agreement.

WHEREAS, for the purpose of refunding the Refunded Bonds the City has, pursuant to a refunding bond resolution adopted on _____, _____ (the "Refunding Bond Resolution") authorized the issuance of an issue of refunding bonds dated _____, _____, as designated and described in the Bond Resolution and hereafter (the "Refunding Bonds"); and

WHEREAS, pursuant to the Refunding Bond Resolution the Escrow Agent has been appointed by the City for the purpose of assuring the payment of the principal of, premium, if any, and interest on the Prior Bonds and the Mayor has been authorized and directed to execute this Agreement.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements set forth below the City and the Escrow Agent agree as follows for the respective equal and proportionate benefit and security of the holders of the Prior Bonds;

Section 1. Appointment of Escrow Agent. The Escrow Agent is hereby appointed and agrees to act in such capacity to comply with all requirements of this Agreement, and to be custodian of the escrow fund (the "Escrow Fund"), to perform its duties as custodian of the Escrow Fund created under this Agreement, but only upon and subject to the following express terms and conditions:

(a) The Escrow Agent may perform any of its duties by or through attorneys, agents, receivers or employees but shall be answerable for the conduct of the same in accordance with the standards specified in this Agreement and shall be entitled to advice of counsel concerning all matters of and the duties under this Agreement, and may in all cases pay such reasonable compensation to

such counsel and in addition to all such attorneys, agents, receivers and employees as may reasonably be employed in connection with the same. The Escrow Agent may act upon the opinion or advice of any counsel. The Escrow Agent shall not be responsible for any loss or damage resulting from any action or non-action taken in good faith in reliance upon such opinion or advice.

(b) The Escrow Agent shall not be responsible for any recital in this Agreement, or in the Refunding Bonds or for the validity of the execution by the City of this Agreement or of any supplements to it or instruments of further assurance. The Escrow Agent shall not be bound to ascertain or inquire as to the performance or observance of any covenants, conditions or agreements on the part of the City, except as set forth in this Agreement. The Escrow Agent shall be only obligated to perform such duties and only such duties as are specifically set forth in this Agreement and no implied covenants or obligations shall be read into this Agreement against the Escrow Agent.

(c) The Escrow Agent may become the owner of the Refunding Bonds or Prior Bonds with the same rights which it would have if not Escrow Agent.

(d) The Escrow Agent shall be protected in acting upon any notice, request, consent, certificate, order, affidavit, letter, telex, telegram or other paper or document believed to be genuine and correct and to have been signed or sent by the proper person or persons. Any action taken by the Escrow Agent pursuant to this Agreement upon the request or consent of any person who at the time of making such request or consent is the owner of any Prior Bond, shall be conclusive and binding upon all future owners of the same Prior Bond.

(e) As to the existence or non-existence of any fact or as to the sufficiency or validity of any instrument, paper or proceeding, the Escrow Agent shall be entitled to rely upon a certificate of the City signed by (i) the Mayor, or (ii) any other duly authorized person as sufficient evidence of the facts contained in it, but may secure such further evidence deemed necessary or advisable, but shall in no case be bound to secure the same. The Escrow Agent may accept a certificate of the Mayor to the effect that a resolution in the form attached to such certificate has been adopted by the City as conclusive evidence that such resolution has been duly adopted, and is in full force and effect.

(f) The permissive right of the Escrow Agent to do things enumerated in this Agreement shall never be construed as a duty. The Escrow Agent shall only be responsible for the performance of the express duties outlined in this Agreement and it shall not be answerable for other than its gross negligence or willful default in the performance of those express duties.

(g) At any and all reasonable times the Escrow Agent and its duly authorized agents, attorneys, experts, accountants and representatives, shall have the right fully to inspect any and all of the books, papers and records of the City pertaining to the Prior Bonds, and to take such memoranda from and in regard to the same as may be desired.

(h) The Escrow Agent shall not be required to give any bond or surety in respect of the execution of the powers contained in or otherwise in respect to this Agreement.

(i) Before taking any action under this Agreement (except making investments, collecting investments and making payments to the paying agents with respect to the Prior Bonds) the Escrow Agent may require that a satisfactory indemnity bond be furnished for the reimbursement of all expenses to which it may be put and to protect it against all liability except liability which is adjudicated to have resulted from gross negligence or willful default by reason of any action so taken.

Section 2. Escrow Fund. On _____, _____ the City will irrevocably deposit with the Escrow Agent for the account of the City from the proceeds of the Refunding Bonds and from other City funds available therefor to establish an Escrow Fund for the Prior Bonds an amount which together with the investment income therefrom, shall be held in the Escrow Fund to be maintained by the Escrow Agent and used to pay interest on the Prior Bonds when due to and including _____, _____ and on that date to redeem and pay principal of and call premiums on the Refunded Bonds in accordance with Section 3 hereof.

Section 3. Redemption of Refunded Bonds. The City will redeem, prior to their scheduled maturity, Refunded Bonds as follows:

<u>Prior Bonds</u>	<u>Principal to be Refunded</u>
--------------------	-------------------------------------

City of Portage Downtown Development Limited Tax Bonds, Series 2003 \$ _____	maturing in the years
---	----------------------------------

The City by execution of this Escrow Agreement, hereby authorizes the Escrow Agent to give the paying agent for the Refunded Bonds irrevocable instructions to call the Refunded Bonds and at the expense of the City not more than forty five (45) nor less than 30 (30) days before _____ 1, _____, their redemption date. The Escrow Agent shall give to the paying agent for the Refunded Bonds such notice, in substantially the form attached to this Agreement as *APPENDIX III*. The paying agent for the Refunded Bonds shall mail such notice on or before thirty (30) days prior to the redemption date, as set forth in *APPENDIX III*, to the registered owner or owners at the addresses listed on the registration books of the Authority maintained by the paying agent for the Refunded Bonds.

Section 4. Investments. As directed by the City, moneys deposited in the Escrow Fund shall be immediately invested in direct obligations of the United States of America and/or obligations the principal of, premium, if any, and interest on which are fully guaranteed by the United States of America described on *APPENDIX IV* ("Investment Securities").

The investment income from the Investment Securities in the Escrow Fund shall be credited to the Escrow Fund and shall not be reinvested. The Escrow Agent shall not sell any Investment Securities. All moneys not invested as provided in this Agreement shall be held by the Escrow Agent as a trust deposit.

Section 5. Use of Moneys. Except as expressly provided in this Agreement, no paying agents' fees for the payment of principal of, premium, if any, or interest on the Refunding Bonds or the Prior Bonds or other charges may be paid from the escrowed moneys or Investment Securities prior to retirement of all Prior Bonds, and the City agrees that it will pay all such fees from its other legally available funds as such payments become due prior to such retirement.

Section 6. Deficiency in Escrow Fund. At such time or times as there shall be insufficient funds on hand in the Escrow Fund for the payment of principal of, premium, if any, and interest falling due on the Prior Bonds, the Escrow Agent shall promptly notify the City of such deficiency.

Section 7. Reports to City. The Escrow Agent shall deliver to the Mayor of the City a semi-annual statement reflecting each transaction relating to the Escrow Fund; and on or before the first day of _____ of each year shall deliver to the City a list of assets of the Escrow Fund as of December 31 of such year and an operating statement for the Escrow Fund for the year then ended.

Section 8. Fees of Escrow Agent. The Escrow Agent agrees with the City that the charges, fees and expenses of the Escrow Agent throughout the term of this Agreement (other than the acceptance fee of the Escrow Agent) shall be the total sum of _____ Dollars (\$_____) payable on the date of closing, which charges, fees and expenses shall be paid from monies deposited with the Escrow Agent from bond proceeds and other available funds of the City, subject to the provisions of Section 12 below.

Section 9. Payments from Escrow Fund. The Escrow Agent shall without further authorization or direction from the City, collect the principal of, premium, if any, and interest on the Investment Securities promptly as the same shall become due and, to the extent that Investment Securities and moneys are sufficient for such purpose, shall make timely payments out of the Escrow Fund to the proper paying agent or agents or their successors for the Prior Bonds, of moneys sufficient for the payment of the principal of, premium, if any, and interest on such Prior Bonds as the same shall become due and payable, all as set out in *APPENDIX II*. The payments so forwarded or transferred shall be made in sufficient time to permit the payment of such principal of, premium, if any, and interest by such paying agent or agents without default. The City represents and warrants that the Escrow Funds will be sufficient to make the foregoing and all other payments required under this Agreement. The proper paying agent for the Prior Bonds is shown in *APPENDIX I*.

When the aggregate total amount required for the payment of principal of, premium, if any, and interest on the Prior Bonds has been paid to the paying agent as provided above, the Escrow Agent shall transfer any moneys or Investment Securities then held under this Agreement for the Prior Bonds to the City, and this Agreement shall cease.

Section 10. Interest of Bondholders Not Affected. The Escrow Agent and the City recognize that the holders from time to time of the Prior Bonds have a beneficial and vested interest in the Investment Securities and moneys to be held by the Escrow Agent as provided in this Agreement. It is therefore recited, understood and agreed that this Agreement shall not be subject to revocation or amendment and no moneys on deposit in an Escrow Fund for the Prior Bonds can be used in any manner for another series.

Section 11. Escrow Agent Not Obligated. None of the provisions contained in this Agreement shall require the Escrow Agent to use or advance its own moneys or otherwise incur financial liability in the performance of any of its duties or the exercise of any of its rights or powers under this Agreement. The Escrow Agent shall be under no liability for interest on any funds or other property received by it under this Agreement, except as expressly provided.

Section 12. Payment of Other Amounts. The City agrees that it will promptly and without delay remit to the Escrow Agent such additional sum or sums of money as may be necessary to assure the payment of any Prior Bonds and to fully pay and discharge any obligation or obligations or charges, fees or expenses incurred by the Escrow Agent in carrying out any of

the duties, terms or provisions of this Agreement that are in excess of the sums provided for under Section 8 above.

Section 13. Segregation of Funds. The Escrow Agent shall hold the Investment Securities and all moneys received by it from the collection of, principal and interest on the Investment Securities, and all moneys received from the City under this Agreement, in a separate escrow account.

Section 14. Resignation of Escrow Agent. The Escrow Agent may resign as such following the giving of thirty (30) days prior written notice to the City. Similarly, the Escrow Agent may be removed and replaced following the giving of thirty (30) days prior written notice to the Escrow Agent by the City. In either event, the duties of the Escrow Agent shall terminate thirty (30) days after the date of such notice (or as of such earlier date as may be mutually agreeable); and, the Escrow Agent shall then deliver the balance of the Escrow Fund then in its possession to a successor Escrow Agent as shall be appointed by the City.

If the City shall have failed to appoint a successor prior to the expiration of thirty (30) days following the date of the notice of resignation or removal, the then acting Escrow Agent may petition any court of competent jurisdiction for the appointment of a successor Escrow Agent or for other appropriate relief; and, any such resulting appointment shall be binding upon the City.

Upon acknowledgment by any successor Escrow Agent of the receipt of the then remaining balance of the Escrow Fund, the then acting Escrow Agent shall be fully released and relieved of all duties, responsibilities, and obligations under this Agreement.

Section 15. Benefit. This Agreement shall be for the sole and exclusive benefit of the City, the Escrow Agent and the holders of the Prior Bonds. With the exception of rights expressly conferred in this Agreement, nothing expressed in or to be implied from this Agreement is intended or shall be construed to give to any person other than the parties set forth above, any legal or equitable right, remedy or claim under or in respect to this Agreement.

Section 16. Severability. If any provision of this Agreement shall be held or deemed to be invalid or shall, in fact, be illegal, inoperative or unenforceable, the same shall not affect any other provision or provisions contained in this Agreement or render the same invalid, inoperative or unenforceable to any extent whatsoever.

Section 17. Notices. Any notice, request, communication or other paper shall be sufficiently given and shall be deemed given when delivered or mailed, by registered or certified mail, postage prepaid or sent by facsimile transmission, except reports as required in Section 7 which may be delivered by regular mail, as follows:

If to the City:

Attention: _____
FAX: _____

If to the Escrow Agent:

Attention: _____
FAX: _____

The City and the Escrow Agent may designate any further or different addresses to which subsequent notices, requests, communications or other papers shall be sent and shall be required to provide written notification of said address change.

Section 18. **Costs of Issuance.** Simultaneously with the transfer of bond proceeds from the Refunding Bonds establishing the Escrow Fund, sufficient moneys from bond proceeds shall be transferred to the Trustee and used to pay all of the costs of issuance for the Refunding Bonds including, but not limited to, financial costs, consultant fees, counsel fees, printing costs, application fees, bond insurance premiums, rating fees and any other fees or costs incurred in connection with the financing. All such costs shall be authorized by the County Treasurer, under the "Instructions to Trustee for Disbursement of Expenses at Closing", and shall be paid on the date of closing.

Section 19. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan.

IN WITNESS WHEREOF, the parties to this Agreement have duly executed it by their duly authorized officers as of the date first above written.

CITY OF PORTAGE

By: _____

Its Mayor

and

By: _____

Its Clerk

_____, as Escrow Agent

By: _____

Its: _____

APPENDIX I

**CITY OF PORTAGE
County of Kalamazoo, State of Michigan
DOWNTOWN DEVELOPMENT LIMITED TAX BONDS, SERIES 2003**

Dated as of _____ 1, ____

SCHEDULE OF PRINCIPAL, PREMIUM AND INTEREST REQUIREMENTS

Bond Registrar and Paying Agent:

Attention: _____

NOTE: Bonds maturing prior to ____ shall not be subject to redemption prior to maturity. Bonds maturing in the years ____ through ____, inclusive, shall be subject to redemption prior to maturity, at the option of the City, in any order, in whole or in part, on or after _____, _____. Bonds so called for redemption at par, plus accrued interest to the date fixed for redemption.

APPENDIX II

**CITY OF PORTAGE
County of Kalamazoo, State of Michigan
DOWNTOWN DEVELOPMENT LIMITED TAX REFUNDING BONDS, SERIES 2018**

Sources of Funds

Bond Proceeds	\$ _____
Issuer Contribution	_____
Good Faith Check Interest	_____
Accrued Interest	_____
TOTAL	\$ _____

Uses of Funds

Cost of Escrow Fund	\$ _____
Costs of Issuance	_____
Accrued Interest	_____
Underwriter's Discount	_____
TOTAL	\$ _____

APPENDIX III

NOTICE OF REDEMPTION

**CITY OF PORTAGE
County of Kalamazoo, State of Michigan
DOWNTOWN DEVELOPMENT LIMITED TAX BONDS, SERIES 2003**

**KALAMAZOO COUNTY
STATE OF MICHIGAN**

DUE _____ THROUGH _____

NOTICE IS HEREBY GIVEN that the City of Portage, Kalamazoo County, Michigan has called for redemption, on _____, _____, (the "Redemption Date"), outstanding maturities of the subject Issue (the "Bonds"), at ____% of the par value, as follows:

<u>Maturity</u>	<u>Due</u>	<u>CUSIP</u>	<u>Rate</u>
\$____,000	_____	_____	____%
____,000	_____	_____	____%
____,000	_____	_____	____%
____,000	_____	_____	____%
____,000	_____	_____	____%
____,000	_____	_____	____%
____,000	_____	_____	____%
____,000	_____	_____	____%

The Bonds to be redeemed should be surrendered on the Redemption Date. The Bonds shall not bear interest on and after the Redemption Date, whether the Bonds are presented for redemption or not.

Bonds may be surrendered for payment at the office of the Bond Registrar and Paying Agent indicated below. Method of delivery is at the option of the Holder, but if by mail, registered mail is suggested.

If by U.S Mail:

Otherwise:

CITY OF PORTAGE

By: _____

Dated: _____

NOTE: Under the provisions of the Interest and Dividend Tax Compliance Act of 1983 and the Comprehensive National Energy Policy Act of 1992, paying agents making payments of principal on municipal securities may be obligated to withhold a 31% tax from remittances to individuals who have failed to furnish the paying agent with a certified and valid Taxpayer Identification Number on a fully completed Form W-9. Holders of the above described Bonds, who wish to avoid the application of these provisions, should submit certified Taxpayer Identification Numbers on I.R.S. Form W-9 when presenting their securities for redemption or for payment at maturity.

APPENDIX IV

**CITY OF PORTAGE
County of Kalamazoo, State of Michigan
DOWNTOWN DEVELOPMENT LIMITED TAX REFUNDING BONDS, SERIES 2018**

Investment Securities to be Acquired Pursuant
to the Escrow Agreement

<u>Purchase</u>	<u>Investment</u>			
<u>Date</u>	<u>Amount</u>	<u>Rate</u>	<u>Maturity</u>	<u>Investment Type</u>

EXHIBIT D
[FORM OF OFFICIAL NOTICE OF SALE]

§
CITY OF PORTAGE
County of Kalamazoo, State of Michigan

CITY OF PORTAGE
DOWNTOWN DEVELOPMENT LIMITED TAX REFUNDING BONDS, SERIES 2018

SEALED OR ELECTRONIC PROPOSALS: Sealed written proposals for the purchase of the bonds described herein (the "Refunding Bonds") will be received by the undersigned for and on behalf of the City of Portage (the "City") at the Office of the _____, _____, on _____, _____ until ____:____.m., Eastern _____ Time, at which time and place said proposals will be publicly opened and read.

In the alternative, sealed written proposals will also be received on the same date and until the same time by an agent of the undersigned at the Municipal Advisory Council of Michigan, Buhl Building, 535 Griswold, Suite 1850, Detroit, Michigan, 48226, where they will be publicly opened simultaneously. Proposals received at _____, Michigan, will be read first, followed by those proposals received at the alternate location. Proposers may choose either location to present proposals and good faith checks, but not both locations. Any proposer may submit a proposal in person to either proposing location. However, no proposer is authorized to submit a FAX proposal to _____.

Also in the alternative, electronic proposals will also be received on the same date and until the same time by an agent of the undersigned Bidcomp/Parity. Further information about Bidcomp/Parity, including any fee charged, may be obtained from Bidcomp/Parity, Eric Washington, 1359 Broadway, 2nd Floor, New York, NY, 10018, (212) 849-5021.

If any provision of this Official Notice of Sale shall conflict with information provided by Bidcomp/Parity as the approved provider of electronic proposing services, this Official Notice of Sale shall control.

The Refunding Bonds will be awarded or all proposals will be rejected by the City Finance Director at a proceeding to be held within twenty-four hours of the sale.

BOND DETAILS: The Refunding Bonds will be dated _____ 1, _____ and will be known as "City of Portage, Downtown Development Limited Tax Refunding Bonds, Series 2018". The Refunding Bonds will be fully registered Refunding Bonds in any one or more denominations of \$5,000 or a multiple of \$5,000, numbered from 1 upwards and will bear interest from their date payable _____ 1, _____ and semi-annually thereafter until maturity. The Refunding Bonds will mature on the 1st day of _____ in each year as follows:

<u>YEAR</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>AMOUNT</u>
-------------	---------------	-------------	---------------

PRIOR REDEMPTION: The Refunding Bonds shall not be subject to redemption prior to maturity.

PRESENT VALUE SAVINGS: The Refunding Bonds must generate present value savings. If after the proposals are received and the final refunding analysis has been calculated, there is no present value savings to the Authority, the Authority shall exercise its right to reject all the proposals and the Refunding Bonds shall not be awarded.

INTEREST RATE AND PROPOSING DETAILS: The Refunding Bonds shall bear interest at a rate or rates not exceeding ___% per annum, to be fixed by the proposals therefor, expressed in multiples of 1/8 or 1/20 of 1%, or both. The interest on any one bond shall be at one rate only. All bonds maturing in any one year must carry the same interest rate. THE INTEREST RATE BORNE BY BONDS MATURING IN ANY YEAR SHALL NOT BE AT A RATE LOWER THAN THE RATE BORNE BY BONDS MATURING IN ANY PRECEDING YEAR. No proposal for the purchase of less than all of the Refunding Bonds, at a price less than ___% of their par value or at an interest rate or rates that will result in a net interest cost exceeding ___%, will be considered.

TERM BOND OPTION: Refunding Bonds maturing in the years ____ - ____, inclusive, are eligible for designation by the original purchaser at the time of sale as serial bonds or term bonds, or both. There may be more than one term bond maturity. However, principal maturities designated as term bonds shall be subject to mandatory redemption, in part, by lot, at par and accrued interest on _____ 1st of the year in which the Refunding Bonds are presently scheduled to mature. Each maturity of term bonds and serial bonds must carry the same interest rate. Any such designation must be made at the time the proposals are submitted.

BOOK-ENTRY-ONLY: The Refunding Bonds will be issued in book-entry-only form as one fully-registered bond per maturity and will be registered in the name of Cede & Co., as nominee for The Depository Trust Company ("DTC"), New York, New York. DTC will act as securities depository for the Refunding Bonds. Purchase of the Refunding Bonds will be made in book-entry-only form, in the denomination of \$5,000 or any multiple thereof. Purchasers will not receive certificates representing their interest in Refunding Bonds purchased. The book-entry-only system is described further in the nearly final official statement for the Refunding Bonds.

BOND REGISTRAR, PAYING AGENT AND DATE OF RECORD: _____, Michigan has been selected as paying agent and bond registrar (the "Bond Registrar") for the Refunding Bonds. The Bond Registrar will keep records of the registered holders of the Refunding Bonds, serve as transfer agent for the Refunding Bonds, authenticate the original and any re-issued refunding bonds and pay interest by check or draft mailed to the registered holders of the Refunding Bonds as shown on the registration books of the City kept by the Bond Registrar on the applicable date of record. The date of record for each interest payment shall be the 15th day of the month before such payment is due. The principal of and redemption premium, if any, on the Refunding Bonds will be paid when due upon presentation and surrender thereof to the Bond Registrar. As long as DTC, or its nominee Cede & Co., is the registered owner of the Refunding Bonds, payments will be made directly to such registered owner. Disbursement of such payments to DTC participants is the responsibility of DTC and disbursement of such payments to the beneficial owners of the Refunding Bonds is the responsibility of DTC participants and indirect participants as described in the nearly final official statement for the Refunding Bonds. The City may from time to time as required designate a successor bond registrar and paying agent.

PURPOSE AND SECURITY: The Refunding Bonds are to be issued pursuant to Act 197, Public Acts of Michigan, 1975, as amended (the "Act"), and Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34") and as specified in the Authority's development and tax increment financing plan, in anticipation of the collection of certain tax increment revenue payments from the City of Portage Downtown Development Authority (the "Authority") to the

City for the purpose of paying costs of refunding the outstanding City of Portage, Downtown Development Limited Tax Bonds, Series 2003 in the aggregate principal amount of \$1,945,000 maturing in the years 2019 through 2027 (the "Refunded Bonds"). In addition, the City has pledged its limited tax full faith and credit as additional security for the payment of the principal of and interest thereon, and pursuant to such pledge, should funds primarily pledged be insufficient for payment, the City is obligated to make such payment from its general funds or from any taxes which it may levy within applicable constitutional and statutory limitations. The rights or remedies of bondholders may be affected by bankruptcy, insolvency, fraudulent conveyance or other laws affecting creditors' rights generally, now existing or hereafter enacted, and by the application of general principles of equity including those related to equitable subordination.

ESCROW AGENT: Proceeds from the Refunding Bonds will be transferred to _____, _____ as escrow agent (the "Escrow Agent") under an escrow agreement (the "Agreement"), who will use such proceeds to acquire investment obligations sufficient to pay principal of, premium, if any, and interest on the Refunded Bonds when due or upon the first permissible redemption date for the Refunded Bonds.

ADJUSTMENT IN PRINCIPAL AMOUNT: The aggregate principal amount of this issue has been determined as the amount necessary to defease the Refunded Bonds and pay a portion or all of the costs of issuance of the Refunding Bonds, assuming certain conditions and events exist on the date of sale. The City reserves the right to increase or decrease the total par amount of the Refunding Bonds by any amount prior to the sale or following the opening of proposals. The purchase price will be adjusted proportionately to the increase or decrease in issue size, but the interest rates specified by the successful proposer for all maturities will not change. The successful proposer may not withdraw the proposal as a result of any changes made within these limits.

ADJUSTMENT IN DISCOUNT: In the event the principal amount of this issue is increased or decreased, the premium or discount bid, if any, will be adjusted upwards or downwards so that it is the same percent as the premium or discount originally bid.

BOND INSURANCE AT PURCHASER'S OPTION: If the Refunding Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of the proposer/purchaser, the purchase of any such insurance policy or the issuance of any such commitment shall be at the option and expense of the purchaser of the Refunding Bonds. Any increased costs of issuance of the Refunding Bonds resulting from such purchase of insurance shall be paid by the purchaser. Any rating agency fees shall be the responsibility of the purchaser. FAILURE OF THE MUNICIPAL BOND INSURER TO ISSUE THE POLICY AFTER THE REFUNDING BONDS HAVE BEEN AWARDED TO THE PURCHASER SHALL NOT CONSTITUTE CAUSE FOR FAILURE OR REFUSAL BY THE PURCHASER TO ACCEPT DELIVERY OF THE REFUNDING BONDS FROM THE CITY.

GOOD FAITH: A certified or cashier's check drawn upon an incorporated bank or trust company or a wire transfer in an amount equal to 2% (\$_____) of the face amount of the Refunding Bonds, and payable to the order of the Authority will be required of the successful proposer as a guarantee of good faith on the part of the proposer, to be forfeited as liquidated damages if such proposal be accepted and the proposer fails to take up and pay for the Bonds. If a check is used, it must accompany each proposal. If a wire transfer is used, the successful proposer is required to wire the good faith deposit not later than Noon, prevailing Eastern Time, on the next business day following the sale using the wire instructions provided by Municipal Financial Consultants Incorporated. The good faith deposit will be applied to the purchase price of the Bonds. No interest shall be allowed on the good faith checks, and checks of each unsuccessful proposer will be promptly returned to such proposer's representative or by

registered mail. The good faith check of the successful proposer will be cashed immediately, in which event, payment of the balance of the purchase price of the Bonds shall be made at the closing.

AWARD OF THE REFUNDING BONDS – TRUE INTEREST COST: : The Bonds will be awarded to the bidder whose bid produces the lowest true interest cost determined in the following manner: the lowest true interest cost will be the single interest rate (compounded on: May 1, 2018 and semi-annually thereafter) necessary to discount the debt service payments from their respective payment dates to May 1, 2018 in an amount equal to the price proposed, excluding accrued interest. May 24, 2018 is the anticipated date of delivery of the Bonds.

LEGAL OPINION: Bids shall be conditioned upon the approving opinion of Clark Hill PLC, Detroit, Michigan (the "Bond Counsel"), a copy of which will be printed on the reverse side of each bond and the original of which will be furnished without expense to the Purchaser of the Bonds at the delivery thereof. The fees of Bond Counsel for its services in connection with such approving opinion are expected to be paid from bond proceeds. Except to the extent necessary to issue such opinion and as described in the official statement, Bond Counsel has not been requested to examine or review, and has not examined or reviewed, any financial documents, statements or other materials that have been or may be furnished in connection with the authorization, marketing or issuance of the Bonds and, therefore, has not expressed and will not express an opinion with respect to the accuracy or completeness of the official statement or any such financial documents, statements or materials.

TAX MATTERS: : It is the opinion of Clark Hill PLC, Bond Counsel, based on its examination of the documents described in its opinion, under existing law as enacted and construed on the date of the initial delivery of the Bonds, the interest on the Bonds is excluded from gross income for federal income tax purposes. Interest on the Bonds is not an item of tax preference for purposes of the individual federal alternative minimum tax. For corporations with tax years beginning after December 31, 2017, the corporate alternative minimum tax was repealed by Public Law No. 115-97 (the "**Tax Cuts and Jobs Act**") enacted on December 22, 2017, effective for tax years beginning after December 31, 2017. For tax years beginning before January 1, 2018, interest on the Bonds is not an item of tax preference for purposes of the corporate alternative minimum tax in effect prior to enactment of the Tax Cuts and Jobs Act; however, interest on the Bonds held by a corporation (other than an S Corporation, regulated investment company, or real estate investment trust) may be subject to the federal alternative minimum tax for tax years beginning before January 1, 2018 because of its inclusion in the adjusted current earnings of a corporate holder. The opinion set forth above is subject to the condition that the City comply with all requirements of the Internal Revenue Code of 1986, as amended (the "**Code**"), that must be satisfied subsequent to the issuance of the Bonds in order that interest thereon be (or continue to be) excluded from gross income for federal income tax purposes. Failure to comply with such requirements could cause the interest on the Bonds to be included in gross income retroactive to the date of issuance of the Bonds. The City has covenanted to comply with all such requirements. Bond Counsel expresses no opinion regarding other federal tax consequences arising with respect to the Bonds and the interest thereon.

In the opinion of Clark Hill PLC, Bond Counsel, based on its examination of the documents described in its opinion, under existing law as enacted and construed on the date of the initial delivery of the Bonds, [the Bonds and the interest thereon are exempt from all taxation by the State of Michigan or a political subdivision thereof, except estate taxes and taxes on gains realized from the sale, payment or other disposition thereof.]

"QUALIFIED TAX EXEMPT OBLIGATIONS": The Refunding Bonds have ____ been designated as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986.

"ISSUE PRICE": The winning bidder shall assist the Issuer in establishing the issue price of the Bonds and shall execute and deliver to the Issuer at Closing an "issue price" or similar certificate setting forth the reasonably expected initial offering price to the public or the sales price or prices of the Bonds, together with the supporting pricing wires or equivalent communications, substantially in the form provided by Bond Counsel, with such modifications as may be appropriate or necessary, in the reasonable judgment of the winning bidder, the Issuer and Bond Counsel. All actions to be taken by the Issuer under this Notice of Sale to establish the issue price of the Bonds may be taken on behalf of the Issuer by the Issuer's municipal advisor identified herein and any notice or report to be provided to the Issuer may be provided to the Issuer's municipal advisor.

The Issuer intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining "competitive sale" for purposes of establishing the issue price of the Bonds) will apply to the initial sale of the Bonds (the "competitive sale requirements") because:

- (1) the Issuer is disseminating this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters;
- (2) all bidders shall have an equal opportunity to bid;
- (3) the Issuer anticipates receiving bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and
- (4) the Issuer anticipates awarding the sale of the Bonds to the bidder who submits a firm offer to purchase the Bonds at the lowest true interest cost, as set forth in this Notice of Sale.

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the Bonds, as specified in the bid.

In the event that competitive sale requirements are satisfied, the winning bidder shall be expected to certify as to the reasonably expected initially offering price of the Bonds to the public.

In the event that the competitive sale requirements are not satisfied, the Issuer shall so advise the winning bidder. The Issuer shall treat (i) the first price at which 10% of a maturity of the Bonds (the "10% test") is sold to the public as of the sale date as the issue price of that maturity and (ii) the initial offering price to the public as of the sale date of any maturity of the Bonds not satisfying the 10% test as of the sale date as the issue price of that maturity (the "hold-the-offering-price rule"), in each case applied on a maturity-by-maturity basis (and if different interest rates apply within a maturity, to each separate CUSIP number within that maturity). The winning bidder shall advise the Issuer if any maturity of the Bonds satisfies the 10% test as of the date and time of the award of the Bonds. Any maturity of the Bonds (and if different interest rates apply within a maturity, to each separate CUSIP number within that maturity) that does not satisfy the 10% test as of the date and time of the award of the Bonds shall be subject to the hold-the-offering-price rule. Bids will not be subject to cancellation in the event that any maturity of the Bonds is subject to the hold-the-offering-price rule. Bidders should prepare their bids on the assumption that some or all of the maturities of the Bonds will be subject to the hold-the-offering-price rule in order to establish the issue price of the Bonds.

By submitting a bid, each bidder confirms that, except as otherwise provided in its bid, it has an established industry reputation for underwriting new issuances of municipal bonds, and, further, the winning bidder shall (i) confirm that the underwriters have offered or will offer the Bonds to the public on or before the date of award at the offering price or prices (the "initial offering

price”), or at the corresponding yield or yields, set forth in the bid submitted by the winning bidder and (ii) agree, on behalf of the underwriters participating in the purchase of the Bonds, that the underwriters will neither offer nor sell unsold Bonds of any maturity to which the hold-the-offering-price rule shall apply to any person at a price that is higher than the initial offering price to the public during the period starting on the sale date and ending on the earlier of the following:

- (1) the close of the fifth (5th) business day after the sale date; or
- (2) the date on which the underwriters have sold at least 10% of that maturity of the Bonds to the public at a price that is no higher than the initial offering price to the public.

The winning bidder shall promptly advise the Issuer when the underwriters have sold 10% of that maturity of the Bonds to the public at a price that is no higher than the initial offering price to the public, if that occurs prior to the close of the fifth (5th) business day after the sale date.

The Issuer acknowledges that, in making the representation set forth above, the winning bidder will rely on (i) the agreement of each underwriter to comply with the hold-the-offering-price rule, as set forth in an agreement among underwriters and the related pricing wires, (ii) in the event a selling group has been created in connection with the initial sale of the Bonds to the public, the agreement of each dealer who is a member of the selling group to comply with the hold-the-offering-price rule, as set forth in a selling group agreement and the related pricing wires, and (iii) in the event that an underwriter is a party to a retail distribution agreement that was employed in connection with the initial sale of the Bonds to the public, the agreement of each broker-dealer that is a party to such agreement to comply with the hold-the-offering-price rule, as set forth in the retail distribution agreement and the related pricing wires. The Issuer further acknowledges that each underwriter shall be solely liable for its failure to comply with its agreement regarding the hold-the-offering-price rule and that no underwriter shall be liable for the failure of any other underwriter, or of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a retail distribution agreement to comply with its corresponding agreement regarding the hold-the-offering-price rule as applicable to the Bonds.

By submitting a bid, each bidder confirms that: (i) any agreement among underwriters, any selling group agreement and each retail distribution agreement (to which the bidder is a party) relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such retail distribution agreement, as applicable, to comply with the hold-the-offering-price rule if and for so long as directed by the winning bidder and as set forth in the related pricing wires, and (ii) any agreement among underwriters relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter that is a party to a retail distribution agreement to be employed in connection with the initial sale of the Bonds to the public to require each broker-dealer that is a party to such retail distribution agreement to comply with the hold-the-offering-price rule if and for so long as directed by the winning bidder or such underwriter and as set forth in the related pricing wires.

Sales of any Bonds to any person that is a related party to an underwriter shall not constitute sales to the public for purposes of this Notice of Sale. Further, for purposes of this Notice of Sale:

- (i) “public” means any person other than an underwriter or a related party,
- (ii) “underwriter” means (A) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial

sale of the Bonds to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the Bonds to the public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the public),

(iii) a purchaser of any of the Bonds is a “related party” to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (i) at least 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (ii) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (iii) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other), and

(iv) “sale date” means the date that the Bonds are awarded by the Issuer to the winning bidder.

DELIVERY OF BONDS: The City will furnish Refunding Bonds ready for execution at its expense. Refunding Bonds will be delivered without expense to the purchaser. The usual closing documents, including a certificate that no litigation is pending affecting the issuance of the Refunding Bonds, will be delivered at the time of delivery of the Refunding Bonds. If the Refunding Bonds are not tendered for delivery by twelve o'clock noon, Eastern Time, on the 45th day following the date of sale, or the first business day thereafter if said 45th day is not a business day, the successful proposer may on that day, or any time thereafter until delivery of the Refunding Bonds, withdraw its proposal by serving notice of cancellation, in writing, on the undersigned in which event the City shall promptly return the good faith deposit. Payment for the Refunding Bonds shall be made in Federal Reserve Funds. Accrued interest to the date of delivery of the Refunding Bonds shall be paid by the purchaser at the time of delivery. The Refunding Bonds will be delivered on May 24, 2018.

UNDERTAKING TO PROVIDE CONTINUING DISCLOSURE: In order to assist proposers in complying with SEC Rule 15c2-12, as amended, the City will covenant to undertake (pursuant to resolutions adopted or to be adopted by their governing body), to provide annual reports and timely notice of certain events for the benefit of beneficial owners of the Refunding Bonds. The details and terms of the undertaking are set forth in a Continuing Disclosure Certificate to be executed and delivered by the City, a form of which is included in the nearly final official statement and in the final official statement.

OFFICIAL STATEMENT:

Hard Copy

A copy of the nearly final official statement (the "Nearly Final Official Statement") may be obtained by contacting Municipal Financial Consultants Incorporated at the address listed below. The Nearly Final Official Statement is in a form deemed final as of its date by the City for purposes of SEC Rule 15c2-12(b)(1), but is subject to revision, amendment and completion of a final official statement (the "Final Official Statement"). The successful proposer shall supply to the City, within twenty-four (24) hours after the award of the Refunding Bonds, all pricing information and any underwriter identification determined by Bond Counsel to be necessary to complete the Final Official Statement.

Internet

In addition, the City has authorized the preparation and distribution of a Nearly Final Official Statement containing information relating to the Refunding Bonds via the Internet. The Nearly Final Official Statement can be viewed and downloaded at www.i-dealprospectus.com or at www.tm3.com.

The City will furnish to the successful proposer, at no cost, 10 copies of the Final Official Statement within seven (7) business days after the award of the Refunding Bonds. Additional copies will be supplied upon the proposer's agreement to pay the cost incurred by the City for those additional copies.

The City shall deliver, at closing, an executed certificate to the effect that as of the date of delivery the information contained in the Final Official Statement, including revisions, amendments and completions as necessary, relating to the City and the Refunding Bonds is true and correct in all material respects, and that such Final Official Statement does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading.

CUSIP NUMBERS: It is anticipated that CUSIP numbers will be printed on the Refunding Bonds, but neither the failure to print such numbers nor any improperly printed number shall constitute cause for the purchaser to refuse to accept delivery of or to pay for the Refunding Bonds. All expenses for printing CUSIP numbers on the Refunding Bonds shall be paid for by the City, except that the CUSIP Service Bureau charge for the assignment of such numbers shall be the responsibility of and shall be paid for by the purchaser.

ADDITIONAL INFORMATION: Further information may be obtained from the undersigned at the address specified above or from Municipal Financial Consultants Incorporated, 400 North Main Street, Milford, Detroit, Michigan 48381, John R. Axe, telephone (313) 330-9696 or from Steven Burke, CFA, telephone (313) 782-3011, email: os@mfcj.com.

THE RIGHT IS RESERVED TO REJECT ANY OR ALL PROPOSALS.

ENVELOPES: Envelopes containing the proposals should be plainly marked "Proposal for City of Portage, Downtown Development Limited Tax Refunding Bonds, , Series 2018."

William Furry, Finance Director
City of Portage

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Street Crack Sealing Material - Sole Source Purchase Recommendation

SUPPORTING PERSONNEL: Rod Russell, Director of Public Services

ACTION RECOMMENDED: Approve a sole source purchase from Maxwell Products, Incorporated, of Salt Lake City, Utah, not to exceed \$69,438.20 for 157,100 pounds of crack sealing material at \$0.442 per pound to be used during the upcoming construction season and authorize the City Manager to execute all documents related to this action on behalf of the city.

Crack sealing is a proven process that can reduce pavement deterioration by restricting water penetration into underlying base and sub-base layers. This prevention measure helps to maintain pavement structural capacity and limit future degradation, improving pavement life by three to five years. The crack sealing process cleans and fills longitudinal and transverse cracks that occur in major streets as the asphalt ages and is the most cost-effective, long-term preventative maintenance option compared to other pavement maintenance techniques. This preventative maintenance is necessary to ensure long-lasting asphalt driving surfaces.

Maxwell Products of Salt Lake City, Utah, is the recommended sole supplier for the crack sealing material not only for their low price per pound, but also their unique packaging system. This packaging system allows Public Service crews to be much more efficient because the unwrapping and disposal of cardboard and plastic wrapping (common with other vendors' products) is not required. The Public Services Department would purchase the crack sealing materials needed for the currently scheduled spring 2018 work utilizing available Fiscal Year 2017-2018 funds and make a separate purchase at a later time for the 2018-2019 work utilizing Fiscal Year 2018-2019 funding. At this time, the price per pound is \$0.442, a slight savings over the price paid in 2017 of \$0.444 per pound for the same quantity.

Therefore, it is recommended that City Council approve the sole source purchase of 46,000 pounds of crack sealing material in the amount of \$0.442 per pound from Maxwell Products, Incorporated for initial application in spring 2018. Additionally, it is recommended that City Council authorize the additional purchase of crack sealing material in the amount at \$0.442 per pound to be used during the summer 2018 construction season and authorize the City Manager to execute all documents related to this action on behalf of the city.

FUNDING: Funds are available in the Fiscal Year 2017-2018 Major Streets Maintenance Fund and will be programmed in the Fiscal Year 2018-2019 Major Streets Maintenance Fund.

Attachments: None

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Annual Microsoft Licensing Renewals - Cooperative Purchase

SUPPORTING PERSONNEL: Devin Mackinder, Director of Technology Services

ACTION RECOMMENDED: Approve a three-year extension renewal of the Microsoft Open Value Subscription Agreement with CDW-G in the annual amount of \$63,824.28 and authorize the City Manager to execute all documents related to this action on behalf of the city.

The city technology infrastructure includes the Microsoft Windows server operating system, Microsoft Office software applications and Microsoft Exchange for email. Microsoft licenses are required in order to enable continued use of the Microsoft products.

In 2015, City Council authorized the City Administration to purchase the required Microsoft licensing with a three-year Microsoft Open Value Subscription Agreement through the Microsoft licensing reseller, CDW-G in the annual amount of \$50,388.13. Several benefits were extended to the city through this program, such as one fully bundled licensing service agreement for all Microsoft products used by the city, license upgrades at no additional cost and customer service software assurance. The CDW-G pricing was provided through the National Intergovernmental Purchasing Alliance cooperative purchasing program, which extended further pricing discounts to the city.

The current Microsoft Open Value Subscription Agreement expires on February 28, 2018. However, the Agreement includes a one-time renewal option that extends the value-added services and discounted pricing for an additional three-year period if purchased through CDW-G before the current term expires. CDW-G has also agreed to extend their discounted pricing offered through the National Intergovernmental Purchasing Alliance cooperative purchasing program. While not required by the city purchasing policies and procedures, two additional quotes were solicited from authorized Microsoft resellers which validated the CDW-G pricing as the lowest. However, due to an increase in the number of licenses required, the total annual cost under the three-year renewal has been adjusted to \$63,824.28.

Therefore, it is recommended that City Council approve a three-year renewal extension of the Microsoft Open Value Subscription Agreement with CDW-G in the annual amount of \$63,824.28 and authorize the City Manager to execute all documents related to this action on behalf of the city.

FUNDING: Funds are budgeted and available in the Fiscal Year 2017-18 Technology Services operating budget for this purpose.

Attachments: 1. Quote Tabulation

Microsoft Licensing Renewal Fees - Quote Tabulation

CDW-G	\$ 63,874.28
PCM	\$ 63,969.51
GCI	\$ 65,419.32

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Palo Alto Network Firewall Purchase

SUPPORTING PERSONNEL: Devin Mackinder, Director of Technology Services

ACTION RECOMMENDED: Approve the purchase of two Palo Alto firewalls and associated three-year maintenance and support with Data Strategy at a total cost of \$66,368 and authorize the City Manager to execute all documents related to this action on behalf of the city.

Due to an increase of cyber attack attempts against the city technology network, the Director of Technology Services initiated a network security audit in late 2017, which was conducted under contract by PCM. One of the audit recommendations was to replace the seven-year old primary network firewall in order to better manage modern cyber threats.

After a trial of several “next-generation” firewalls, the Technology Services Department has chosen the Palo Alto Networks PA 3020 firewall as the best option for the city in terms of affordability, capability and compatibility. Primary features include: advanced visibility and control of applications, users, and content at higher throughput speeds, dedicated computing and programmable hardware resources assigned to networking, security, signature matching, and management functions.

As the firewall is a commodity item, bids were sought from qualified vendors. Four bids were acquired, but only two vendors were able to bid on all the equipment and support requirements. The lowest and best bid was acquired by Data Strategy of Grand Rapids, Michigan in the amount of \$66,368. The total cost includes three years of maintenance and support.

Therefore, it is recommended that City Council approve the purchase of two Palo Alto firewalls, including a three-year maintenance and support with Data Strategy, at a total cost of \$66,368 and authorize the City Manager to execute all documents related to this action on behalf of the city.

FUNDING: The \$66,368 will be funded by the 2017-2018 Cable Access Fund

Attachments: 1. Bid Tab

BID TABULATION
ENTERPRISE NETWORK FIREWALL

<u>Item Description</u>	<u>Mfg. Part No.</u>	<u>Qty.</u>	Data Strategy		SHI International Corp.	
			5555 Corporate Exchange Ct. Grand Rapids, MI 49512		290 Davidson Ave. Somerset, NJ 08873	
			<u>Price Ea.</u>	<u>Total</u>	<u>Price Ea.</u>	<u>Total</u>
Palo Alto Networks PA-3020	PAN-PA-3020	2	\$11,760.00	\$23,520.00	\$12,663.00	\$25,326.00
Threat prevention subscription 3-year prepaid for device in an HA pair, PA- 3020	PAN-PA-3020-TP-3YR-HA2	2	\$4,351.20	\$8,702.40	\$4,686.00	\$9,372.00
PANDB URL filtering subscription 3-year prepaid for device in an HA pair, PA- 3020	PAN-PA-3020-URL4-3YR-HA2	2	\$4,351.20	\$8,702.40	\$4,686.00	\$9,372.00
WildFire subscription 3-year prepaid for device in an HA pair, PA-3020	PAN-PA-3020-WF-3YR-HA2	2	\$4,351.20	\$8,702.40	\$4,686.00	\$9,372.00
GlobalProtect Subscription 3-year prepaid	PAN-PA-3020-GP-3YR-HAW	2	\$4,351.20	\$8,702.40	\$4,686.00	\$9,372.00
Premium support 3-year prepaid, PA- 3020	PAN-SVC-PREM-3020-3YR	2	\$4,019.20	\$8,038.40	\$5,137.00	\$10,274.00
Grand Total				\$66,368.00		\$73,088.00

Non-Compliant Bid

Howard Technology Solutions, Ellisville, MS
NetSolutions, Detroit, MI

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Final Plat for Whispering Meadows No. 4 (6525 Angling Road)

SUPPORTING PERSONNEL: Chris Forth, Deputy Director of Planning, Development & Neighborhood Services

ACTION RECOMMENDED: Grant final approval of the Whispering Meadows No. 4 single-family residential subdivision at 6525 Angling Road, subject to finalization of the storm water agreement, finalization of sidewalk easements and installation of sidewalks and street trees by November 2020.

On September 6, 2016, City Council granted final preliminary plat approval for the plat of Whispering Meadows No. 4 allowing the developer, Glas Associates, to proceed with construction. The developer has completed all required public improvements with the exception of the four-foot-wide concrete sidewalks and street trees. Receiving final plat approval before completion of all public improvements will allow the developer to submit the plat to the State of Michigan for review and approval. Once approved by the State, the developer can then begin selling lots and building houses.

Consistent with final preliminary plat approval, the storm water from the public streets in Phase 4 is collected and directed into a private retention basin located in Phase 3, which is owned and maintained by the Whispering Meadows Homeowners Association. A sidewalk available for public use was also installed from the east end of Boxwood Court to the west end of the modified Camelot Street stub, between Lots 71 and 72 in accordance with final preliminary plat approval. This sidewalk will be maintained by the Whispering Meadows Home Owners Association. Also, the west portion of the sidewalk along the north side of Mullein Lane between Angling Road and Bunchberry Drive will be installed on private property in an effort to avoid existing landscape improvements. An easement for these two sidewalks will need to be provided to the city.

The Administration is working with the developer and association to finalize the storm water agreement and sidewalk easements. Although these documents are still in process, the developer has requested City Council grant final plat approval during the February 27, 2018 meeting. Before the plat document is signed by the City Clerk in accordance with State of Michigan requirements, all documents will be finalized and recorded.

In conformance with Section 42-921 of the City of Portage Land Development Regulations and to ensure completion of the sidewalks and street trees, the developer has deposited with the city an irrevocable letter of credit in the amount of 125 percent of the total construction costs. The amount of the credit has been reviewed by the City Administration and determined to be acceptable.

It is recommended that final plat approval be granted for the plat of Whispering Meadows No. 4 subject to finalization of the storm water agreement, finalization of sidewalk easements and installation of sidewalks and street trees by November 2020. Should the developer not complete the sidewalks and street trees, the developer can request City Council grant an extension of time or the surety will be used to complete the construction.

FUNDING: Not applicable

Attachments: 1. Final Plat Drawing

WHISPERING MEADOWS NO. 4

PART OF THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 7, T3S, R11W,
CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN

SHEET 1 OF 3

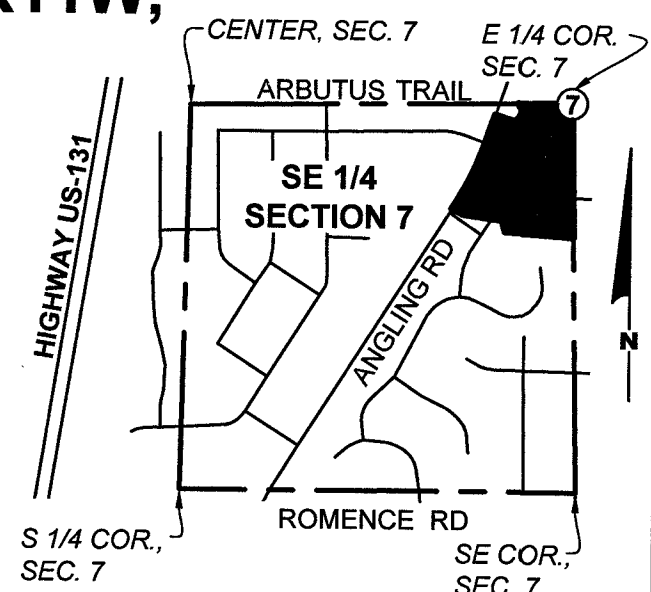


SURVEYOR CERTIFICATION OF TRUE COPY

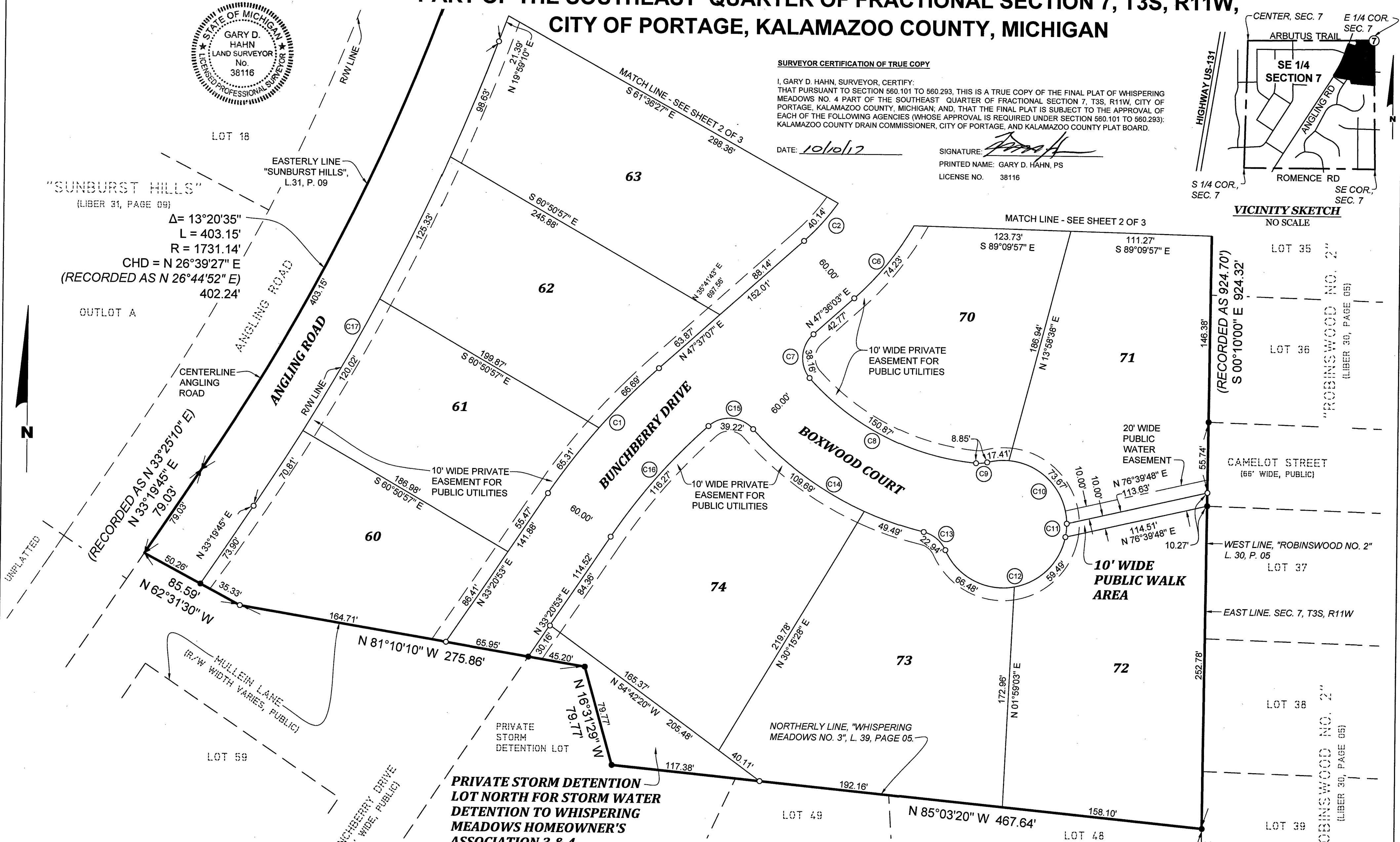
I, GARY D. HAHN, SURVEYOR, CERTIFY:
THAT PURSUANT TO SECTION 560.101 TO 560.293, THIS IS A TRUE COPY OF THE FINAL PLAT OF WHISPERING
MEADOWS NO. 4 PART OF THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 7, T3S, R11W, CITY OF
PORTAGE, KALAMAZOO COUNTY, MICHIGAN; AND THAT THE FINAL PLAT IS SUBJECT TO THE APPROVAL OF
EACH OF THE FOLLOWING AGENCIES (WHOSE APPROVAL IS REQUIRED UNDER SECTION 560.101 TO 560.293):
KALAMAZOO COUNTY DRAIN COMMISSIONER, CITY OF PORTAGE, AND KALAMAZOO COUNTY PLAT BOARD.

DATE: 10/10/17

SIGNATURE: [Signature]
PRINTED NAME: GARY D. HAHN, PS
LICENSE NO. 38116



VICINITY SKETCH
NO SCALE



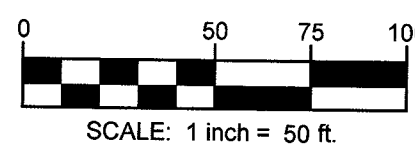
**PRIVATE STORM DETENTION
LOT NORTH FOR STORM WATER
DETENTION TO WHISPERING
MEADOWS HOMEOWNER'S
ASSOCIATION 3 & 4**

WHISPERING MEADOWS NO. 3
(LIBER 39, PAGE 05)

CURVE TABLE					
CURVE	LENGTH	RADIUS	CENTRAL ANGLE	CHORD	
C1	132.00'	530.00'	14°16'14"	N 40°29'00" E	131.66'
C2	147.39	170.00'	49°40'28"	N 22°46'53" E	142.81'
C6	199.40'	230.00'	49°40'28"	S 22°46'53" W	193.22'
C7	38.16'	25.05'	87°17'21"	S 03°54'47" W	34.58'
C8	150.87'	200.00'	43°13'17"	S 63°59'32" E	147.32'
C9	8.85'	25.00'	20°17'01"	N 84°15'19" E	8.80'
C10	91.08	50.00'	104°22'02"	N 53°07'41" W	79.00'
C11	10.52	50.00'	12°03'29"	N 05°05'09" E	10.51'
C12	125.97	50.00'	144°21'22"	S 83°17'39" W	95.20'
C13	22.94'	25.00'	52°34'44"	N 51°23'31" W	22.14'
C14	159.18'	260.00'	35°04'44"	N 60°08'31" W	156.71'
C15	39.22'	25.00'	89°52'33"	N 87°32'26" W	35.32'
C16	116.27'	470.00'	14°10'25"	S 40°26'05" W	115.97'
C17	414.79'	1781.14'	13°20'35"	N 26°39'27" E	413.86'

LEGEND

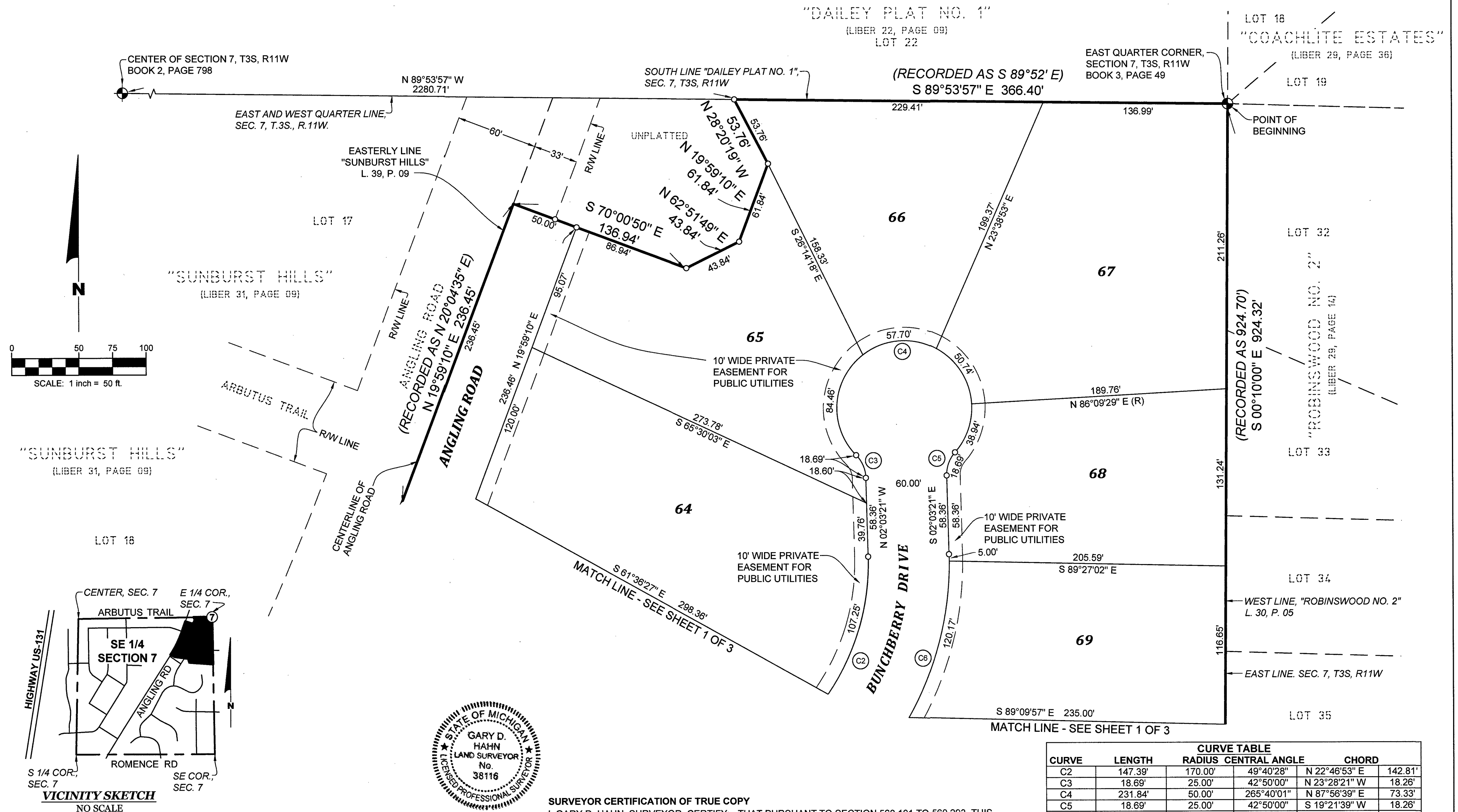
- 1) ALL DIMENSIONS ARE SHOWN IN FEET.
- 2) ALL CURVE DIMENSIONS SHOWN ARE ARC MEASUREMENTS.
- 3) CONCRETE MONUMENTS HAVE BEEN PLACED AT ALL CORNERS MARKED "O". CONCRETE MONUMENTS CONSIST OF A 1/2" DIAMETER STEEL ROD, 36" LONG ENCASED IN A 4 INCH DIAMETER CONCRETE CYLINDER WHICH IS 36" LONG.
- 4) ALL LOT CORNERS HAVE BEEN MARKED WITH A 1/2 INCH DIAMETER BY 18 INCH LONG STEEL ROD.
- 5) CONCRETE MONUMENTS CONSISTING OF 1/2" DIAMETER STEEL RODS ENCASED IN 4 INCH DIAMETER CONCRETE CYLINDERS HAVE BEEN FOUND AT ALL POINTS MARKED "O".
- 6) THE BEARINGS SHOWN HEREON WERE ESTABLISHED FROM THE PLAT OF "ROBINSWOOD NO. 2" RECORDED IN LIBER 30 OF PLATS, PAGE 05.
- 7) (R) INDICATES THAT A LOT LINE IS RADIAL. LINES NOT MARKED ARE NON-RADIAL.



SOUTHEAST CORNER,
SECTION 7, T3S, R11W
BOOK 3, PAGE 131

WHISPERING MEADOWS NO. 4

PART OF THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 7, T3S, R11W, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN

**LEGEND**

- 1) ALL DIMENSIONS ARE SHOWN IN FEET.
- 2) ALL CURVE DIMENSIONS SHOWN ARE ARC MEASUREMENTS.
- 3) CONCRETE MONUMENTS HAVE BEEN PLACED AT ALL CORNERS MARKED " ". CONCRETE MONUMENTS CONSIST OF A 1/2" DIAMETER STEEL ROD, 36" LONG ENCASED IN A 4 INCH DIAMETER CONCRETE CYLINDER WHICH IS 36" LONG.
- 4) ALL LOT CORNERS HAVE BEEN MARKED WITH A 1/2 INCH DIAMETER BY 18 INCH LONG STEEL ROD.
- 5) CONCRETE MONUMENTS CONSISTING OF 1/2" DIAMETER STEEL RODS ENCASED IN 4 INCH DIAMETER CONCRETE CYLINDERS HAVE BEEN FOUND AT ALL POINTS MARKED " ".
- 6) THE BEARINGS SHOWN HEREON WERE ESTABLISHED FROM THE PLAT OF "ROBINSWOOD NO. 2" RECORDED IN LIBER 30 OF PLATS, PAGE 05.
- 7) (R) INDICATES THAT A LOT LINE IS RADIAL. LINES NOT MARKED ARE NON-RADIAL.

SURVEYOR CERTIFICATION OF TRUE COPY

I, GARY D. HAHN, SURVEYOR, CERTIFY: THAT PURSUANT TO SECTION 560.101 TO 560.293, THIS IS A TRUE COPY OF THE FINAL PLAT OF WHISPERING MEADOWS NO. 4 PART OF THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 7, T3S, R11W, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN; AND, THAT THE FINAL PLAT IS SUBJECT TO THE APPROVAL OF EACH OF THE FOLLOWING AGENCIES (WHOSE APPROVAL IS REQUIRED UNDER SECTION 560.101 TO 560.293): PATRICIA A. S. CROWLEY, COUNTY DRAIN COMMISSIONER, JAMES R. HUDSON, CITY OF PORTAGE CLERK, AND DALE SHUGARS, MARY BALKEMA AND TIMOTHY A. SNOW, COUNTY PLAT BOARD.

DATE: 10/10/12

SIGNATURE: 
PRINTED NAME: GARY D. HAHN, PS
LICENSE NO. 38116

WHISPERING MEADOWS NO. 4

PART OF THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 7, T3S, R11W, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN

SURVEYOR'S CERTIFICATE

I, GARY D. HAHN, PROFESSIONAL SURVEYOR, CERTIFY:

THAT I HAVE SURVEYED, DIVIDED AND MAPPED THE LAND SHOWN ON THIS PLAT, DESCRIBED AS FOLLOWS: "WHISPERING MEADOWS NO. 4", PART OF THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 7, T3S, R11W, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 7; THENCE SOUTH 00° 10' 00" EAST 924.32 FEET (RECORDED AS 924.70 FEET) ALONG THE EAST LINE OF SAID SECTION 7 AND THE WEST LINES OF "ROBINSWOOD", ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 29 OF PLATS, PAGE 14, KALAMAZOO COUNTY RECORDS, AND "ROBINSWOOD NO. 2", ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 30 OF PLATS, PAGE 05, KALAMAZOO COUNTY RECORDS; THENCE NORTH 85° 03' 20" WEST 467.64 FEET; THENCE NORTH 16° 31' 29" WEST 79.77 FEET; THENCE NORTH 81° 10' 10" WEST 275.86 FEET; THENCE NORTH 62° 31' 30" WEST 85.59 FEET (THE PREVIOUS 4 CALLS BEING ALONG THE NORTHERLY BOUNDARY OF WHISPERING MEADOWS NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 39 OF PLATS, PAGE 05, KALAMAZOO COUNTY RECORDS) TO THE CENTERLINE OF ANGLING ROAD; THENCE NORTH 33° 19' 45" EAST (RECORDED AS NORTH 33° 25' 10" EAST) 79.03 FEET; THENCE NORTHEASTERLY 403.15 FEET ALONG A 1731.14 FOOT RADIUS CURVE TO THE LEFT WHOSE CENTRAL ANGLE IS 13° 20' 35" AND WHOSE CHORD BEARS NORTH 26° 39' 27" EAST (RECORDED AS NORTH 26° 44' 52" EAST) 402.24 FEET; THENCE NORTH 19° 59' 10" EAST (RECORDED AS NORTH 20° 04' 35" EAST) 236.45 FEET (THE PREVIOUS 3 CALLS BEING ALONG THE CENTERLINE OF SAID ANGLING ROAD AND THE EAST LINE OF "SUNBURST HILLS", ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 31 OF PLATS, PAGE 09, KALAMAZOO COUNTY RECORDS); THENCE SOUTH 70° 00' 50" EAST 136.94 FEET; THENCE NORTH 62° 51' 49" EAST 43.84 FEET; THENCE NORTH 19° 59' 10" EAST 61.84 FEET; THENCE NORTH 28° 20' 19" WEST 53.76 FEET TO THE EAST AND WEST QUARTER LINE OF SAID SECTION 7; THENCE SOUTH 89° 53' 57" EAST (RECORDED AS SOUTH 89° 52' EAST) 366.40 FEET ALONG THE EAST AND WEST QUARTER LINE OF SAID SECTION 7 AND THE SOUTH LINE OF "DAILEY PLAT NO. 1", AS RECORDED IN LIBER 22 OF PLATS, PAGE 09, KALAMAZOO COUNTY RECORDS TO THE POINT OF BEGINNING.

THIS PLAT CONTAINS 15 LOTS NUMBERED 60 THROUGH 74, A PUBLIC WALK AREA AND A PRIVATE STORM DETENTION LOT BEING 12.78 ACRES OF LAND.

THAT I HAVE MADE SUCH SURVEY, LAND DIVISION AND PLAT BY THE DIRECTION OF THE OWNERS OF SUCH LAND.

THAT SUCH PLAT IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE SUBDIVISION OF IT.

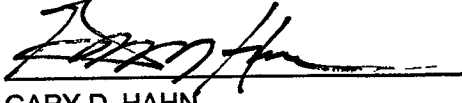
THAT THE REQUIRED MONUMENTS AND LOT MARKERS HAVE BEEN LOCATED IN THE GROUND OR THAT SURETY HAS BEEN DEPOSITED WITH THE MUNICIPALITY, AS REQUIRED BY THE ACT.

THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY THE ACT.

THAT THE BEARINGS SHOWN ON THE PLAT ARE EXPRESSED AS REQUIRED BY THE ACT AND AS EXPLAINED IN THE LEGEND.

DATE: 9/26/2017

WIGHTMAN & ASSOCIATES, INC.
2303 PIPESTONE ROAD
BENTON HARBOR, MICHIGAN 49022


GARY D. HAHN
PROFESSIONAL SURVEYOR NO. 38116



DATE: 9/26/2017

WIGHTMAN & ASSOCIATES, INC.
2303 PIPESTONE ROAD
BENTON HARBOR, MICHIGAN 49022

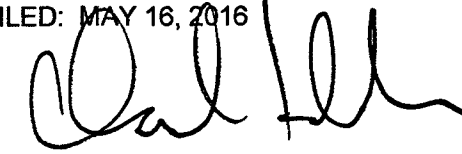

STEVE C. CARLISLE, SECRETARY
PROFESSIONAL ENGINEER NO. 48036

PROPRIETOR'S CERTIFICATE

WHISPERING MEADOWS IV LLC, 7217 N. DOUGLAS, KALAMAZOO, MICHIGAN 49009, A LIMITED LIABILITY COMPANY DULY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF MICHIGAN BY CHARLES H GLAS, MEMBER, AS PROPRIETOR, HAS CAUSED THE LAND DESCRIBED IN THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED, AND DEDICATED AS REPRESENTED ON THIS PLAT AND THAT THE STREETS AND PUBLIC WALK AREA ARE FOR THE USE OF THE PUBLIC; THAT PUBLIC UTILITY EASEMENTS ARE PRIVATE EASEMENTS; THAT THE PRIVATE STORM DETENTION LOT NORTH IS PRIVATE FOR THE USE OF WHISPERING MEADOWS HOMEOWNER'S ASSOCIATION 3 & 4 AND THAT ALL OTHER EASEMENTS ARE FOR THE USES AS SHOWN ON THE PLAT.

WHISPERING MEADOWS IV LLC
A MICHIGAN LIMITED LIABILITY COMPANY
7217 N. DOUGLAS
KALAMAZOO, MI 49009
FILE E8521X

FILED: MAY 16, 2016



BY: CHARLES H GLAS, MEMBER

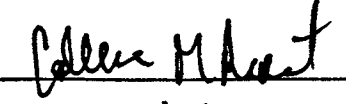
ACKNOWLEDGEMENT

STATE OF MICHIGAN)

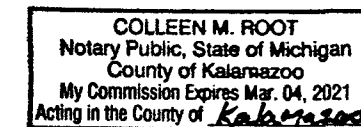
) S.S.

COUNTY OF KALAMAZOO)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 4th DAY OF October, 2017 BY CHARLES H GLAS, MEMBER OF WHISPERING MEADOWS IV LLC, A MICHIGAN LIMITED LIABILITY COMPANY ON BEHALF OF THE LIMITED LIABILITY COMPANY.

NOTARY PUBLIC  KALAMAZOO COUNTY, MICHIGAN.

MY COMMISSION EXPIRES 3/4/2021
ACTING IN THE COUNTY OF KALAMAZOO



COUNTY TREASURER'S CERTIFICATE

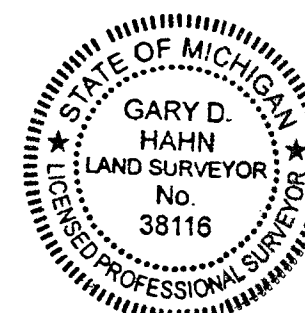
THE RECORDS IN MY OFFICE SHOW NO UNPAID TAXES OR SPECIAL ASSESSMENTS FOR THE 5 YEARS PRECEDING _____ 2017, INVOLVING THE LANDS INCLUDED IN THIS PLAT.

MARY BALKEMA
KALAMAZOO COUNTY TREASURER

CITY TREASURER'S CERTIFICATE

THE RECORDS IN MY OFFICE SHOW NO UNPAID TAXES OR SPECIAL ASSESSMENTS FOR THE 5 YEARS PRECEDING _____ 2017, INVOLVING THE LANDS INCLUDED IN THIS PLAT.

WILLIAM K. FURRY
CITY OF PORTAGE FINANCE DIRECTOR



COUNTY DRAIN COMMISSIONER'S CERTIFICATE

APPROVED ON _____, 2017 AS COMPLYING WITH 1967 PA 288, MCL 560.192 AND THE APPLICABLE RULES AND REGULATIONS PUBLISHED BY MY OFFICE IN THE COUNTY OF KALAMAZOO.

PATRICIA A.S. CROWLEY
KALAMAZOO COUNTY DRAIN COMMISSIONER

CERTIFICATE OF MUNICIPAL APPROVAL

I CERTIFY THAT THIS PLAT WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF PORTAGE, AT A MEETING HELD ON _____, 2017 AND WAS REVIEWED AND FOUND TO BE IN COMPLIANCE WITH 1967 PA 288, MCL 560.101 TO 560.293. THE PUBLIC WATER SERVICES AND PUBLIC SEWER SERVICES HAVE BEEN INSTALLED AND ARE READY FOR CONNECTION.

JAMES R. HUDSON
CITY OF PORTAGE CLERK

COUNTY PLAT BOARD CERTIFICATE

THIS PLAT HAS BEEN REVIEWED AND IS APPROVED BY THE KALAMAZOO COUNTY PLAT BOARD ON _____, 2017, AS BEING IN COMPLIANCE WITH ALL OF THE PROVISIONS OF 1967 PA 288, MCL 560.101 TO 560.293, AND THE PLAT BOARD'S APPLICABLE PUBLISHED RULES AND REGULATIONS.

DALE SHUGARS, CHAIRPERSON
KALAMAZOO COUNTY BOARD OF COMMISSIONERS

MARY BALKEMA
KALAMAZOO COUNTY TREASURER

TIMOTHY A. SNOW
KALAMAZOO COUNTY CLERK / REGISTER OF DEEDS

RECORDING CERTIFICATE

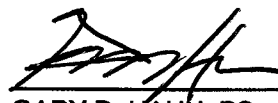
STATE OF MICHIGAN)
KALAMAZOO COUNTY)
THIS PLAT WAS RECEIVED FOR RECORD ON THE _____ DAY OF _____, _____ AT _____ AND RECORDED IN PLAT CABINET _____ OF PLATS IN FOLIO _____.

TIMOTHY A. SNOW
KALAMAZOO COUNTY CLERK / REGISTER OF DEEDS

SURVEYOR CERTIFICATION OF TRUE COPY

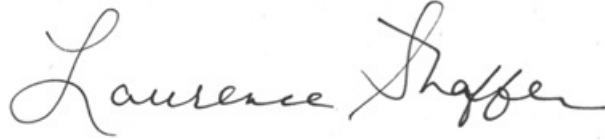
I, GARY D. HAHN, SURVEYOR, CERTIFY: THAT PURSUANT TO SECTION 560.101 TO 560.293, THIS IS A TRUE COPY OF THE FINAL PLAT OF WHISPERING MEADOWS NO. 4 PART OF THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 7, T3S, R11W, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN; AND, THAT THE FINAL PLAT IS SUBJECT TO THE APPROVAL OF EACH OF THE FOLLOWING AGENCIES (WHOSE APPROVAL IS REQUIRED UNDER SECTION 560.101 TO 560.293): PATRICIA A. S. CROWLEY, COUNTY DRAIN COMMISSIONER, JAMES R. HUDSON, CITY OF PORTAGE CLERK, AND DALE SHUGARS, MARY BALKEMA AND TIMOTHY A. SNOW, COUNTY PLAT BOARD.

DATE: 10/10/17

SIGNATURE: 
PRINTED NAME: GARY D. HAHN, PS
LICENSE NO. 38116

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Preliminary Plat of West Lake Estates (9300 Portage Road)

SUPPORTING PERSONNEL: Chris Forth, Deputy Director of Planning, Development & Neighborhood Services

ACTION RECOMMENDED: Approve the Preliminary Plat of West Lake Estates (9300 Portage Road) subject to the conditions outlined in the February 9, 2018 Department of Community Development staff report.

The preliminary plat of West Lake Estates has been submitted for approval by AEG Development, LLC to construct 20 single family residential lots and a new cul-de-sac street from Lakeview Drive. An approximate 2.65-acre wetland area exists along the northern portion of the property. A small portion of this wetland located on the east end is proposed to be modified to accommodate the recommended public street. The wetland modification will require review/approval by the Michigan Department of Environmental Quality (MDEQ). The City Administration recommends the Preliminary Plat of West Lake Estates be approved subject to the finalization of public street and utility design, including storm water, which will be addressed as part of the detailed engineering plan review.

The Planning Commission convened a public hearing during its February 15, 2018 meeting. The applicant was present to support the application and four (4) citizens expressed concerns about the condition of Lakeview Drive, planned city roadway projects, storm water runoff and environmental/traffic impacts. Following the public hearing comment period, the Planning Commission also recommended the Preliminary Plat of West Lake Estates be approved consistent with the staff recommendation.

With regard to resident concerns about storm water, runoff from the majority of the plat (southern portion) will be collected and conveyed to a storm water infiltration basin located near the southeast area of the site, between Lots 3-4. Storm water from the northeast area will be collected and conveyed to a storm water basin located on the north side of Lot 1 with an overflow discharge to the wetland area. The developer is aware that the MDEQ review and approval will be required for this storm water overflow discharge. Final engineering design will be carefully reviewed by the City Administration upon submittal of the detailed engineering plans.

Therefore, it is recommended that the preliminary plat of West Lake Estates (9300 Portage Road) be granted upon finalization of the public street and utility design, including the storm water, which will be reviewed upon submission of the detailed engineering plans.

FUNDING: Not applicable

- Attachments:**
1. Planning Commission transmittal dated February 16, 2018
 2. Planning Commission meeting minutes date February 15, 2018 (Draft)
 3. Department of Community Development staff report dated February 9, 2018

TO: Honorable Mayor and City Council

FROM: Planning Commission

DATE: February 16, 2018

SUBJECT: Preliminary Plat of West Lake Estates, 9300 Portage Road.

The Planning Commission convened a public hearing during the February 15, 2018 meeting to consider the preliminary plat of West Lake Estates. Mr. Brian Wood of AEG Development, LLC was present to support the application and explain the development project. Four citizens spoke regarding the proposed residential development: 1) Ron Vandermeer, 1803 Lakeview Drive; 2) Dave Thomas, 1811 Lakeview Drive; 3) Christy Ohlmann, 1807 Lakeview Drive; and 4) Doug Slager, 9310 Portage Road. Citizens expressed various concerns including the condition of Lakeview Drive, planned city roadway projects including Lakeview Drive realignment (2018) and Lakeview Drive reconstruction (2019-2020), storm water runoff, wetlands impact, loss of trees and additional traffic generation. The Commission was reassured that the various issues and concerns expressed by the citizens involving development of the plat would be addressed upon submission of the detailed engineering plans.

After additional discussion and careful consideration, a motion was made by Commissioner Patterson, seconded by Commissioner Corradini, to recommend to City Council that the Preliminary Plat for West Lake Estates, 9300 Portage Road, be approved subject to the conditions described in the February 9, 2018 Department of Community Development staff report involving finalization of public street and utility design, including storm water, that will reviewed with the detailed engineering plans. The motion was unanimously approved 7-0.

Sincerely,


Wayne Stoffer
Chairman 

PLANNING COMMISSION

February 15, 2018

 **DRAFT**

The City of Portage Planning Commission meeting of February 15, 2018 was called to order by Chairman Stoffer at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Approximately 18 citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Stoffer led the Commission, staff and citizens in the Pledge of Allegiance.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development & Neighborhood Services; Michael West, Senior City Planner; and Randy Brown, City Attorney.

ROLL CALL:

Mr. Forth called the role: Patterson (yes), Shoup (yes), Stoffer (yes), Schimmel (yes); Harrell-Page (yes); Place (yes), and Corradini (yes). A motion was made by Commissioner Patterson, seconded by Commissioner Schimmel, to approve the role excusing Commissioners Bosch and Joshi. The motion was unanimously approved 7-0.

APPROVAL OF MINUTES:

Chairman Stoffer referred the Commission to the February 1, 2018 regular meeting minutes contained in the agenda packet. A motion was made by Commissioner Harrell-Page, seconded by Commissioner Place, to approve the minutes as submitted. The motion was unanimously approved 7-0.

PUBLIC HEARINGS:

1. Preliminary Plat of West Lake Estates, 9300 Portage Road. Mr. West summarized the staff report dated February 9, 2018 regarding the request by AEG Development, LLC to construct West Lake Estates single family residential subdivision. Mr. West stated the plat of West Lake Estates proposes 20 single family residential lots on approximately 11 acres. Mr. West discussed the Lakeview Drive/Portage Road realignment project planned for Summer 2018 and the Lakeview Drive, South Shore Drive to Portage Road, reconstruction project planned for FY 2019-2020. Mr. West then reviewed other aspects of the proposed subdivision including preliminary plans to address storm water runoff, designated wetland area defined within the northern portion of the property, sidewalks and proposed access to the plat. Mr. West stated the proposed preliminary plat meets applicable ordinance requirements and was recommended for approval subject to the conditions regarding public streets, utilities and storm water as outlined in the February 9, 2018 Department of Community Development report.

Brian Wood of AEG Development, LLC was present to support the proposed plat. The Commission, Mr. West and Mr. Wood next discussed various aspects of the proposed subdivision including the wetland area, the unplatted "exempted" parcel along the south side of Lakeview Drive, construction schedules for the Lakeview Drive/Portage Road realignment and proposed plat, and planned sidewalks.

Chairman Stoffer opened the public hearing. Four citizens spoke regarding the preliminary plat: 1) Ron Vandermeer, 1803 Lakeview Drive; 2) Dave Thomas, 1811 Lakeview Drive; 3) Christy Ohlmann, 1807 Lakeview Drive; and 4) Doug Slager, 9310 Portage Road. Mr. Vandermeer expressed concerns about the existing condition of Lakeview Drive, additional traffic generation, storm water drainage from the plat and impacts along Lakeview Drive and the buildability of certain lots within the plat. Mr. Thomas presented photographs of his property taken in October 2017 following the large rain event and indicated that storm water runoff and the fluctuating groundwater table along Lakeview Drive was a major concern. Mr. Thomas indicated that he had spoken with the city engineer regarding this matter and made suggestions for consideration when Lakeview Drive is reconstructed in FY 2019-2020. Mr. Thomas also questioned if the "unplatted parcel" along Lakeview Drive can be built upon and suggested this parcel, along with the northern portions of Lots 14, 15 and

 DRAFT

20, be placed into a wetlands/land conservancy to better protect the wetland area. Ms. Ohlmann expressed concerns about increased traffic on Lakeview Drive, environmental impacts and the quality of the home construction. Mr. Slager stated that he was not opposed to the development, but did have concerns about storm water runoff, wetland impacts, loss of trees and construction schedules for the plat and the Lakeview Drive/Portage Road realignment project. No additional citizens spoke regarding the proposed subdivision. A motion was made by Commissioner Schimmel, supported by Commissioner Harrell-Page, to close the public hearing. The motion was unanimously approved 7-0.

The Commission, staff and Mr. Wood discussed various aspects of the proposed plat and the proposed roadway projects planned by the city. Mr. West summarized the three step review/approval process for the proposed plat and indicated that the preliminary plat was the first step where the developer presents existing and proposed conditions pertaining to the development of the subdivision. Mr. West stated the second step in the process (final preliminary plat) involved submittal and review of the detailed engineering plans for the project. Mr. West indicated that staff and the developer have been discussing preliminary engineering design issues for the past several months and staff would closely review the engineering plans for conformance with city standards and requirements once they are submitted. Mr. Wood indicated that discussions with the Michigan Department of Environmental Quality (MDEQ) regarding wetlands and storm water issues were ongoing and indicated another follow-up meeting was scheduled for February 20th. Mr. Wood discussed the long working relationship between AEG Development, the MDEQ and the city and referenced construction of the Copperleaf Subdivision near West Milham Avenue and US-131. Mr. Wood indicated that AEG Development has been constructing residential homes throughout the State of Michigan and northern Indiana for many years. Commissioner Harrell-Page asked Mr. Wood to elaborate on the appearance and value of the proposed homes. Mr. Wood indicated the homes in West Lake Estates will include a variety of material types and be in the \$200,000 - \$300,000 price range. Finally, Mr. Wood stated that AEG Development would work closely with the city on construction schedules to minimize impacts and inconveniences to the Lakeview Drive residents. Attorney Brown discussed legal issues that the Planning Commission should consider when reviewing the preliminary plat. Attorney Brown stated that questions regarding the appearance or price range of homes could be asked, however, should not be utilized to formulate a decision/recommendation. Attorney Brown also stated that if the preliminary plat satisfies the requirements of city ordinances and the State, it must be approved.

After additional discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Corradini, to recommend to City Council that the Preliminary Plat for West Lake Estates, 9300 Portage Road, be approved subject to the conditions described in the February 9, 2018 Department of Community Development staff report involving finalization of public street and utility design, including storm water, that will be reviewed upon submission of the detailed engineering plans. The motion was unanimously approved 7-0.

TO: Planning Commission

DATE: February 9, 2018

FROM: Christopher Forth, Acting Director of Community Development

SUBJECT: Preliminary Plat: West Lake Estates, 9300 Portage Road.

I. INTRODUCTION:

The preliminary plat of West Lake Estates single family residential subdivision has been submitted for review and approval by AEG Development, LLC. West Lake Estates proposes construction of 20 single family residential lots on approximately 11 acres located near the intersection of Portage Road and Lakeview Drive. The subject property is zoned R-1C, one family residential.

II. BACKGROUND INFORMATION:

The following is important background information and summarizes the requirements that are applicable to the preliminary plat application. All required improvements will comply with Article 5 – Subdivision and Land Division Regulations of the City of Portage Land Development Regulations.

Public Street Access	Public street cul-de-sac extension ("Road A", "Road B") from Lakeview Drive. No direct access to Portage Road will be provided. In FY2017-2018, the city will realign the Lakeview Drive/Portage Road intersection as conceptually shown on the preliminary plat drawing. As part of this project, the city will be acquiring an approximate 0.5 acre portion of the subject property to accommodate this intersection realignment, which will improve safety, operation and functionality of this intersection. In FY2019-2020, Lakeview Drive will be reconstructed from South Shore Drive to approximately 400-feet west of Portage Road. This project will be completed in conjunction with replacement of the water main.
Storm Water	Storm water runoff from the southern portion of the subdivision (Lots 4-18) will be collected and conveyed to a storm water infiltration basin located near the southeast portion of the site, between Lots 3-4. Storm water from the northeast portion of the subdivision (Lots 1-3, 19-20) will be collected and conveyed to a storm water detention basin located along the north side of Lot 1 with an overflow discharge to the wetland area located to the west. The preliminary storm water design has been reviewed and discussed between the applicant and the city and is acceptable in concept. Final design of the storm water management system, along with any required permit from the Michigan Department of Environmental Quality (MDEQ), will be reviewed with the submittal of the detailed engineering plans.
Public Improvements	Public streets, sidewalks, curb-gutter, municipal water, sanitary sewer, streetlights will be provided pursuant to established ordinance requirements.

Zoning	R-1C, one family residential: Minimum 100 foot lot widths (120 feet for corner lots); minimum lot size of 12,000 square feet; and minimum setbacks of 30-feet (front), 12-feet (side) and 40-feet (rear). Consistent with Section 42-350.D of the Zoning Code, the applicant has chosen to utilize the averaging of lot sizes in the design of the subdivision. This section allows the developer to create lots having a width and/or area up to 10% less than the minimum requirement, as long as there is not an attendant increase in the overall number of lots. Attached is an alternative plan that shows development of the property based on the minimum R-1C requirements.
Environmental Impacts	A designated wetland area (2.65 acres) is located along the northern portion of the subject property, along the south side of Lakeview Drive. A November 2016 wetland assessment conducted by the applicant has identified this wetland boundary which is delineated on the tentative plan drawing. A small portion of this wetland area located along the eastern section of the property is proposed to be modified to accommodate the proposed public street. The applicant is aware that this wetland modification will require review/approval by the Michigan Department of Environmental Quality (MDEQ), which must be obtained before approval of the detailed engineering drawings
Sidewalks	Consistent with the land development regulations, 4-foot wide concrete sidewalks will be installed along both sides of the proposed new public street including around the entire bulb of the cul-de-sac. A 4-foot wide concrete sidewalk will be installed along the south side of the realigned Lakeview Drive, from the new public street to Portage Road, to a planned pedestrian crossing that will provide access across Portage Road to Lakeview Park. Finally, a 5-foot wide concrete sidewalk will also be installed along the Portage Road frontage of the proposed plat (east side of Lots 1, 2 and 3) that will allow for further extension of this sidewalk to the south.
Traffic	Portage Road is classified as a 4-5 lane minor arterial roadway with a 2015 average daily traffic count of 17,135 vehicles (north of Lakeview Drive) and 15,545 vehicles (south of Lakeview Drive). The capacity of this section of Portage Road is 34,400 vehicles per day (level of service "D"). A "Road Diet" (lane reconfiguration from four lanes to three lanes) for Portage Road, between Lakeview Drive and Bacon Avenue, is planned. Construction of this "Road Diet" is planned for 2019, after the Lakeview Drive realignment project has been completed. This reduction from four to three lanes will modify the capacity of Portage Road, south of Lakeview Drive, to 21,500 vehicles per day (level of service "D"). A total of 20 single-family residential dwellings can be expected to generate approximately 100-120 vehicles per day (equivalent to 200-240 vehicle trips per day). This anticipated traffic generation can be accommodated by the adjacent roadway network.

III. PUBLIC NOTICE REQUIREMENTS:

In accordance with the Michigan Planning Enabling Act (Public Act No. 33 of 2008, as amended), a public notice was published in the local newspaper and notice was mailed to owners of land immediately adjoining the proposed plat 15 days prior to the date of the public hearing.

Submission of the preliminary plat is intended to provide the community with the opportunity to examine existing and proposed conditions pertaining to the development of the subdivision. After approval by the City Council, preliminary plat approval is effective for 12 months. During the 12 month period, detailed engineering drawings will be prepared and submitted to City Council for review and approval. Following construction of the plat improvements, the developer will request that City Council grant final plat approval.

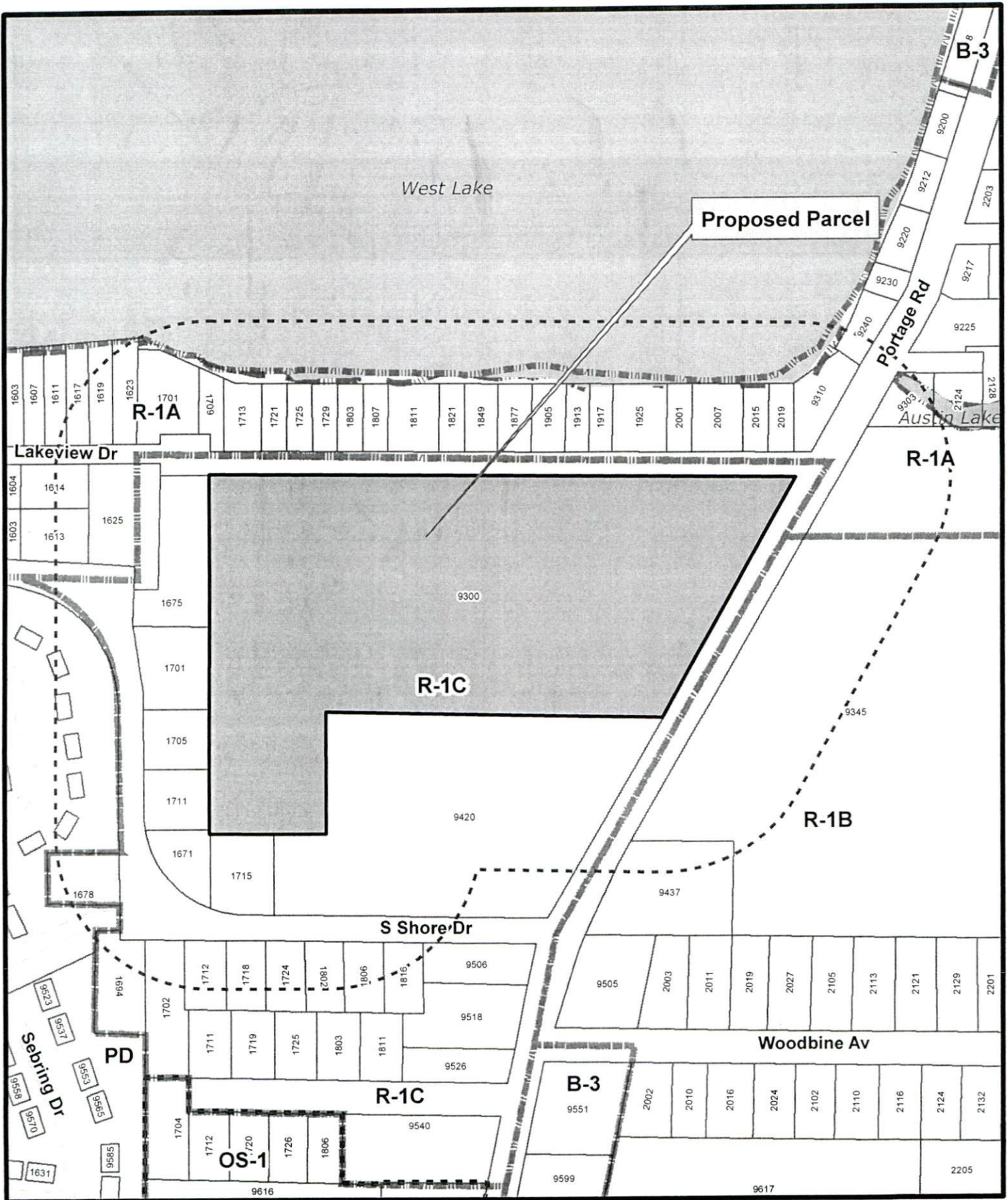
IV. RECOMMENDATION:

The proposed plat has been reviewed within the context of the Comprehensive Plan, Land Development Regulations and other applicable ordinance requirements. Based on the above information and subject to any additional information received during the public hearing, staff advises the Planning Commission recommend to City Council that the Preliminary Plat of West Lake Estates, 9300 Portage Road, be approved subject to the following conditions:

1. Streets and Utilities – The proposed street system, municipal water and sanitary sewer are acceptable in concept. Final design, location and related issues will be addressed as part of the detailed engineering plan review. Any public utility located outside of the street right-of-way will require that an easement(s) be conveyed to the city. Vehicular access for all lots located within the subdivision will occur from the new interior public cul-de-sac street with no direct access allowed from Portage Road. Review and approval by the Michigan Department of Environmental Quality (MDEQ) will be required for the small portion of wetland area located along the eastern portion of the site proposed to be modified to accommodate the proposed public cul-de-sac street. This approval must be obtained before approval of the detailed engineering plans.
2. Storm Water Management - The proposed storm water management system is also acceptable in concept. Final design, location and related issues will be addressed as part of the detailed engineering plan review. Any public utility located outside of the street right-of-way will require that an easement(s) be conveyed to the city. Review and approval by the Michigan Department of Environmental Quality (MDEQ) will be required for the proposed storm water overflow discharge to the wetland area, which must be obtained before approval of the detailed engineering plans.

Attachments: Zoning/Vicinity Map
 Aerial Photo Map
 Preliminary Plat Drawing
 Comparison plan

S:\Commdev\2017-2018 Department Files\Board Files\PLANNING COMMISSION\PC Reports\Plats\2018 02 09 West Lake Estates, 9300 Portage Road (PP).doc

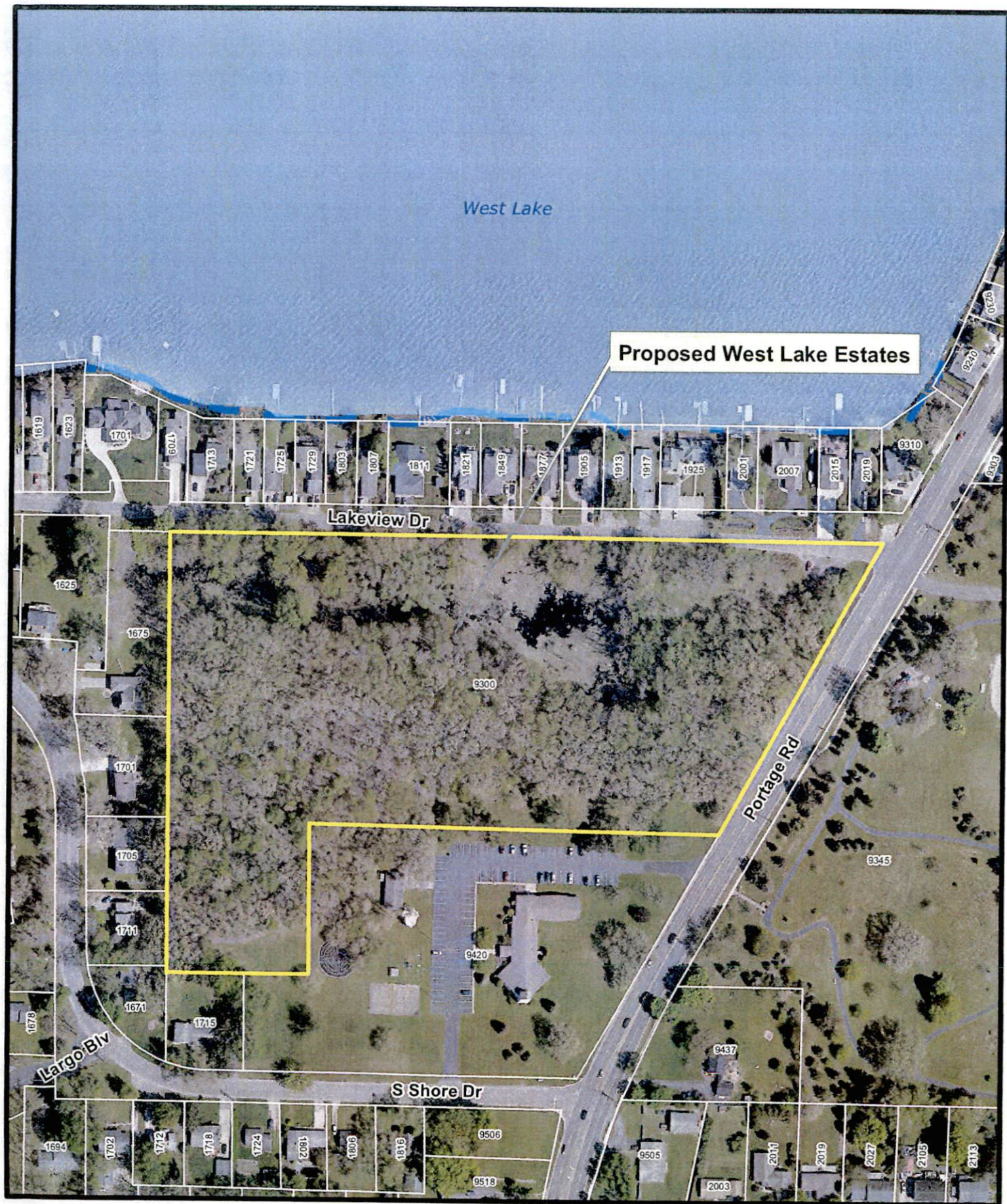


Preliminary Plat
West Lake Estates
9300 Portage Road



1 inch = 250 feet

(124)



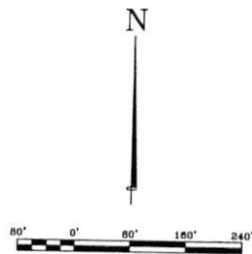
 Subject Property

Aerial Photography
9300 Portage Road



1 inch = 200 feet
(125)

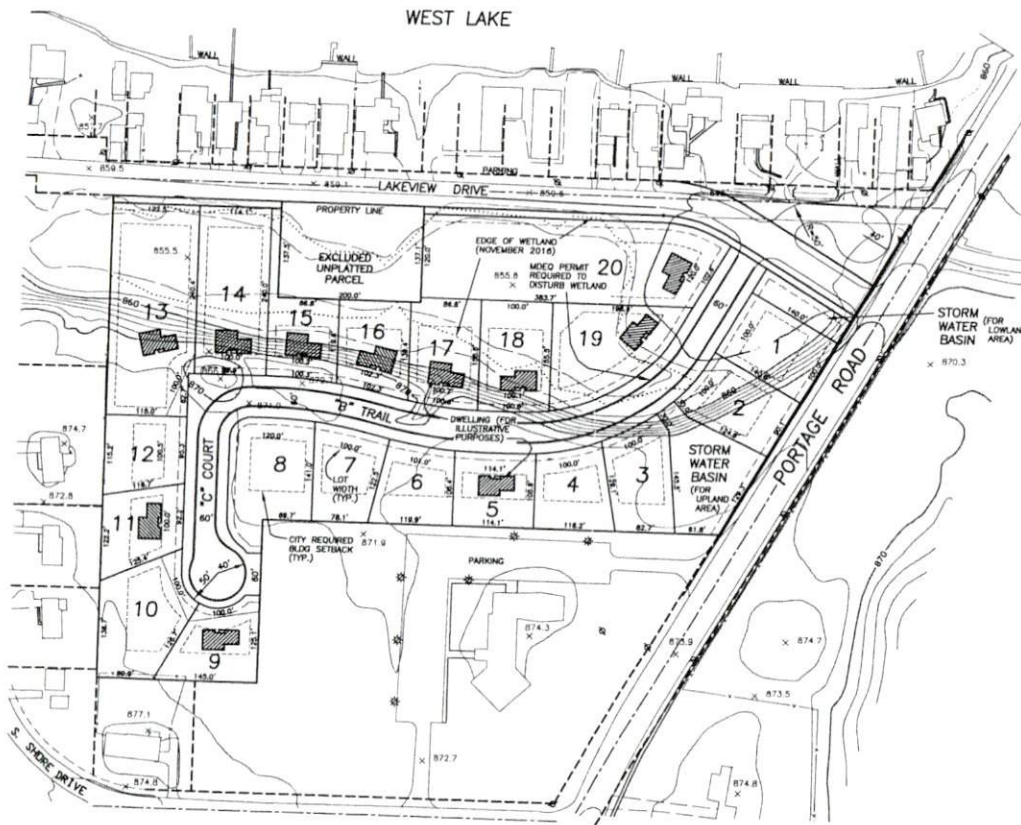
COMPARISON PLAN for PROPOSED 'WEST LAKE ESTATES' in PORTAGE, MICHIGAN



R-1C ZONING INFORMATION:
 TRACT PROPERTY IS CURRENTLY ZONED R-1C.
 MINIMUM 12,000 SQ. FT. AREA WITH SEWER & WATER
 MINIMUM 100' LOT WIDTH WITH SEWER & WATER
 MINIMUM 30' FRONT YARD SETBACK
 MINIMUM 15' SIDE YARD SETBACK
 MINIMUM 40' REAR YARD SETBACK
 MAXIMUM BUILDING COVERAGE OF LOT = 25%
 (ALSO SEE SEC. 42-261 & 42-262 OF CITY OF
 PORTAGE LAND DEVELOPMENT REGULATIONS)

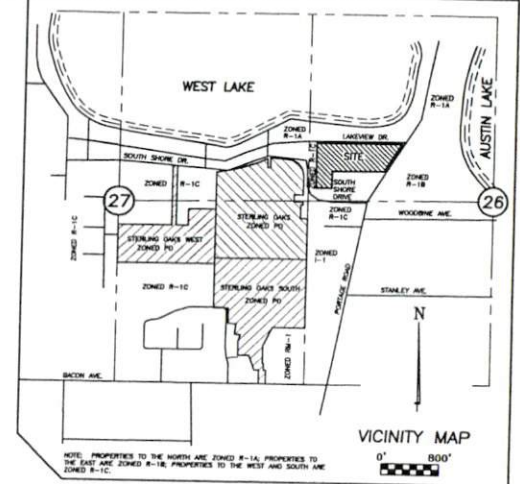
FIRE DEPT. NOTES

CONSTRUCTIBLE BUILDING CONSTRUCTION SHALL NOT
 COMMENCE UNTIL FIRE HYDRANTS ARE OBTAINABLE AND
 AN ALL WEATHER ROAD SURFACE IS IN PLACE.
 THE FIRE FLOW FOR EACH BUILDING IS 1000 GPM FROM
 ONE HYDRANT WITHIN 100' OF ALL PORTIONS OF THE
 BUILDING. THIS FLOW IS BASED ON THE FLOOR AREA OF
 ALL FLOORS INCLUDING BASEMENT FOR A BUILDING OF TYPE
 V-B CONSTRUCTION. SHOULD A BUILDING EXCEED 3000
 SQUARE FEET, THE MINIMUM FIRE FLOW SHALL BE BASED ON
 THE SIZE AND TYPE OF CONSTRUCTION FOR THAT BUILDING.
 FIRE APPROPRIATE ACCESS ROADS 24 FEET WIDE OR WIDER
 SHALL BE POSTED ON ONE SIDE AS A FIRE LANE.
 A PDF FORMAT FILE OF THE APPROVED SITE PLAN SHALL BE
 PROVIDED TO THE FIRE DEPARTMENT.



NOTE: SHOWN ARE 20 R-1C LOTS.

NOTE: ALL SHOWN LOTS HAVE A WIDTH OF
 AT LEAST 100 FEET AND AN AREA OF AT
 LEAST 12,000 SQUARE FEET.



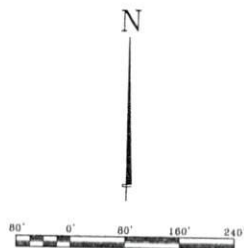
PARCEL DESCRIPTION:
 A parcel of land situated in the Northwest quarter of Section 26, T. 3 S., R. 11 W., City
 of Portage, Kalamazoo County, Michigan being more particularly described as follows:
 SEC 26-3-11 S 880 FT OF SW 1/4 NW 1/4 SEC 26 LYING W OF PORTAGE RD EXC W 111
 FT ALSO EXC BEG AT A PT 111 FT E AND 185 FT N OF W 1/4 POST SD SEC TH E 225
 FT, TH N 234 FT, TH E 680.27 FT TO CL PORTAGE ROAD, TH S 29 DEG 22 MIN W ALG SD
 CL 475.71 FT TO S LI NW 1/4 SEC 26, TH W LY ALG S LI TO A PT 111 FT E OF W 1/4
 POST, TH N 185 FT TO PL OF BEG.

PROPERTY OWNER:
 AEG DEVELOPMENT, LLC
 2186 EAST CENTRE AVENUE
 PORTAGE, MI 49002
 (269) 321-2610

COMPARISON PLAN for WEST LAKE ESTATES NW 1/4, 1/4 SEC 26, CITY OF PORTAGE, MICHIGAN		REVISED: 11/14/2017 DATE: 01/31/2017
Ingersoll, Watson & McMachen, Inc. CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS 1110 East William Road - Portage, Michigan 49008 - Phone 800 344-0105 - Fax 269 344-0555		SHEET: 1 JOB NO.: 426



TENTATIVE PRELIMINARY PLAT for PROPOSED 'WEST LAKE ESTATES' in PORTAGE, MICHIGAN

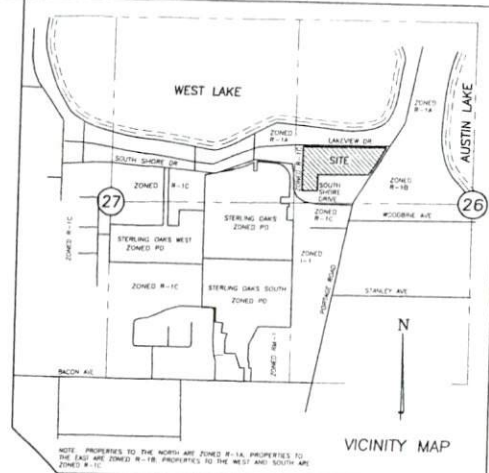
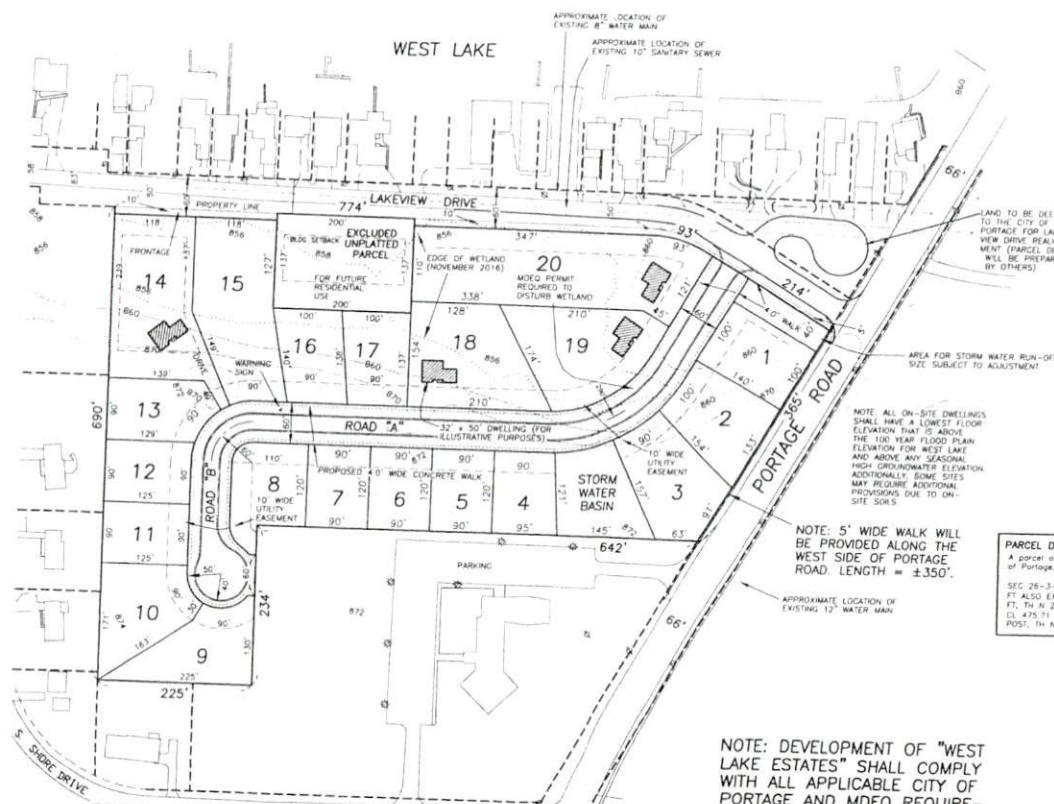


R-1C ZONING INFORMATION:
SUBJECT PROPERTY IS CURRENTLY ZONED R-1C. ZONING MAP 12-000-01-017 AREA WITH SOUTH & WESTERLY CORNERS FOR LOT 10 WITH SOUTHERLY CORNER WITH LOT 11. 30' FRONT YARD SETBACK. MINIMUM 12' SIDE YARD SETBACK. MINIMUM 40' REAR YARD SETBACK. MINIMUM BUILDING COVERAGE OF LOT = 25%. (ALSO SEE SEC. 42-151 & 42-152 OF CITY OF PORTAGE LAND DEVELOPMENT REGULATIONS)

LOT AVERAGING DATA		
LOT #	LOT AREA	LOT WIDTH
1	14000 SF	100'
2	16060 SF	100'
3	18800 SF	90'
4	11230 SF	90'
5	10800 SF	90'
6	10800 SF	90'
7	10800 SF	90'
8	14200 SF	110'
9	16410 SF	90'
10	16960 SF	90'
11	11250 SF	90'
12	11300 SF	90'
13	12880 SF	90'
14	11220 SF	118'
15	28480 SF	150'
16	12880 SF	90'
17	12880 SF	90'
18	26020 SF	184'
19	25010 SF	185'
20	45810 SF	120'
AVERAGE = 105' x 18,000 SF		
SEE COMPARISON PLAN FOR PROPERTY SHOWING 20 LOTS		

FIRE DEPT. NOTES

COMBUSTIBLE BUILDING CONSTRUCTION SHALL NOT EXCEED 100% OF THE FIRE FLOW FOR EACH BUILDING IS 1000 GPM FROM ONE HYDRANT WITHIN 150' OF ALL PORTIONS OF THE BUILDING. THIS FLOW IS BASED ON THE GROSS AREA OF ALL FLOORING SURFACES. IF THE GROSS AREA OF FLOORING SURFACES EXCEEDS 10,000 SQ. FT. IN CONSTRUCTION, SHOULD A BUILDING EXCEED 10,000 SQ. FT. THE MINIMUM FLOW FOR EACH HYDRANT SHALL BE 1500 GPM. THE SIZE AND TYPE OF CONSTRUCTION FOR THAT BUILDING SHALL BE POSTED ON ONE SIDE OF A FIRE LINE. FIRE APPARATUS ACCESS ROADS 24 FEET WIDE OR WIDER SHALL BE POSTED ON ONE SIDE OF A FIRE LINE. A PDF FORMAT FILE OF THE APPROVED SITE PLAN SHALL BE PROVIDED TO THE FIRE DEPARTMENT.



- ### NOTES
- PROPOSED PLAT INCLUDES 20 LOTS SITUATED ON APPROXIMATELY 10 ACRES.
 - LOTS SHALL CONFORM TO CITY OF PORTAGE ZONING REQUIREMENTS.
 - SUBDIVISION SHALL CONFORM TO THE CITY OF PORTAGE REQUIREMENTS.
 - ALL ROADWAYS SHALL HAVE A 40' FRONT YARD SETBACK AND SHALL BE PUBLIC.
 - SITE SHALL BE SERVED BY MUNICIPAL SANITARY SEWER AND WATER MAIN.
 - STORM SEWER SYSTEM SHALL DRAIN TO PROPOSED STORM WATER BASIN. STORM SEWER SHALL BE UNDER CITY OF PORTAGE JURISDICTION.
 - LOT 20 IS CURRENTLY ZONED R-1C.
 - ALL LOT DIMENSIONS ARE SUBJECT TO FINAL ADJUSTMENT DIMENSIONS SHOWN ON CURVES ARE CHORD LENGTHS.
 - SHOW ELEVATIONS ARE BASED ON USGS DATUM. SHOWN TOPOGRAPHY & ELEVATIONS BASED ON A FIELD MAP PREPARED BY OTHERS.
 - SEWERAGE WILL BE PROVIDED ON BOTH SIDES OF ALL STREETS AND AROUND THE PERIMETER OF ALL PERMANENTLY OBTAINED LAND. PERMANENT RIGHT SHALL BE A MINIMUM OF 20 FEET (10 FEET BETWEEN BACKS OF CURVES). ALL UTILITIES SHALL BE UNDERGROUND.
 - STREET NAMES ARE PENDING.
 - PROPOSED SUBDIVISION DOES NOT LIE WITHIN A FLOOD HAZARD AREA AS IDENTIFIED BY FEMA.

LEGEND

---	APPROXIMATE LOCATION OF EXISTING WATER MAIN
---	APPROXIMATE LOCATION OF EXISTING SANITARY SEWER

PARCEL DESCRIPTION: (NOTE: NEW METES & BOUNDS PARCEL DESCRIPTION IS PENDING)
A parcel of land situated in the northwest quarter of Section 26, T. 35 S., R. 11 W., City of Portage, Kalamazoo County, Michigan, being more particularly described as follows:
SEC. 26-3-11 S. 880 FT. OF SW 1/4 NW 1/4 SEC. 26 LYING W. OF PORTAGE RD. EXC. W. 111 FT. ALSO EXC. BEG. AT A PT. 111 FT. E AND 185 FT. N OF W. 1/4 POST. 50 SEC. TH. E. 225 FT. TH. N. 234 FT. TH. E. 680.27 FT. TO CL. PORTAGE ROAD. TH. S. 29. DEG. 27 MIN. W. ALG. 30 CL. 425.71 FT. TO S. LI. NW 1/4 SEC. 26. TH. W. 171 ALG. S. LI. TO A PT. 111 FT. E OF W. 1/4 POST. TH. N. 185 FT. TO P.S. OF BEG.

PROPERTY OWNER:
AEG DEVELOPMENT, LLC
2186 EAST CENTRE AVENUE
PORTAGE, MI 49002
(269) 321-2610

TENTATIVE PRELIMINARY PLAT for WEST LAKE ESTATES NEW 1/4 SEC. 26, CITY OF PORTAGE, MICHIGAN		DATE	5/31/2017
Ingersoll, Watson & McMachen, Inc.		SHEET	1
REGISTERED CIVIL ENGINEERS AND LAND SURVEYORS		JOB NO.	36587
1120 East Wilson Blvd. - Portage, Michigan 49002 - Phone 269 344-8000 - Fax 269 344-0000			

NOTE: EXISTING ON-SITE TREES AND NATURAL FEATURES SHALL BE PRESERVED AS MUCH AS POSSIBLE. ADDITIONAL INFORMATION SHALL BE INCLUDED ON PENDING PROJECT CONSTRUCTION PLANS.

NOTE: DEVELOPMENT OF "WEST LAKE ESTATES" SHALL COMPLY WITH ALL APPLICABLE CITY OF PORTAGE AND MDEQ REQUIREMENTS WITH REGARDS TO ON-SITE WETLANDS AND STORM WATER DISPOSAL.



TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Parks 5-Year Recreation and Open Space Plan Update

SUPPORTING PERSONNEL: Kathleen Hoyle, Director of Parks, Recreation & Senior Citizen Services

ACTION RECOMMENDED: Resolve to adopt the 2018 Recreation and Open Space Plan Update and authorize the City Manager to submit the approved plan to the Michigan Department of Natural Resources to comply with applicable grant requirement guidelines.

City Council has a community development goal to “promote quality of life in Portage” and an objective to “maintain a coordinated and innovative approach toward development of park land and providing recreational opportunities”. In alignment with the stated goal and objective the City has a Recreation and Open Space Plan, which is a component of the Comprehensive Plan, and serves as a valuable planning tool as well as meeting the Michigan Department of Natural Resources (MDNR) stipulations for park acquisition and development grants. The Plan must be updated at least every five years and Council must adopt the update prior to submittal to the MDNR by March 1. Most noteworthy in the updated plan is the potential acquisition of 377 acres of MDNR land located off West Centre Avenue near U.S. 131. The following summarizes the substantive changes since the 2013 update:

- The Betty Lee Ongley Preserve has been added to the inventory of Park Facilities.
- Content of the plan has been revised to fulfill MDNR Grants requirements with inclusion of Post Completion Self-Certification Reports for each past MDNR grant shown in the appendix.
- The plan has been updated to reflect changes in the city organizational charts.
- Addition of Population Service Standards.
- Addition of Patterns of Park Use.
- Summary of Results for Community Survey and Workshops.
- Update to Goals and Objectives to include focus on Invasive Species (#2); Community Partnerships (#4); Regional and Neighborhood Connection with Wayfinding signage (#5); Increase Community Awareness (#7); Promote Seasonal and Age Specific Programs (#8); Explore Funding Opportunities (#9); and Placemaking & Public Art Development (#10).
- Update Capital Plan Schedule including listing those that are already in the CIP (High priority), and those pending CIP approval (Medium & Low priority).
- Update Action Plan to add the following sections:
 - Action C, focusing on projects that increase efficiencies, reduce maintenance and enhance revenues;

- Action D, focusing on invasive species and nature programming;
- Action E, includes development of Martin Luther King Jr. Park on previously donated land, addition of a Farmer's Market, expand Celery Flats Historic Area, and acquire 377 acres of MDNR land to preserve open space for active and passive recreation;
- Action F, list of potential other projects from the community survey that could be funded by MDNR grants;
- Action G, develop diverse programs for all ages and seasons.

In order to fulfill the MDNR plan development requirements and the Michigan Planning Enabling Act (Public Act 33 of 2008) for public review and comment, the 2018 Recreation and Open Space Plan was reviewed during several public meetings involving the City's Park Board and Planning Commission. The appropriate public review, comment and public hearings were held. In accordance with the MDNR requirements, the 30-day public comment period closed on January 27 with a hearing held on February 7 by the Portage Park Board. Five public communications were received in writing and three citizens attended the hearing and provided a variety of suggestions. Subsequent to the public hearing slight modifications were made to the final Plan. The revised plan is attached for City Council review. The Park Board has sent a letter of support for the updated Plan.

The Michigan Planning Enabling Act 42-day municipal agency comment period closed on February 21 with a hearing held on February 22. On January 9, 2018 in accordance with the Michigan Planning Enabling Act, City Council authorized distribution of the plan to adjacent communities and Kalamazoo County for review and comment. No comments were received from the municipalities. Three citizens were present at the hearing and were in support of the proposed Plan update and the MDNR land acquisition. At the conclusion of the public hearing, the Planning Commission unanimously voted to adopt the Plan and submit the approved Plan to City Council for final review.

Therefore it is recommended that the City Council adopt the 2018 Recreation and Open Space Plan Update for submittal to the MDNR in accordance with their grant requirement guidelines.

FUNDING: None

Attachments:

1. Resolution
2. February 22, 2018 Planning Commission Minutes (DRAFT)
3. 2018 Recreation Plan Resolution Planning Commission
4. Revised 2018 Recreation and Open Space Plan

**RESOLUTION ADOPTING THE 2018 RECREATION AND OPEN SPACE PLAN BY
THE PORTAGE CITY COUNCIL**

Minutes of a regular meeting of the City Council for the City of Portage, Michigan held on February 27, 2018 at 7:00 p.m. at the City Hall in the City of Portage, Michigan.

PRESENT:

ABSENT:

The following resolution was offered by Councilmember _____, and supported by Councilmember _____.

WHEREAS, the City of Portage has undertaken a 5-Year Recreation and Open Space Plan that describes the physical features, existing recreation facilities and the desired actions to be taken to improve and maintain recreation facilities during the period of 2018 and 2022; and

WHEREAS, residents of the City of Portage were provided with a well-advertised opportunity during the development of the draft plan to express opinions, ask questions, and discuss all aspects of the recreation and natural resource conservation plan, and

WHEREAS, the public was given a well-advertised opportunity and reasonable accommodations to review the final draft plan for a period of at least 30 days, and

WHEREAS, a public comment session was held February 22, 2018 at Portage City Hall to provide an opportunity for citizens to express opinions, ask questions, and discuss all aspects of the Recreation Plan; and

WHEREAS, the City of Portage developed the plan for the benefit of the entire community and to adopt the plan as a document assists the city in meeting the recreation needs of the community; and

WHEREAS, after the public hearing the City of Portage Planning Commission voted to adopt the Recreation and Open Space plan;

NOW, THEREFORE, BE IT RESOLVED that the City of Portage City Council hereby adopts the City of Portage 2018 Recreation and Open Space Plan as a guideline for improving recreation for the residents of the City of Portage.

All resolutions or parts of resolutions are, to the extent of any conflict with the resolution, rescinded.

AYES:

NAYS:

ABSENT:

APPROVED AS TO FORM
DATE 2-23-18
CRB
CITY ATTORNEY

CERTIFICATION:

EFFECTIVE DATE:

PLANNING COMMISSION

SPECIAL MEETING

February 22, 2018

DRAFT

The City of Portage Planning Commission special meeting of February 22, 2018 was called to order by Chairman Stoffer at 7:30 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Four citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Stoffer led the Commission, staff and citizens in the Pledge of Allegiance.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development & Neighborhood Services and Kathleen Hoyle, Director of Parks, Recreation & Senior Citizen Services.

ROLL CALL:

Mr. Forth called the role: Joshi (yes), Shoup (yes), Stoffer (yes), Schimmel (yes), Harrell-Page (not present), Bosch (not present) and Place (yes). A motion was made by Commissioner Place, seconded by Commissioner Schimmel, to approve the role excusing Commissioners Patterson and Corradini. The motion was unanimously approved 5-0.

APPROVAL OF MINUTES:

None.

SITE PLANS:

None.

PUBLIC HEARINGS:

1. 2018 Recreation and Open Space Plan Update. Mr. Forth introduced Director of Parks, Recreation and Senior Citizen Services, Kathleen Hoyle, who provided an overview of the 2018 Recreation and Open Space Plan Update. Ms. Hoyle also summarized the Parks Board review and public comment received during the February 7th meeting. Ms. Hoyle summarized comments made during the Parks Board meeting including acquisition of the Gourdneck State Game Area by the City of Portage. Ms. Hoyle indicated replacement of the Bishops Bog boardwalk has been added to the plan since the version presented to the Commission in December 2017. Chairman Stoffer asked for clarification on the location of the Southcentral Greenway and properties included in the Eliason Nature Reserve. Ms. Hoyle responded.

The public hearing was then opened by Chairman Stoffer. Two citizens spoke in regard to the 2018 Recreation and Open Space Plan Update: 1) Martha Dahlinger, 2612 Chopin, and 2) Judy Huth, 8267 Slatestone Circle. Both Ms. Dahlinger and Ms. Huth spoke in support of the Plan and indicated they wanted the city to acquire the northwest portion of the Gourdneck State Game Area, as opposed to a private developer. No additional citizens spoke during the public hearing. A motion was made by Commissioner Schimmel, seconded by Commissioner Place, to close the public hearing. The motion was unanimously approved 5-0.

After a brief discussion, a motion was made by Commissioner Joshi, seconded by Commissioner Place, to adopt the 2018 Recreation and Open Space Plan Update and forward the document to City Council. The motion was unanimously approved 5-0.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS/COMMISSIONERS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the regularly scheduled meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Christopher Forth, AICP
Acting Director of Community Development

T:\COMMDEV\2017-2018 Department Files\Board Files\Planning Commission\Minutes\PCMin02022018.docx

RESOLUTION ADOPTING THE 2018 RECREATION AND OPEN SPACE PLAN BY THE PORTAGE CITY PLANNING COMMISSION

At a meeting of the Planning Commission of the City of Portage, Michigan, held on the 22nd day of February 2018, at 7:00 p.m. local time at the Portage City Hall in the City of Portage, Michigan.

PRESENT: Shoup, Place, Stoffer, Schimmel and Joshi

ABSENT: Corradini, Patterson, Harrell-Page and Bosch

The motion to adopt the resolution was offered by Commissioner Joshi and supported by Commissioner Place.

WHEREAS, Act No. 33 of the Public Acts of the State of Michigan for 2008, as amended, mandates that the planning commission of a municipality prepare and adopt a Comprehensive Plan for the physical development of the municipality;

WHEREAS, the Recreation and Open Space plan is a sub-component of the Comprehensive Plan;

WHEREAS, the Portage City Planning Commission has prepared an updated Recreation and Open Space plan for the territory of the City of Portage that describes the physical features, existing recreation facilities and the desired actions to be taken to improve and maintain recreation facilities; and

WHEREAS, after causing such notice to be given in the manner prescribed by law, and a public hearing having been held on February 22, 2018 in order to give the citizens of the City of Portage and surrounding areas an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED that the 2018 Recreation and Open Space Plan, including the text together with all other related maps, charts and graphic information, is hereby adopted in accordance with Act 33 of the Public Acts of 2008, as amended.

BE IT FURTHER RESOLVED that this action be recorded on the plan and descriptive matter by the identifying signature of the Chairman of the City of Portage Planning Commission.

BE IT FURTHER RESOLVED that an attached copy of the plan be certified to the Portage City Council.

AYES: Shoup, Place, Stoffer, Schimmel and Joshi

NAYS: None

RESOLUTION DECLARED ADOPTED.

The 2018 Recreation and Open Space Plan is hereby approved and adopted by the City of Portage Planning Commission.


Wayne Stoffer, Chairman

CERTIFICATION

STATE OF MICHIGAN)
)ss
COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified and acting City Clerk of the City of Portage, Kalamazoo County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the Planning Commission of said City, held on the 22nd day of February 2018, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 23rd day of February, 2018.


ADAM HERRINGA, City Clerk

Prepared by:
RANDALL L. BROWN
City Attorney
1662 East Centre Avenue
Portage, MI 49002



City of Portage Recreation and Open Space Plan 2018-2022



Prepared by:
VIRIDIS Design Group
313 N Burdick St
Kalamazoo, MI 49007
(269) 978-5143

Acknowledgments

City of Portage

7900 South Westnedge Avenue
Portage, Michigan 49002

Mayor and City Council

Patricia Randall – Mayor
Jim Pearson – Mayor Pro Tem
Chris Burns
Richard J. Ford
Lori Knapp
Claudette Reid
Terry R. Urban

Appointed City Officials

Laurence Shaffer, City Manager
Rob Boulis, Deputy City Manager
Rod Russell, Public Services Director

Community Development

Vicki Georgeau, Director
Christopher Forth, Deputy Director
Karl Klemm, GIS Specialist

Parks Staff

Kathleen Hoyle, Director of Parks, Recreation and Senior Center Services
Alyssa Milbeck, Administrative Assistant
Peggy Napier, Rental Coordinator
John Ryan, Recreation Program Manager - Programming
Joe Wilhelme, Recreation Program Manager - Operations

Parks Board

Tim Earl, Chairperson
Jon Peer, Vice Chairperson
Elanor Riley, Secretary
Lana Escamilla, Member
Robb Krueger, Member
Rushik Patel, Student Member
Kazmira Ruhland, Member
Staci Salisbury, Member
Charles Thomas, Member



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Introduction

Parks, Recreation, and Open Space are important elements of all communities and provide many recreational, social, and environmental benefits that contribute to a high quality of life. The City of Portage has recognized the importance of proper recreation planning and has chosen to take an active role in the delivery of recreational opportunities by developing the Recreation and Open Space Master Plan. Recreation planning is an exercise engaged by local governments to anticipate change, and to promote the development and expansion of recreational facilities and services for the benefit of its community. Parks and recreation facilities provide many benefits to the community and the natural environment. Parks provide people with a place to gather, be active, socialize, and connect with the environment and community. Developing a green infrastructure also enhances the livability of a community by increasing property values and connecting the community. Having the

ability to recreate has also been shown to improve the quality of life by contributing to overall mental and physical health and reducing obesity brought on by inactivity. As the community continues to grow and change over time, the City continues to dedicate themselves to improving recreational offerings for the community. This plan represents the culmination of the planning efforts of the community and local officials; and reflects the City's desire to blend the available recreational resources and activities with the natural beauty of the surroundings and the environmental and cultural elements of the community.

Plan Purpose

The 2018-2022 Recreation and Open Space Plan is a guide for the future of recreation facilities in the City. It provides short term recommendations for park facilities, programs, and services; maintenance operations; administration



CITY OF PORTAGE RECREATION AND OPEN SPACE PLAN



and management; and capital improvements. The City recognizes the significant role that recreation plays in providing a high quality of life and improved physical health of its citizens. This appreciation has been manifested in this effort to update the Recreation and Open Space Master Plan with the hopes of improving local park systems and public trails, promoting the preservation of natural areas, and establishing a strong commitment to strengthening a sense of community. This plan provides the data and direction to ensure that parks and recreation offerings are aligned with the community needs and values. The plan addresses current recreation issues and identifies and prioritizes future needs of the community and the means for meeting those needs over the upcoming five-year period.



This plan meets the Michigan Department of Natural Resources requirements for qualifying for Federal and State funding assistance. These funds are available for land acquisition, facility development and improvements to new and existing park lands.

Plan Scope

The scope of this plan includes suggestions for the management, improvement, and expansion of the recreation system within the City of Portage. The plan also considers recreational facilities within the county and neighboring townships that are available to citizens of the City of Portage community. Key planning issues are identified, a clear set of goals and objectives are outlined, and specific implementation strategies are identified. The scope will include all of the City's recreation facilities, undeveloped open space, trail systems, and recreational programming. The area of the planning effort is essentially limited to the City boundaries. However, consideration is also made of regional facilities that influence use patterns. The use of City facilities by residents living in the surrounding communities, which may have limited recreation facilities of their own, is also a consideration of the planning process. In terms of an implementation time-line, the Action Program section of this document covers development over the next five years.





Community Description

Regional Setting

The City of Portage, containing approximately 33.65 square miles of land and water area, is located in southwest Michigan in the County of Kalamazoo approximately 130 miles equidistant to Chicago and Detroit. Portage is bordered by the City of Kalamazoo to the north, Pavilion Township to the east, Schoolcraft Township to the south, and Texas Township to the west. The location map on page 16 shows the City's location in a regional context. Regional accessibility to the community is provided by several interchanges along the US-131 and I-94 expressways.

The earliest European settlers arrived in the Portage area during the 19th century. Before they came, the Potawatami Indians occupied the area. Austin Lake is in the southeast part of the city and was

named for Moses Austin, who emigrated to Portage Township from Genesee County, New York in 1833. A settlement grew on the north shore of the lake, known as Austin or Austin Lake. A post office named "Austin's Lake" was established on May 18, 1850, with Austin as postmaster. The rich soil of the area proved to be excellent for growing celery, and Portage came to be known as the Celery City of the Nation in the 1880s. The city was incorporated in December of 1963 from Portage Township.

Physical Characteristics

The topography within the City of Portage is characteristically flat, ranging between 850-900 feet above sea level. Much of the existing topography is to a large extent the result of glaciation. Outwash plains, laid down by glacier



CITY OF PORTAGE RECREATION AND OPEN SPACE PLAN

meltwater washing earth materials forward of the melting front of the ice sheet, cover most of the Portage area (see Map 2.1). In the northern and eastern portions of the city, small segments of another glacial deposit known as “till plains” can be found. Unlike outwash plains, till plains are not washed by meltwaters into layers. In this situation, the deposits are laid down as a fairly flat plain of unstratified glacial drift. Till plains are typically undulating land forms.

Glacial drainage channels, which resulted from receding glaciers, now tend to be occupied by organic soils. Water-filled pits were also created. Some of these pits were below the water table and formed the basins of many of the lakes in the area, including: West, Austin, Gourdneck and Long Lake.

Climatology

Lake Michigan, which is about 50 miles west of Portage, has a significant influence on the climate of the study area. The lake temperature, together with the prevailing westerly winds, moderates early seasonal temperature extremes.

The frequent and sometimes rapid changes caused by storms traveling across the lakes from the west and southwest are typical of a humid continental climate. Seasonal temperature variations and precipitation patterns are typical of this climate type.

Soils

The characteristics of the majority of soils within Portage impose minor constraints on development. In general, loam, sandy loam and loamy sand soils are most common. Loamy soils are found primarily in the northern half of the city, sandy loam most commonly in the southeast quadrant and loamy sand soils predominately in the city's southwest quadrants. These soils are, for the most part, well drained. Physical limitations to their development, when they do occur, exist because of excessive slopes.

Organic soils offer the greatest physical constraint to development within the City of Portage. These soils are generally poorly drained, occurring primarily in depression areas. Most often these soils coincide with the wetland and floodplain areas of the city. Severe limitations are attached to

development on organic soils due to problems of drainage, low bearing capacity and frost action commonly exhibited.

Water Resources

A relatively large number of lakes are located in Portage. These include Austin, West and Hampton as well as portions of Long, Gourdneck, Sugarloaf and Little Sugarloaf. The lakes have historically been a valuable natural feature in the city. One of the earliest development in the city consisted of the construction of seasonal homes along the shorelines of Long Lake, Austin Lake and West Lake. This trend is still evident from the high market value of property adjacent to city lakes.

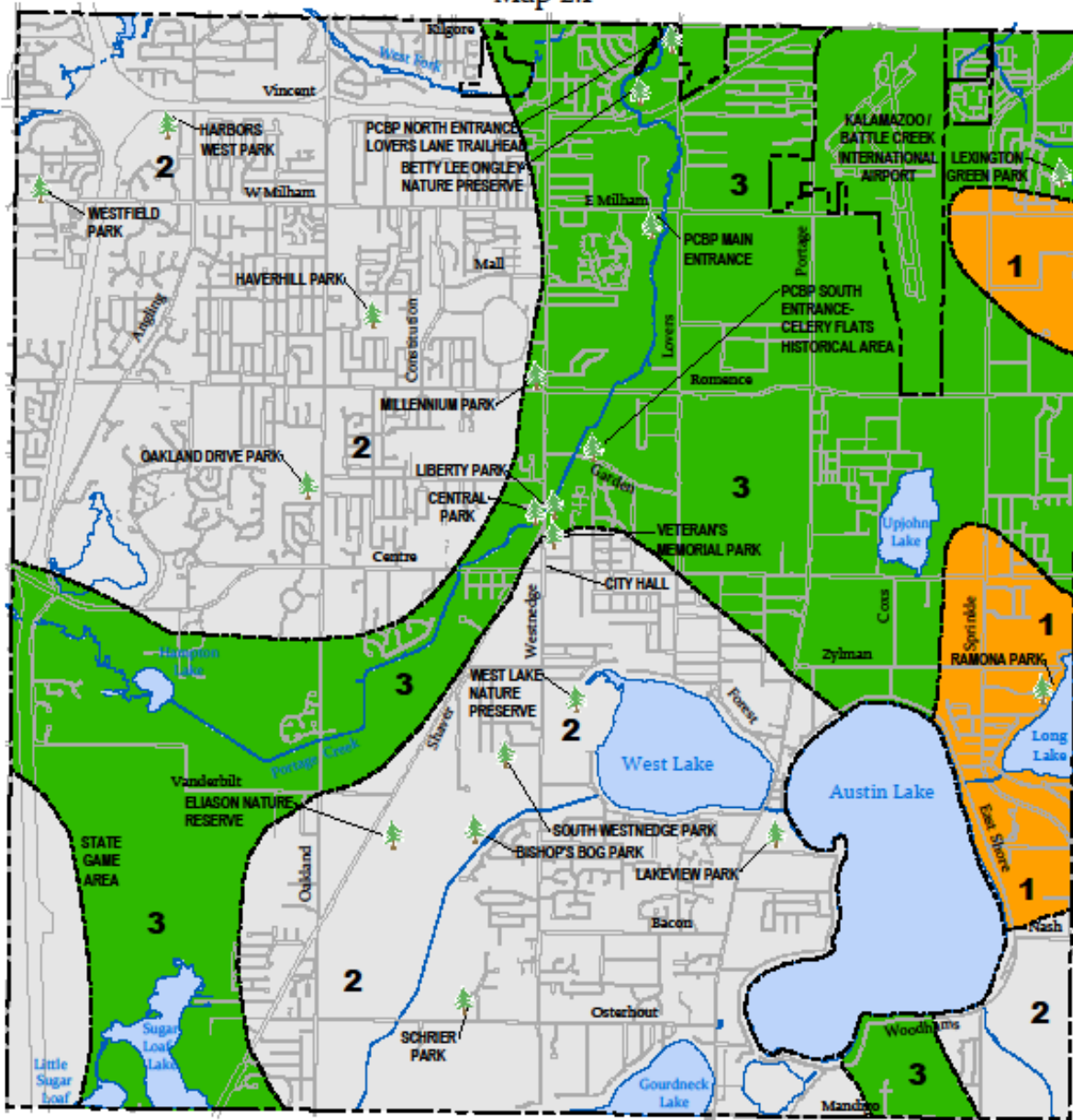
Careful planning in an effort to prevent the negative aspects of urbanization is essential to protect these valuable resources. In 1988, the City of Portage enacted a sewer connection program. All structures within the city were required to connect to the municipal sanitary sewer system. This was particularly important for the residents of Austin and West Lakes in an effort to reduce the introduction of nutrients into the lakes from adjacent septic systems.

Portage is also characterized by a fairly extensive stream system including Portage Creek, the West Fork of Portage Creek and Davis Creek. Like the lakes, streams have proven to be a valuable resource for the community. Where the physical conditions permit, residential development has tended to congregate along these streams. Such a trend is quite common in view of the aesthetic and recreational advantage these areas have to offer.

Map 2.2 provides the location of the water resources in the city. The city has contributed significantly to maintaining the quality of the water resources over the past several years. Protecting these city resources is appropriate as they enhance the quality of life.



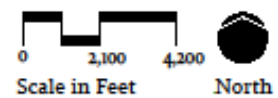
Map 2.1



LEGEND

- | | | | |
|---|----------------------------------|---|---------------|
|  | 1 - GROUND MORaine |  | CITY BOUNDARY |
|  | 2 - OUTWASH AND GLACIAL CHANNELS | | |
|  | 3 - GLACIAL LAKE BEDS | | |

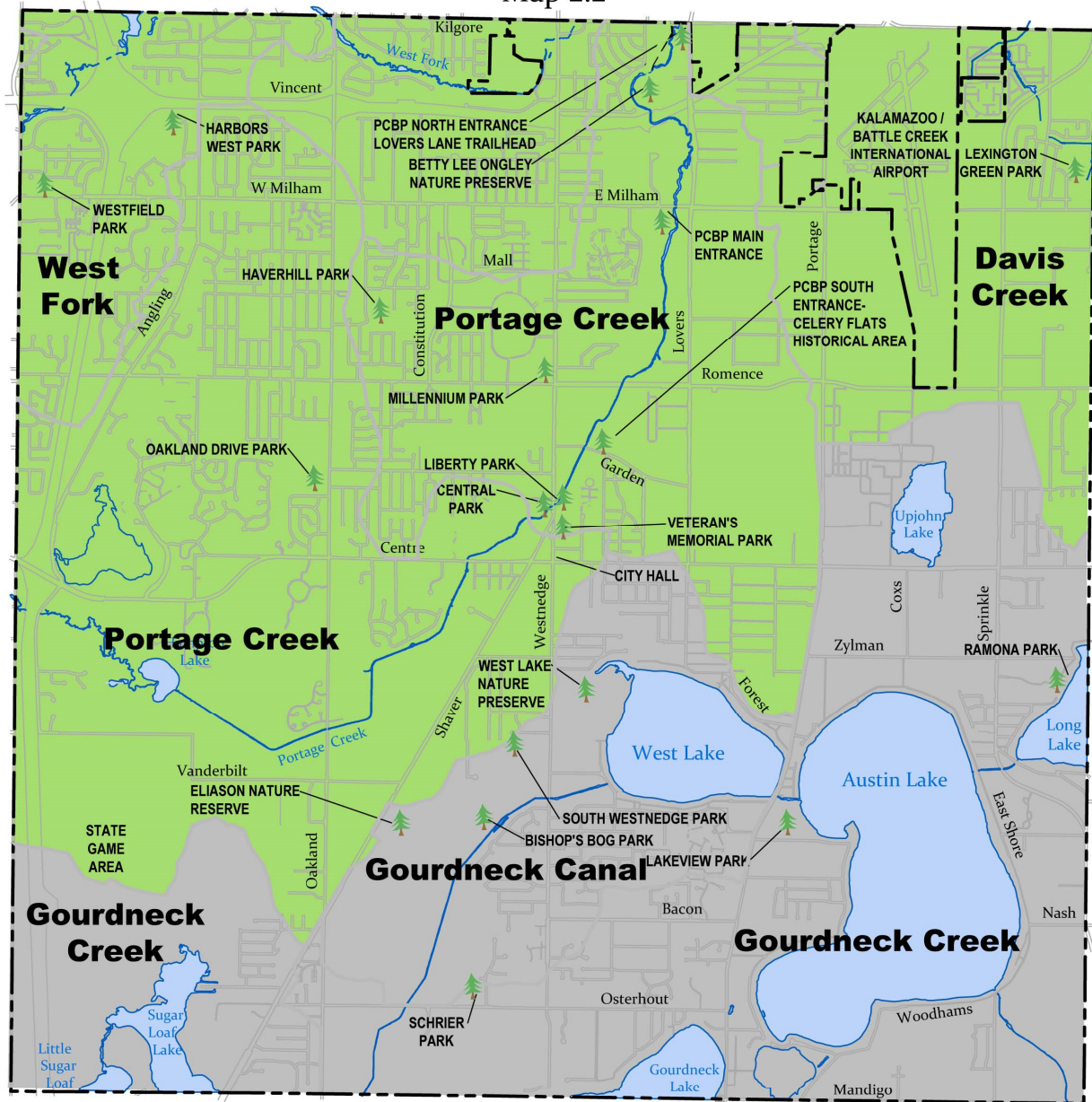
City of Portage
Parks and Recreation Master Plan
Glacial Deposits





CITY OF PORTAGE RECREATION AND OPEN SPACE PLAN

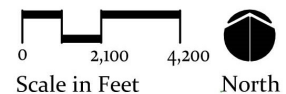
Map 2.2



LEGEND

- KALAMAZOO RIVER WATERSHED
- ST. JOSEPH WATERSHED
- CITY BOUNDARY

City of Portage
Parks and Recreation Master Plan
Water Resources





1. Austin Lake

Austin is a shallow lake of approximately 1,090 acres, having a maximum depth of nine feet and subjected to dense growth of aquatic plants throughout much of the lake. It is a naturally eutrophic (nutrient rich) lake, but the nutrient loading process has been increased by cultural eutrophication resulting from concentrated residential development along most of its periphery. The bottom has a large layer of dead organic material known as detritus, which is nutrient rich. In most of the areas where the aquatic plants, known as macrophytes (plants that are large enough to be seen with a natural eye, microscope not necessary) are not present, algae concentrations are common. Plant growth has been abnormally increased by the provision of nutrients from septic tank seepage, lawn fertilizer runoff and the rich lake bottom. As the plants die and decompose, the bottom layer of detritus increases in thickness until a marsh is eventually created. The aging process is common to most lakes, but the extent of eutrophication for Austin Lake is so pronounced that this body of water is ranked among the major problem lakes of this county and region. Austin Lake has been the subject of numerous studies in an effort to identify long- and short-term lake management strategies. Following an extensive review of available lake management options, in 2011 an aeration/bioaugmentation feasibility study was prepared for the Austin Lake Governmental Lake Board by Lakeshore Environmental, Inc. Aeration/bioaugmentation is a method used to introduce oxygen into a water system with the intent of enhancing microbial feeding and decomposition of organic sediment. The aeration is introduced into the lake bottom in conjunction with natural bacteria and enzymes to reduce lake bottom sediment and improve overall lake depth

and water quality. As of July 2012, the aeration/bioaugmentation project is underway. The project is planned to continue through 2017.

2. West Lake

West Lake is a shallow, naturally eutrophic lake with a total area of 335 acres and a maximum depth of ten feet. It also has substantial macrophyte growth through the lake. However, there are also large areas of clear water where no macrophytes or algae concentration are present. Although most of the lakeshore is residentially developed, the large area of clear water indicates that cultural eutrophication is not as severe as in the case of Austin Lake. A five-year treatment program initiated by the City Administration in 1989 has resulted in a significant decrease in plant volume of nuisance weed species. At the same time, native lake plants were observed to have made a strong comeback. This treatment program, funded by a special assessment district, has contributed significantly to maintaining the quality of West Lake. New five-year treatment programs (1994-1998) (1999-2004) (2005-09) and 2009-2014) were approved by the city, at the request of West Lake residents, to continue the lake management efforts.

3. Long Lake

The situation for Long Lake is quite similar to that for Austin except Long Lake is slightly deeper. Long Lake consists of 575 acres, approximately 76 of which are located with the City of Portage. It is naturally eutrophic, shallow and substantially residentially developed. The growth of macrophytes is extensive throughout the lake and algae exist in the remaining areas where the aquatic plants are absent. Water quality for Long Lake is poor and the extent of eutrophication is comparable to Austin Lake. The level of Long Lake declined 4.5 feet in 1998-1999 due to a variety of factors creating concern for riparians and local governmental agencies. An aquifer-pumping program has been implemented to restore lake levels to court-approved levels.

4. Gourdneck Lake

This lake is a moderately shallow bog lake. It has undergone some eutrophication. A substantial amount of shoreline outside the city limits remains undeveloped. Large beds of macrophytes are apparent, but the lake has one of the highest



CITY OF PORTAGE RECREATION AND OPEN SPACE PLAN

rankings in the area for water quality and is not strongly eutrophic. Gourdneck Lake contains 222 acres, approximately 101 of which are located in Portage.

5. Sugarloaf Lake and Little Sugarloaf Lake

These two lakes are moderately deep bog lakes which are not showing disturbing signs of cultural eutrophication. Normally, bog lakes are nutrient poor and eutrophication is relatively slow. The lakes have substantial concentrations of macrophytes and algae, however. Residential development of these lakes is slight, and the source of nutrients is not known, but the lakes are more eutrophic than would be expected. Little Sugarloaf Lake contains a total of 93 acres, 17 of which fall within the City of Portage. Sugarloaf Lake contains 148 acres, 109 of which are located in Portage.

6. Hampton Lake

This is a small, cold water lake approximately 25 acres in area. Although it is relatively shallow with a maximum depth between the range of 20-30 feet, water temperatures are lower than would be expected due to the lake being spring fed. The shoreline of Hampton Lake remains primarily undeveloped. Although there have been no known studies conducted on the water quality of this lake, it appears to demonstrate a high standard. The lake supports a wide variety of game fish. In addition, that segment of Portage Creek flowing from Hampton Lake has been ranked as a top-quality, cold water stream. These indicators suggest that Hampton Lake should have one of the highest quality ratings of all the lakes in Portage.

7. Portage Creek

Portage Creek is the dominant waterway in the city stream system. Flowing from the central-western portion of the city, it meanders to the center of Portage and then proceeds in a northerly direction until it crosses the northern municipal boundary. Overall, this stream reflects a fairly good rating for environmental quality, but one segment is of particular value. As mentioned in the section on Hampton Lake, the Michigan Department of Natural Resources (MDNR) has identified the segment of Portage Creek flowing out of Hampton Lake as a top-quality cold water stream for game fish populations. Very few streams in southwestern Michigan have been placed in this classification.

The MDNR regularly stocks Portage Creek with trout along this branch. The classification for Portage Creek changes to a second-quality cold water stream south of the stream's intersection with Centre Avenue. It may be of interest to note that the point of reclassification occurs in the vicinity of the first storm drain entering Portage Creek. Storm water runoff is receiving increasing attention as a potential source of surface water and groundwater pollution. A survey and assessment of Portage Creek and the West Fork of Portage Creek was completed in 1991. The study provides an analysis of existing creek system conditions and provides recommendations for development of appropriate year-round monitoring/protection activities. Data obtained from the study is used to ensure that future development in the city will not result in degradation of the stream system. Due to this study, a concentrated city effort has been directed to eliminate storm water discharge into Portage Creek and restore altered stream banks to a more natural condition. In 1998, the engineering firm of Fishbeck, Thompson, Carr & Huber, Inc. completed an assessment of Portage Creek from Hampton Lake to Portage Central Park. The focus of the assessment was to identify the factors responsible for the ability of Portage Creek to support trout and identify practices that may interfere with or diminish this quality. The report found that the portion studied has good water quality and the stream should continue to support trout and the food supply for trout. Future concerns should focus on maintaining shade, preventing stream bank erosion, limiting sources of sedimentation and managing stormwater discharge quality. Several of these issues have been addressed. Shade through natural growth continues as development along the creek is limited.





The city has taken proactive measures to minimize sedimentation into the stream and stormwater discharge has been eliminated in several locations. A study of the Portage Creek watershed was completed in 2006 by a regional committee of City of Portage, City of Kalamazoo, Kalamazoo County Road Commission and other interested agencies. This study will be used to further protect the sensitive nature of Portage Creek. A Storm Water Management Review was initiated in 1992 with respect to environmental impacts and existing drainage programs to ensure an environmentally sensitive, efficient, cost-effective municipal storm water system. A University of Michigan study of the creek has also been completed. The storm water management review and University of Michigan study were the impetus for the Consolidated Drain Improvement Project. The Consolidated Drain Improvement Project completed in 2001 provides regional storm water improvements and environmental enhancements while addressing Environmental Protection Agency and National Pollution Discharge Elimination System (NPDES) mandates. In addition, the consolidated drain creates additional bikeway/walkway trail linkage to Portage Creek Bicentennial Park and reclaims approximately 14 acres of land for prime business development. A second major NPDES project, the Storm Water Treatment/Enhancement Project (STEP) was completed in November 2004. Through STEP, storm water treatment systems have been designed to reduce pollution entering Portage Creek from the surrounding 29 acre watershed. Two other streams are also located in Portage. One, the West Fork of Portage Creek, is located north of I-94. This segment has been rated as a second-quality warm water stream. The other, Davis Creek, is located in the northeastern corner of the city. Little information is available on this stream. The West Fork and Davis Creek are likely to serve as vital environmental links in the ecology of the areas through which they pass.

Land Resources

In addition to substantial water resources, Portage contains significant areas of land that have remained relatively undisturbed. Collectively these areas are not only significant in size but also demonstrate a wide variety of natural habitats. Several kinds of grasslands, forest and wetland communities can be identified in these areas.

Such environmental diversification results in a wide array of wildlife that inhabit the City of Portage including a number of rare plants and animals. In addition, significant populations of game animals, such as deer and pheasant, can be found. These areas can serve a multitude of needs for the community simultaneously. This can provide educational, recreational, aesthetic and wildlife preservation benefits with minimal development or maintenance costs.

Natural areas are primarily located in the southwestern quadrant of the city, although several are located in the north central and southeastern sections. The southwest quadrant can be classified into three primary locations demonstrating significant natural resources. These include the Hampton Lake area, the Sugarloaf area and Bishop's Bog Preserve. The Hampton and Sugarloaf lands are primarily under state ownership and are used as game areas. Bishop's Bog Preserve is a wetland area largely under public ownership. In the southeast quadrant, Mandigo Marsh and the West Lake Nature Preserve also demonstrate significant and unique natural resources.



1. Hampton Lake Area

This area may be generally classified as a wetland, but it demonstrates wide environmental diversification. A number of ecosystems can be identified, including bog, pond, wet meadow, hydric (considerably moist) forest, mesic (moderately moist) forest and open field. In addition to game species such as deer and pheasant, sizable populations of rare vertebrates, including the Blue-Spotted Salamander, Wood Frog, Chorus Frog, Box Turtle and Spotted Turtle have been found inhabiting the Hampton Lake area. More



importantly, this locale is known as one of the outstanding centers for rare plant species in Michigan. It is the only known site in the state for the Climbing Fern. Other rare plants include Large Yellow Lady's Slipper, Small White Lady's Slipper, Pink Lady's Slipper, Snowy Lady's Slipper, Nodding Lady's Tresses, Indian Paint Brush, Small Fringed Gentian, Closed Gentian, Autumn Coral Root, Ground Pine, Running Pine, Michigan Holly, Rattlesnake Master, American Columbo and Clasp Leaved Milkweed. The environmental quality of this vicinity is not only important to the natural resources within its boundaries but also to those of the Sugarloaf Lake area to the south. It is quite probable that game populations depend on both of these areas, in conjunction, for food and concealment. These areas are essentially separated by Vanderbilt Road which poses only minor constraints to game since it has remained largely undeveloped except at the west end and is moderately traveled. If these populations do rely on both areas, then loss of territory in either vicinity could effectively diminish the combined ability of the two areas to support game populations. Urbanization of this vicinity has become increasingly evident. Both multiple family and single family structures have been built to the north of Hampton Lake on property separating two state-owned tracts of land. In addition, single family residential development is taking place along the southwestern and southeastern edges of the Hampton Lake area. As a result, the natural lands of the Hampton Lake area are becoming increasingly isolated from the Sugarloaf Lake region to the south.



2. Sugarloaf Lake Area

The Sugarloaf Lake area, in many respects, may be viewed as a continuation of the Hampton Lake area to the north. They both demonstrate similar environmental features. The Sugarloaf Lake vicinity has a comparable mixture of ecosystems including bog, pond, wet meadow, hydric forest, mesic forest and open field. Correspondingly, the same rare vertebrates as found in the Hampton Lake area are also found here, and resident game populations may inhabit both of these areas concurrently. The Sugarloaf Lake region is also an outstanding location for rare plants. This area was extensively studied by Hanes in preparation of his book, *Flora of Kalamazoo County, Michigan*. He has reported over 20 species of orchids and an equal number of ferns, as well as many other rare plants in this vicinity. The Sugarloaf Lake area has realized increased urbanization along its eastern borders. Like the Hampton Lake area, it contains state-owned property, but the state tracts in the Sugarloaf region demonstrate a greater combined area and a higher degree of continuity. This may imply greater stability for natural resources in the Sugarloaf vicinity as compared to the Hampton Lake area, even though development in both areas is quite prominent.

3. West Lake Nature Preserve

An inland fresh water marsh area bordering the west bank of West Lake is the only remaining portion of West Lake which is presently undeveloped. H. Lewis Batts, Jr. of the Kalamazoo Nature Center noted that "the West Lake marsh area (i.e., the Matteson property) is a beautiful area with unusual plant associations and animal communities for this urban area. This property should be preserved for public benefit especially as a natural area of extreme value to the total, overall West Lake ecosystem. Present are dense, extensive areas of flowering dogwood, some of which are unusually large for this species. In addition, mature oaks, hickories and scattered maples and many younger maples and black gum trees exist. Marsh flora consists predominantly of Heather (*Chamaedaphne calyculata*) with Steeplebush (*Spiraea tomentosa*) and scattered ferns." In December 1979, the City of Portage acquired approximately 80 acres of this marsh area. An additional 30 acres was acquired in 1992. This area collectively forms the 110 acres of the West Lake



Nature Preserve. There is over 1,400 feet of frontage along West Lake, all of which is a unique wetland bog. From a high point of 875 feet above sea level, the Preserve topography falls to the west and northwest to an elevation below 856 feet above sea level. Since the water level of West Lake fluctuates around 855, the marsh area often has large areas of standing water. The parcel has a significant contribution to make to Portage because of its wetland environment close to the City Centre. Providing recreational opportunities while preserving the natural amenities of the Preserve will illustrate by example the importance of wetland habitat to the total community. The marsh habitat is ideal for waterfowl production and important in feeding and brood rearing. It is also used extensively by migrating waterfowl. In addition to game species such as duck and pheasant, non-game species including muskrat, raccoon, beaver, rails and snipe benefit from this area. Dominant plants for this habitat include cattail, sedges and lesser duckweed.

4. Bishop's Bog

A substantial portion of the wetland area west of S. Westnedge Avenue can be attributed to an extensive bog. Bishop's Bog Preserve has gained a reputation as an important location for many rare plant species including native orchids in the genus *Cypripedium* and *Habenaria*. In addition, this type of habitat is often used in the spring by black ducks and ring-necked ducks. Common non-game species also found in bogs are bog lemming, mink, raccoon, tree swallows and snakes. This particular wetland area has remained essentially intact. Most of its approximately 210 acres is located in the floodplain and is characterized by organic soils. A majority of Bishop's Bog is under city ownership. Bishop's Bog Preserve was established in 1997 and in 2011, the Eliason Nature Reserve property was donated to the city. In 2001, Bishop's Bog and the bog portion of West Lake Nature Preserve were studied for ecological value and potential by Dr. Barbara J. Madsen, Adjunct Professor for the University of Michigan Biological Station. Ms. Madsen stated that it was amazing that such fine wetland areas have survived in an urban area. With care, research and monitoring these wetlands will provide long-term benefits. The report recognized concerns with invasive plants that are being monitored by the city. Since 2002, the city has worked with a class from

Kalamazoo College to conduct periodic research in Bishop's Bog to determine potential environmental changes and concerns. Several independent studies have also been conducted by college students and copies of the reports received by the city. These ongoing studies will help with future management needs.

5. Mandigo Marsh

Mandigo Marsh is a historically well-known wetland area south of Austin Lake, comprising many acres of wildlife habitat for the region. It is home to a wide variety of marshland birds and other types of waterfowl, and harbors an unusual assembly of plants that are peculiar to this area. Aside from its biological values, the marsh and its surroundings offer residents of this increasingly urbanized area opportunities to visit a natural setting which is comparatively "wild" for its location. Mandigo Marsh has been classified by the Nature Conservancy as an example of a coastal plain marsh community. The community has historically been common along the Atlantic coast. The community and many of its characteristic plant and animal species have also long been known from the southwestern Great Lakes region, especially in the southwestern Lower Michigan Peninsula. Several are known in Kalamazoo County, including Mandigo Marsh, but none have been completely protected. Many of the species typifying the community are themselves far removed – often thousands of miles – from their main range along the Atlantic coast, as a fluke of early plant migration and changes in geologic and weather conditions. Many of these species are listed by the State of Michigan and are protected under the Michigan Endangered Species Act. Other natural communities noted in and adjacent to the Mandigo Marsh basin include dry-mesic/mesic southern forest and the southern swamp/southern floodplain forest. The southern wet meadow community does not occur in the basin but is found along the Gourdneck Creek drainage channel to the south.

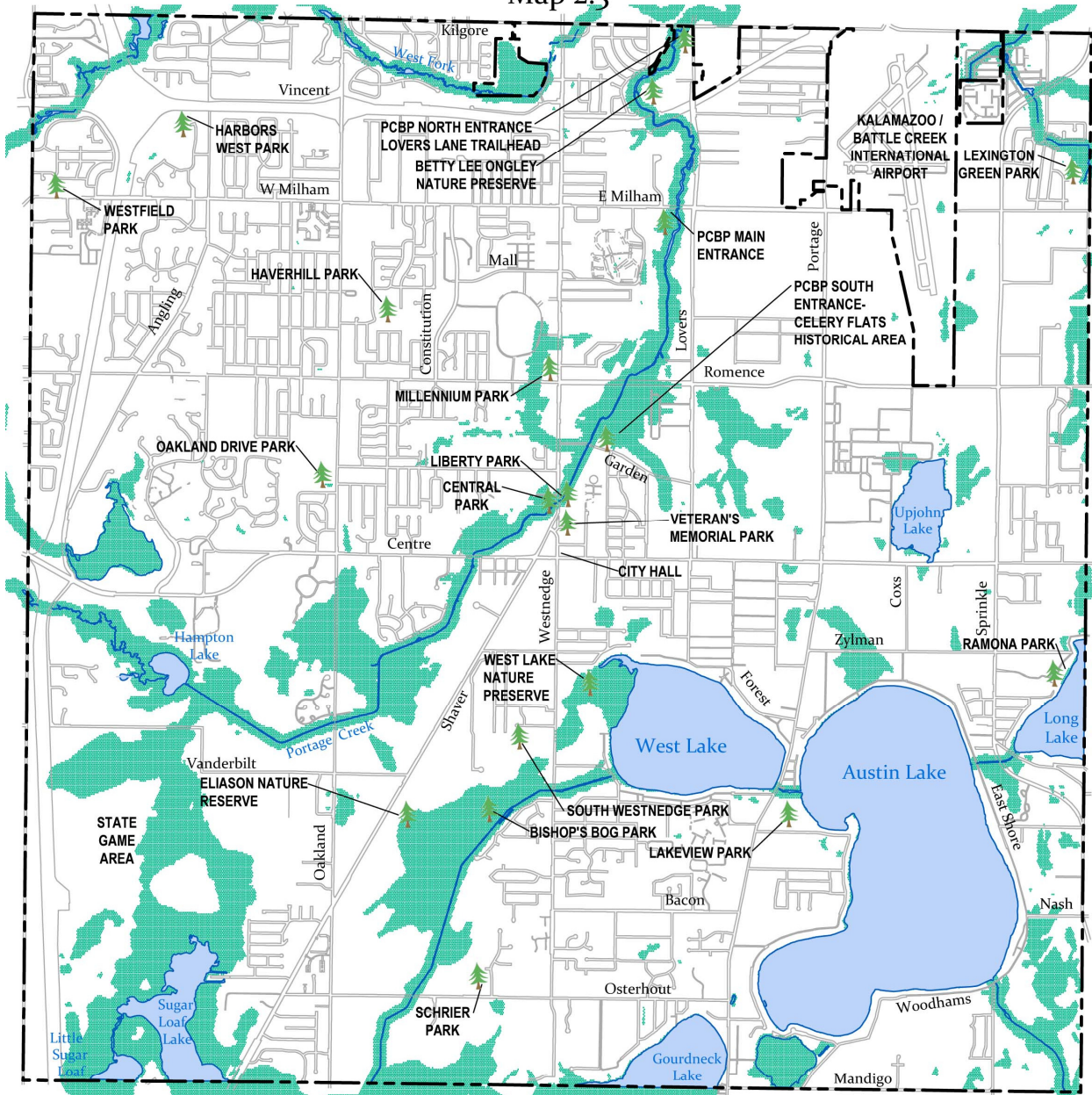
6. Additional Land Resources

Two other natural areas should be noted. Although these areas are of a smaller size and little information is available in comparison to those lands previously described, they may provide significant benefits to the city. The Gourdneck Game Area is an undeveloped section of state land



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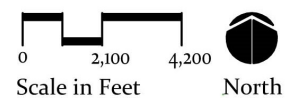
Map 2.3



LEGEND

SENSITIVE LAND AREAS CITY BOUNDARY

City of Portage Parks and Recreation Master Plan Sensitive Land Areas





extending between Sugarloaf Lake and Gourdneck Lake. Although a majority of this game area is south of the Portage municipal boundary, the state does own a tract of approximately 1,500 acres that is within the city limits. The natural resources of the segment located in Portage are likely to be more significant when viewed in relation to the larger section to the south. This northerly portion is primarily a wetland area that borders Gourdneck Creek and may serve as an important environmental component to game populations that inhabit the general vicinity and Mandigo Marsh in particular. There are also a number of undeveloped areas bordering both Portage Creek and the West Fork of Portage Creek. Most of these areas are too small to support game populations, although deer and pheasant have been sighted along portions of the creek. Geographically these areas are significant, however, because they represent some of the only undisturbed land in the northern half of the city. Since this northerly portion demonstrates the highest degree of urbanization, the utilization of these natural resources for recreational, aesthetic and educational purposes is of special value. In addition, some of these areas may be of distinct ecological significance. A segment of land bordering Portage Creek in the vicinity of the city northern municipal boundary has been identified as a prime habitat possessing scarce species such as Belted Kingfisher and Queen Snake. It also is a site for wintering waterfowl. Other segments of land along Portage Creek might also demonstrate special attributes if investigations were conducted.

Sensitive Land Areas

The City of Portage completed a sensitive land areas inventory in November of 1995 to improve its capability to consider natural resources protection during development review and long-term planning and zoning processes. Three types of areas were determined as sensitive (1) wetland, (2) a 400-foot wide corridor along Portage Creek, and (3) the 100-year floodplain of Portage Creek and other drainage areas (see Map 2.3).

Few Michigan cities contain the quality and diversity of wetlands found in the City of Portage. The sensitive land inventory identified 161 individual wetland complexes within the city which include forested wetlands, marshes, bogs, fens and

wet meadows representing all of the important types found in southern Michigan. Several of these wetlands, in particular the large complexes around Hampton Lake, Austin Lake, West Lake, Sugarloaf and Portage Creek have been studied intensively by consultants. The natural features of these wetland complexes, some of which contain rare or threatened plant and animal species, are well-documented in associated reports. These wetlands are also important to local groundwater recharge and as wildlife habitat.

The value of Portage Creek has also been documented by a previous study conducted. Portage Creek is a trout stream, a very rare resource in a southern Michigan city the size of Portage. At present, the chief threat to the stream is temperature increase which could result from the combined effects of direct industrial discharge of heated water, additional summer storm water runoff and water withdrawal from the basin aquifer. Loss of shade from removal of riparian vegetation could also negatively impact certain stretches. The Inland Lakes and Streams Act protects Portage Creek; however, the potential importance of Portage Creek as a recreational resource suggests that additional measures to maintain stream temperatures, protect water quality and maintain an aesthetically pleasing corridor along the stream should be considered. The sensitive land areas inventory therefore includes all lands within 200 feet of the stream as sensitive.

The 100-year floodplain as delineated on the FEMA Flood Insurance Maps is also included in the sensitive land areas inventory. Although primarily aimed at discouraging potential loss of property due to floods, the FEMA-mapped floodplain also represents a topographically-defined area where activities could add sediment or other pollutants to Portage Creek or other water bodies in the city.

Demographics

The review of trends in population growth is helpful in developing an understanding of the City's recreational needs. Also understanding other demographic indicators, such as age, education, income, and employment trends, can assist in determining the type of recreational facilities that may be needed or desired and will allow facilities and programs to keep pace with demand. The



CITY OF PORTAGE RECREATION AND OPEN SPACE PLAN

2010 U.S. Census indicates a population in the City of Portage of 46,292 people which represents a 3.1% increase from the 2000 Census, the third highest population growth gain in the county. The City of

Portage has experienced an overall increase in population from 1990. The following table delineates population in the City over the last 20 years.

Table 2.1 Population Growth		
Year	Population	% Change
1990	41,042	7.6%
2000	44,897	9.4%
2010	46,292	3.1%
Est. 2016	48,508	4.8%

Data Source: U.S. Census Bureau

To put this rate of growth into perspective, it is important to compare growth comparisons with other adjacent communities. This is useful in attempting to forecast areas of future growth in the area as well as future demands on the City's park system. The following table illustrates population growth comparisons with adjacent communities as well as the County and State. As shown below, the growth rate in the City has been slower than adjacent Townships, similar to the County, but stronger than the adjacent City of Kalamazoo.

Table 2.2 Population Comparison					
Community	1990 Population	2000 Population	2010 Population	Rate of Growth 2000-2010	2016 Estimate
Pavilion Twp	5,500	5,829	6,222	6.7%	n/a
Schoolcraft Twp	3,695	7,260	8,214	13.1%	n/a
Texas Twp	7,711	10,919	14,697	34.6%	n/a
City of Kalamazoo	80,277	77,145	74,262	-3.7%	75,984
Kalamazoo Co	223,411	238,603	250,331	4.9%	261,654
State of Michigan	9,295,297	9,938,444	9,883,640	-0.5%	9,928,300

Data Source: U.S. Census Bureau

The median age of City of Portage residents in 2010 was 37.4, older than both the County as a whole (34.1) and the United States (37.2), and younger than the State of Michigan (38.9). The median age represents the mid-point in the range of all ages within the City. Understanding the age demographics can be useful in identifying the type of recreational facilities may be needed, desired, or over provided. For example a younger population may desire more active types of facilities while an aging population may desire more passive types of facilities. The table below illustrates the breakdown of population based on age.

Table 2.3 Population by Age		
Age	Persons	Percentage
Under 18	11,467	24.8%
18 and over	34,825	75.2%
20-24	2,653	5.7%
25-34	6,188	13.3%
35-49	9,565	20.7%
50-64	9,090	19.6%
65 and over	6,303	13.6%

Data Source: U.S. Census Bureau



A strong pattern for family oriented and passive recreation is reflected in the age distribution with 40.3% of the population in the 35-64 group (Generation X and Baby Boomers). About 24.8% of the population falls in the under 18 age range (Generation Z) suggesting there may be a need for youth-oriented facilities. About 13.6 % of the population is over the age of 65, compared to 12.3% in the County and 13.8% in the State. The 20-34 age group (Millennial) makes up the smallest portion of the population likely due to lack of emerging professional job opportunities. The City's age distribution reflects a need for park and recreation facilities for young, active families, as well as accessible facilities for the baby boomers. As expected, the older population has continued to increase since 1980 consistent with an aging population led by the Baby Boom generation.

The U.S. Census Bureau 2011-2015 estimate indicates a median household income of \$54,040 compared to \$49,410 in 2000. The median income level 2010-2015 estimate in the City is more than that of the County (\$47,476) and the State of Michigan (\$49,576). In terms of ethnicity, the City of Portage is a Caucasian community with 87% of the population being white, and 5% of the population being African American. However, the population of the city continues to diversify. In 1990, the minority population was 6% of the total population, which increased to 9.2% in 2000 and to 13% in 2010.

Land Use

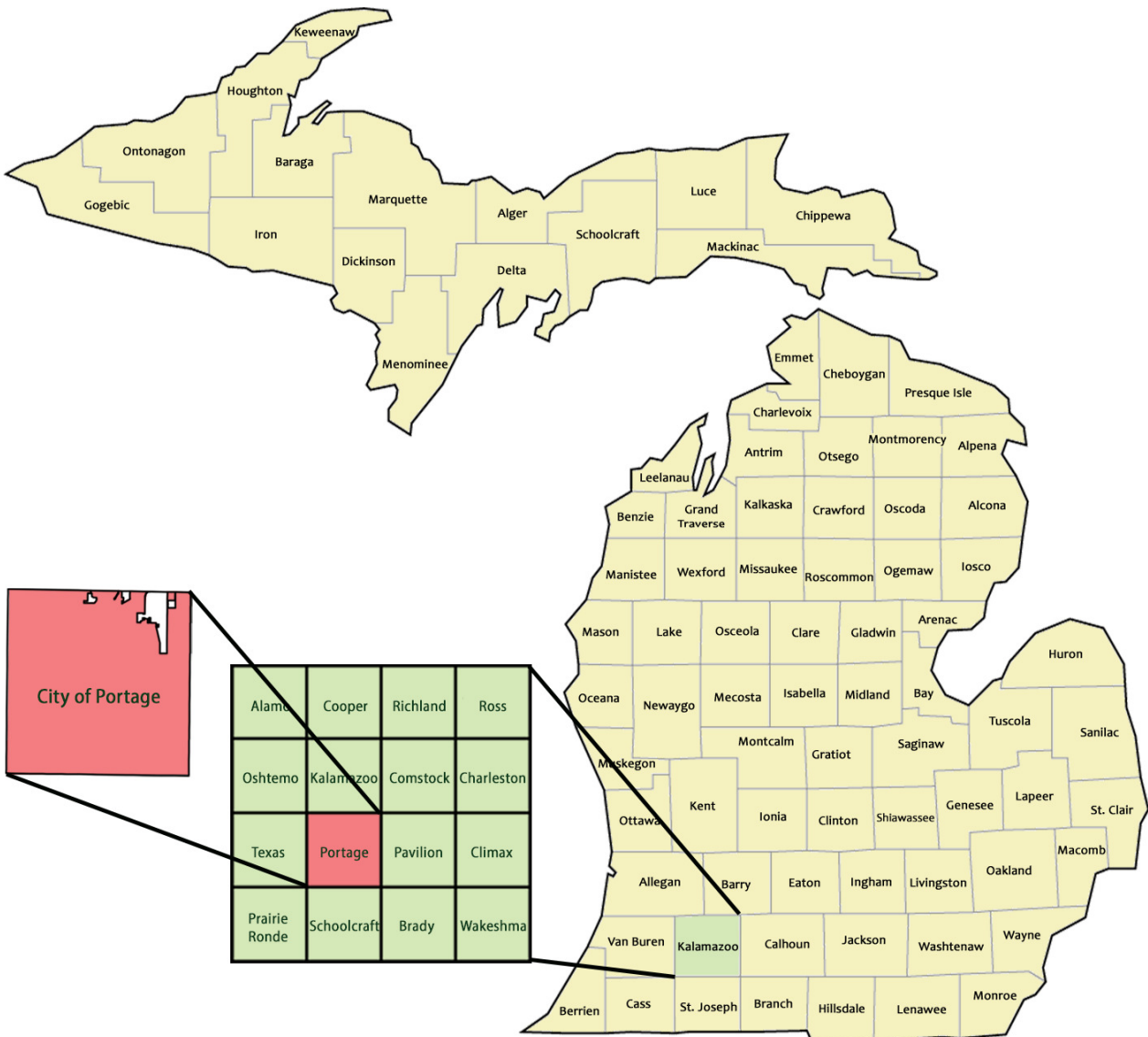
The City of Portage is known to have a growing population, desirable housing, excellent schools, numerous shopping and recreation areas, proximity to a variety of post-secondary education opportunities and an educated workforce. According to the 2010 U.S. Census data, there are a total of 20,559 housing units in the City of which 19,199 are occupied. Between 2000 and 2010, the total number of housing units increased by 1,679 units, second highest in the county. The US Census reported in the 2010-2015 estimate that the median value of an owner occupied home in the City of Portage was \$147,600; compared to \$96,600 in Kalamazoo to the north and \$139,600 in Schoolcraft Township to the south.





CITY OF PORTAGE RECREATION AND OPEN SPACE PLAN

*Figure 2.1 – Location Map
City of Portage, Kalamazoo County, MI*





Administrative Structure

The City of Portage operates under the Council/Manager form of government. The Council/Manager Plan is a system of local government that combines the political leadership of an elected City Council with the professional managerial experience of the City Manager.

In order to understand how park and recreation functions are administered in the City, we must look at the administrative structure of the City.

Portage City Council

The Portage City Council consists of a Mayor and six Council Members, all elected at-large. The Mayor serves a term of two years, while members of the Council serve four year terms. The Council is the legislative and policy making body of the city and is responsible for the performance of all obligations and duties imposed on the city by the State of Michigan.

Portage City Manager

The City Manager serves as the chief administrative officer and is responsible to the City Council for all administrative functions and business of the City. City employees are hired and discharged by the City Manager and are responsible to the City Manager in all aspects of job performance. The City Manager prepares and submits the annual budget proposal of the City. The City Manager acts as the chief purchasing agent of the City, seeks federal funds and represents the City in all contract and labor negotiations. The City Council appoints the City Manager who is responsible for advising the Council on various matters facing the City and implementing the policies of the Council. The City Manager is responsible for the day-to-day operation of all City services and programs. Refer to Figure 1 for the City of Portage Organizational Chart.



CITY OF PORTAGE RECREATION AND OPEN SPACE PLAN

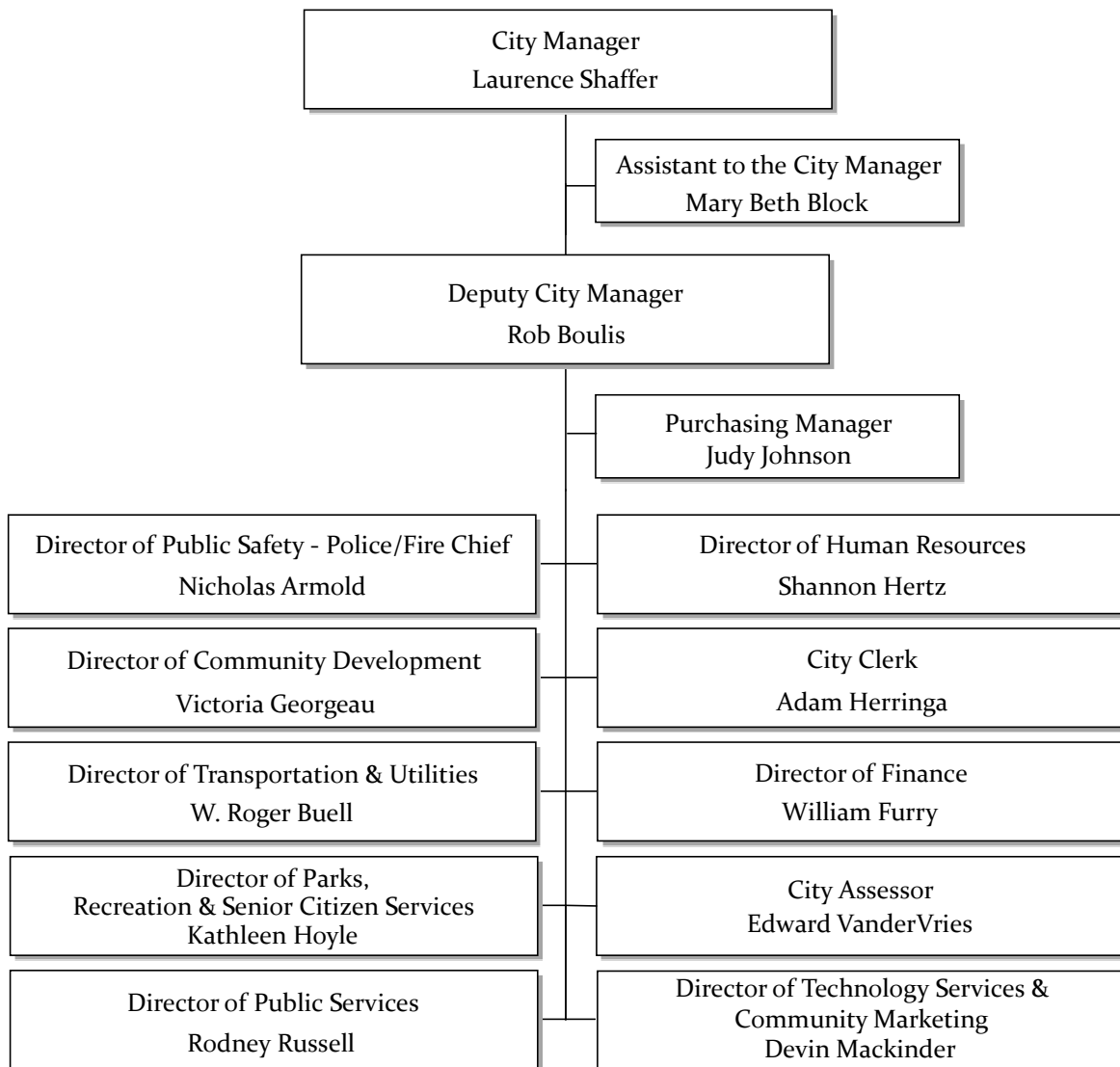
Departmental Organizational Structure

Under the direction of the City Manager, three (3) municipal departments are actively involved in the administration, planning, and maintenance of the City's parks, recreation, programs, and services.

- a) Department of Parks, Recreation, and Senior Citizen Services: Parks and Recreation Division and Senior Center
- b) Department of Public Services: Parks Maintenance Division
- c) Department of Community Development: Planning, Development and Neighborhood Services

Figure 3.1 – City Organizational Chart

City Management & Department Directors





Organization of Parks, Recreation, and Senior Citizen Services Department

The Parks, Recreation & Property Management Department was officially established in November 1969 with the hiring of its first full-time professional. From 1969 through 2012 duties of the Parks, Recreation & Property Management Department expanded to include senior citizen services, cemetery maintenance, municipal buildings and public grounds maintenance. In April, 2012, a transition occurred where the Parks, Recreation & Property Management Director assumed added supervisory responsibility for another department. This transition created the Department of Parks, Recreation & Public Services. In 2015, with the retirement of the director, another transition occurred in which Parks and Recreation became its own department again. Figure 3.2 presents the current organization structure of the

Parks, Recreation & Senior Citizen Services Department.

Today, the Parks & Recreation Division of the Department of Parks, Recreation and Senior Citizen Services oversees 18 park sites located throughout the City of Portage; manages the protection of natural and physical city assets and provides recreation, cultural and leisure programs for resident enjoyment. The department manages the popular Celery Flats Historical Area, Ramona Park beach and the Millennium Park Ice Rink. Numerous rental facilities are available to residents, schools and groups for a variety of events including weddings, banquets, graduations and meetings.

Responsibilities of the City of Portage Parks, Recreation and Senior Citizen Services Department may be summarized as follows:

- a) To create and maintain the finest recreation system which can be economically realized and which can effectively serve all citizens of Portage;
- b) To provide city-wide park areas which contain ample space for all passive and active recreation activities and such unique facilities as are deemed appropriate; to develop and maintain recreation facilities which are recognized to possess unique or unusual characteristics not generally available to the citizens in any other recreation facilities or by usual means of procurement;



CITY OF PORTAGE RECREATION AND OPEN SPACE PLAN

- c) To continue to operate a vibrant senior center in the City of Portage that consistently earns the highest standards of National Accreditation by the National Institute of Seniors Centers, a unit of the National Council of aging.
- d) To establish suitable recreational and cultural programs for all citizens of the community.

The Parks, Recreation and Senior Citizen Services Department fulfills its responsibilities through the performance of seven primary functions. These include:

- a) Planning and financial operations
- b) Development operations
- c) Recreational programming operations
- d) Cultural programming operations
- e) Public information operations
- f) Property management operations
- g) Management and facility operations of the Portage Senior Center

Vision and Mission of the Parks, Recreation, and Senior Citizen Services Department

- a) Vision - To connect people to each other and to the natural world.
- b) Mission - Through a unique, vibrant and well managed parks and public space system, we promote environmental stewardship through public awareness and participation in engaging activities. We reach for excellence in providing a range and depth of recreation, leisure and cultural programs for people of all ages and abilities.
- c) The primary services of the department are:
 - Acquisition, development and maintenance of parks and open spaces being sensitive to effective planning and environmental integrity;
 - Development and operation of recreation facilities; - Provision of varied recreation programs, activities and services for all ages and abilities;
 - Facilitation of positive promotional and public relations activities that highlight the quality of life in Portage;
 - Enhancement of cultural/historical facilities and operation of special cultural programs and activities.
 - Provision of a range of services, activities and volunteer opportunities which promote personal growth, friendship, health and independence for adults aged 50 and older.
- d) The operating philosophy of the department can be summarized by the following statements:
 - We reach for excellence and take a quality approach toward providing services, opportunities and facilities.
 - We are customer-oriented and aware of public wants and needs, balancing our responsibility to our clients and the taxpayer.
 - We are visionary, dependent upon the use of innovation and creativity in management and planning for the future, recognizing the shift of emphasis from providing services toward facilitating or encouraging groups and individuals to meet their needs and interests.
 - Our programs, activities and services are value-oriented, focusing on the human potential of each citizen, the importance of the natural environment, community self-help and the significant roles that parks and recreation, leisure and cultural programs provide.
 - We value the use of teamwork, supporting and involving staff to ensure a healthy and productive work environment.



Financial Commitment

Sources of funding for the department are (in order of magnitude): municipal taxes (see General Fund Budget – Appendix); user fees and charges; and state and federal grants (see Figure 3.3 – Park Development Grant Summary). Additional resources are derived from community contributions and donations, including volunteer support. The department strives to offer services in the most cost effective manner, minimizing the impact on the tax rate and seeking alternative sources of revenue enhancement. The Parks, Recreation and Senior Citizen Services department annually prepares budget requests for City Manager review and recommendation to the City Council for adoption. Included are proposed comprehensive operational and special revenue budgets for the coming fiscal year and a ten-year capital improvement program for land acquisition and major capital projects.

Activities/Depth Drivers

The department responds to the needs and/or demands of the public, which are influenced by a variety of social and economic factors such as demographic shifts, disposable income and recreational leisure interests. Recreation and cultural program planning and park acquisition and development are tied closely to the Parks, Recreation and Senior Citizen Services department long-range planning and park master planning. Community collaboration and volunteerism will be critical needs as the departmental responsibilities expand.

Programming

The Parks, Recreation and Senior Citizen Services department with review and recommendation of the City Manager and approval by City Council, develops a comprehensive leisure service program in accordance with planning and financial operations. Recreation programming is directed under the supervision of the Parks Director and Senior Center Manager. These operations include the provision of a viable program of recreational and cultural activities for residents in the entire community. In order to meet the demand for these programs, the department utilizes city, school and private facilities.

Maintenance

The Department of Public Services, with review and approval by the City Manager, prepares maintenance and development schedules for the fiscal year in accordance with the development of the City budget and Capital Improvement Program. Maintenance operations are the primary assignment of the Parks Maintenance Division under the supervision of the Public Service Director. These operations include routine, recurring work, repair work, minor construction work and supervision of contractual/maintenance work. The intent of these operations is to maintain high-quality standards in all city parks, recreation facilities, cemeteries and public ground areas.

Senior Center

Established in 1979, the Portage Senior Center is the first nationally accredited senior center in Michigan. It is a vital, busy place offering a variety of services and activities that change with the needs and desires of its members.

Mission: The Portage Senior Center provides programs and opportunities that promote personal growth, health, friendship and independence for adults aged 50 and over.

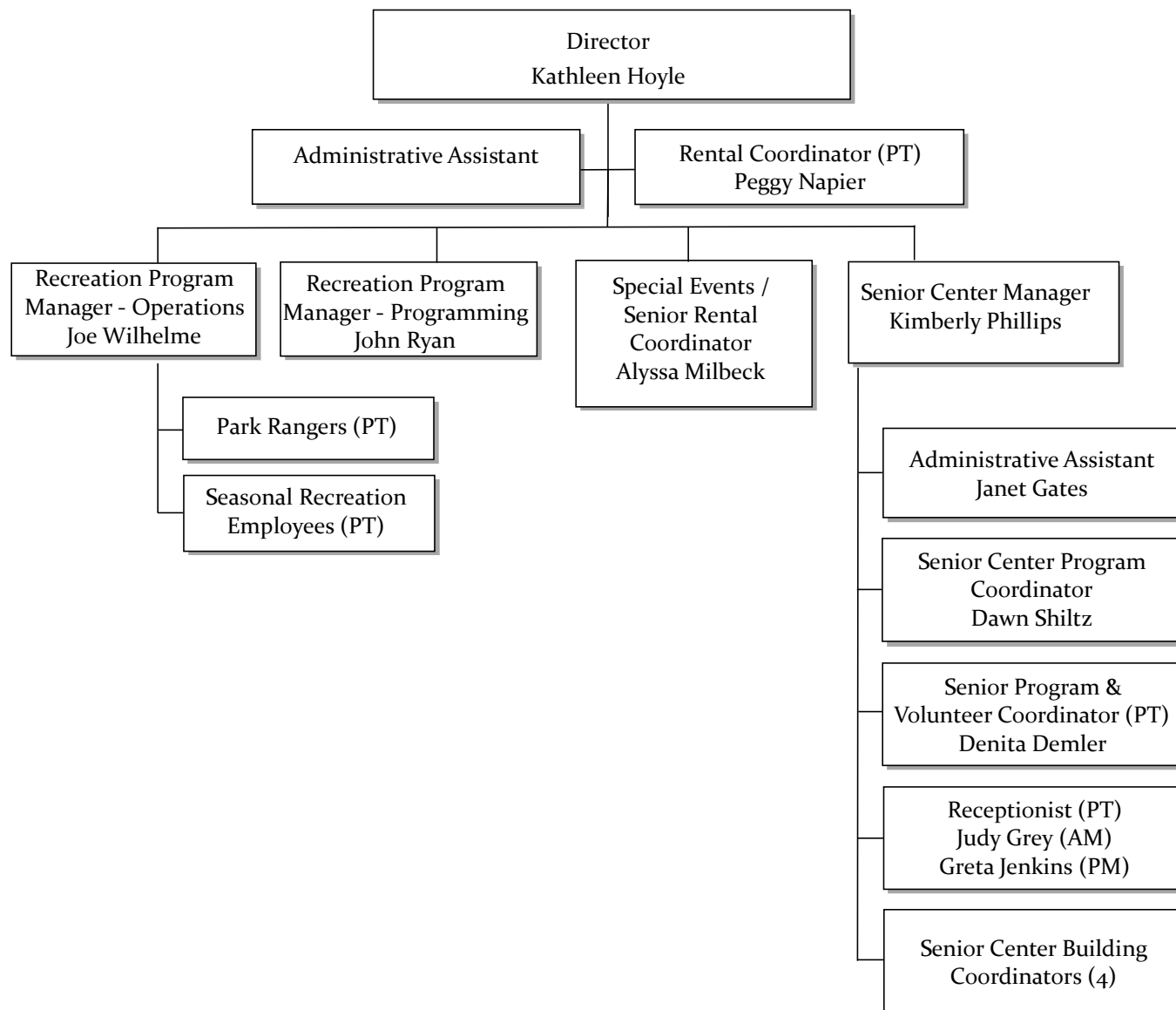
Vision: We envision a community that understands and embraces the power of healthy aging to positively transform lives.



CITY OF PORTAGE RECREATION AND OPEN SPACE PLAN

Figure 3.2 – Parks Department Organizational Chart

Parks, Recreation & Senior Citizen Services





Role of Commissions and Advisory Boards

In addition to the various departments involved in parks and recreation in the City of Portage, there are a number of Boards and Commissions that make recommendations to the City Council regarding parks, recreation, and cultural matters. These include the following:

- Park Board
 - Bicycle Advisory Committee
- Environmental Board
- Senior Advisory Board
- Historic District Commission
- Planning Commission
- Planning Commission
- Youth Advisory Commission

Park Board

The Park Board is a nine-member board established for the purpose of advising the City Council regarding the provision of adequate park and recreation programs and facilities for the enjoyment of all citizens. This board promotes recreation programs and recommends planning and operating policies for City parks, as well as managing the City Adopt-A-Park program.

Friends of the Parks

The Portage Friends of the Parks is currently being established by the Portage Parks Board, and created to provide support and volunteer opportunities to assist with park projects and events that benefit and promote the Portage Park system. The Board works on activities to promote family, health and educational oriented events to increase the quality of life in the community and create awareness of the natural park assets.

Objectives of Friends of Portage Parks include:

- a. Recruit volunteers through various mediums including the “Portager” and speaking with various area organizations and schools.
- b. Develop a database of volunteers and their areas of interest.
- c. Communicate with Park Board and Event Coordinators on required volunteers.
- d. Contact and schedule volunteers to work at events.
- e. Manage volunteers at each event.
- f. Liaison with City of Portage to share volunteers.
- g. Develop fundraising, activities, and donor programs

Senior Citizens Advisory Board

The Senior Citizens Advisory Board consists of nine or more members who are at least 50 years of age. This board advises the City Council regarding the establishment and provision of services to aging persons in the City, and the board encourages, promotes, assists and safeguards the rights and abilities of older people to maintain maximum health, well-being and independence. This board recommends programs, activities and policies for the operation of the Portage Senior Center.

Historic District Commission

This nine-member commission is charged with reviewing plans and applications for the construction, alteration, repair of historic properties. In addition, the commission maintains the roster of established and potential districts, may initiate district modification procedures and reviews proposed exterior changes to properties within the Portage Historic District.

Planning Commission

The Planning Commission is authorized by Michigan statute and consists of nine members appointed by the Mayor with concurrence of the City Council. The Commission has as primary responsibilities the preparation and adoption of a Comprehensive Plan that guides decision-making related to future land use, community



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development and capital investments, and making recommendations and advising City Council on land use, zoning and related development matters of importance in the community.

The Planning Commission was created under the Code of Ordinances of the City of Portage and was established for the purpose of planning in the city under the State of Michigan Municipal Planning Act (Public Act 285 of 1931) that was in effect at the time. Public Act 285 of 1931 was repealed in 2008 and replaced by the Michigan Planning Enabling Act (Public Act 33 of 2008). The Michigan Planning Enabling Act, together with the local ordinance, established the responsibility on the Planning Commission for creating and adopting a Comprehensive Plan for the physical development of the municipality. The Recreation and Open Space Plan is an integral element of the Comprehensive Plan as it functions as an important component to the land use and community facilities sections. The Planning Commission responsibility in this regard is exercised through the review and adoption of the Recreation and Open Space Plan as an element of the overall Comprehensive Development Plan of the City of Portage.

Youth Advisory Committee

The Youth Advisory Committee (YAC) consists of up to 30 high school youth representatives and is tasked with providing input to the City Council and City Administration regarding programs, services, projects and issues. Topics addressed by past Youth Advisory Committees include:

- Drug abuse and underage drinking prevention
- Summer Youth Activities
- Environmental Awareness

The Youth Advisory Committee is very active in the community and organizes several city-wide events. Examples include the annual Earth Day festival, Snow Party and Public Safety Movie Night. Among other items, the YAC also participates in Sticker Shock which is a program designed to discourage under-age drinking, volunteers at the Portage Community Center and learns about the role of local government.

Role of Volunteers

The City of Portage understands the growing importance of volunteer resources. Volunteer services are prominently promoted on the front page of the city website. A majority of the volunteer opportunities requested on the website relate directly to the Parks & Recreation Divisions. Once volunteers contact the city, the Human Resources Department provides the necessary intake and works with the Parks & Recreation Divisions on specific project needs. Volunteers also contact the department directly to coordinate projects. Recent examples of volunteer services include:

- a. Community Beautification Projects - Church groups, corporate citizens and service organizations often provide much-needed manpower for important beautification projects in the city. Projects range from park cleanup, park shelter upgrades, cleaning buildings at Celery Flats and other projects.
- b. Eagle Scout and Girl Scout Gold Award Projects - City staff work directly with individual Eagle Scout and Girl Scout Gold Award candidates to design a service project that matches your skills and ambitions.
- c. Event Staffing - Volunteers are often utilized to staff recreational and special events such as the Traditional Holiday and Tree Lighting Ceremony, and Family Fishing Fair among others. Jobs include everything from event set-up, staffing ticket booths and concession stands to crowd control and parking assistance.
- d. Department Staffing - City departments often use the help of volunteers, particularly the Office of the City Clerk and the Portage Senior Center. Among other tasks, volunteers assist with election activities, assist with special events at the Senior Center and drive the Senior Center van.
- e. Advisory Boards and Commissions - The Portage City Council relies on community volunteers for a variety of services and periodically asks Advisory Boards and Commissions to review programs



developed by the City Administration and make recommendations. Meeting times and responsibilities of each of the Boards and Commissions vary.

Budgeting and Funding

Budgets for parks, programs, services and maintenance are located in Appendix 1 of this document. The budget includes Operation and Maintenance, Capital Improvements, and Programs and Services.

The basic sources for funding to support the operating and capital improvements budgets of the Parks, Recreation and Senior Citizen Services department are the following: taxes, fees and charges, government grants and gifts or bequests.

Taxes – Consisting of local real estate or property taxes; they are derived by assessing industrial or residential property within the borders of the municipality at a given rate.

Grants – Park development has benefited from a variety of grants as shown on the Park Development Grant Summary (Figure 3.3).

Fees & Charges – Consisting of monies collected for program participation and facility rentals. Fees and charges are reviewed annually to assure an equitable system to offset departmental operating costs and provide value to program participants and facility users.

Gifts & Bequests – Included are gifts that come from private sources such as foundations, business firms or individuals. These are solicited when accompanying stipulations are such that the gift would be determined beneficial to city responsibilities for the provision of park and recreational services.





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Figure 3.3 City of Portage Park Development Grant Summary 1987-2017

Year	Project Title	Funding Source	Grant Amount	Local Match	Project Total
1987	Portage Creek Bicentennial Park Gift Book	Donations from area individuals, business and organizations	\$45,000	-0-	\$45,000
1988	Portage Community Bandshell	Gilmore Foundation	\$100,000	\$80,000	\$180,000
1988	South Westnedge Park Improvements	Quality of Life Recreation Bond	\$70,000	\$30,000	\$100,000
1988	Celery Flats Interpretive Center	Michigan Equity Fund	\$25,000	\$25,000	\$260,000
		Upjohn Company	\$100,000		
		Kalamazoo Foundation	\$110,000		
1989	West Lake Nature Preserve Phase I	Michigan Natural Resources Trust Fund	\$100,000	\$40,000	\$140,000
1990	West Lake Nature Preserve Phase II	Quality of Life Recreation Bond	\$50,000	\$50,000	\$100,000
1991	Portage Creek Bicentennial Park Phase I	Land and Water Conservation Fund	\$50,000	\$50,000	\$100,000
1992	Ramona Park Improvements	Michigan Natural Resources Trust Fund	\$150,000	\$80,000	\$230,000
1992	Hayloft Theatre	Gilmore Foundation	\$75,000	\$150,000	\$295,000
		Kalamazoo Foundation	\$30,000		
		Upjohn Co. Foundation	\$30,000		
		Dorothy Dalton Foundation	\$10,000		
1994	Stuart Manor Portage Creek Improvements	Kalamazoo Foundation	\$300,000	\$50,000	\$350,000
		Inland Fisheries	\$10,000	\$18,000	\$28,000
1995	Celery Flats Amphitheatre	Michigan Equity Fund	\$25,000	\$40,000	\$75,000
		Upjohn Co. Foundation	\$10,000		
1995	Ramona Park Improvements	Kalamazoo Foundation	\$128,500	-0-	\$128,500
1996	Bishops Bog Development	Michigan Natural Resources Trust Fund	\$150,000	\$50,000	\$200,000
1996	Portage Creek Implementation	Inland Fisheries	\$7,000	\$20,915	\$27,915
1998	S. Westnedge/PCBP Bikeway Connector	Kalamazoo County Infrastructure Fund	\$50,000	\$50,000	\$100,000
1999	PCBP North Trail Development	MNRTF	\$113,000	\$112,000	\$275,000
		Kalamazoo County Infrastructure Fund	\$50,000		
1999	Shaver Road Bikeway	T-21	\$165,710	\$70,000	\$235,710
2000	PCBP II	CMI	\$225,000	\$100,000	\$325,000
2000-2001	West Lake Interpretive Center	Michigan Natural Resources Trust Fund	\$500,000	\$290,000	\$790,000
2001	Harbors West Park	Land and Water	\$100,000	\$100,000	\$200,000

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	Development	Conservation Fund			
Year	Project Title	Funding Source	Grant Amount	Local Match	Project Total
2001	Lakeview Park Development	Michigan Natural Resources Trust Fund	\$200,000	\$150,000	\$350,000
2001	Lovers Lane Bikeway	T-21	\$90,000	\$38,100	\$128,100
2001	Cultural Equipment	Dorothy Dalton Foundation	\$10,000	-0-	\$10,000
2002	NW Portage Bikeway	T-21	\$276,000	\$180,000	\$456,000
2002	Bishops Bog Preserve	Kalamazoo Community Foundation	\$10,000	-0-	\$10,000
2003	South Westnedge Park Improvements	Land and Water Conservation Fund	\$150,000	\$150,000	\$300,000
2003	South Westnedge Park Improvements	Kalamazoo Community Foundation	\$10,000	-0-	\$10,000
2004-2005	South Westnedge Skatepark Imp.	Various Donors (in-kind gifts)	\$74,000	-0-	\$74,000
2004-2005	South Westnedge Skatepark Imp.	Various Donors	\$7,000	-0-	\$7,000
2008	Ramona Playground	MRPA - Access to Recreation	\$140,000	\$60,700	\$200,700
2010	NW Portage Bikeway Extension	TEA	\$200,000	\$199,800	\$399,800
2013	Westfield Park Playground Renovation	Recreation Passport	\$45,000	\$20,000	\$45,000
2017	Portage South Central Trail Development	Michigan Natural Resources Trust Fund	\$291,500	\$20,000	\$291,500
Totals			\$4,282,710	\$2,404,515	\$6,687,225





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Inventory of Existing Parks, Natural Areas & Recreation Facilities

In order to understand the recreational needs of the City, an inventory and analysis of the existing facilities was completed. The intent of the analysis is to provide a comprehensive perspective of the strengths and weaknesses of the existing recreational opportunities the City has to offer its citizens. The inventory is based on information provided by City leadership, site inspections carried out by VIRIDIS Design Group, National Recreation and Parks Association (NRPA) Standards, and the 2013 Recreation and Open Space Plan.

Excellent recreational facilities are located throughout the City of Portage. Over 900 acres of protected land is available for public use including 18 park sites.

City of Portage Facilities

Portage has a variety of park spaces and other public recreational trails and facilities. Numerous county, private and non-profit facilities are also found within the community and county and are briefly highlighted as part of the inventory. The City of Portage park system includes 17 sites with a variety of facilities. The City properties can be classified as follows: three (3) neighborhood parks, six (6) community parks, two (2) large urban parks, four (4) natural resource areas and three (3) special use parks.

The NRPA has established generally recognized standards for classifying types of parkland based on size and function. These designations have been adopted by the MDNR; and provide one method of defining the purpose and use of facilities. Public facilities in the City of Portage can be identified by the following classifications: Neighborhood Park, Community Park, Large Urban Park, Natural Resource Area, and Special Use. A more detailed description of the various public, quasi-public, and private recreation facilities follows.

An Existing Recreation Facilities Map at the end of this section illustrates the location of public park/recreation areas within the City, and an Existing Recreation Facilities matrix provides a summary of the facilities provided at each site. A Park Accessibility Assessment is also provided for each park.

The City of Portage has received several grants from the Michigan Department of Natural Resources over the past years.



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Park Accessibility Assessment

Federal and State laws prohibit discrimination on the basis of physical ability in connection with recreational facilities owned by the City. Developed park facilities must comply with barrier-free design standards. Public facilities in the City of Portage have been reviewed to understand the need for improvements relating to barrier-free accessibility. In addition, as park development is considered in the future, barrier-free accessibility is a significant priority item to help ensure that recreation can be enjoyed by all residents and visitors of the City of Portage. Table 4 below summarizes the accessibility of public facilities located within Portage. Following is a ranking system in accordance with MDNR standards:

- 1 = None of the facilities in the park meet accessibility guidelines.
- 2 = Some of the facilities meet accessibility guidelines
- 3 = Most of the facilities meet accessibility guidelines
- 4 = All of the facilities meet accessibility guidelines
- 5 = Universal design guidelines were used to design the entire park.

Mini-Parks

Mini-parks are specialized facilities that serve a concentrated or limited population of specific group such as tots or senior citizens. The service area of a mini-park is less than $\frac{1}{4}$ mile radius and the park size is typically 1 acre or less. There are no City parks classified within this category.

Neighborhood Parks

A neighborhood park is the basic unit of the park system and typically serves a residential area of $\frac{1}{4}$ to $\frac{1}{2}$ mile distance. A size of 5-10 acres is considered optimal for this type of park. The focus is typically on informal active and passive recreational activities. Portage has three parks classified within this category. In addition to these three parks facilities, Portage Public Schools have eight elementary school sites with large active and open space areas for public use that should be considered neighborhood park options.



Harbors West Park

Location: 3458 Summersong Path

Size: 6-acres

Located north of Milham Avenue, just west of Angling Road in the Harbors West neighborhood, Harbors West Park features play equipment, volleyball and two basketball half courts, a restroom/picnic shelter and a youth inline hockey rink. An asphalt walking trail system and open play spaces are also provided. The park is popular for family events and youth team activities.

Accessibility Assessment: 3

There is not an accessible path to the volleyball area and the grill at the shelter is not ADA compliant.



Haverhill Park

Location: 6577 Hampton Street

Size: 4-acres

Nestled in the beautiful, tree-lined Haverhill neighborhood, this park offers basketball and tennis courts, open play areas with picnic tables, playground facilities, pickleball courts a youth inline hockey rink and restrooms. Haverhill Park is adjacent to Haverhill Elementary school which provides additional recreational space for this heavily populated portion of Portage. Directly connected to the Northwest Bikeway trail, Haverhill Park is a popular stopping point for trail users.

Accessibility Assessment: 3

There are no designated barrier-free parking spaces within the park. There is not a direct accessible path to the tennis courts.



Lexington Green Park

Location: 1750 Pittsford Avenue

Size: 23-acres

Located in the Lexington-Green neighborhood of northeast Portage, this park contains a ballfield, basketball and tennis courts, inline hockey, play equipment, trails, picnic shelters and restroom facilities. Open space and wood lots provide options for nature study.

Accessibility Assessment: 3

There is not an accessible path to the ballfield or shelter and the benches and grills are not accessible.

Community Parks

Community-wide parks serve a broader purpose than neighborhood parks and provide a range of facilities and areas capable of supporting structured and unstructured community participation. These areas typically range between 30-50-acres in size and serve two or more neighborhoods and ½ to 3 mile distance. Facilities may include wooded or natural areas, picnic shelters and grills, bike or hiking trails and other semi-active and passive uses for large groups of people. They may also contain specialized recreational facilities such as swimming pools, community centers and lighted ball diamonds. Community Parks should be serviced by arterial or connector streets and should be easily accessible from throughout their service area by interconnecting trails. Portage has six parks classified within this category.



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Central Park

Location: 7800 Shaver Road

Size: 12-acres

Nestled in a bend of Portage Creek, Central Park is the location of the Overlander Bandshell. The Bandshell hosts several concerts throughout the summer. The picnic shelter, play equipment and restroom facilities are great for picnics of all sizes. A walk along Portage Creek leads to an overlook bridge.

Accessibility Assessment: 3

Barrier-free seating is not available at the bandshell and the grill near the shelter is not ADA compliant.



Lakeview Park

Location: 9345 Portage Road

Size: 26-acres

Located along the shore of Austin Lake, this beautiful park is a popular picnic spot. Lakeview Park has two fishing piers, two playgrounds, two picnic shelters, a ballfield, sand volleyball, tennis and basketball courts and restrooms. Lakeview Park also offers a large rolling open area with walkways and a wildflower meadow for passive enjoyment.

Accessibility Assessment: 4

Some, but not all, of the grills and benches are accessible.



Oakland Drive Park

Location: 7650 Oakland Drive

Size: 19-acres

This active park space provides softball and soccer fields, tennis, volleyball and basketball courts, play equipment and a restroom/picnic shelter. Meadows and wooded lots offer passive enjoyment and nature study. Located just north of Centre Avenue, Oakland Drive Park has a sledding hill for winter activity.

Accessibility Assessment: 3

The designated parking spaces are not fully barrier-free. There are no accessible paths to the volleyball, soccer or baseball fields. The grill is accessible but the unit is not universal.

**Schrier Park**

Location: 850 West Osterhout Road

Size: 52-acres

Schrier Park has an indoor shelter with a fireplace and is popular for year-round group rental. A variety of trails are available for a peaceful walk or a winter cross-country ski adventure. Schrier Park is the southern terminus of the South Central Greenway complex of 5 park facilities – West Lake Nature Preserve, South Westnedge Park, Bishop's Bog Preserve, Eliason Nature Reserve and Schrier Park. Play equipment, open activity spaces and restrooms are also available.

Accessibility Assessment: 3

The grill and benches are not accessible.

**South Westnedge Park**

Location: 9010 South Westnedge Avenue

Size: 27-acres

The six softball fields available at South Westnedge Park provide facilities for city softball leagues and tournaments. A skatepark, inline hockey rink and a dog park are serviced by a separate parking area west of the ballfields. The park has two restroom facilities to meet participant demand.

Accessibility Assessment: 3

There is not an accessible path to the ballfields. The grill and picnic tables are not accessible.

**Westfield Park**

Location: 4500 West Milham Avenue

Size: 12-acres

Situated in northwest Portage at the intersection of two major thoroughfares, Westfield Park is a popular site for all ages. Basketball, tennis, ballfields, volleyball and a soccer field are all available. The park also features a picnic shelter, play equipment and restrooms.

Accessibility Assessment: 3

There is not an accessible path to the volleyball, soccer field or ballfield including the player bench area. Barrier-free spaces are available but does not include an access aisle.

Large Urban Parks

Large Urban Parks serve a broader purpose and wider area than community parks. The focus is on meeting community based recreational needs, as well as preserving unique landscapes and open spaces and the location is determined by the suitability of the site. A park 75 acres or more is considered optimal size which usually serves the entire community. Portage has two parks classified within this category.



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Portage Creek Bicentennial Park

Location:

North Trailhead - 424 Kilgore Road

Milham Entrance - 910 East Milham Avenue

Celery Flats - 7735 Garden Lane

Size: 205-acres

Portage Creek Bicentennial Park (PCBP) was the official city project to honor the nation's 200th birthday. Recognized in the southwest Michigan region as a highlight of the Portage Park System, PCBP is a 3.5 mile linear park running along Portage Creek. The park protects the sensitive environment of the Portage Creek basin and offers residents many opportunities to enjoy the creek - from overlook decks to kayaking. Featured attractions include over eight miles of hiking and biking trails, the North PCBP Trailhead, the Milham Avenue activity area and the Celery Flats Interpretive center and Historical Area. The Celery Flats Interpretive Center highlights the celery heritage of Portage and Kalamazoo County. The Celery Flats Historical Area is home to four relocated structures of historic significance to the community including the renovated 1856 schoolhouse and the grain elevator, Portage's oldest remaining commercial building. The Hayloft Theater and the Amphitheater offer cultural opportunities through plays and programs from May-August. Elegant Stuart Manor is used for city events and available to reserve for special occasions. Accessibility Assessment: 4

North Trailhead - All facilities are accessible.

Celery Flats - There is not an accessible path to playground. The grill is not accessible and the benches do not have a companion space adjacent to them. Barrier-free parking spaces are available; however, the ramp is not ADA compliant.

Ramona Park

Location: 8600 South Sprinkle Road

Size: 67-acres

Ramona Park is a heavily used community-based and regional park facility. With a sandy beach along Long Lake, a pleasant swimming area is available for family enjoyment. The fishing pier, large play structure, beach house, pickleball courts, volleyball courts and picnic shelters encourage a lengthy stay. Ramona Park is also the site of several soccer fields, softball facilities, and



tennis and basketball courts. Fields are used for city softball leagues, youth sports organizations and general drop-in play.

Accessibility Assessment: 3

There is not an accessible path to one of the shelters and one of the playgrounds. There is also no accessible path from the parking lot to the fields and to the ballfields. The bleachers and grills are not accessible.

Natural Resource Areas

Natural resource areas are lands set aside for preservation of significant natural resources, landscapes and open space. These sites are typically unsuitable for development but offer natural resource potential and can support recreational activities at a level that preserves the integrity of the natural resource. The location and size of these parks are largely governed by availability.



Betty Lee Ongley Nature Preserve

Location: 5223 Woodmont Road

Size: 11.5-acres

This natural site was donated and will become a nature preserve within the City of Portage.

Accessibility Assessment: 1



Bishops Bog Preserve

Location: 9920 South Westnedge Avenue

Size: 152-acres

This natural park site is located northwest of Schrier Park and south of South Westnedge Park and was primarily obtained through private donations. Bishop's Bog, the largest "relict" bog in southern Michigan, has been registered with the Nature Conservancy. It is uncommon for this type of bog which harbors a number of rare plants, to be found in southern Michigan. A linear trail connecting Bishop's Bog to South Westnedge and Schrier parks allows for passive nature study without disturbing this truly unique environment.

Accessibility Assessment: 2

West Lake Nature Preserve

Location: 9001 South Westnedge Avenue

Size: 110-acres

This park preserve with 1,400 feet of frontage along West Lake boasts a variety of upland, woodland and sensitive wetland areas with unique plant species and animal habitats. Two miles of hiking trails are available, including a floating deck leading across a picturesque bog environment to West Lake. Picnic, playground and restroom facilities are located near the park entrance.

Accessibility Assessment: 3

The bench and grill are not accessible. The playground does not have a ramp into the play area.



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Eliason Nature Preserve

Location: 9501 Shaver Road

Size: 141-acres

The Eliason Nature Preserve was donated to the city in 2011 by Linda Eliason as a memorial to her late husband. This parcel was once part of the land owned by the adjacent Eliason Corporation where David was an innovative general manager in the 1980's and 1990's. A park master plan for the Eliason Nature Reserve was prepared in the fall of 2012. In 2013, another 18 acres was purchased to provide for access to Osterhout Avenue. The property is a combination of upland and wetland ecosystems and contains a large segment of Bishop's Bog, bringing a majority of the bog under city ownership. The first phase development was completed in the summer of 2016 when a 1.6 mile recreational non-motorized trail was completed, linking Osterhout to the existing network of trails at Portage Industrial Drive.

Accessibility Assessment:

Special Use

Special use parks are areas for specialized or single purpose recreational activities. The specialized recreational activities may include boat launches, swimming beaches, plazas or squares, historic sites, stadiums, urban green-spaces, and nature centers. There are no generally accepted standards for the size or service areas of these parks. Location and size criteria are variable and depend on the specific use of the site.



Liberty Park

Location: 7619 South Westnedge Avenue

Size: 3-acres

Liberty Park was the result of an environmental and economic development initiative undertaken by the City of Portage. The park area cleans polluted storm water runoff from the South Westnedge Avenue drainage area and prevents pollutants from entering Portage Creek. This urban park features floral displays, a boardwalk and water features. A deck area overlooks Portage Creek and is a perfect spot for nature study.

Accessibility Assessment: 5



Millennium Park

Location: 280 Romance Road

Size: 1-acre

This high profile one-acre site on Romance Road is home to the first refrigerated outdoor ice skating rink in southwest Michigan. The city provides a staffed skate rental concession and warming house during the winter season. In the spring the park is transformed into a reflecting pond. Easily accessible by bicycle, Millennium Park is located in the heart of the shopping district. Restroom and benches are provided.

Accessibility Assessment: 4

There are no designated barrier-free parking spaces within the park.



Veterans Memorial Park

Location: 7801 South Westnedge Avenue

Size: 1-acres

Veterans Memorial Park was created with the assistance of local Veterans Organizations, which provided the resources to construct a veterans memorial for commemorative ceremonies. Located along Library Lane, Veterans Memorial Park is easily accessible from the Portage District Library parking lot. The memorial consists of five separate stones, four flagpoles, lighting and landscaping features. The V-shaped center stone displays emblems of the Marine Corps, Army, Navy, Air Force and Coast Guard. Engraved on stones placed on either side of the center stone are various quotes honoring those who served in the United States Military. Walkways and a tree arboretum are other features found in Veterans Memorial Park.

Accessibility Assessment: 4

Greenways

Greenways tie park systems together and form a continuous park environment. The location and size of these parks are largely governed by availability. Portage has two greenways of significance.



Portage Creek Bicentennial Park

Portage Creek Bicentennial Park provides a green corridor from the City Centre to the city limits at Kilgore Road for a distance of over 3 miles. The park highlights Portage Creek and protects a variety of wetland habitats while providing planned patron access for community use.

Accessibility Assessment: 4

The benches do not have a companion space adjacent to them and the grill is not accessible. The swing area does not have a ramp down to the play surface.

Portage South Central Greenway

A large segment of south central Portage has been set aside through the South Central Greenway. With the recent addition of the Eliason Nature Preserve, in addition to West Lake Nature Preserve, South Westnedge Parks, Bishop's Bog Preserve and Schrier Park, over 450 acres of open space has been connected for this green corridor. Over 5 miles of trails and a variety of park facilities are located in the Portage South Central Greenway.

Trails/Linear Parks

There are a number of different types of trails that can provide both transportation and recreation opportunities. Trails may be located within parks, on an independent right-of-way, or within the road right-



Figure 4.1 2017 Park Recreation Facilities

[illegible]



Figure 4.1 2017 Park Recreation Facilities																																
			Park Name	Size (Acre)	Accessibility Rating	Basketball Courts	Tennis Courts	Ballfields	Play Equipment	Shelters	Picnic Tables	Benches	Drinking Fountain	Grills	Restroom	Canoe/Surrey Livery	Swimming Beach	Ice Skating	Walking / Nature Trails	Biking Trails	Soccer Fields	Limited Concessions	Sledding	Volleyball	Fishing	In-Line Hockey Rink	Skate Park	Pickleball Court	Parking	Lighting		
	Special Use Parks	Natural Resource Areas	Betty Lee Ongley Nature Preserve	11.5																												
			Bishop's Bog Preserve	152	3																											
			Eliason Nature Reserve	141	-								1			1																Overlook Deck
			West Lake Nature Preserve	110	3				1	1	9	1	1	1	1																	Overlook Decks
			Liberty Park	3	5					1		10																				
			Millennium Park	1	4							5	1		1			1														
			Veterans Memorial Park	1	4						3	1																				Monuments
			TOTAL	872.50		18	10	12	1	1	17	1	30	1	2	1	1				4		2	7		4	1	9				



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Figure 4.2 2017 School Recreation Facilities

School Name	Size (Acre)	Basketball Courts	Tennis Courts	Ballfields	Play Equipment	Shelters	Picnic Tables	Restroom	Walking / Nature Trails	Soccer Fields	Lacrosse Field	Football	Track	Volleyball	Gym/Multi Purpose Rm.	Indoor Pool	Parking	Lighting	Special Features
12 th Street Elementary	55.38	4			2														
Amberly Elementary	18.79	2			1					1									
Angling Elementary	11.38	4			2					1									
Central Elementary	21.5			1	2				1										
Haverhill Elementary	10.92	1		1	1					1									
Lake Center Elementary	8.71	4			2								1						
Moorsbridge Elementary & West Middle School	66	2	8		2														
Woodland Elementary	9.4	2			1					1									
Central Middle School & Central High School	55.03		10	3						1	3	1	1						
North Middle School & Community High School	57.71		10							3									
Northern High School	81.3			3								1	1						
TOTAL	396.12	19	28	8	13				1	8	3	2	3						



of way. Connector Trails are defined as “multipurpose trails that emphasize safe travel for pedestrians to and from parks and around the Community” (J.D. Mertes and J.R. Hall, Park, Recreation, Open Space and Greenway Guidelines, 1995). These trails are generally located within the road right-of-way and can be divided into two types. Type I has separate paths for different user types, such as pedestrians and bicyclists. Type II has mixed uses and is suited to lighter use patterns. Portage has 18.75 miles of off-road trails and 56 miles of bicycle lanes trails. In addition to the four-mile central Portage Creek Bicentennial Park trail, the following major connector trails are managed by the City of Portage.



Northwest Bikeway Trail - 3.5 miles in length from McGillicuddy to Romence Road

Millennium Trail - 1 mile in length from Romence Road to S. Westnedge Avenue

Garden Lane Trail - 1 mile in length connecting to the Bicentennial Park trail from the east and west.

Romence Road Trail - 1.75 miles in length between S. Westnedge Avenue and Sprinkle Road.

Shaver Road Bikeway Trail - 3.5 miles in length from Centre Avenue south to S. Westnedge Park.

Lovers Lane Bikeway Trail - 2 miles in length from Milham Avenue south to Centre Avenue.

East Centre/Sprinkle Road Bikeway Trail - 1.5 miles in length from Portage Road east to Sprinkle Road and Sprinkle Road south to Zylman Road

East Milham Bikeway Trail - .75 mile in length from Lovers Lane east to Portage Road.

Bicentennial Trail - 3.75 mile in length from Kilgore Road to Centre Avenue.

Portage Senior Center

The Portage Senior Center provides programs and opportunities that promote personal growth, health, friendship and independence for area persons over the age of 50. The center has rooms for classes, special events, music and health-related activities. The Center's arts and crafts room is a popular place where classes range from watercolor to collage. Trips to museums, exhibits, concerts and theater are frequently scheduled. The facility is also available for outside group rental.

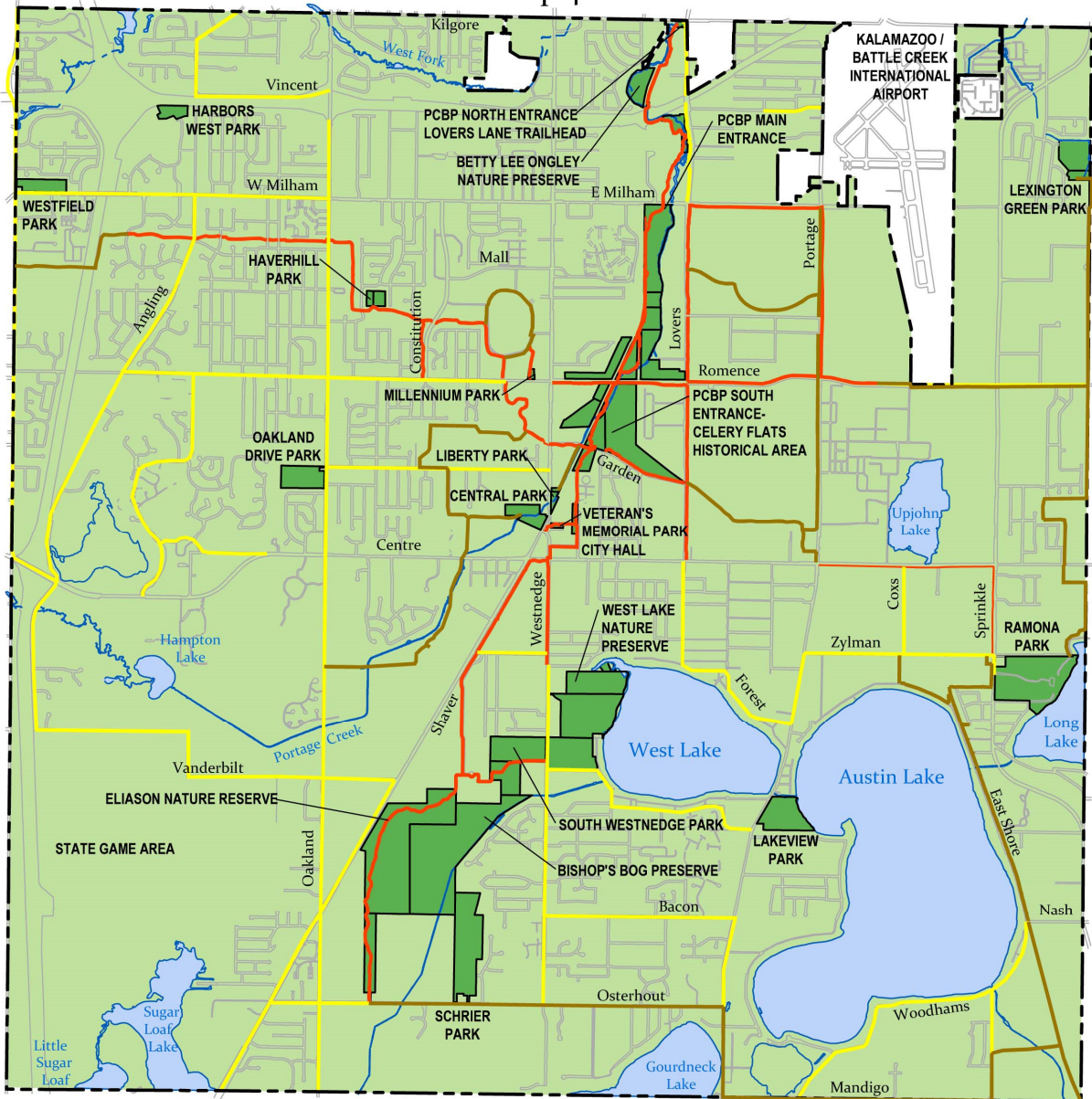
Lake Areas

The lake areas are of prime recreational importance in the City of Portage and, as such, deserve special consideration. Seven lakes are located either entirely or partially within the city's jurisdictional boundaries, providing opportunities for water-related activities not generally found in an urbanized setting. Most water bodies within Portage are suffering the effects of overdevelopment. Not only has extensive development impacted the quality of many lakes but also limited the number of public access points. At present, three lakes have improved public access sites: Austin Lake, Long Lake and Sugarloaf Lake, all state-owned facilities. Gourdneck Lake is inaccessible except through a very narrow channel running from Hogset Lake, which has a public access through Prairie View Park. Hampton Lake has no developed public access; however, because of its limited size, a developed public access is believed unwarranted.



CITY OF PORTAGE RECREATION AND OPEN SPACE PLAN

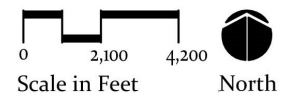
Map 4.1



LEGEND

- PARKS PROPERTY
- MULTI-USE TRAIL
- PAVED SHOULDER BIKEWAY
- CITY BOUNDARY
- PROPOSED TRAIL

City of Portage Parks and Recreation Master Plan Recreation Areas and Facilities





In addition to city preservation and restoration activities, three lake areas in particular are the prime importance with respect to the provision of future recreational opportunities. Bordering on Austin Lake, Lakeview Park holds substantial potential for development of additional public access facilities. A seawall/boardwalk and permanent fishing platform have been constructed to enhance the view of the lake and provide additional opportunities for passive recreation.

West Lake Nature Preserve provides similar recreational opportunities to the city. Being the only remaining undeveloped area bordering West Lake and an environmentally sensitive area, several concerns have been met with the acquisition of this property. Appropriate preservation and development projects associated with this property have been initiated.

The increased popularity of fishing, boating and swimming activities being experienced throughout the region is indicative of need for additional areas for water-related activities. In addition, the preservation of citywide water resources is of the utmost concern. Therefore, projects designed to both increase public utility and relieve the lake areas from existing or further developmental pressures are of high priority.

Through acquisition of lake-front and/or floodplain properties, the city may more adequately guard against new development. Reserving these areas for passive recreational activities or designating them as conservation areas will aid in improving the environmental quality of the city and the region.

In general, areas having severe development constraints or which have been identified as flood-prone through the Land and Water Resources Section of the Portage Comprehensive Plan have been designated as open space. The 100-year Floodplain has been utilized to define flood-prone areas, as identified by the Portage Creek Flood Hazard Analysis and the Department of Housing and Urban Development Flood Hazard Boundary Maps.

Open Space and Preservation Areas

Although no specific standards exist for the evaluation of open space areas, the preservation of natural areas is of prime importance in any urbanizing region. As indicated in the land and water resource sections of this plan, many existing open space areas in the city are experiencing pressures of urbanization. Maintenance of these areas in their natural state offers significant benefits to the community at large. If planned wisely, these areas may serve a variety of functions from recreational to flood control. If neglected, pressures of increased urbanization could result in their degradation and destruction. Neglect of these open spaces and natural areas may also result in exceptional monetary costs to the public for the provision and maintenance of necessary facilities to support their development. Protection of these areas should, therefore, be of utmost concern in future development and budget considerations.

Portage Creek Bicentennial Park (PCBP) does much in terms of preservation for the environmentally sensitive creek basin area of the city. The park has been designed primarily along the floodplain areas of Portage Creek. The park currently extends south from I-94 to approximately the Shaver Road/South Westnedge intersection. Portage Creek is a natural drain for major portions of the city. As the development of the city progresses, ever increasing amounts of runoff will be carried by the creek. PCBP preserves a portion of this drainageway and serves to prevent severe environmental degradation. By preserving lands along the creek, a filter of vegetation and space for control facilities can be maintained and the Consolidated Drain and STEP projects aid in this endeavor.

The establishment of the South Central Greenway links West Lake Nature Preserve, South Westnedge Park, Bishop's Bog Preserve and Schrier Park via five miles of hiking and interpretive trails. The Greenway was recently expanded with the donation of the Eliason Nature Reserve and protects over 400 acres from development and environmental degradation in the rapidly growing South Westnedge residential corridor and Shaver Road business corridor.



CITY OF PORTAGE RECREATION AND OPEN SPACE PLAN

Regional Facilities Within the City of Portage

An inventory was taken of the facilities that are in operation within the City of Portage but operated by other entities including Federal, State and County Lands. The following are regional parks and recreational facilities within the City of Portage

Semi-Public / Private Recreational Facilities Within the City of Portage

Golf Courses

Moors of Portage

Health Clubs and Court Sports

Courthouse Athletic Center

YMCA - Portage Facility

Family Fitness of Portage

Curves for Women

Fit Zone for Women

Planet Fitness

Little League Baseball Diamonds

South Portage

West Portage

Bowling Lanes

Airway Lanes

Skating Centers

Great Skate Roller Rink

Long Lake Roller Rink

Golden Skate Roller Rink

Soccer Facilities

Portage Community Soccer Complex (Outdoor)

Soccerzone (Indoor)

Kingdom Soccer Center (Indoor)

Gymnastics

Kids Gym

Academy of Dance Arts

Major Recreational Facilities Within 30 Minutes of the City of Portage

Major Community Parks

Spring Valley Park (195 Acres)

Milham Park (39 Acres)

Mayor's Riverfront Park

Golf Courses

Crestview

Grand Prairie

Indian Run

The Prairies

Kalamazoo Country Club

Ridge View

States

Milham Golf Course

Red Arrow

Eastern Hills

Olde Mill

Hickory Ridge

Angel's Crossing

Tennis Courts

West Hills Athletic Club

YMCA - Main Facility

Bowling Lanes

Holiday Lanes

Lake Shore Lanes

Continental Lanes

Eastland Bowl

Harpo's Lanes

Skiing Centers

Timber Ridge

Bittersweet

Archery Centers

Potawatomi Bowmen

Brooks Archery

Auditorium

Chenery Auditorium

Miller Auditorium

Vickburg Community Auditorium

Comstock Community Auditorium

**Health Clubs**

Borgess Health and Fitness Center
YWCA
Powerhouse Gym
West Hills Athletic Club
Kalamazoo County YMCA
Bronson Athletic Club
Curves for Women
Endurance Fitness Centers
Strength Beyond Fitness

Campgrounds

Oak Shores Resort
Kline's Resort
Fort Custer Recreation Area
Camp Rota-Kiwan (Boy Scouts)
Coldbrook County Park

Skating Centers (Roller and Ice)

Rollerworld
Wings Stadium
Lawson Ice Arena

Nature Areas

Al Sabo Nature Preserve
Kellogg Forest
Kellogg Bird Sanctuary
Fulton State Game Area
Fort Custer Recreation Area
Kalamazoo Nature Center

Gymnastics

Greater Kalamazoo World of Gymnastics
Branch Gymnastics Center

State Owned

Gourdneck State Game Area provides acres of land and several lakes and ponds that support a variety of wildlife and warm water game fish. Sugarloaf and Hogsett lakes have boat access sites and Hampton Lake has a walk in access off Centre Avenue. Access to Hogsett Lake is limited to May through December due to seasonal trail closures. Trails throughout the Game Area are used for hiking, jogging and skiing.

School Facilities

Public school facilities, including playgrounds and sports fields and courts, can add tremendous recreational value to a community. Elementary school sites constitute a portion of the neighborhood parks and playgrounds in the city. Since these areas are beyond the jurisdiction of the City of Portage, no detailed account of playground utilization is available. The eight elementary school sites, however, are used extensively for community recreation as creative or updated playgrounds are now in place at all elementary schools. These eight sites are also used intensively for youth soccer, softball, baseball and football practices throughout the spring and fall seasons.

Regional Facilities

There are a wide range of regional recreational facilities available to City of Portage residents within close proximity.

Kalamazoo County Parks and Recreation provides a variety of large public park spaces in close proximity to Portage residents including Coldbrook County Park, Prairie View County Park, Scotts Mills County Park, Expo Center and Fairgrounds, River Oaks County Park and Markin Glen County Park.

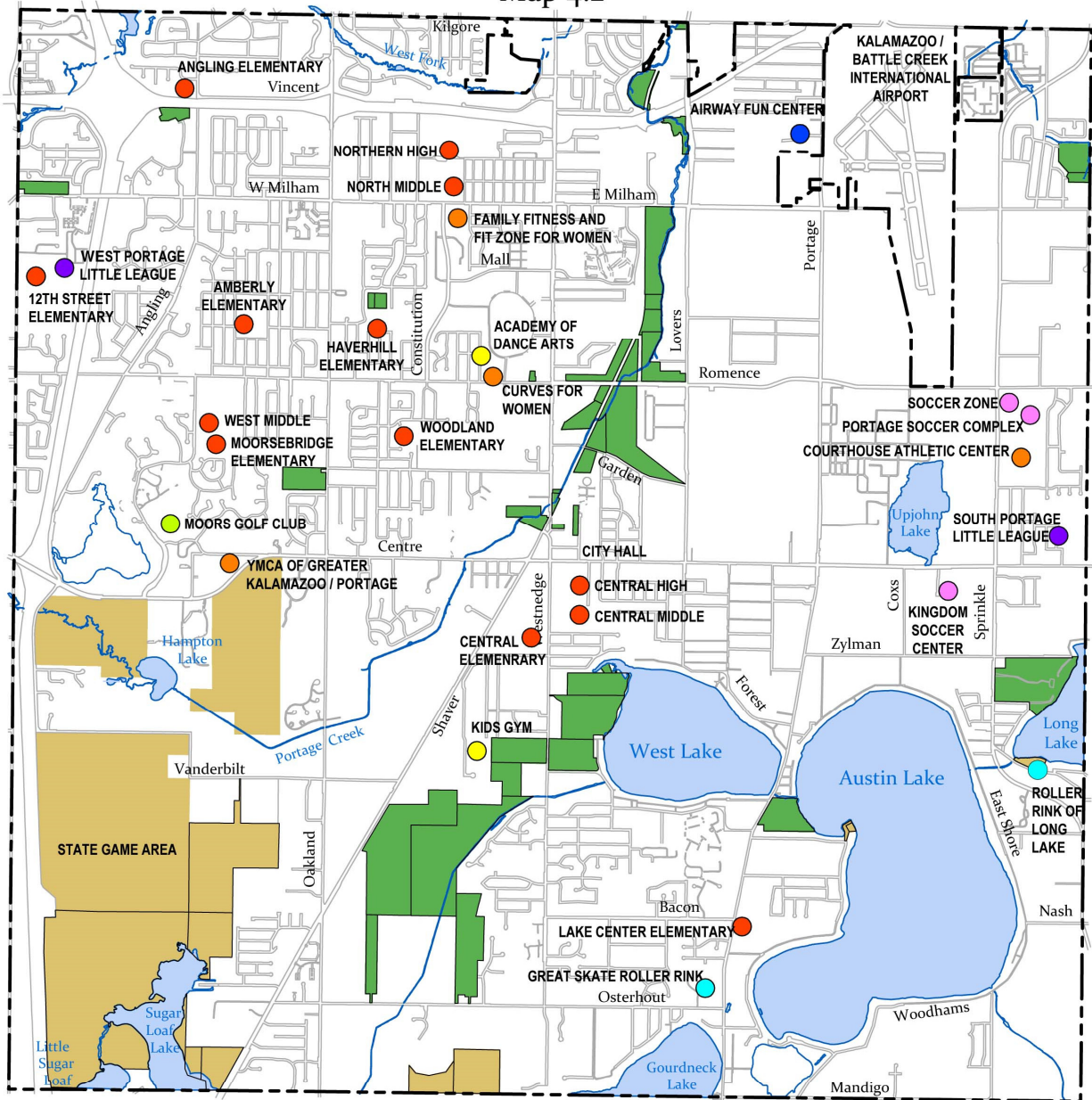
Kal-Haven Trail State Park is a 34-mile crushed limestone path connecting South Haven and Kalamazoo for walking, bicycling or cross-country skiing. Some areas adjacent to the trail are also available for equestrian use. The trail meanders through wooded areas, past farm lands and over rivers and streams. Trail highlights include a camelback bridge and covered bridge.

Kalamazoo River Valley Trail is a paved asphalt trail that is 12-feet wide and is designed to generally follow the course of the Kalamazoo River. The trail will connect Battle Creek's 30-mile Linear Park in the east to the 35-mile Kal-Haven Trail State Park in the west and the 40-mile Portage Creek Bicentennial Trail to the south creating a total trail network of approximately 130 miles.



CITY OF PORTAGE RECREATION AND OPEN SPACE PLAN

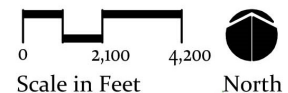
Map 4.2



LEGEND

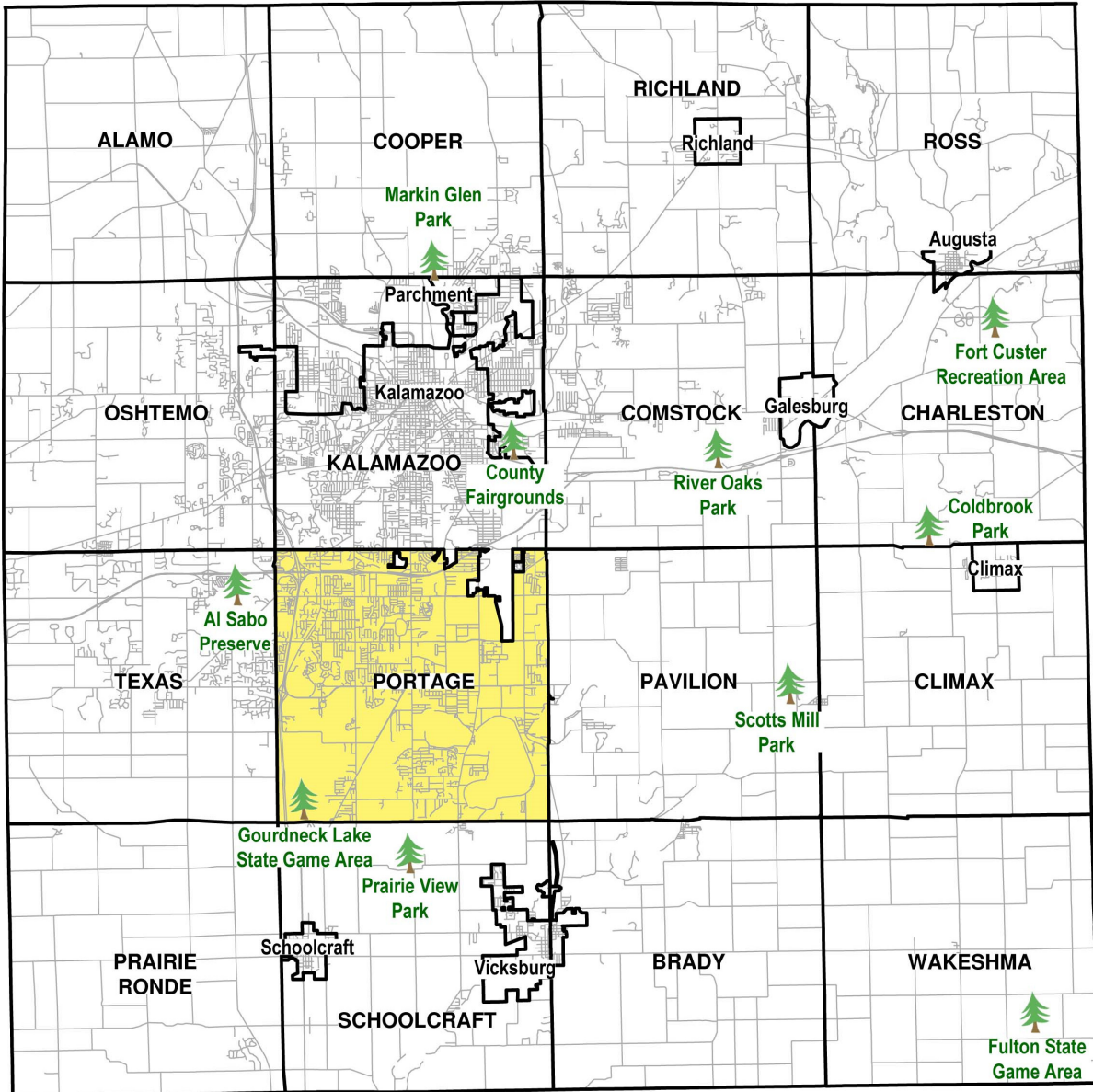
- | | | |
|----------------|---------------------------------|--------------------|
| PARKS PROPERTY | CITY BOUNDARY | DNR OWNED PROPERTY |
| SCHOOLS | SOCCER FACILITIES | |
| GOLF COURSES | LITTLE LEAGUE BASEBALL DIAMONDS | |
| BOWLING LANES | SKATING CENTERS | |
| GYMNASTICS | HEALTH CLUBS AND COURT SPORTS | |

City of Portage Parks and Recreation Master Plan Other Recreation Areas and Facilities

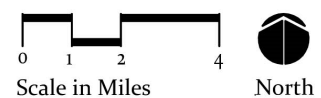




Map 4.3



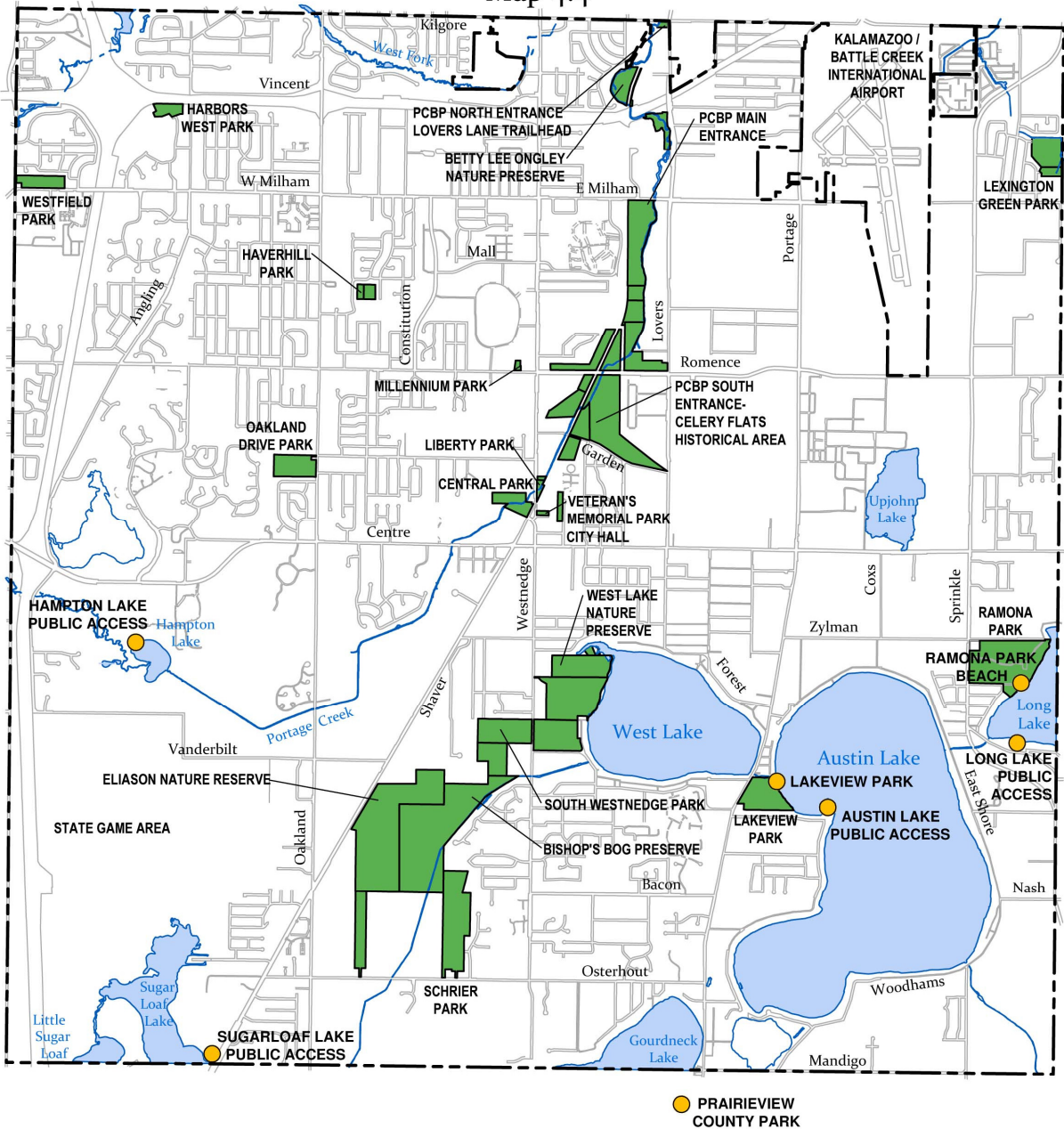
City of Portage
Parks and Recreation Master Plan
Kalamazoo County Open Space



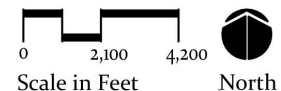


CITY OF PORTAGE RECREATION AND OPEN SPACE PLAN

Map 4.4

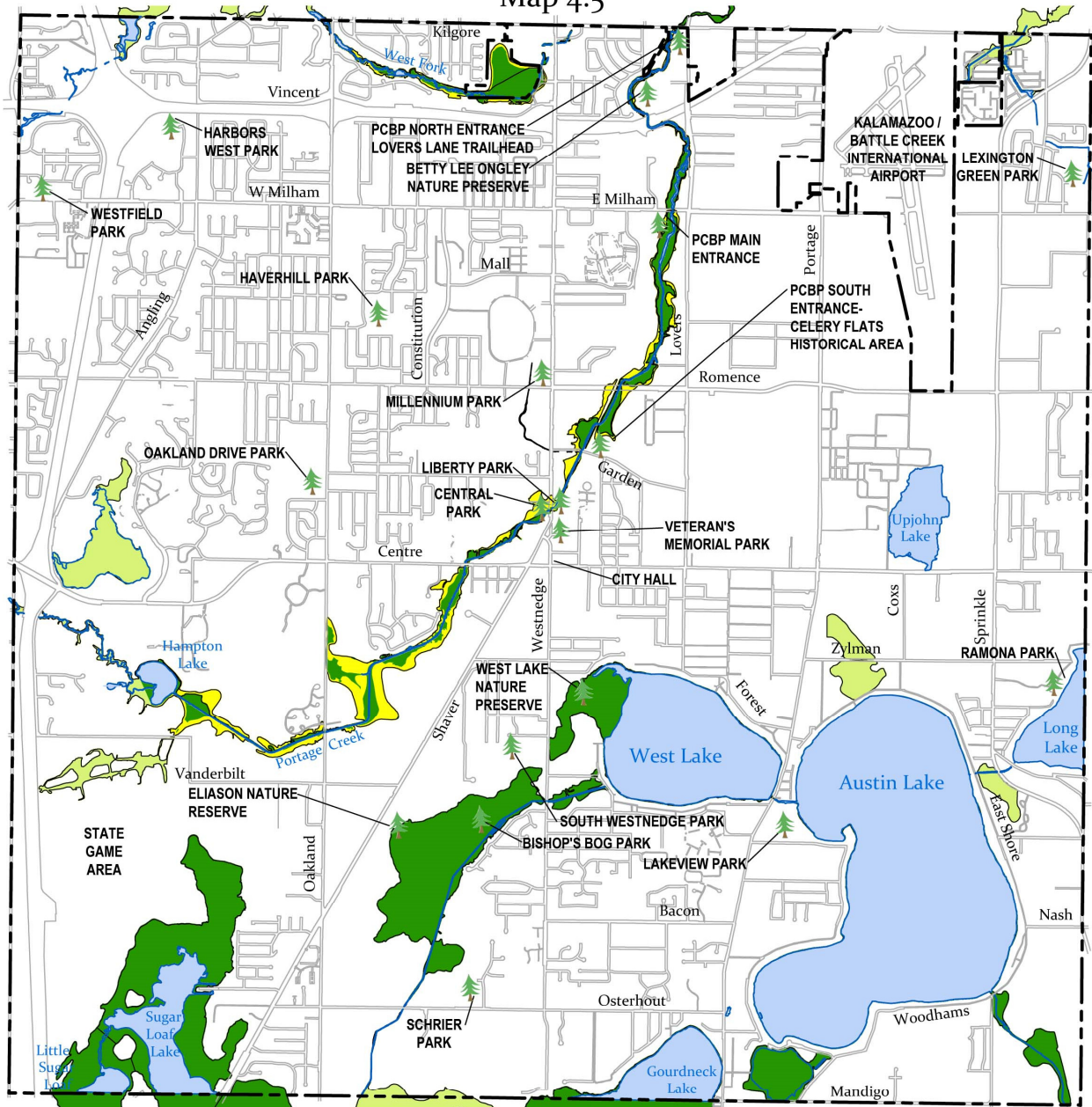


City of Portage Parks and Recreation Master Plan Public Lake Access Points & Lake Properties





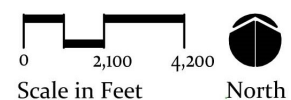
Map 4.5



LEGEND

- 500 YEAR FLOODPLAIN
- A - 100 YEAR FLOODPLAIN
- AE - 100 YEAR FLOODPLAIN WITH ELEVATION
- X - OUTSIDE OF FLOODPLAIN
- CITY BOUNDARY

City of Portage
Parks and Recreation Master Plan
Flood Prone Areas





CITY OF PORTAGE RECREATION AND OPEN SPACE PLAN

Texas Township Trail

Phase 1 Texas Drive Non-Motorized Trail is a hard-surfaced eight-foot wide multipurpose trail that starts at the Farmers Market Park in Texas Corners, traverses east and north to Texas Drive Park and continues along Texas Drive until it terminates at the entrance drive of the Al Sabo Preserve Parking lot. The total length of the trail is approximately 1.1 miles.

Phase 2 Texas Drive Non-Motorized Trail is a hard-surfaced ten-foot wide multipurpose trail, approximately 3 miles, and starts at the termination of the phase 1 non-motorized trail, at the entry drive to Al Sabo Preserve parking lot, traverses through the Preserve, crosses through a Consumers Power property to 12th street and heads north on 12th Street and connects to the round-about. There is also an eight-foot side path that connects the trail along Texas Drive that travels south to the Rudgate Subdivision, and there is a second eight-foot side path along 12th Street that travels south and connects to the 12th Street Elementary School site. This trail provides a safe non-motorized connection from downtown Texas Corners to the City of Portage trail system.

Recreational Programs

The Department of Parks, Recreation & Public Service develops a comprehensive leisure service program. Activities include youth and adult fitness and athletic programs, cultural arts programs, outdoor education, aquatics and a wide variety of special events for all ages. In addition, the Department operates the Celery Flats Historical Area and the Millennium Park Ice Rink facilities for public benefit.

Through Senior Citizens Services management of the Portage Senior Center, a wide range of services, recreation, and evidenced-based fitness programs for adults 50 years of age and older are offered. These programs include chair volleyball, table tennis, pool, community educational opportunities, and a wide variety of health, safety, and fitness classes.





Description of the Planning and Public Input Process

During the early phase of the planning process background data was gathered from site investigations and available reports in order to develop a current snapshot of the City and a comprehensive understanding of the needs of the community. This chapter looks to assess community need for parks and recreation facilities against facility availability and program offerings.

There are a variety of methods for accessing community need for recreation services. This Plan uses the combination of the following methods to identify the recreational needs of the City:

1. Comparison to accepted recreation standards
2. Public / stakeholder input
3. Analysis of demographic trends

Comparison to Accepted Recreation Standards

Recreation standards provide a benchmark for evaluating the relative adequacy or inadequacy of the City's recreation system. The National Park and Recreation Association (NRPA) has established recognized standards for classifying types of parkland based on size and function. These designations have been adopted by the MDNR and provide one method of defining the purpose and use of facilities. This Plan has used as a guide, the *1996 Park, Recreation, Open Space and Greenway Guidelines* published by the National Recreation and Park Association.



CITY OF PORTAGE RECREATION AND OPEN SPACE PLAN

The NRPA guidelines offer park and recreation standards that are applicable for recreation planning, land acquisition, and development of park, recreation and open space property at the local level. By comparing the City of Portage's available facilities against the defined standards, minimum acceptable park and recreation facilities are identified and a program for achieving equal distribution of parks and open space throughout the community can be defined. It should be noted however that these standards are to be used as a guide and should be interpreted according to local needs and situations. This plan will evaluate community need using park service area standards and unit per population standards.

Service Area Analysis

NRPA guidelines classify parks, open space, and greenways in accordance with their size and the role they play in the overall park system. They also include associated service areas for each park type that indicate a minimum standard for geographic balance and availability of each park type in the community. Classifying parks in the system ensures the entire community is served by a wide range of park and recreational facilities. Figure 5.1 identifies the classifications used in this plan, and Map 5.1 delineates the service area for each park the City of Portage park system.

Evaluation

Analysis of the geographic distribution of park facilities throughout the City of Portage delineates the following:

- Overall coverage is good and all residents have access to some type of park
- All neighborhoods in the City have access to Community Parks
- There is a large area of natural resource area parks clustered together in the south end of the City
- The north side of the City has access to neighborhood parks
- Several special use parks are located in the core of the City
- Large urban park centrally located in the City
- The City does not have any mini parks
- There are no neighborhood parks in the southeast area of the City
- The northwest side of the City does not have natural resource areas

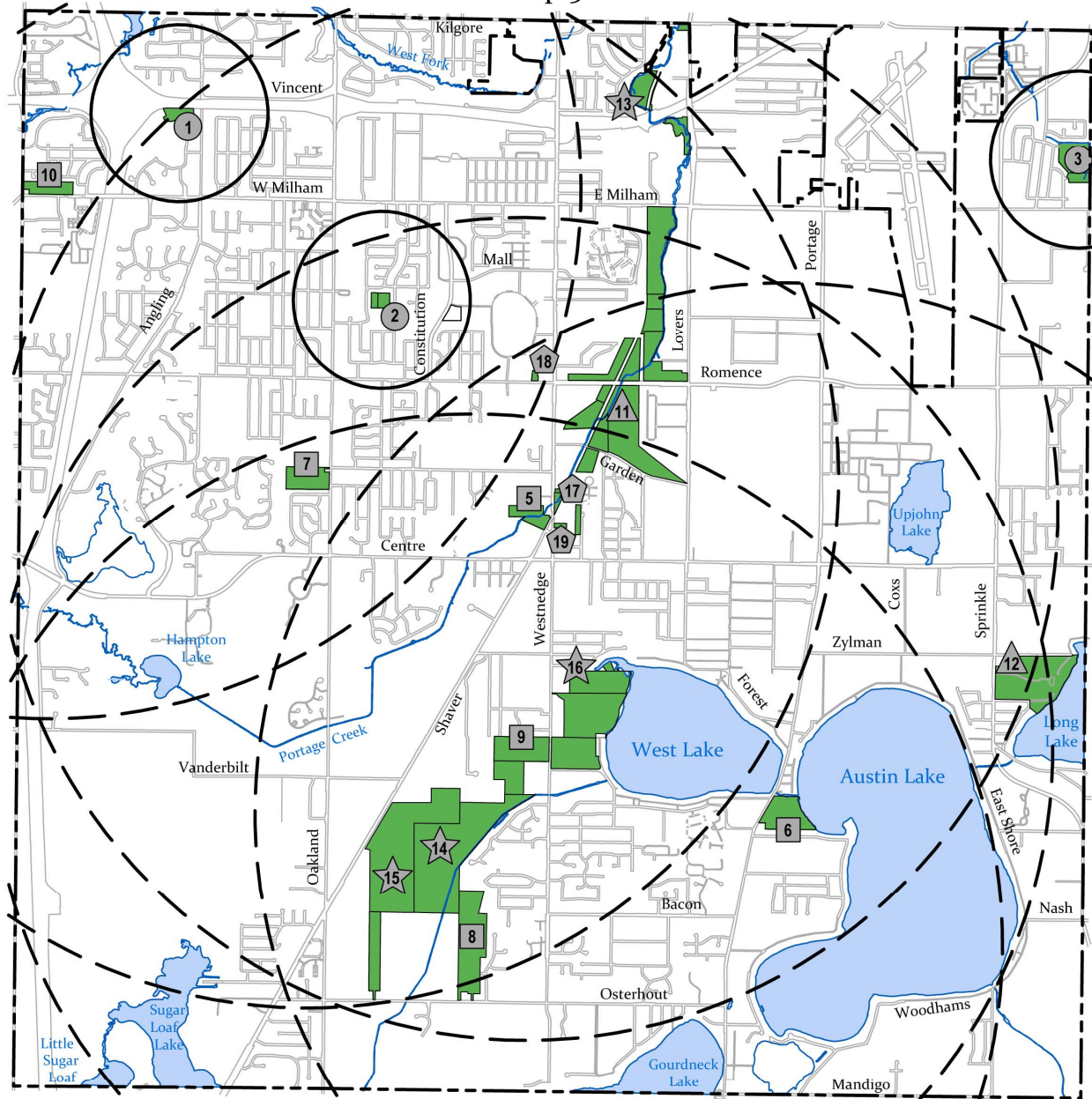
Needs

- Addition of mini parks in the higher dense neighborhoods
- Addition of neighborhood parks in the south side neighborhoods
- Look for opportunities to expand natural resource parks along Portage Creek on the west side of the City





Map 5.1



LEGEND

PARKS PROPERTY

CITY BOUNDARY

NEIGHBORHOOD PARK
1/4 MILE TO 1/2 MILE RADIUS

COMMUNITY PARK
1/2 MILE TO 3 MILE RADIUS

NEIGHBORHOOD PARKS
1. HARBORS WEST PARK
2. HAVERHILL PARK
3. LEXINGTON GREEN PARK

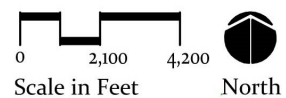
COMMUNITY PARKS
5. CENTRAL PARK
6. LAKEVIEW PARK
7. OAKLAND DRIVE PARK
8. SCHRIER PARK
9. SOUTH WESTNEDGE PARK
10. WESTFIELD PARK

LARGE URBAN PARKS
11. PORTAGE CREEK BICENTENNIAL PARK
12. RAMONA PARK

NATURAL RESOURCE AREAS
13. BETTY LEE ONGLEY NATURE PRESERVE
14. BISHOP'S BOG PRESERVE
15. ELIASON NATURE RESERVE
16. WEST LAKE NATURE PRESERVE

SPECIAL USE PARKS
17. LIBERTY PARK
18. MILLENNIUM PARK
19. VETERANS MEMORIAL PARK

City of Portage
Parks and Recreation Master Plan
Park Service Areas





CITY OF PORTAGE RECREATION AND OPEN SPACE PLAN

Figure 5.1 Park Classification

CLASSIFICATION	GENERAL DESCRIPTION	LOCATION CRITERIA	SIZE CRITERIA	ACRES / 1,000 POPULATION
Mini-Park	Used to address limited, isolated or unique recreational needs.	Less than ¼ mile distance in residential setting.	Between 2500 sq. ft. and one acre in size.	0.25 to 0.5 A
Neighborhood Park	Remains the basic unit of the park system and serves as the recreational and social focus of the neighborhood. Focus is on informal active and passive recreation.	¼- to ½-mile distance and uninterrupted by non-residential roads and other physical barriers.	5 acres is considered minimum size. 5 to 10 acres is optimal.	1.0 to 2.0 A
Community Park	Serves broader purpose than neighborhood park. Focus is on meeting community-based recreation needs, as well as preserving unique landscapes and open spaces.	Determined by the quality and suitability of the site. Usually serves two or more neighborhoods and ½ to 3 mile distance.	As needed to accommodate desired uses. Usually between 30 and 50 acres.	5.0 to 8.0 A
Large Urban Park	Serve a broader purpose than community parks and are used when community and neighborhood parks are not adequate to serve the needs of the community. Focus is on meeting community-based recreational needs, as well as preserving unique landscapes and open spaces.	Determined by the quality and suitability of the site. Usually serves the entire community.	As needed to accommodate desired uses. Usually a minimum of 50 acres, with 75 or more acres being optimal.	Variable.
Natural Resource Areas	Lands set aside for preservation of significant natural resources, remnant landscapes, open space, and visual aesthetics/buffering.	Resource availability and opportunity.	Variable.	Variable.
Greenways	Effectively tie park system components together to form a continuous park environment.	Resource availability and opportunity.	Variable.	Variable.
Special Use	Covers a broad range of parks and recreation facilities oriented toward single- purpose use.	Variable-dependent on specific use.	Variable.	Variable.
Connector Trails	Multipurpose trails that emphasize safe travel for pedestrians to and from parks and around the community. Focus is as much on transportation as it is on recreation.	- Type I: Separate/single-purpose hard-surfaced trails for pedestrians or bicyclists <u>located in independent r.o.w (non-road)</u> - Type II: Separate/single-purpose hard-surfaced trails for pedestrians or bicyclists <u>Typically located within road r.o.w.</u>	Variable.	Variable.
On-Street Bikeways	Paved segments of roadways that serve as a means to safely separate bicyclists from vehicular traffic.	Bike Route: Designated portions of the roadway for the preferential or exclusive use of bicyclists. Bike Lane: Shared portions of the roadway that provide separation between motor vehicles and bicyclists, such as paved shoulders.	Variable.	Variable.



Units Per Population Analysis

In addition to service areas, the NRPA guidelines also recommends a certain number of park acres per units of population for different types of park facilities, such as neighborhood, community and regional parks. This would represent the minimum amount of ground space or number of activities needed to meet the recreational demands of the community. These standards are adapted to reflect the City's character and compared with the City's existing and projected population, as the demand may be greater or less than the national standard.

Passive recreation and active recreation are the primary types of recreational uses. Passive recreation includes less intense activities that are more quiet and non-exertive for a limited numbers

of users. Active recreation requires space and facilities capable of accommodating exertive activities. Examples include: sports fields, play apparatus areas, open areas, special facilities, such as pools and court areas, and areas for organized activities. Recreation areas must provide for both types of use and preferably include a variety of opportunities for each to respond adequately to a wide range of interests and age groups.

General population service standards recommend 10 acres of park land per 1,000 residents. Figure 5.2 evaluates the City of Portage park system against this service standard, and against the population service standards for each park classification as well. The 2010 Census figures were used for the purposes of this analysis.

Figure 5.2 - Population Service Standards by Park Type				
Park Type	Existing Acreage	Existing Acres Per 1,000 Residents (1)	NRPA Standard per 1,000 Residents (2)	Surplus (Deficit)
Mini Park	0	0	0.25	(0.25)
Neighborhood Park	33	0.7	1	(0.3)
Community Parks	148	3.2	5	(1.8)
Total Park Areas (3)	872.5	18.85	10	8.85

- (1) City of Portage Population is 46,292
- (2) Minimum standard used for ranges
- (3) Includes all parks in the system

Another approach is to use typical recreation standards to establish a certain number of activity-specific recreational facilities per 1,000 of population (e.g. 1 basketball court per 2,000 persons). Figure 5.3 evaluates the City of Portage park system facilities in relation to the population service standards.



Figure 5.3 Population Service Standard by Recreation Activity

Activity/ Facility	NRPA Standard	Need per Standard	Existing Quantity	surplus (Deficit)
Volleyball	1:5,000	9	7	(-2)
Picnic Shelters	1:2,000	23	18	(-5)
Playground Equipment	1:3,000	15	14	(-1)
Basketball Courts	1:5,000	9	18	9
Tennis Courts	1:2,000	23	10*	(-13)
Baseball	1:5,000	9	0	(-9)
Softball	1:5,000	9	12	3
Football	1:20,000	2	4	2
Track	1:20,000	2	0	(-2)
Soccer	1:10,000	5	4	(-1)
Sledding Area	As available	-	2	2
Bicycle Trails	1 system	1	1	0
Walking Trails	1 system	1	1	0
Gymnasium	1:5,000	9	0	(-9)
Ice Rink	1:20,000	2	1	(-1)
Swimming Pool	1:20,000	2	0	(-2)
Swimming Beaches	As available	-	1	1
Auditorium	1:20,000	2	0	(-2)
Community Center	1:20,000	2	1	(-1)

* Some tennis courts have been converted to pickleball courts.

Evaluation

Review of the units per population analysis reveals the following:

- Although the City has a deficit for Mini Park, Neighborhood Park, and Community Park per 1,000 population, due to its Large Urban Parks, and amount of Natural Resource Parks, overall the City exceeds the general service standard of 10 acres of parks per 1,000 population by almost a 2:1 margin.
- The City meets or exceeds the standard for basketball courts, softball fields, football fields, trails, and swimming beaches.
- There are no mini parks.
- There is a slight deficit in neighborhood parks.
- There is a deficit in community parks but the City's large urban parks serve as community parks and the City has a large amount of natural park acreage.
- The City has a deficit in active recreational items such as volleyball, playgrounds, soccer fields, tennis courts, and baseball fields.

Needs

- Pursue mini park development in neighborhood areas or identify areas within neighborhood parks that can serve the same purpose
- Consider adding additional court and field facilities



Public / Stakeholder Input

The City of Portage encourages its residents to take an active role in planning for their community's recreational opportunities. The City appreciates the fact that recreation planning plays an important role in maintaining the quality of life in a community and therefore tries to be responsive to citizen needs and desires for parks and recreation. Community outreach is one way of obtaining a perspective on the needs and desires of the community and engaging in a process that includes; developing realistic alternatives; formulating goals, policies, and recommendations for public and private decisions; developing criteria to measure change; and involving people in the planning, design and decision processes.

In order to ensure that the City's parks and recreation offerings are aligned with the needs of the community, and to understand the community perception of the level of service being provided, the City engaged in an extensive public / stakeholder input process.

On-Line Survey

In October of 2017 the City developed an on-line survey to solicit input and ideas from its residents regarding current use and future needs of the City's parks, recreation and programs, services, maintenance, and facilities. The survey was conducted over a 30-day period using an on-line survey tool (Survey Monkey).

The survey was promoted to the community using a number of methods including: publication in the City monthly newsletter, posting at City Hall, standard press release notification, and through social media platforms including the City website and Facebook page. 64 individuals elected to fully complete the survey. Respondents were 64% female and 36% male. Eighty-two percent of the respondents were City residents. About three-quarters of the respondents were in the 35-64 age group, this is not surprising as over 40% of the City population comes from this age range as reported in the 2010 U.S. Census. See Figure 5.4 through 5.6 for more detailed results. Appendix 4 contains the full survey results.

Figure 5.4 Demographics of Survey Participants

Gender	Percent of Survey Respondents
Male	36%
Female	64%

Age of you and members of your household	Percent of Survey Respondents
0-17	26%
18-24	7%
25-44	44%
45-64	38%
65-84	21%
85+	0%





CITY OF PORTAGE RECREATION AND OPEN SPACE PLAN

Figure 5.5 Patterns of Park Use

Park visit within the last 12 months	Percent of Survey Respondents
Yes	100%
No	0%

Top facilities with most importance	Percent of Survey Respondents
Nature Trail	74%
Walking / Jogging	72%
Biking	52%
Swimming	35%
Playground	33%

Top current programs	Percent of Survey Respondents
Art in the park	32%
Holiday programs	23%
Movie Night	18%
Summer concerts	16%
Music festival	14%

Participated in programs in last 12 months	Percent of Survey Respondents
Yes	41%
No	59%

Top facilities to add	Percent of Survey Respondents
Walking/nature paths	57%
Bike trails	48%
Farmers market	40%
Restrooms	32%
Splash pad	30%
Dog park	28%
Celery flat expansion	28%
Pickleball	27%
Sculpture park	23%

Top Programs to add	Percent of Survey Respondents
Adult fitness	57%
Nature programs	41%
Kayaking	41%
Holiday events	35%
Yoga	26%
Youth fitness	22%

Reasons preventing you from using parks	Percent of Survey Respondents
Awareness	47.5%
Program not offered	22.5%
Don't know location	20%
Poor maintenance	15%

Figure 5.6 Satisfaction levels

Benefits of Parks to you	Percent of Survey Respondents
Preserve open space	82%
Quality of life	76%
Improve fitness	75%
Improve mental health	70%
Reduce crime	70%

What to focus on for next 5 years	Percent of Survey Respondents
Safety	60%
Non-motorized trails	44%
Cleanliness	30%

What are improvements needed	Percent of Survey Respondents
Restroom appearance	61.5%
Lighting	62%
Safety	60%
Cleanliness of facilities	46%
Landscape quality	43%



Community Outreach

The community outreach process included the following: a public input workshop, staff and park ranger input meeting, Park Board workshop, City stakeholder input meeting, Youth Advisory Committee input meeting, a 30-day public review period, and open City Council meetings. The input and opinions received at these meetings helped the administration and facilitator provide the basis for revising the goals and objectives from the previous plan.

Public Input Workshop

The City understands the importance of meaningful citizen input and is committed to using this input to assist in evaluating trends and forming goals and actions. Prior to development of the plan, the City solicited input and participation from the residents of the City through a public input workshop. The workshop was intended to develop a general consensus among the participants as to the current issues, needs, desires, and deficiencies regarding parks and recreation in the City.

VIRIDIS Design Group led the workshop and facilitated the discussions. The workshop took place on Monday, October 16, 2017, at 6:30 p.m. at the Portage City Hall, and 25 people attended. The meeting followed a typical format to ensure a productive outcome, but encouraged an open and

informal atmosphere. Attendees were encouraged to engage in the process to provide perspective and to think about the big picture, in other words the attendees were asked to dream big.

The public workshop started with VIRIDIS providing a brief presentation that included: a description of the purpose of the Recreation and Open Space Plan, the contents of the plan, and the process in place to develop the plan. Following this presentation, a workshop session took place designed to solicit input from the meeting attendees. The audience was broken into three groups, and a series of questions was presented to each group. Each group was asked to think about and discuss their ideas for the questions and record their answers (the questions were also part of the on-line survey).

After the groups were allotted time to develop, discuss, and record their ideas, each group was asked to share and discuss all of their ideas and priorities with the overall group, as the meeting facilitator recorded the responses. Lastly, each meeting attendee was provided with five voting dots, and were asked to vote for their top priorities for each question. The top five priorities for each question are listed below: (Appendix 5 contains the workshop agenda, notes, and overall results summary).

Figure 5.7 - Public Input Workshop Summary

1. What are three ways the City can improve the parks and recreation system?
 - a) Expand bike trial system
 - b) Age appropriate play equipment for all ages, especially tots
 - c) Kayak rentals
 - d) Provide more shade and places to sit
 - e) Soft trails
2. What type of new and innovative park amenities should the City consider adding to the park system?
 - a) Edible gardens
 - b) Disc golf
 - c) Rain gardens / drainage / design feature
 - d) Fitness course on trails
 - e) Bike rentals
3. What cultural / historical based recreational amenities would interest you?
 - a) Hayloft Theater programs
 - b) Tell History behind park names
 - c) City history on interpretive trail signs
 - d) Expand music program
 - e) Do something with Old Mill



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4. What are three long term goals the City should focus on related to parks and recreation?
 - a) Address invasive species
 - b) Botanical garden
 - c) Pickleball courts
 - d) Add playgrounds and open space in neighborhoods
 - e) Enhance bike paths

Staff and Park Ranger Input Meeting

In addition to resident input, the City also sought and received input from its Parks Department staff as well as the team of park rangers that are tasked with patrolling the parks. VIRIDIS also facilitated a workshop style meeting with this group on October 25, 2017 and posed the same four questions that was asked at the public input workshop to spark discussion. The group provided feedback that was recorded by the facilitator. Following the input session, each meeting attendee was provided with five voting dots, and were asked to vote for their top priorities for each question. The top five priorities for each question are listed below: (Appendix 5 contains the meeting notes, and overall results summary).

Figure 5.8 - Staff Input Summary

1. What are three ways the City can improve the parks and recreation system?
 - a) More storage for Rangers
 - b) Larger amphitheater
 - c) Lighting for parking lots
 - d) Cleaner Restrooms
 - e) Update information on trail signs
2. What type of new and innovative park amenities should the City consider adding to the park system?
 - a) Indoor ice rink
 - b) Bike rental system
 - c) Splash pad
 - d) Canoe access
 - e) Mountain Bike course
3. What cultural / historical based recreational amenities would interest you?
 - a) Farmers market
 - b) Taste of portage
 - c) Concerts at celery flats
 - d) Amphitheater
 - e) Special events like car show, crafts etc
4. What are three long term goals the City should focus on related to parks and recreation?
 - a) Increase parking
 - b) Staff equipment
 - c) Trail improvements
 - d) Improve infrastructure
 - e) Sustainable / environmentally friendly facilities

Stakeholder Input Meeting

Input was sought and received from three City stakeholder groups including the City Park Board, Youth Advisory Committee, and City Administration. VIRIDIS met with each group and facilitated input sessions in which participants were asked to provide feedback and ideas regarding the four questions that were posed at the public input workshop (Appendix 5 contains the meeting notes, and overall results summary).



30-Day Public Review

Once the draft Recreation and Open Space Plan was complete, citizens were provided with a 30-day period to review and comment on the plan. A copy of the plan was made available at Portage City Hall and the Portage Library for review by the public on December 27, 2017. The plan was also published on the City's website. To notify the residents that a draft of the plan was available for review, a notice was published on the City website, posted at the City Hall, and noticed in the local newspaper, describing the purpose of the 30-day review period. A copy of the notice that was published/posted is included in Appendix 5.

Public Hearings and Meetings

On February 7, 2018, the Portage Parks Board held a public hearing on the 2018 Recreation and Open Space Plan. On February 22, 2018 the Portage Planning Commission held a public hearing to review the plan and hear feedback. On February 27, 2018 the Portage City Council reviewed the plan and accepted input at its regularly scheduled meeting prior to adoption. All of these meetings presented the opportunity for the public to review and comment on the Plan and recommendations. Meeting minutes, meeting notices, and recommendations can be found in Appendix 5.

Demographics and Population Trends Analysis

A number of recent reports and surveys exist regarding parks and recreation participation patterns within the United States. Inferences can be made about Portage parks and recreation program and service needs by cross referencing the research data with Portage population demographics.

Nationally, nearly half (48.6%) of people participate in outdoor recreation (per Outdoor Participation Topline Report 2017, outdoorfoundation.org), which in Portage would equate to 22,497 people. Of those who participate in outdoor recreation nationally 70% are Caucasian and it is split 50-50 between males and females. Since Portage's population is similar in these categories (48% male, 52% female, and 87% Caucasian) outdoor recreation participation numbers in Portage is likely to be similar to national findings.

In addition, nationally, 72.5% of people are active on some level (per the 2017 Participation Report by the Physical Activity Council), which in portage would equate to 33,561 people. Activity ranges from low to medium calorie burning activities to High calorie burning calories.

Nationally, the most popular outdoor activities by participation rate for youths (under age 25) include running/jogging, bicycling, fishing, and camping. The most popular outdoor activities by participant rate for adults (over 25) include running/jogging, fishing, hiking, and bicycling. Of those who participate in outdoor recreation, 53% indicate their favorite activity includes hiking, walking, and biking. According to the 2017 NRPA Engagement survey, the activities with the largest participation growth include Cross country skiing, BMX biking, adventure racing and sports, and kayaking.

According to the 2017 Participation study, activities that are seeing growing participation rates over the last 5 years include fitness sports, racquet sports, and team sports. Activities that are seeing decreasing participation rates over the last 5 years include water sports, outdoor sports, and individual sports. In terms of overall participation rates for 2016, fitness sports had the highest participation rate at 62.7%, followed by outdoor sports at 48.6%, individual sports at 34.6%, and team sports at 23.6%. The lowest participation rate was for winter sports at 7.6%.

Taking these use patterns and transferring them to Portage, the following activities would capitalize on trends as they relate to outdoor recreation and population in Portage:

- Continue to provide non-motorized trail connections
- Consider developing bike friendly activities including a BMX course and mountain biking course
- Offer water based recreation and rental opportunities for fishing, kayaking, and canoeing
- Offer winter based recreation facilities and programs



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Age also plays an important role in recreation as it relates to activity and participation. There are two age groups of significance that make up a large portion of the population in Portage which include the youth group or Generation Z (18 and under), and the Generation X/Baby boomer group (37-65). Interestingly, this was reflected in the on-line survey as well as 26% of respondents had 0-18 age group as a member of their household, and 38% of respondents in the 45-64 age group.

The largest population category in Portage is the youth, or Generation Z, aged 18 and under, with almost 25% of the population. Nationally this is the most active group at 82.4% with outdoor sports and team sports being the most desirable activities. This group is also growing up in the age of technology. Nationally, the use of technology while engaging in outdoor recreation is high in this age group. Recreation participants in this group are more likely to use smart phones and other devices to engage in outdoor recreation

Given that this age group is under the age of 18, it is likely in many cases that they are visiting parks with parents/families, and relying on family to get to park facilities. The top three factors that motivate youth/families to participate in outdoor activities and visit recreational facilities are to be with family and friends (61%), participate in organized team sports (59%), and to experience excitement/adventure (46%). The top three factors that hamper youth/families from participating in outdoor recreation are lack of time (38%), lack of interest in available activities (20%), and safety concerns (17%).

The following activities would capitalize on trends as they relate to the under 18 group:

- Develop programs and facilities that support adventure recreation
- Offer youth sports programs
- Offer technology focused activities as an integral component to park and recreation programs and facilities
- Offer family oriented programming and park amenities

The second age category of importance to consider in the demographic trends is the number of people in the 35-64 age group which make up just under 50% of the Portage population. This age group includes the baby boomers and generation X, which will be transitioning into the baby boomer age in the near future. This group is the least active group with baby boomers being 66.3% active. Fitness sports represent the highest participation activity in this group. This group is least likely to play team sports. The top three factors that motivate this group to participate in outdoor activities and visit recreational facilities are to get exercise (55%), be close to nature/enjoy open space (55%) and play individual sports (24%).

The following activities would capitalize on trends as they relate to the 37-65 age group:

- Provide recreation facilities geared toward active baby boomers such as pickleball, bocce, and fitness trails
- Continue to provide open space and natural resource features for residents to enjoy





Goals and Objectives

As a result of the recreation inventory, public input, survey results, and trends, the City of Portage has developed the following goals and objectives in order to guide the management and development of recreation opportunities for the next 5 years. Goals and objectives are meant to guide the intent of the actions to be taken but flexible enough to reflect changing attitudes and opportunities. A degree of

flexibility is essential for the City to be responsive to its citizens. The goals are long-range in nature and intended to be broad in scope to accommodate future change. The objectives are short-range in nature and intended to direct specific program and development decisions to be made in the next five years. The goals are listed in no particular order.

1. Enhance existing recreation facilities to provide a high quality, accessible, and safe recreational experience at all City parks and facilities.
 - a) Provide access to all users by meeting or exceeding barrier-free standards
 - b) Update/replace existing playgrounds to meet current safety and ADA guidelines
 - c) Evaluate security measures such as emergency call boxes, security systems, lighting, and park visibility
 - d) Work with enforcement agencies and community organizations to provide a safe environment for park users
 - e) Maintain park facilities by providing adequate staff, equipment, and response systems
 - f) Incorporate low maintenance products and equipment that save energy, reduce wear, reduce environmental impact, and reduce demands on staff
2. Preserve, protect, and improve historic, natural, scenic, and environmentally sensitive areas for appropriate public use and enjoyment and habitat protection.
 - a) Develop management / maintenance strategies for natural areas including eradication of invasive species
 - b) Identify land acquisition opportunities to preserve environmentally sensitive areas
 - c) Provide programs and facilities that educate the public about the environment
 - d) Provide programs and facilities that support the conservation, protection, and preservation of the natural environment
3. Expand the diversity of recreation facilities available at existing recreation facilities to offer year-round opportunities for individuals of all ages and abilities in order to meet current and future demands.
 - a) Identify new innovative equipment and/or facilities
 - b) Provide playground equipment for toddlers
 - c) Provide wide range of active and passive recreation facilities and programs with four season activities for all ages
4. Encourage community partnerships and joint ventures with groups and organizations that have a supportive relationship.
 - a) Identify organizations with similar goals that can be collaborative and share costs for activities and events
 - b) Collaborate with local agencies, adjacent municipalities, and other public organizations
 - c) Coordinate with local schools and non-profit organizations to identify synergistic programs and activities
 - d) Explore opportunities to partner with private organizations to encourage philanthropic investment in City park and recreation facilities
 - e) Facilitate partnerships that support venues for cultural, sports, and recreational activities.



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5. Provide non-motorized and way finding connections between parks, neighborhoods and community facilities, and municipalities.
 - a) Identify potential opportunities for regional non-motorized trail connections to adjacent communities
 - b) Provide non-motorized connections to connect users with facilities throughout the community
 - c) Develop a way finding system to assist users locate facilities more easily and locate their proximity within the park system
 - d) Explore opportunities for easement acquisition for future trail connections.
 - e) Explore opportunities to connect trail systems to local businesses
 - f) Develop a funding mechanism for long term trail maintenance
6. Acquire property as it becomes available to ensure recreational opportunities keep pace with the needs of the community.
 - a) Plan for long-range needs to develop existing City owned land, expansion of existing park facilities, and acquire new park property
7. Increase community awareness of available park facilities and programs through communication, promotion, and branding.
 - a) Promote volunteer opportunities and other methods of citizen support for programs and parks
 - b) Encourage public engagement in park facility development and programs through community outreach projects, stewardship programs, and interpretive programs
 - c) Continue to publicize park events, facilities and programs through social media, newsletters, press releases, web site, promotional events, and other media outlets
 - d) Increase resident awareness of the City's park goals, events, and accomplishments to get the community involved in programs and increase use of park facilities
8. Promote healthy and active lifestyles through park and recreation facilities and programs.
 - a) Promote awareness of fitness programs that support healthy lifestyles
 - b) Provide four season recreation opportunities
 - c) Provide recreation facilities that encourage healthy habits
 - d) Target programs for specific age groups based on current trends
9. Explore sustainable funding opportunities for future park development and maintenance.
 - a) Explore partnerships with local corporations
 - b) Develop a fundraising arm or friends group for trail maintenance.
 - c) Continue to seek opportunities for funding from grants, foundations, millage, and donations.
10. Identify opportunities for place making and public space development
 - a) Integrate technology into parks and public spaces
 - b) Provide space for public art display
 - c) Provide for the display/use of sustainable technologies in public spaces
 - d) Use public space to promote the branding and identity of the park system





Action Plan

The Action Plan and Capital Improvement Plan of the City of Portage Recreation and Open Space Master Plan states the proposed course of development or improvement that will be taken over the next five years. The Goals and Objectives, from the previous section, serve as guidelines for the development of the Action Program. The Capital Improvement Plan which follows will focus on the needs identified in the Action Program and will project potential expenditures for the five-year action period on a park by park and project by project basis. The five-year period will begin in 2018 and extend through 2022. This time period will not be sufficient to accomplish all of the goals and objectives, but begins to prioritize those projects that may be achievable within the initial five years.

The Action Plan focuses on reduction of deficiencies, and expansion and improvements of facilities in a manner that not only meets current needs, but also diversifies the type and quality of recreational opportunities within the City. These needs were identified during the public input process and were identified during the review and comparison of park standards and demographic/population trends. The Action Plan describes specific priorities to be taken to address these needs; and the Capital Improvement Plan specifically itemizes those projects which will be most feasible during the next five years. The proposed schedule will allow for flexibility as funds become available and as opportunities are presented.

The priorities and action plan items for the 2018 Recreation and Open Space Master Plan are as follows (not listed in particular order):

Action A: Expansion of non-motorized trails, bike lanes, and greenways

Projects that include non-motorized transportation/recreation trail planning and development are a priority including projects that enhance greenway corridors, connect parks and lakes, support existing trail extensions, eliminate barriers, and enhance the overall trail system. The City has scheduled a number of trail projects in their CIP plans for the next five years and have a number of trail projects pending. Projects listed in the CIP as high priority are approved for CIP funding; as medium priority are pending CIP funding; and as low are to be determined.



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Bike Trails

Portage continues developing its trail system to connect neighborhoods along a safe non-motorized route, encouraging a healthier lifestyle. Currently, additional trails are planned to connect the east side of the City to the main trail system including the Sprinkle Road Bypass, Portage Road Interconnect, Austin Lake Nature Trail, and the Garden Lane Trail to provide neighborhoods with safe, bike and pedestrian friendly routes to area parks and enhance trail recreation to all parts of the City. In the future additional trail developments focus on connecting the south and west sections of the city, including Osterhout Trail, Mandigo Marsh Trail, City Centre Trail Connection, and West Gourdneck Trails.

Action B: Improvements to existing facilities

The most efficient use of City resources is to focus on projects that improve existing facilities and maximize the potential of City owned property. Projects that renovate or re-use existing facilities are considered a high priority. This may include improvements that eliminate barriers to increase accessibility for all users, renovations and upgrades to existing equipment and features to ensure modern and clean facilities, and redevelopment or expansion of existing parks to eliminate redundancy and maximize the potential of the site. The City is currently in the process of developing a new master plan for Lexington Green Park in order to improve the facility and maximize its potential. This project is in response to community feedback and an example of the City's commitment to this focus area.

Ramona Park Renovation

To accommodate continued growth at Ramona Park, the beach area is planned to be expanded, and could feature a dock for new swimming programs; expanded concessions patio at beach house; relocation and renovation of gate house; and parking connections.

Lakeview Park

Lakeview Park enhancements could encourage park use as a fishing and pickleball area in a relaxed natural setting capitalizing on its waterfront.

Millennium Park Renovation

This one acre park could be activated for warm weather use with the addition of game tables around the fountain, creation of a small café with tables on the patio, and offer concessions with coffee and bagels in the morning and light lunch in the afternoon. Other programming could be developed including enhancement of public Wi-Fi connectivity.

Eliason Nature Reserve (Phase II)

The second phase could include the addition of two restrooms; water remediation; 760 square foot shelter; landscaping and new entrance. Following this, as part of a DNR grant, there will be the addition of overlook decks; 25,425 square feet of soft walking trails; and 1,700 foot wetland boardwalk connecting with the 140-acre Bishop's Bog Preserve and 52-Acre Schrier Park, providing over 330-acre wildlife corridor in south/central Portage.

Eliason Nature Reserve (Phase III)

The final phase of the Eliason Nature Reserve development could feature drive in access at the northern section of the trail off Industrial Drive. The enhancements could include picnic shelter, restroom facility, parking, playgrounds and extending the nature walking paths.

Bishop's Bog and West Lake Nature Preserve

Enhancements at both locations could include replacement of the plastic floating decking with a new decking system that is slightly elevated thus reducing time it is impassable due to flooding and allowing vegetation growth underneath.



Lexington Green Park Renovation

The existing 23 acre park could receive a renovation to include family friendly activities for the northeast part of the City. Renovations may include: upgrade tennis/pickleball and basketball courts; enhance wooded walking paths and track; increase the size of the playground and locate near the restroom; remodel current restroom and construct a second facility to the north; and addition of a Bike Skills Course for families and neighborhood competitions and bike safety workshops.

Action C: Reduce or minimize operating costs

With budgets getting tighter and grants becoming more competitive, projects that can help reduce operating costs are a priority. Examples include: projects that increase efficiency in operations and reduce maintenance, removal or replacement of equipment or features that are costly or inefficient to maintain, projects that consider the use of alternative energy sources and use of recycled materials, and projects that could generate revenue.

Action D: Conserve, preserve, and enhance natural features and environmentally sensitive areas

During the community outreach process, the community expressed a strong desire to further utilize and protect the City's extensive natural areas and features, and to implement environmentally sustainable maintenance practices. This includes invasive species management, nature programming, additional trails including soft trails, use of native species, interpretive signage, using recycled materials and alternative sources of energy, and employing environmentally sustainable design and maintenance practices.

Action E: Planning for future parks and recreational needs

As the community continues to grow and change over time, the City continues to dedicate themselves to improving recreational offerings for the community. The City understands that in order to continue to ensure that park and recreation offerings adapt to and meet the needs of the growing community, they must be willing to continually invest in and look for new opportunities in parks and recreation programs, facilities, and services. This makes planning for future parks and recreation facilities a high priority. This is reflected in projects that spark or are a part of economic development, projects that seek opportunities for land acquisition, and the pursuit of additional funding mechanisms. The following are examples of projects the City is considering to meet this focus:

Land Acquisition

Future land acquisitions are planned to grow current parks and trails for neighborhood connections to recreation and natural areas. Acquisition of 377 acres of Michigan Department of Natural Resources State Game Area land located at 2501 West Centre Ave (222 acres), and 3701 West Centre Ave (155 acres), to preserve open space for active and passive recreational uses (see State Game Area maps provided in Appendix). Other land acquisitions may be located near Portage Creek where possible to facilitate additional use of the waterways for recreational opportunities.

Martin Luther King Jr. Park

Donated to the City, this .52 acre park located along Martin Luther King Jr. Drive could be developed as a dedication to Martin Luther King Jr. and provide a gateway to the retail district off Constitution Boulevard. The park would encompass commutative art and seating areas.

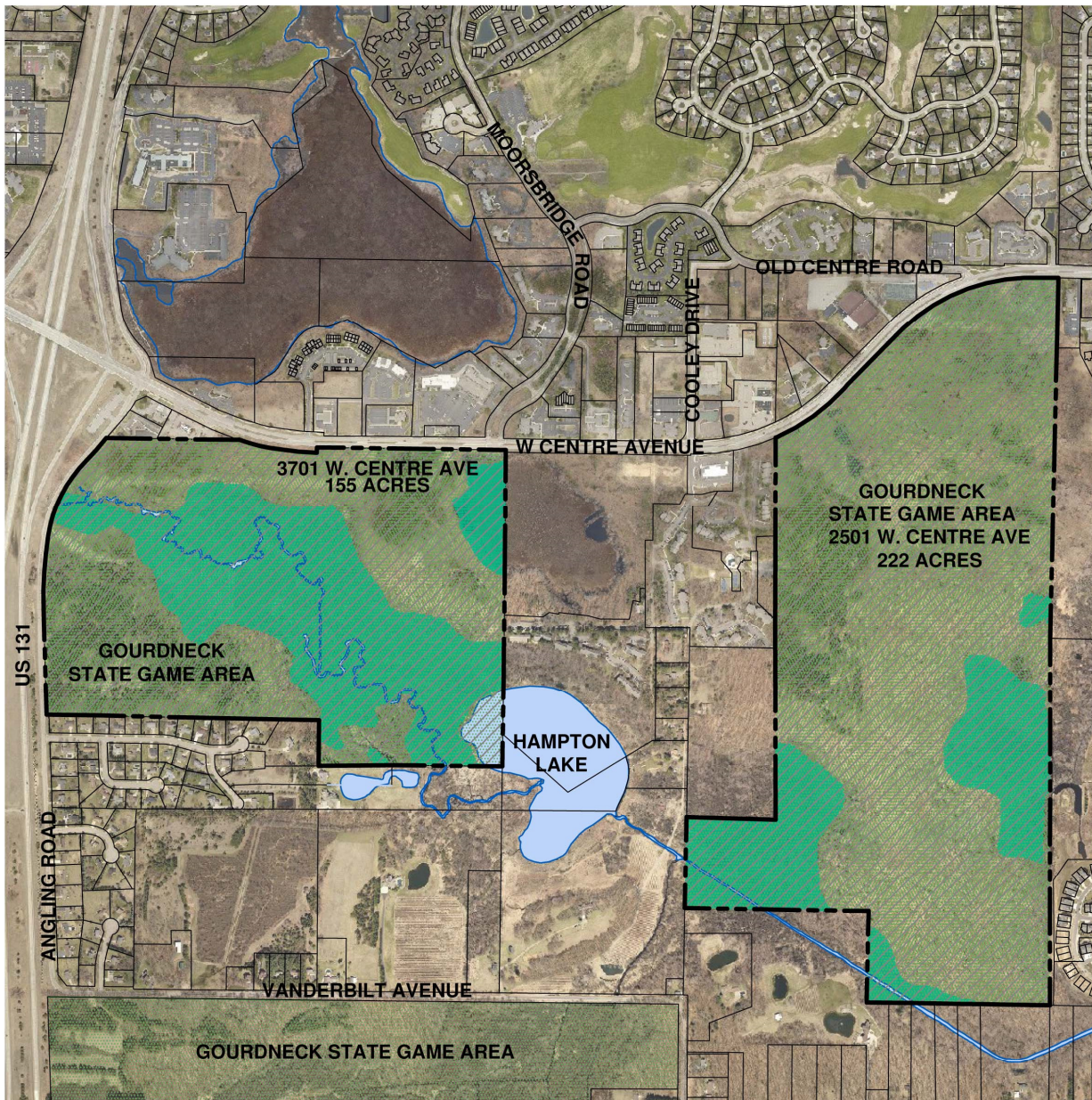
Farmers Market

Provide a dynamic space to expand food vendor space from 30 to over 70 kiosks with farm vehicle access to stalls. The market could include space for entertainment, dining, and outdoor cooking classes. The market could include a section that can be enclosed in the colder months for small retail venues for more permanent market vendors. On off days when not used for the farmer's market the area could be used as a festival site.



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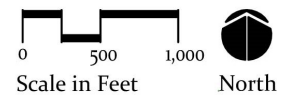
Map 7.1



LEGEND

-  MDNR GOURDNECK STATE GAME AREA
-  377 ACRES OF FUTURE ACQUISITION
-  WETLANDS (NWI)

City of Portage
Parks and Recreation Master Plan
Future Land Acquisition





Celery Flats Historic Area

Celery Flats Historic Area could be enhanced as land becomes available to allow for a circular path through the park without going onto Garden Lane for horse carriage and/or vintage car rides. The enhancements could also include additional historic structures including potentially a baggage car behind the grain elevator, train switching station, wigwam, and other identified structures. Historic oriented programs, tours, demonstrations, exhibitions and speaker series could be offered to enhance Portage's Sense of Place.

Action F: Develop diverse, balanced, and innovative park facilities

Given that the City's park system is a mature system, developing diverse park facilities and incorporating exciting new park features is a high priority for the City. This is also important given the City's highest population group is those under 18. The following are examples of projects the City is considering in response to resident needs:

Outdoor Amphitheatre

A focus will be placed on enhancing Celery Flats as the Portage entertainment district, by conducting a feasibility study to increase music facilities. The plan for the area could reflect development in the wooded setting and possibly enhanced with a sculpture garden tucked among the surrounding forest area.

Elijah Root Sawmill Trout Fishing Area

Historic site of the 1830s Elijah Root Lumber Mill, which is located on Portage Creek along the Bicentennial Trail. Development of this area could include historical markers commemorating the site and elimination of a portion of the dam to revitalize brown trout fishing on Portage Creek. This site would be used to provide educational opportunities on Portage's past, and restore Portage Creek as a premier trout fishing creek with access to the only cold water trout fishing creek in southwest Michigan.

Cultural Center

As part of a collaborative effort between area organizations, and the Portage Parks & Recreation, a cultural center exhibition area could be created to enhance history and cultural opportunities in Portage. This center would be located along the existing trail system and feature exhibitions, presentations and potentially art, classroom and gallery space.

Mountain Bike Trails

As an addition to the outdoor experiences found in the Portage Parks system, a mountain bike trail could be developed that will appeal to bikers of all levels from gentle grades through a peaceful forest setting to trails for the more adrenaline charged. This area may include programs on bicycle safety and building cycling skills.

Kayak Livery / Waterways

Visitors to Celery Flats Recreation Area will be able to glide right through the scenic beauty of the Bicentennial Trail with a new livery and revitalized waterway system. The project includes construction of a livery by the kayak launch, with visitor information, kayak and fishing equipment rental, as well as removal of fallen trees blocking the creek to ensure safe passage.

Edible Trail

Creating edible forest landscapes of fruit and nut trees, berry bushes, and more along the trail to encourage stops along the route to pause and enjoy nature, while enjoying some of what nature provides. The Edible Trail project could provide learning opportunities on nurturing the ecosystem while increasing access to local, sustainable food.

Outdoor Gym

An Outdoor Gym could be developed in the public park including fitness equipment available all year for adult, children and the disabled. This fitness area may be set with a forested area and encourage stretching



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and strength exercises to accompany walking and biking experiences.

Botanical Gardens

A themed garden area could be developed as a place of beauty and serenity to reconnect with the outdoors and provide good stewardship of the land. Educational opportunities may be built into all garden exhibits and events, and foster appreciation of native plants of southwestern Michigan. Programs could focus on plant education, gardening, and the environment.

Sculpture Garden Park

To enhance cultural experiences in the parks, sculptures may be used to guide visitors along walkways in a peaceful setting. Many of the sculptures could have a nature and/or local history oriented theme and use the park setting as the backdrop.

Native American Interpretive Area

Future park expansions are planned to include Native American cultural education interpretation, events, exhibitions and other activities. The interpretation is planned in collaboration with the local Potawatomi tribe.

Disc Golf Course

Development of an 18-hole Disc Golf course will enhance Portage and Kalamazoo County's attractiveness to hold large tournaments and attract professional players from a wider area. Disc Golf is also growing as sports programs increase in area schools.

Camp Site

Plans include development of camp sites/facilities to align with current trends for those ages 37 and younger, which consists of 44% of the population in the City of Portage, that desire camping as one of their top five outdoor recreation activities. Camping also aligns with the many activities found in the park system including biking, fishing and trail walking/hiking.

Action G: Continue to provide a diverse slate of programs for all ages and seasons

In addition to providing cutting edge park facilities, it is equally important to provide exciting programs and activities. This need was discussed during the community outreach process and the City recognizes the need for diverse programs that cover all ages and seasons.

Capital Improvement Plan

As stated in the Action Program, improvements and development will occur as funds and opportunities evolve. Assistance will be solicited from all available sources and will include both physical and financial support. Local businesses, service organizations, land developers, and governmental agencies will be solicited for monetary and material support. The City will also seek funding assistance from all available sources such as trusts, charitable foundations, and all Federal and State funding programs. The following schedule is a breakdown of the anticipated projects and projected funding for the next five years. All projections are based upon year 2018 costs and will be refined as the program progresses. For a number of items, the scope of work is yet to be determined and therefore no anticipated costs are provided.

It should be noted that changes in the program may occur if projected funding levels increase or decrease, but it is anticipated that the changes would be related more to adjustments in the time schedule rather than specific projects.

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Figure 7.1 - Capital Improvement Schedule

City of Portage Recreation and Open Space Master Plan					
2018 - 2022 Capital Improvement Program					
	Project	Cost Estimate	Relates to		Priority
			Action	Goal	
TRAILS					
Sprinkle Road Bypass North	Romence Rd/Bishop Rd to Lexington Green Park (2018)	\$600,000	A	1, 5	High
Sprinkle Road Bypass South	Center Ave to Romence R/Bishop Rd (2020)	\$1,100,000	A	1, 5	Medium
Romence Rd Pkwy Connector	Portage Road to Sprinkle Rd (2019)	\$350,000	A	1, 5	High
Bishop Road Extension	Sprinkle Rd to Lexington Green connector (2019)	TBD	A	1, 5	High
Portage Rd Trail	Milham Ave to Center Ave (2018)	\$600,000	A	1, 5	High
Celery Flats/PCBP Extension	Garden lane to Portage Rd (2019)	\$250,000	A	1, 5	High
US 131 Tunnel	Angling Rd to west City border (2025)	\$2,500,000	A	1, 5	High
Austin Lake	Trail around north and east side of Austin Lake (2019)	\$2,100,000	A	1, 5	Medium
Mandigo Trail	Trail around south and east side of Austin lake	TBD	A	1, 5	Low
Lakeview Trail	Portage Rd between Osterhout and Lakeview Park	TBD	A	1, 5	Low
Osterhout Trail	Between Oakland Dr and Portage Rd on Osterhout Rd	TBD	A	1, 5	Low
Other future trail connections	From Schuring Rd to Celery Flats/PCBP trail	TBD	A	1, 5	Low
Other future trail connections	From Schuring Rd to Central Park	TBD	A	1, 5	Low
LAND ACQUISITION					
MDNR State Game Area Land	Land acquisition (2 parcels, 377 acres combined)	\$4 mill	E	2	High
PARKS					
Betty Lee Ongley Nature Preserve	Park Master Plan	\$6,000	B, E	1, 3	High
	Invasive Species Management	TBD	D	2	High
Bishops Bog	Invasive Species Management	TBD	D	2	High
Central Park	Invasive Species Management	TBD	D	2	High
	Bandshell Lighting/Sound Improvements & Painting	\$40,000	B	1, 10	Medium
Eliaason Nature Reserve	Invasive Species Management	TBD	D	2	High
	Trail Extension Phase II	\$491,000	A	1, 5	High
	Trail Extension Phase III	TBD	A	1,5	Medium
Harbors West Park	Invasive Species Management	TBD	D	2	High
	Playground Improvements	\$60,000	B	1	High
Haverhill Park	Invasive Species Management	TBD	D	2	High
	Basketball Court Renovation	\$40,000	B	1	High
Lakeview Park	Prepare master plan for property	\$9,000	B, E	1, 3	High
	Invasive Species Management	TBD	D	2	High
	Basketball Court Renovation	\$50,000	B	3	Low
	Parking Lot Expansion	\$200,000	B	3	Low
	Picnic Shelter	\$50,000	B	3	Low
Lexington Green Park	Invasive Species Management	TBD	D	2	High
	Bike Skills Course	\$120,000	F	3, 8	Medium
	Restroom & Shelter	\$280,000	B	1, 3	Medium
	Tennis/Pickleball Court Renovation	\$80,000	B	3	High
	Basketball Court Renovation	\$40,000	B	3	High
	Playground Renovation	\$60,000	B	1, 3	High
Liberty park	Invasive Species Management	TBD	D	2	High
Martin Luther King Jr park	Prepare master plan for property	\$7,000	B, E	1, 3	Medium
	Garden Sitting Area	\$55,000	D, F	3	Medium
	Sculpture/Memorial	\$30,000	F	3	Medium



CITY OF PORTAGE RECREATION AND OPEN SPACE PLAN

PARKS					
Millennium Park	Invasive Species Management	TBD	D	2	High
	Game Area	\$7,000	B, F	1, 3, 10	High
	Concessions/Cafe Renovation	\$25,000	B, E, F	3, 10	High
	Ice skating Ramp and Ice Shaving Equipment	\$35,000	B, E, F	3, 10	Medium
Oakland Dr Park	Invasive Species Management	TBD	D	2	High
	Basketball Court Renovation	\$53,000	B	3	High
PCBP - North Trailhead	Invasive Species Management	TBD	D	2	High
PCBP - Milham Entry	Invasive Species Management	TBD	D	2	High
	Kayak Launch Dock	\$10,000	F	3	Low
PCBP - Celery Flats	Land Acquisition	TBD	B, D, E	2, 6	Low
	Invasive Species Management	TBD	D	2	High
	Historic Building Addition	\$150,000	F	3, 10	Medium
	Kayak and Fishing Livery	\$125,000	F	3	Medium
	Waterway Tree Removal	\$10,000	D	2	High
Ramona Park	Prepare master plan for property	\$10,000	B, E	1, 3	High
	Invasive Species Management	TBD	D	2	High
	Beach Expansion with Swimming Docks	\$90,000	B, E, F	1, 3	High
	Gatehouse and Parking Renovation	\$175,000	B	1, 3	Medium
	Concessions/Café Renovations	\$30,000	B, E, F	3, 10	High
	Campground Area	TBD	F	2, 3	Low
	Disc Golf course	\$100,000	F	3	Low
	Basketball and Tennis Court Renovation	\$95,000	B	3	Medium
Schrier Park	Invasive Species Management	TBD	D	2	High
South Westnedge Park	Invasive Species Management	TBD	D	2	High
Westfield Park	Invasive Species Management	TBD	D	2	High
	Basketball Court Renovation	\$40,000	B	3	High
West Lake Nature Preserve	Invasive Species Management	TBD	D	2	High
Veterans Memorial Park	Benches	\$20,000	B	1	Low
	Invasive Species Management	TBD	D	2	High

Potential Funding Sources / Resource Partners

A variety of funding sources and resource partners may exist to assist with the implementation of proposed recreation projects. A summary of the primary sources are listed below:

- Michigan Natural Resources Trust Fund.** The MNRTF can provide assistance for the City's outdoor recreation projects, including land acquisition and physical development of park facilities. This assistance is intended to bolster existing facilities, protect critical natural resources and establish new parkland. Development project grants may range between \$15,000 and \$300,000; there is no limit to acquisition requests. The minimum required local match is 25%.
- Michigan Natural Resources Passport Grant.** The Passport grant fund program is primarily focused on renovating and improving existing parks, however the development of new parks is considered eligible. The Minimum grant request is \$7,500 and the maximum grant request is \$150,000. The minimum required local match is 25%.
- Land and Water Conservation Fund.** The LWCF is similar to the Trust Fund grant described above, in that it is meant to help fund land acquisition and park development. The minimum grant request amount is \$30,000 and the maximum grant request amount is \$300,000. The minimum required local match is 50%. Natural feature preservation has historically been the primary award criteria; and as such, this opportunity should especially be taken into account when planning for



new passive recreation facilities. In addition, the LWCF now places emphasis on trails, “green” technology in outdoor recreation, universal design and coordination among recreation providers.

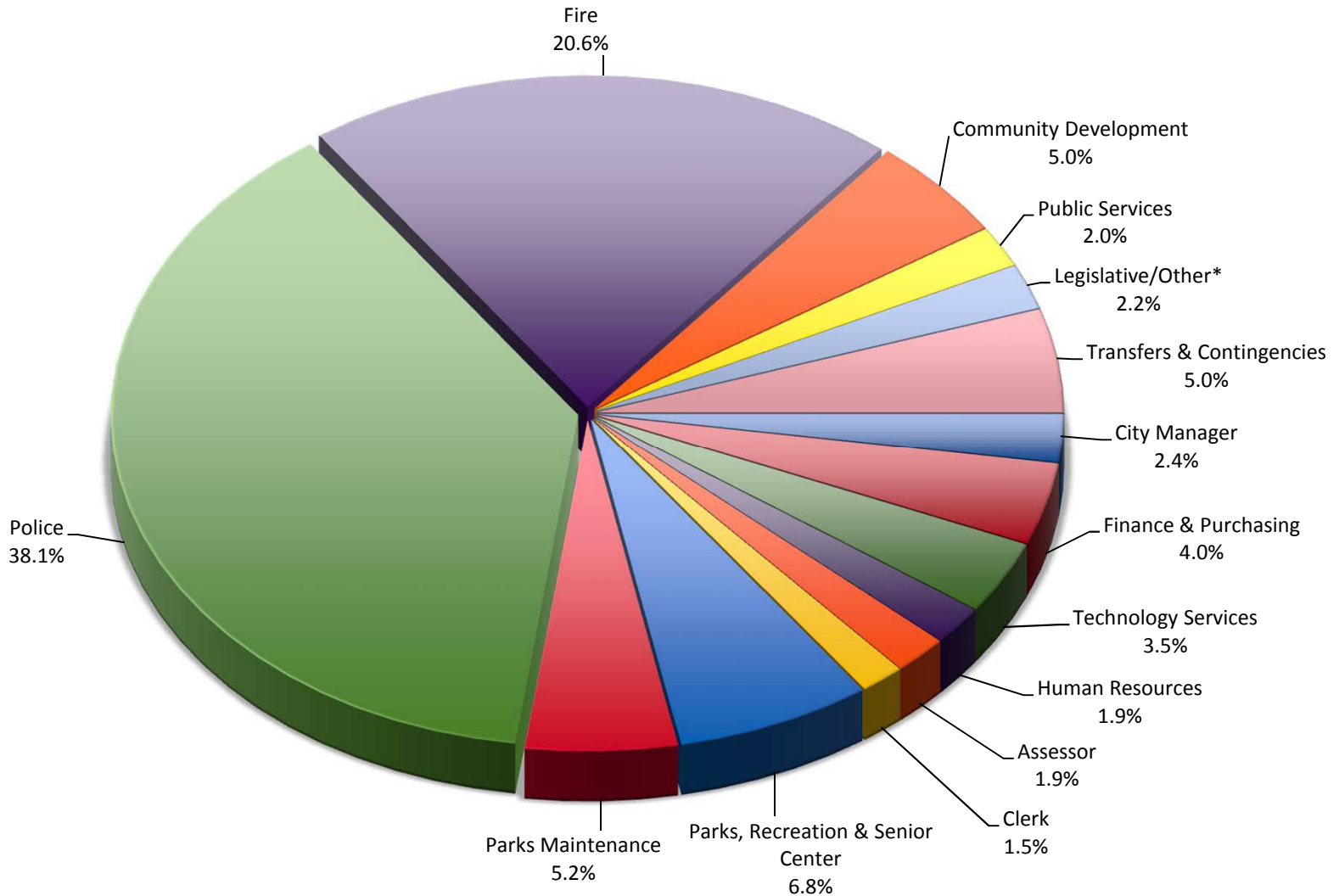
- **MDOT Transportation Alternatives Program (TAP).** The TAP fund is a grant program that funds non-motorized paths and streetscapes that enhance the community’s intermodal transportation system and provide safe alternative transportation options. The program uses federal funds to promote walkability, alternative transportation options, and place based economic development to improve the quality of life for communities. The minimum required local match is 20%.
- **City Funds.** The general fund, a special millage, the parks budget, bonds, and the parks capital improvement account are possibilities to help fund new and improved facilities in the Township.
- **Park Millage.** A special millage can help the City generate funds for development, acquire park land, or to use as leverage for grant applications.
- **Donations & Foundations.** Residents, property owners, businesses, and organizations will frequently contribute to causes that improve local quality of life. While these contributions are often pecuniary, they may also include land donations, volunteer services, or the gift of equipment or other facilities.



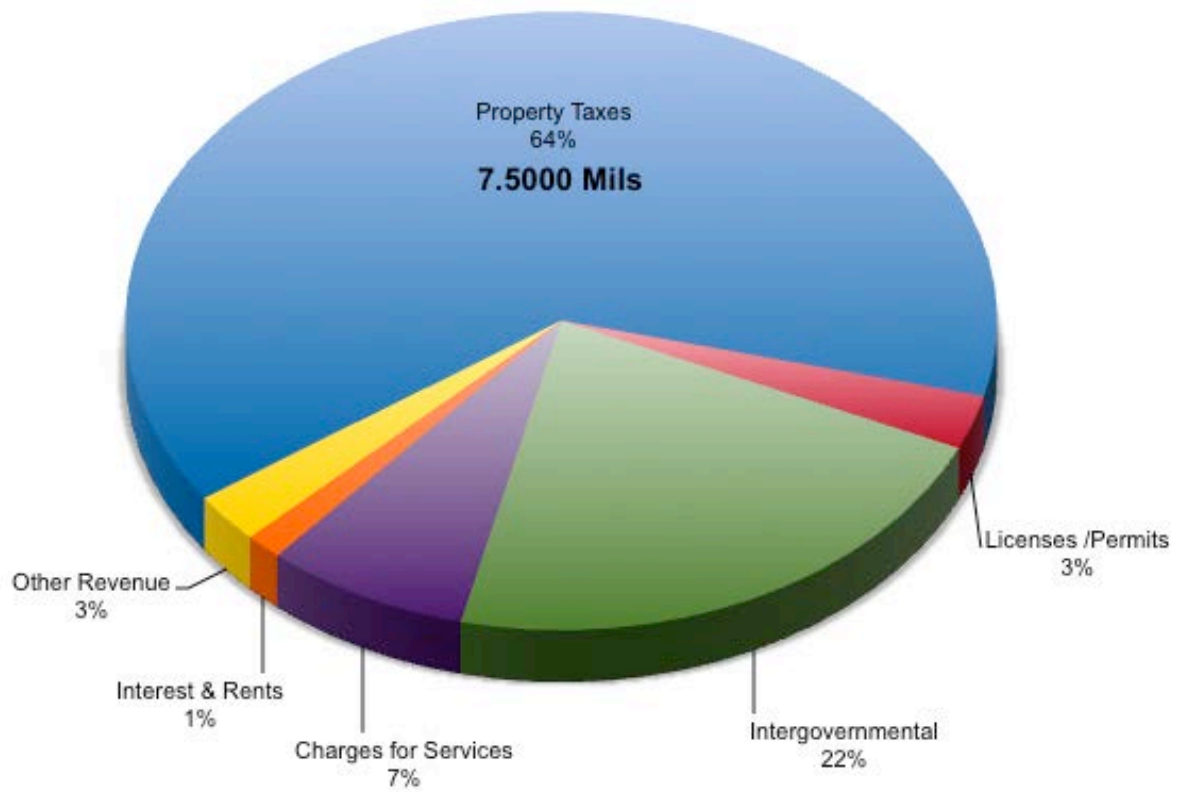
APPENDIX 1

City Budget Information

GENERAL FUND EXPENDITURES BY DEPARTMENT OR FUNCTION



GENERAL FUND REVENUES BY SOURCE



**GENERAL FUND REVENUES
BY SOURCE**

	2014-2015	2015-2016	2016-2017	2016-2017	2017-2018	Percentage
	Actuals	Actuals	Adjusted Budget	Adopted Budget	Admin Recommend	Change
Revenues budgeted by department:						
Fees and permits	978,974	744,431	656,800	656,800	809,300	23.2%
Federal revenue	6,801	-	1,000	1,000	1,000	0.0%
State revenue	27,726	22,959	21,600	21,600	21,600	0.0%
Other grants	51,755	33,184	35,000	35,000	17,000	-51.4%
Charges for services	220,476	284,450	241,250	241,250	266,400	10.4%
Interest and rents	230,949	213,139	238,500	238,500	245,000	2.7%
Other revenue	569,920	870,745	753,130	740,620	785,020	6.0%
Transfers In	1,582	4,000	4,000	4,000	6,000	50.0%
	2,088,183	2,172,908	1,951,280	1,938,770	2,151,320	11.0%
Revenues not budgeted by department:						
Property taxes	15,633,320	16,166,672	15,310,200	15,310,200	15,615,100	2.0%
State revenue	-	321,405	1,167,191	1,167,191	1,380,950	18.3%
State shared revenue	3,849,968	3,807,051	4,055,421	4,055,421	3,946,992	-2.7%
Charges for services	1,260,000	1,169,590	1,420,200	1,420,200	1,422,780	0.2%
Interest and rents	48,779	144,062	80,000	80,000	90,000	12.5%
Other revenue	617,916	30,461	17,500	17,500	27,655	58.0%
	21,409,983	21,639,241	22,050,512	22,050,512	22,483,477	2.0%
Total Revenue	23,498,166	23,812,149	24,001,792	23,989,282	24,634,797	2.7%

Revenues budgeted by department

The decrease in Other Grants from the 2016-2017 adopted budget is due to fewer local contributions expected by Senior Citizen Services. The increase in Charges for Services reflects anticipated growth in participation in Parks programs.

Revenues not budgeted by department

State Revenue - For fiscal 2017-2018, the increase in State Revenue is due to increases in reimbursement for personal property tax base losses which increased for the 2017 tax year. The calculation of the reimbursement amount is based on changes in commercial and industrial personal property since the 2013 tax year, with losses reimbursed on the amount of loss at the lowest millage rate since 2013.

Other Revenue – Sales of capital assets through auction are expected to continue increasing. The large balance in fiscal 2014-2015 was due to a one-time distribution of excess net assets by the City's insurance provider.

General Fund Expenditures by Department or Function

SUMMARY OF EXPENDITURES GENERAL FUND FISCAL YEAR

	2014-2015	2015-2016	2016-2017	2016-2017	2017-2018
	Actuals	Actuals	Adjusted Budget	Adopted Budget	Admin Recommend
City Council	57,294	86,839	192,358	118,800	122,320
Human Services	123,090	124,825	131,941	131,941	139,330
Court Facility	48,334	62,581	70,595	67,815	68,250
City Manager	480,637	471,640	549,855	549,855	600,300
Finance	680,786	807,469	937,078	937,078	899,206
Technology Services	780,049	727,865	905,177	901,636	902,252
City Assessor	500,773	411,557	554,290	554,290	479,479
City Attorney	226,239	225,963	226,728	226,728	226,728
City Clerk	380,209	402,472	462,562	459,739	391,418
Human Resources	749,174	594,120	609,104	579,766	475,442
Purchasing	107,548	90,899	113,147	113,147	113,147
Parks, Recreation & Senior Citizen Services	2,061,421	1,959,200	1,672,774	1,663,489	1,720,126
Parks Maintenance	276,183	878,586	1,396,918	1,391,138	1,337,190
Police Department	8,196,434	8,276,952	9,579,863	9,535,069	9,707,164
Fire Department	4,388,449	4,593,384	5,263,622	5,193,206	5,243,110
Community Development	1,064,627	1,093,356	1,257,859	1,245,291	1,265,380
General Public Services	485,888	451,671	519,400	519,400	506,415
Contingencies	-	-	-	-	50,000
Transfers Out	1,829,000	5,511,755	913,000	913,000	1,234,327
Total Expenditures	<u>22,436,135</u>	<u>26,771,134</u>	<u>25,356,271</u>	<u>25,101,388</u>	<u>25,481,584</u>

Additional information is available in the respective detailed departmental budgets.

PARKS, RECREATION and SENIOR CITIZEN SERVICES

The Parks and Recreation division is responsible for the operation of parks, rentals, recreation, and the operation of park visitor facilities.

The Senior Citizen Services division is responsible for programs that benefit mature adults, and other residents through intergenerational programming, information, and community service. The Portage Senior Center is one of fewer than 150 nationally accredited senior centers, and it offers educational programs, recreation, support groups, transportation, information to seniors and families, travel and volunteer opportunities.

Budget Overview: The department continually reviews and adjusts fees to maintain a reasonable user charge structure and generate alternative funding wherever possible. The department also reviews programs to evaluate levels of participation and make program adjustments. The 2017-2018 budget provides for critical attention to City grounds, and operation of the Ice Rink at Millennium Park and the beach at Ramona Park. The 2017-2018 Senior Citizens Services budget provides for the continuation of services to meet needs for this growing population.

Goals and Objectives: The Parks and Recreation, and Senior Citizen Services budget supports the following goals and objectives.

<u>Activity/Program</u>	<u>Description</u>	<u>Goal/Objective</u>
Parks	Strategic park, trail, open space planning	<i>Community Development</i> Promote quality of life Coordinated and innovative approach to developing park land while promoting aesthetic enhancement
		<i>Public Improvements</i> Systematic preventative maintenance program
		<i>Financial Health</i> Promote volunteerism
Recreation & Senior Citizen Services	Program operating costs offset by user revenue, business investment, grants	<i>Financial Health</i> Evaluate expenditures for efficient use of resources Pursue alternate funding methods
	Cooperative programming	<i>Service Delivery</i> Promote teamwork between the public and private sector

PARKS, RECREATION & SENIOR CITIZEN SERVICES, continued

<u>Activity/Program</u>	<u>Description</u>	<u>Goal/Objective</u>
	Eliminate programs with low utilization and replace with new program initiatives	<i>Service Delivery</i> Prioritize existing services Evaluate program contracting
	Volunteer staffing	<i>Financial Health</i> Assistance with services
	Brochures/flyers	<i>Public Relations</i> Enhance communication
Millennium Park Ice Rink	Expanded recreational opportunities	<i>Community Development</i> Coordinated and innovative approach to providing recreational opportunities
Senior Center	Continue balanced & innovative programs including: fall prevention, chronic disease self-management, fitness, cultural events, men's activities, brain health education, leadership development (volunteers)	<i>Community Development</i> Promote highest quality of life for all residents
	Expand community service involvement by members in cooperation with Portage Community Center. Work with county transit authority or others to provide transportation for elders.	<i>Community Development</i> Continue a commitment to human services
	Utilize cost effective marketing strategies such as media releases, PSAs, web pages, photo opportunities to raise community awareness of PSC	<i>Public Relations</i> Promote excellent public relations
	Maintain ongoing advocacy efforts for sustainability of older adult services in southwestern Michigan	<i>Finance and Budgeting</i> Pursue revenue enhancements through alternative funding opportunities
	Increase base of support for PSC by extending fundraising efforts to the greater community	<i>Service Delivery</i> Continue to increase efficiency by applying new technology

PARKS, RECREATION & SENIOR CITIZEN SERVICES, continued

	2014-2015 Actuals	2015-2016 Actuals	2016-2017 Adjusted Budget	2016-2017 Adopted Budget	2017-2018 Admin Recommend
REVENUE:					
Charges for services	220,476	245,250	241,250	241,250	266,400
Interest and rents	54,800	65,730	64,500	64,500	70,000
Other revenue	11,597	20,620	16,710	12,000	25,000
TOTAL REVENUE	286,873	331,600	322,460	317,750	361,400
EXPENDITURES:					
Personnel Services	850,113	963,082	632,707	632,707	649,101
Operations & Maintenance	537,056	157,571	236,781	225,875	214,605
Administrative Charges	339,829	219,681	224,679	224,679	228,598
Capital Outlay	35,234	-	11,000	11,000	10,000
TOTAL EXPENDITURES	1,762,232	1,340,334	1,105,167	1,094,261	1,102,304

The responsibilities of the various activities are outlined as follows.

PARKS 101-2877

This department accounts primarily for the activities performed by park rangers, special event program assistants and the rental program coordinator. Rangers are responsible for trail and park patrol, opening and closing of parks, assistance with rentals, programs and special events. The rental coordinator is responsible for handling all park facility rentals, walks/runs and special events held within the park system. Special event program assistants help with special events and programs as needed.

<u>Service Indicators</u>	<u>Prior Year</u>	<u>Current Year</u>	<u>Budget Year</u>
Park rentals	297	286	290
Walks/runs	19	19	25

	2014-2015 Actuals	2015-2016 Actuals	2016-2017 Adjusted Budget	2016-2017 Adopted Budget	2017-2018 Admin Recommend
REVENUE:					
Interest and rents	49,193	63,144	54,000	54,000	60,000
Other revenue	7,408	5,725	-	-	-
TOTAL REVENUE	56,601	68,869	54,000	54,000	60,000
EXPENDITURES:					
Personnel Services	714,872	796,997	335,755	337,431	373,358
Operations & Maintenance	428,861	33,365	63,891	62,900	49,000
Administrative Charges	297,561	186,954	185,913	185,913	189,902
Capital Outlay	35,234	-	6,000	6,000	5,000
TOTAL EXPENDITURES	1,476,528	1,017,316	591,559	592,244	617,260

RECREATION - ADMINISTRATION 101-2880

This program accounts for the majority of costs associated with the administration of the Parks and Recreation division. Duties include budget preparation, grant writing, personnel and office management, program and event administration, community relations, coordination of park and recreation activities with other agencies and city departments.

	2014-2015	2015-2016	2016-2017	2016-2017	2017-2018
	Actuals	Actuals	Adjusted Budget	Adopted Budget	Admin Recommend
REVENUE:					
Charges for services	169,154	12,476	-	-	-
Interest and rents	5,607	496	-	-	-
TOTAL REVENUE	<u>174,761</u>	<u>12,972</u>	<u>-</u>	<u>-</u>	<u>-</u>
EXPENDITURES:					
Personnel Services	61,937	76,743	155,444	157,120	154,154
Operations & Maintenance	5,630	8,747	23,025	23,025	16,065
Administrative Charges	-	999	4,771	4,771	4,501
TOTAL EXPENDITURES	<u>67,567</u>	<u>86,489</u>	<u>183,240</u>	<u>184,916</u>	<u>174,720</u>

RECREATION - TEAM SPORTS 101-2882

This program accounts for the costs associated with adult softball leagues and youth and adult softball tournaments.

<u>Service Indicators</u>	<u>Prior Year</u>	<u>Current Year</u>	<u>Budget Year</u>
Registrants	2,454	2,600	2,800
Teams	169	172	188
League Divisions	25	28	28
Tournaments	11	17	18

	2014-2015	2015-2016	2016-2017	2016-2017	2017-2018
	Actuals	Actuals	Adjusted Budget	Adopted Budget	Admin Recommend
REVENUE:					
Charges for services	-	102,800	100,250	100,250	115,400
TOTAL REVENUE	<u>-</u>	<u>102,800</u>	<u>100,250</u>	<u>100,250</u>	<u>115,400</u>
EXPENDITURES:					
Personnel Services	12,040	11,298	3,352	-	-
Operations & Maintenance	51,001	45,499	59,905	57,700	64,540
TOTAL EXPENDITURES	<u>63,041</u>	<u>56,797</u>	<u>63,257</u>	<u>57,700</u>	<u>64,540</u>

PARKS/RECREATION – PROGRAMS 101-2885

This program represents fee and sponsor based programming other than Ramona Park, rentals, adult softball leagues/tournaments and Millennium Park Ice Rink. Current year programs include: youth triathlon, “Little Lunkers” fishing camp, and advanced anglers.

<u>Service Indicators</u>	<u>Prior Year</u>	<u>Current Year</u>	<u>Budget Year</u>
Participants	5,348	5,000	5,300
Fee based programs	14	11	17

	2014-2015	2015-2016	2016-2017	2016-2017	2017-2018
	<u>Actuals</u>	<u>Actuals</u>	<u>Adjusted Budget</u>	<u>Adopted Budget</u>	<u>Admin Recommend</u>
REVENUE:					
Charges for services	-	-	15,000	15,000	15,000
Other revenue	-	-	2,000	2,000	-
TOTAL REVENUE	<u>-</u>	<u>-</u>	<u>17,000</u>	<u>17,000</u>	<u>15,000</u>
EXPENDITURES:					
Personnel Services	-	-	5,040	5,040	-
Operations & Maintenance	-	-	4,000	4,000	4,000
TOTAL EXPENDITURES	<u>-</u>	<u>-</u>	<u>9,040</u>	<u>9,040</u>	<u>4,000</u>

RECREATION – RAMONA PARK 101-2886

This program accounts for the costs associated with Ramona Park beach and gatehouse operation. Participation numbers and program expenditures are influenced by the weather and lake water levels.

<u>Service Indicators</u>	<u>Prior Year</u>	<u>Current Year</u>	<u>Budget Year</u>
Beach visitations	27,923	34,000	26,000
Daily beach permits	7,507	7,000	7,500
Annual beach permits	787	800	850

	2014-2015 Actuals	2015-2016 Actuals	2016-2017 Adjusted Budget	2016-2017 Adopted Budget	2017-2018 Admin Recommend
REVENUE:					
Charges for services	-	84,118	71,000	71,000	77,500
Interest and rents	-	2,090	9,500	9,500	10,000
TOTAL REVENUE	<u>-</u>	<u>86,208</u>	<u>80,500</u>	<u>80,500</u>	<u>87,500</u>
EXPENDITURES:					
Personnel Services	36,095	48,728	73,279	73,279	78,941
Operations & Maintenance	18,305	17,221	20,300	20,300	14,950
TOTAL EXPENDITURES	<u>54,400</u>	<u>65,949</u>	<u>93,579</u>	<u>93,579</u>	<u>93,891</u>

RECREATION – SPECIAL EVENTS 101-2887

This program accounts for public events free of charge to participants. Programs include concerts, events, expos or other free programs.

<u>Service Indicators</u>	<u>Prior Year</u>	<u>Current Year</u>	<u>Budget Year</u>
Events	6	7	13

	2014-2015 Actuals	2015-2016 Actuals	2016-2017 Adjusted Budget	2016-2017 Adopted Budget	2017-2018 Admin Recommend
REVENUE:					
Interest and rents	-	-	1,000	1,000	-
Other revenue	-	5,250	10,000	10,000	25,000
TOTAL REVENUE	<u>-</u>	<u>5,250</u>	<u>11,000</u>	<u>11,000</u>	<u>25,000</u>
EXPENDITURES:					
Operations & Maintenance	-	24,578	33,500	33,500	41,000
TOTAL EXPENDITURES	<u>-</u>	<u>24,578</u>	<u>33,500</u>	<u>33,500</u>	<u>41,000</u>

MILLENNIUM PARK ICE RINK 101-2888

This program accounts for the costs associated with the Ice Rink at Millennium Park, including the cost of ice skating lessons. A skate rental service and discount passes are provided to increase skating opportunities. Participation is influenced by weather, as is the length of the operating season.

<u>Service Indicators</u>	<u>Prior year</u>	<u>Current Year</u>	<u>Budget Year</u>
Operating days	54	54	54
Total participants	9,549	12,000	12,000

	2014-2015 Actuals	2015-2016 Actuals	2016-2017 Adjusted Budget	2016-2017 Adopted Budget	2017-2018 Admin Recommend
REVENUE:					
Charges for services	51,322	45,856	55,000	55,000	58,500
TOTAL REVENUE	<u>51,322</u>	<u>45,856</u>	<u>55,000</u>	<u>55,000</u>	<u>58,500</u>
EXPENDITURES:					
Personnel Services	25,169	29,316	59,837	59,837	42,648
Operations & Maintenance	28,579	18,650	27,450	24,450	25,050
Administrative Charges	42,268	31,728	33,995	33,995	34,195
Capital Outlay	-	-	5,000	5,000	5,000
TOTAL EXPENDITURES	<u>96,016</u>	<u>79,694</u>	<u>126,282</u>	<u>123,282</u>	<u>106,893</u>

SENIOR CITIZEN SERVICES

	2014-2015 Actuals	2015-2016 Actuals	2016-2017 Adjusted Budget	2016-2017 Adopted Budget	2017-2018 Admin Recommend
REVENUE:					
Other grants	14,244	14,742	33,000	33,000	15,000
Interest and rents	10,418	7,633	12,000	12,000	8,000
Other revenue	150,981	433,215	403,500	403,500	419,000
TOTAL REVENUE	<u>175,643</u>	<u>455,590</u>	<u>448,500</u>	<u>448,500</u>	<u>442,000</u>
EXPENDITURES:					
Personnel Services	205,890	230,298	264,115	264,115	269,882
Operations & Maintenance	78,764	374,947	278,800	284,800	328,275
Administrative Charges	14,535	13,621	20,313	20,313	19,665
Capital Outlay	-	-	4,379	-	-
TOTAL EXPENDITURES	<u>299,189</u>	<u>618,866</u>	<u>567,607</u>	<u>569,228</u>	<u>617,822</u>

The total budget for Senior Citizen Services, a division of the Parks and Recreation is shown separately under this budget. The individual activities provided through Senior Citizen Services are detailed in three divisions, as follows:

SENIOR CENTER, 101-6720

This activity accounts for the costs associated with the provision of activities and services which contribute to the physical, mental and social well-being of mature adults 50 years of age and over. Continued use of new technology (launched in March 2013) has improved the accuracy and forecasting of member and volunteer activities at the Senior Center. A robust calendar of programs and activities continues to be maintained through a concerted emphasis on supporting volunteer leadership roles and building community partnerships.

Service levels have been maintained through a continued emphasis on volunteerism and inter-agency collaboration. The Senior Center also accounts for the costs of building maintenance.

<u>Service Indicators</u>	<u>Prior Year</u>	<u>Current Year</u>	<u>Budget Year</u>
Number of members	1,300	1,300	1,400
Activity attendance	27,000	28,000	29,000
Number of mini-bus rides	700	500	600
Number of volunteer hours	22,000	20,000	22,000

	<u>2014-2015</u>	<u>2015-2016</u>	<u>2016-2017</u>	<u>2016-2017</u>	<u>2017-2018</u>
	<u>Actuals</u>	<u>Actuals</u>	<u>Adjusted</u>	<u>Adopted</u>	<u>Admin</u>
			<u>Budget</u>	<u>Budget</u>	<u>Recommend</u>
REVENUE:					
Other grants	14,244	14,742	33,000	33,000	15,000
Interest and rents	10,418	7,633	12,000	12,000	8,000
Other revenue	104,609	111,495	138,500	138,500	129,000
TOTAL REVENUE	<u>129,271</u>	<u>133,870</u>	<u>183,500</u>	<u>183,500</u>	<u>152,000</u>
EXPENDITURES:					
Personnel Services	188,748	216,252	234,101	234,101	238,755
Operations & Maintenance	77,049	91,526	76,300	82,300	75,025
Administrative Charges	14,535	13,281	19,938	19,938	19,265
Capital Outlay	-	-	4,379	-	-
TOTAL EXPENDITURES	<u>280,332</u>	<u>321,059</u>	<u>334,718</u>	<u>336,339</u>	<u>333,045</u>

SENIOR TRIPS, 101-6721

This program accounts for the costs of coordinating the senior trip program.

	2014-2015	2015-2016	2016-2017	2016-2017	2017-2018
	<u>Actuals</u>	<u>Actuals</u>	<u>Adjusted Budget</u>	<u>Adopted Budget</u>	<u>Admin Recommend</u>
REVENUE:					
Other revenue	33,001	310,483	250,000	250,000	275,000
TOTAL REVENUE	<u>33,001</u>	<u>310,483</u>	<u>250,000</u>	<u>250,000</u>	<u>275,000</u>
EXPENDITURES:					
Personnel Services	17,142	14,046	30,014	30,014	31,127
Operations & Maintenance	1,715	283,421	202,500	202,500	253,250
TOTAL EXPENDITURES	<u>18,857</u>	<u>297,807</u>	<u>232,889</u>	<u>232,889</u>	<u>284,777</u>

Note: An accounting change was made during 2015-2016 to record the revenue and expenditures separately related to the Senior Center trip program. Previously only the net proceeds were budgeted and recorded as revenue. This change properly presents the earnings and costs expended by the program. For 2017-2018, trip revenues and expenditures are projected to be \$275,000 and \$250,000, respectively.

SENIOR ACTIVITIES, 101-6722

This program accounts for the net proceeds from various recreational and fitness activities of active seniors throughout the year.

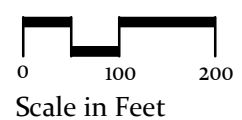
	2014-2015	2015-2016	2016-2017	2016-2017	2017-2018
	<u>Actuals</u>	<u>Actuals</u>	<u>Adjusted Budget</u>	<u>Adopted Budget</u>	<u>Admin Recommend</u>
REVENUE:					
Other revenue	13,371	11,237	15,000	15,000	15,000
TOTAL REVENUE	<u>13,371</u>	<u>11,237</u>	<u>15,000</u>	<u>15,000</u>	<u>15,000</u>

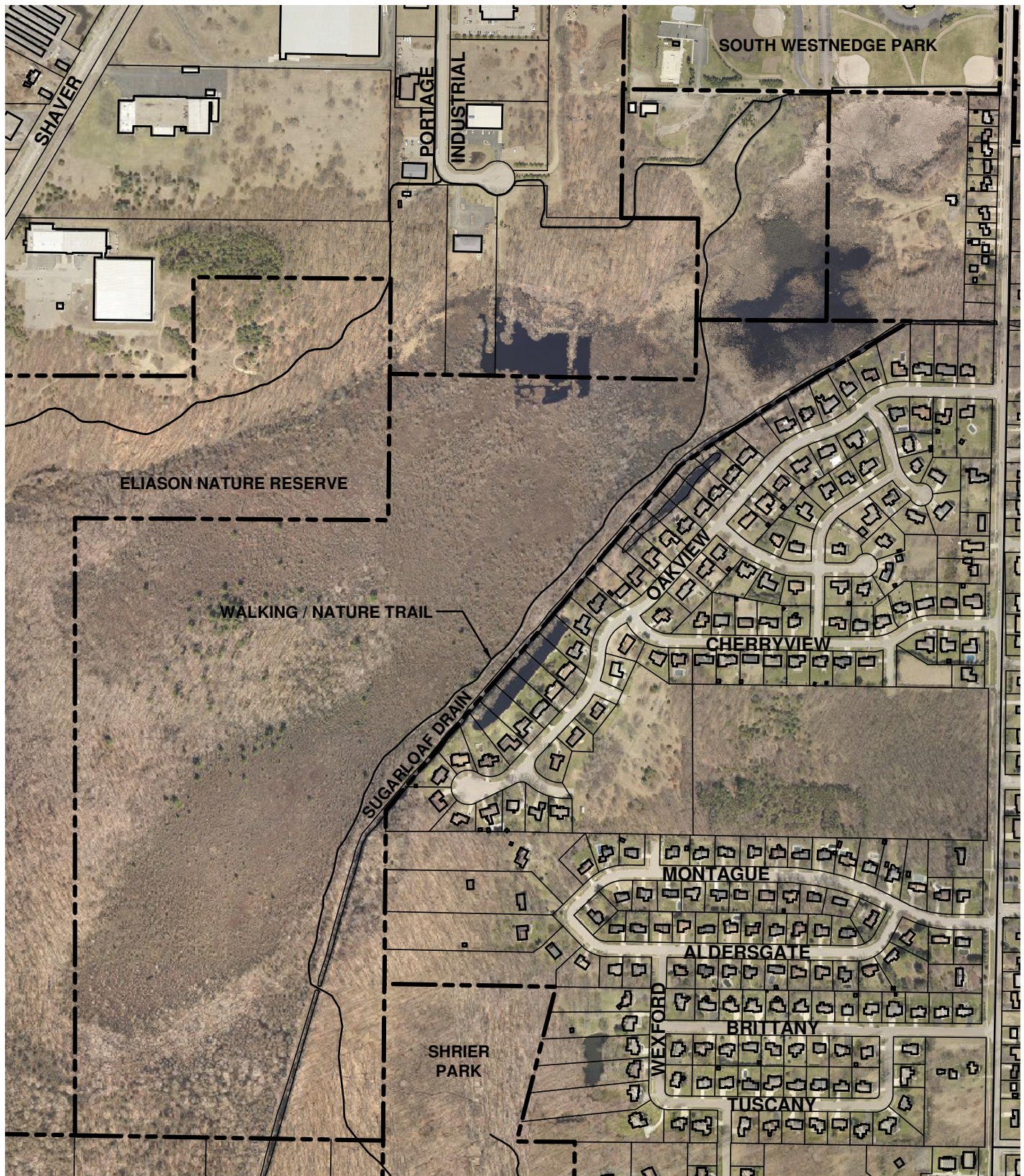
APPENDIX 2

Park Site Maps

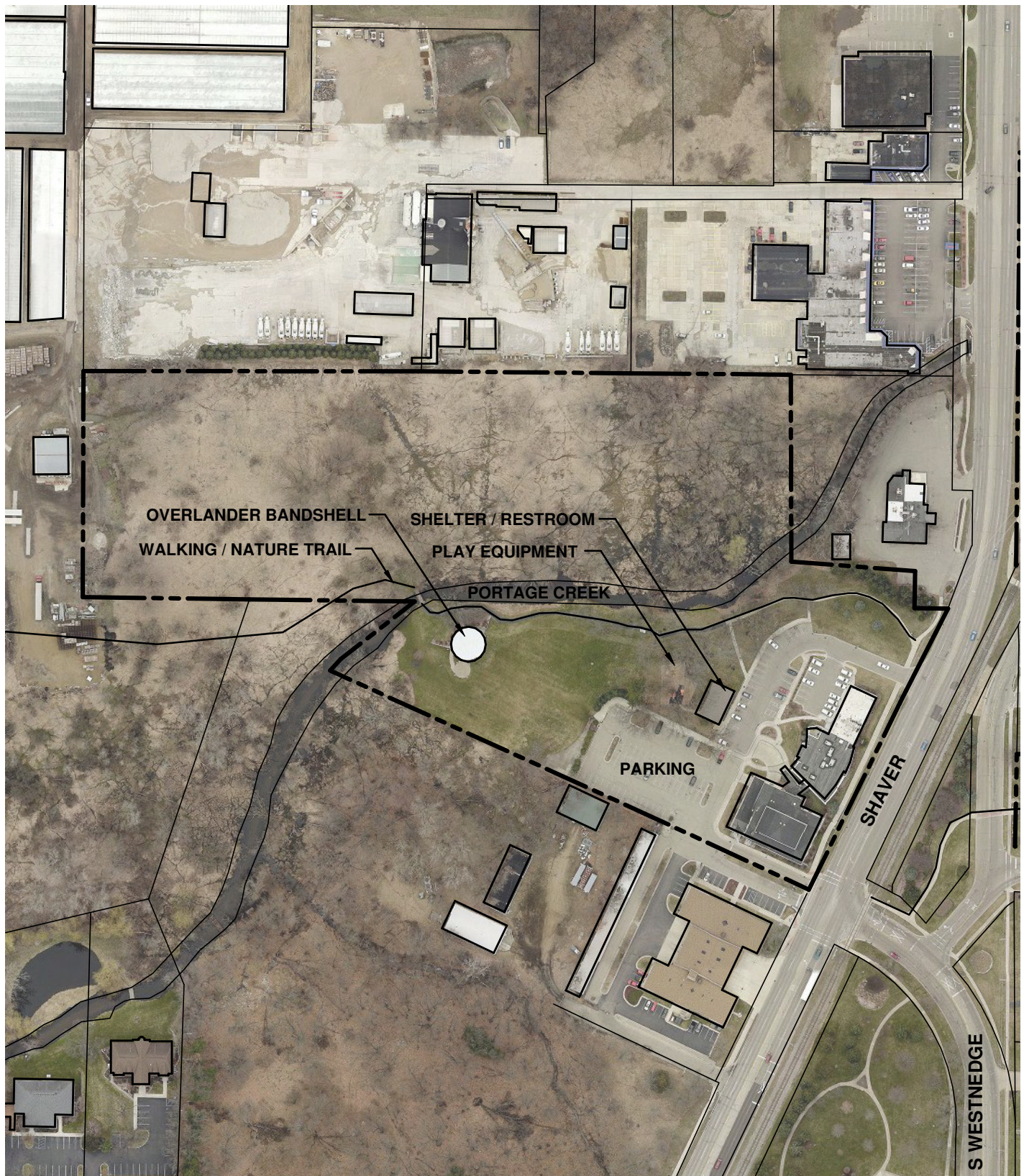


City of Portage
Parks and Recreation Master Plan
Betty Lee Ongley Nature Preserve
Site Inventory

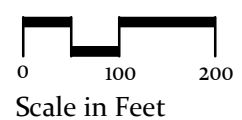


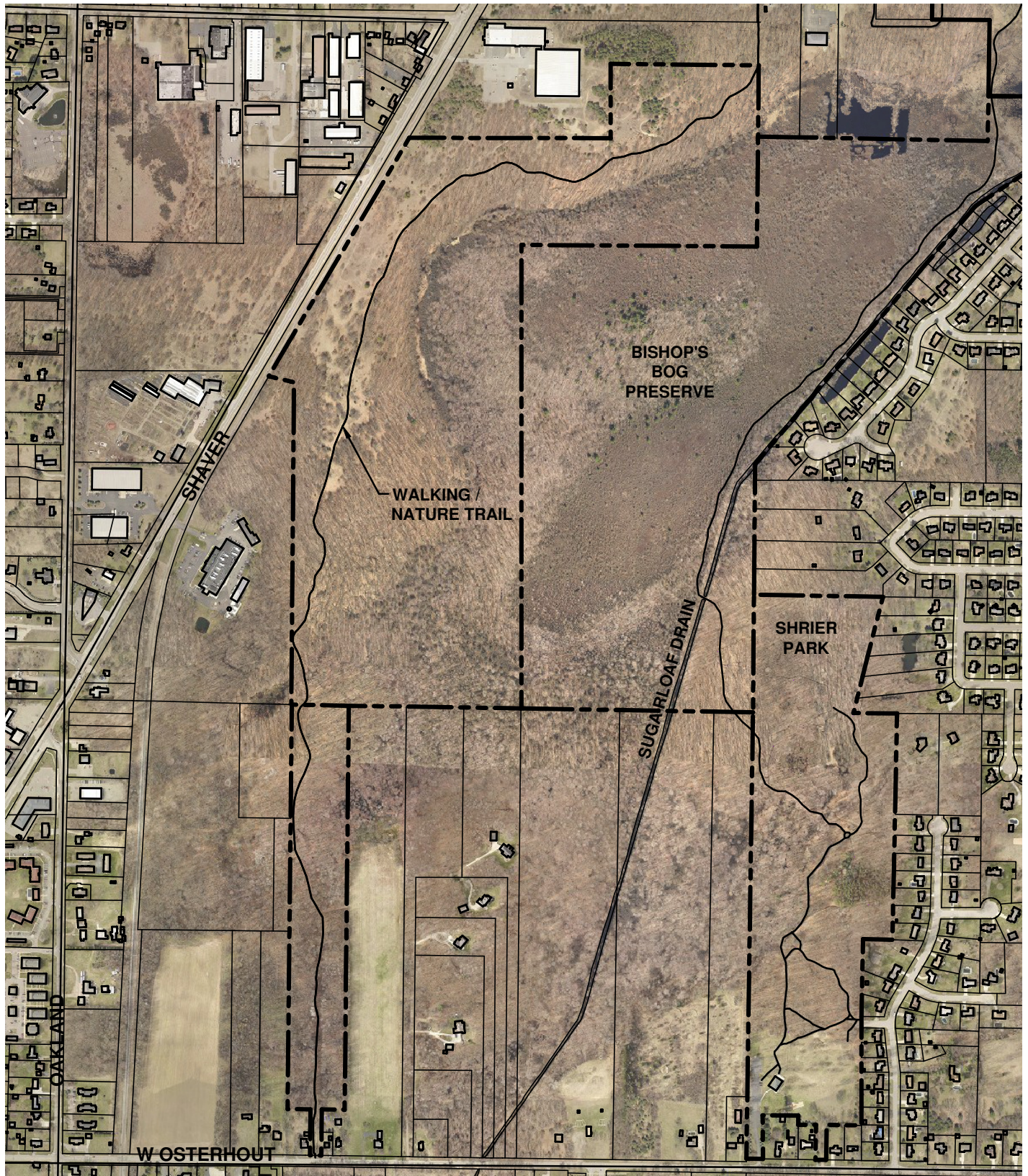


City of Portage
Parks and Recreation Master Plan
Bishop's Bog Preserve
Site Inventory

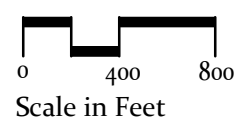


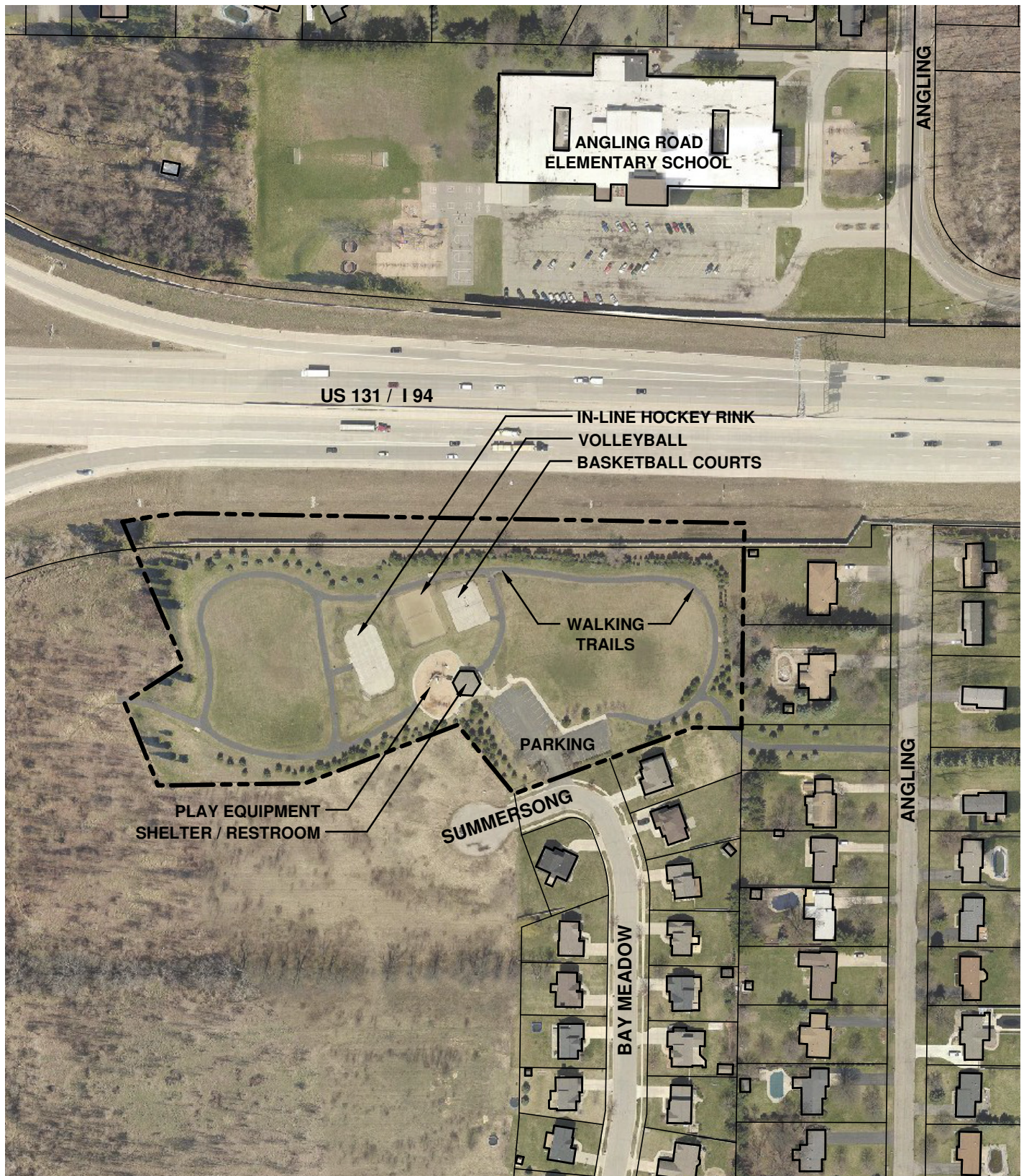
City of Portage
Parks and Recreation Master Plan
Central Park
Site Inventory



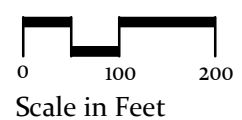


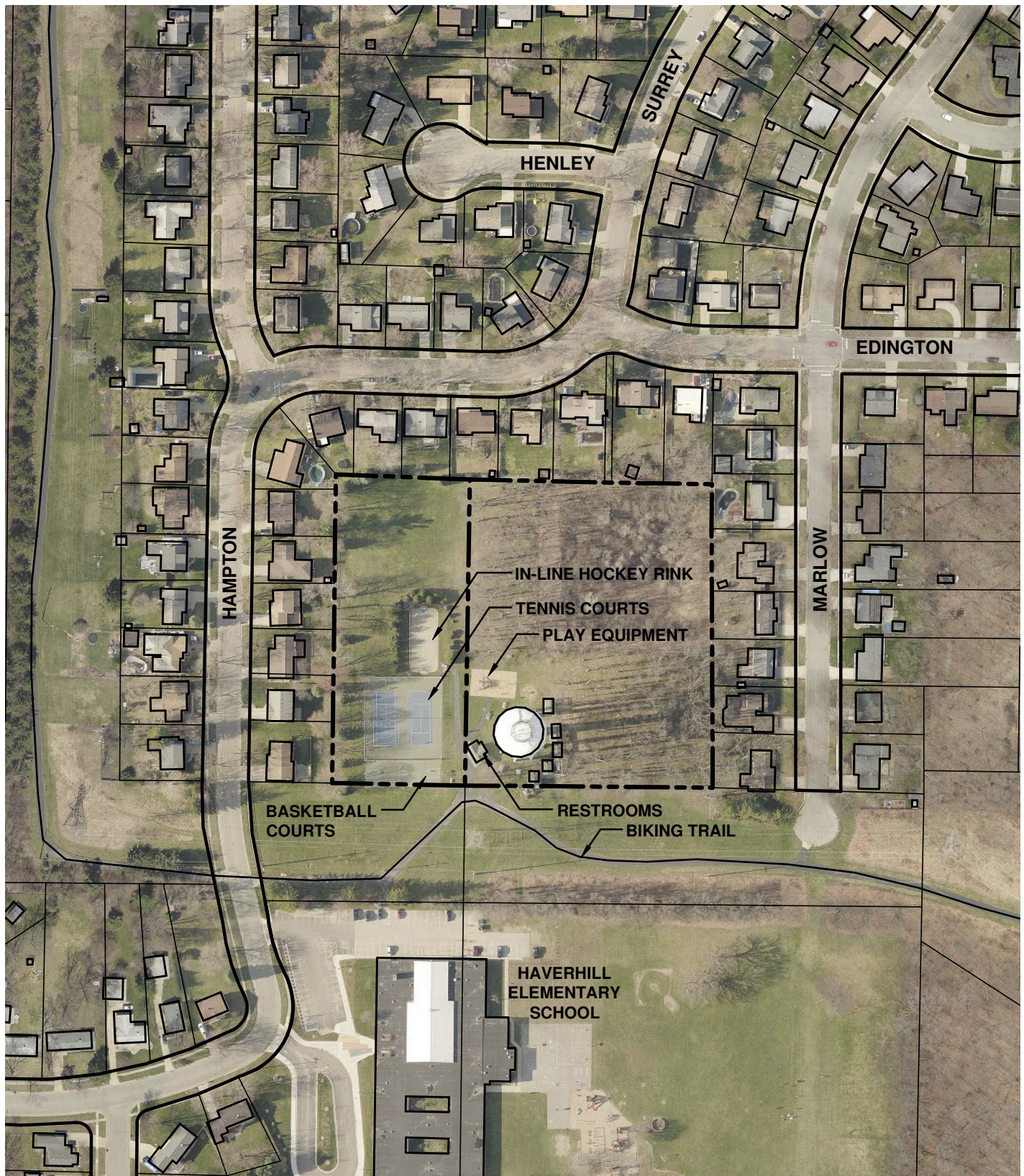
City of Portage
Parks and Recreation Master Plan
Eliason Nature Preserve
Site Inventory



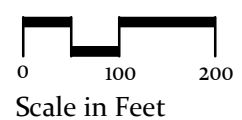


City of Portage
Parks and Recreation Master Plan
Harbors West Park
Site Inventory



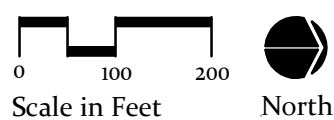


City of Portage
Parks and Recreation Master Plan
Haverhill Park
Site Inventory



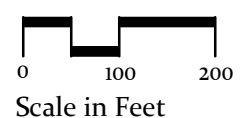


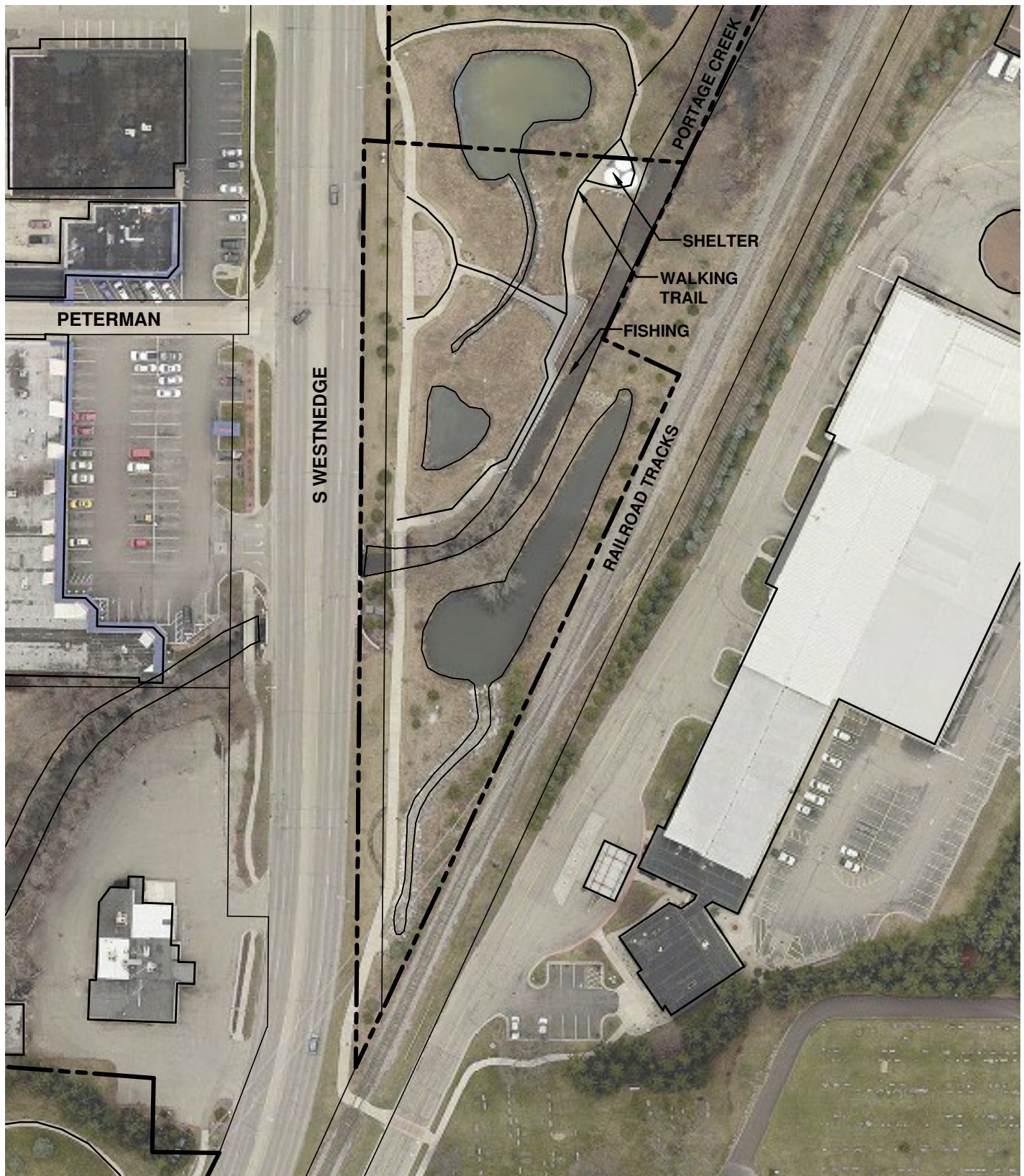
City of Portage
Parks and Recreation Master Plan
Lakeview Park
Site Inventory



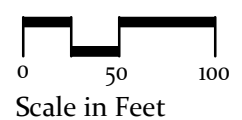


City of Portage
Parks and Recreation Master Plan
Lexington Green Park
Site Inventory





City of Portage
Parks and Recreation Master Plan
Liberty Park
Site Inventory





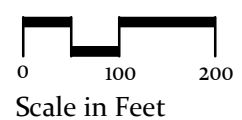
City of Portage
Parks and Recreation Master Plan
Millennium Park
Site Inventory

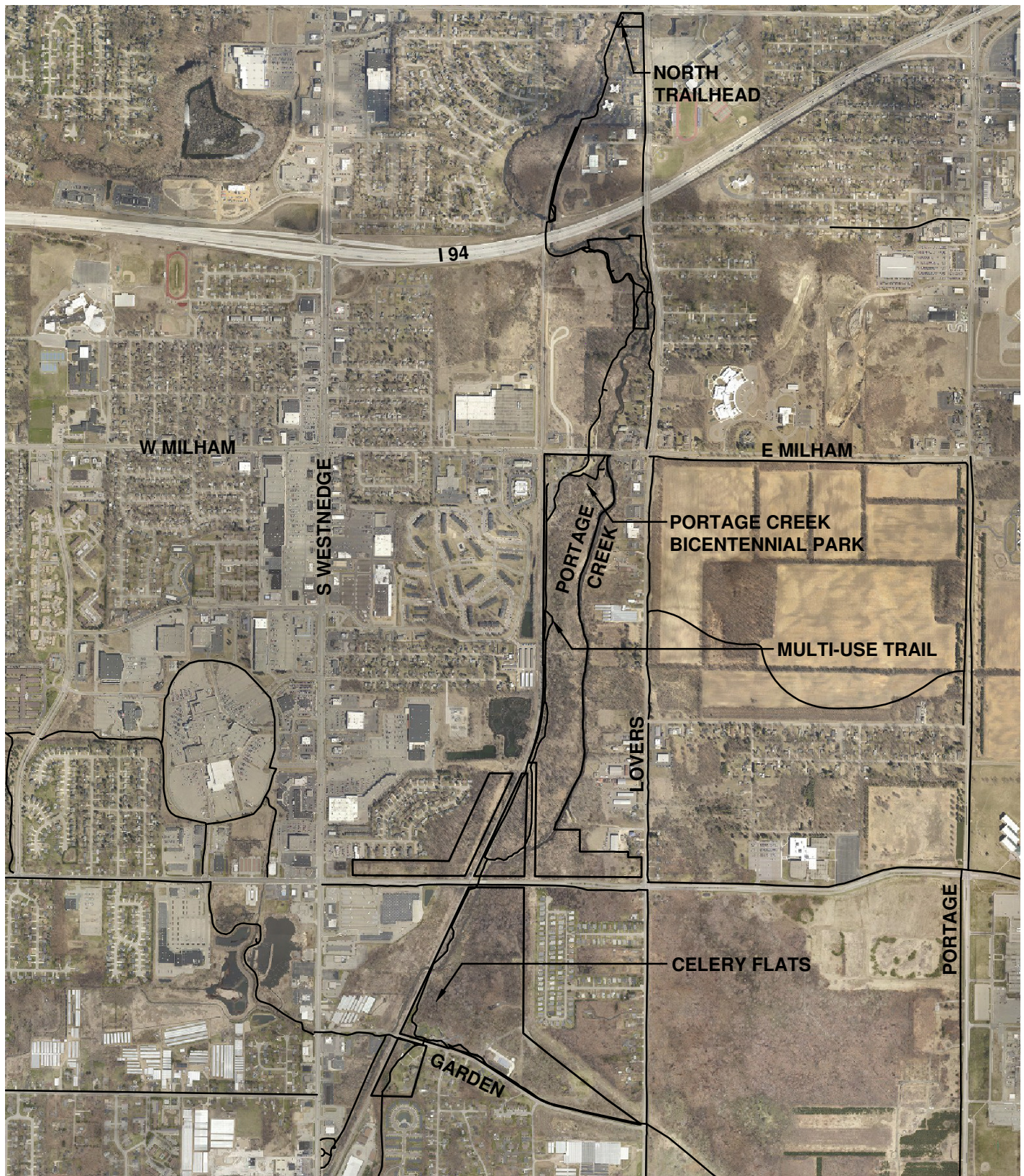
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Scale in Feet



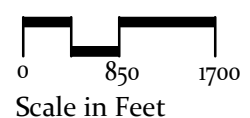


City of Portage
Parks and Recreation Master Plan
Oakland Drive Park
Site Inventory



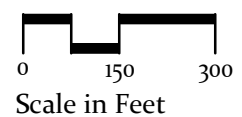


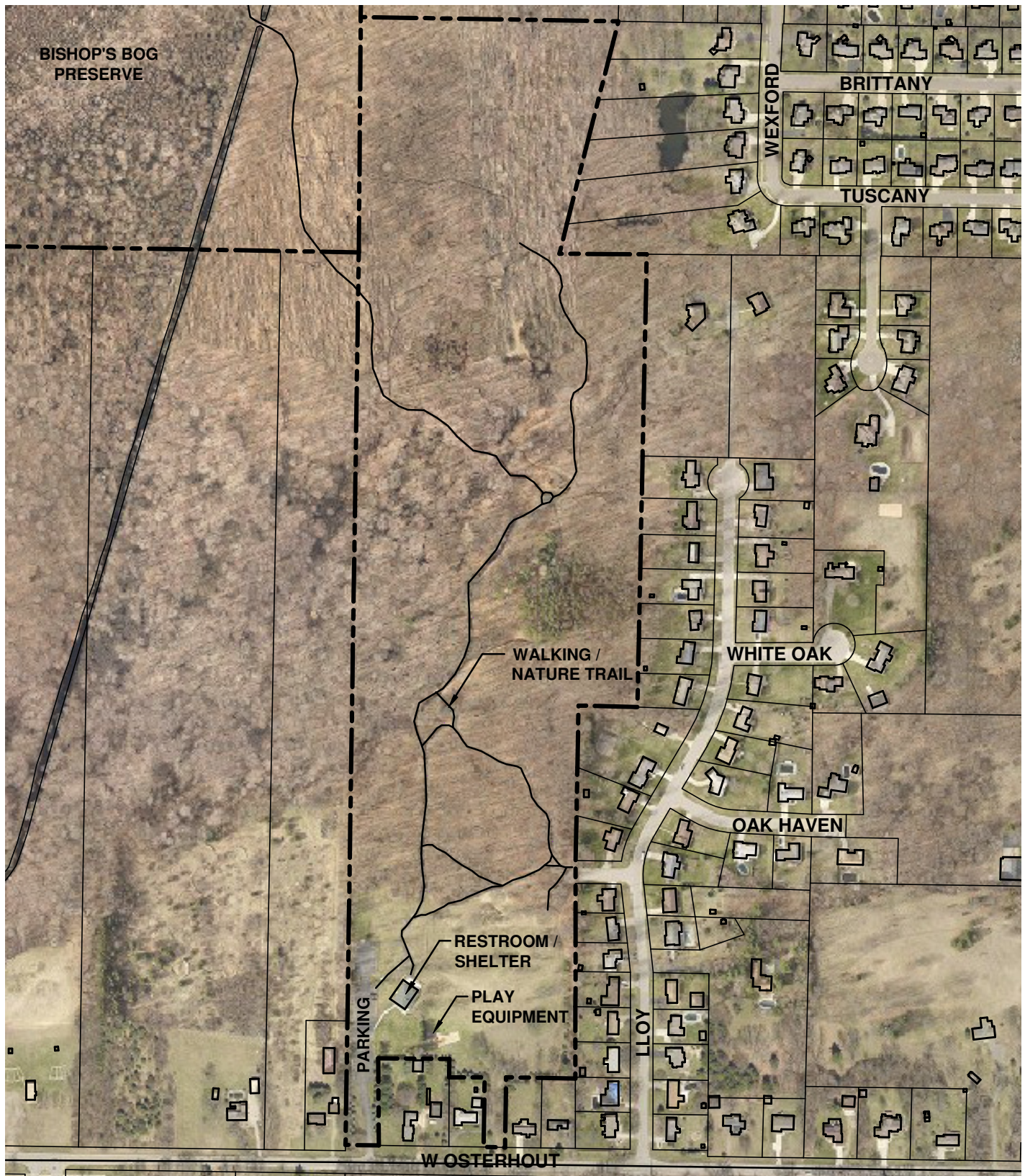
City of Portage
Parks and Recreation Master Plan
Portage Creek Bicentennial Park
Site Inventory



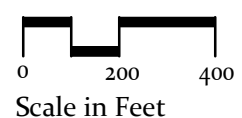


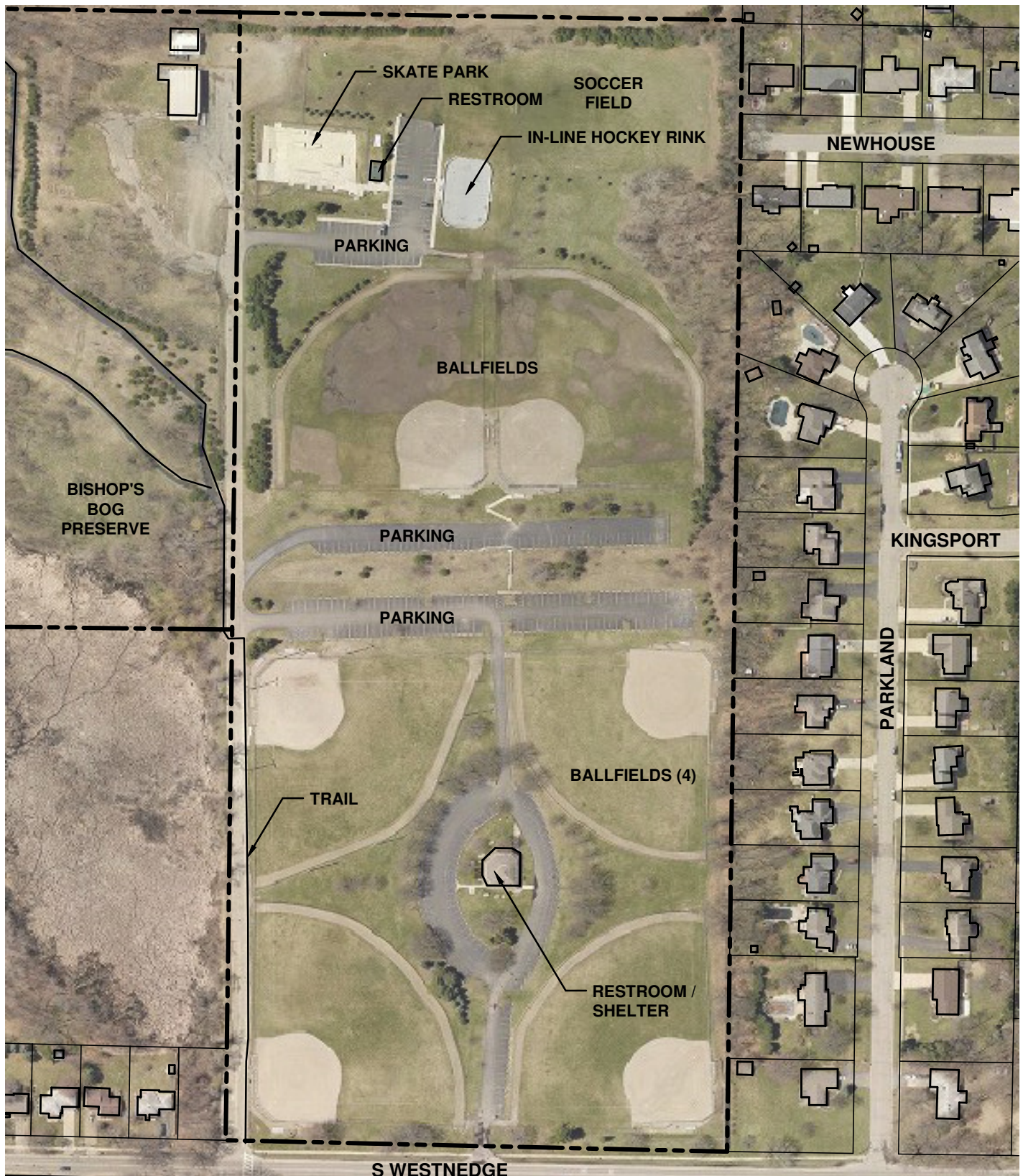
City of Portage
Parks and Recreation Master Plan
Ramona Park
Site Inventory



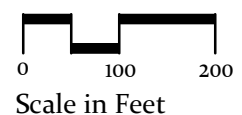


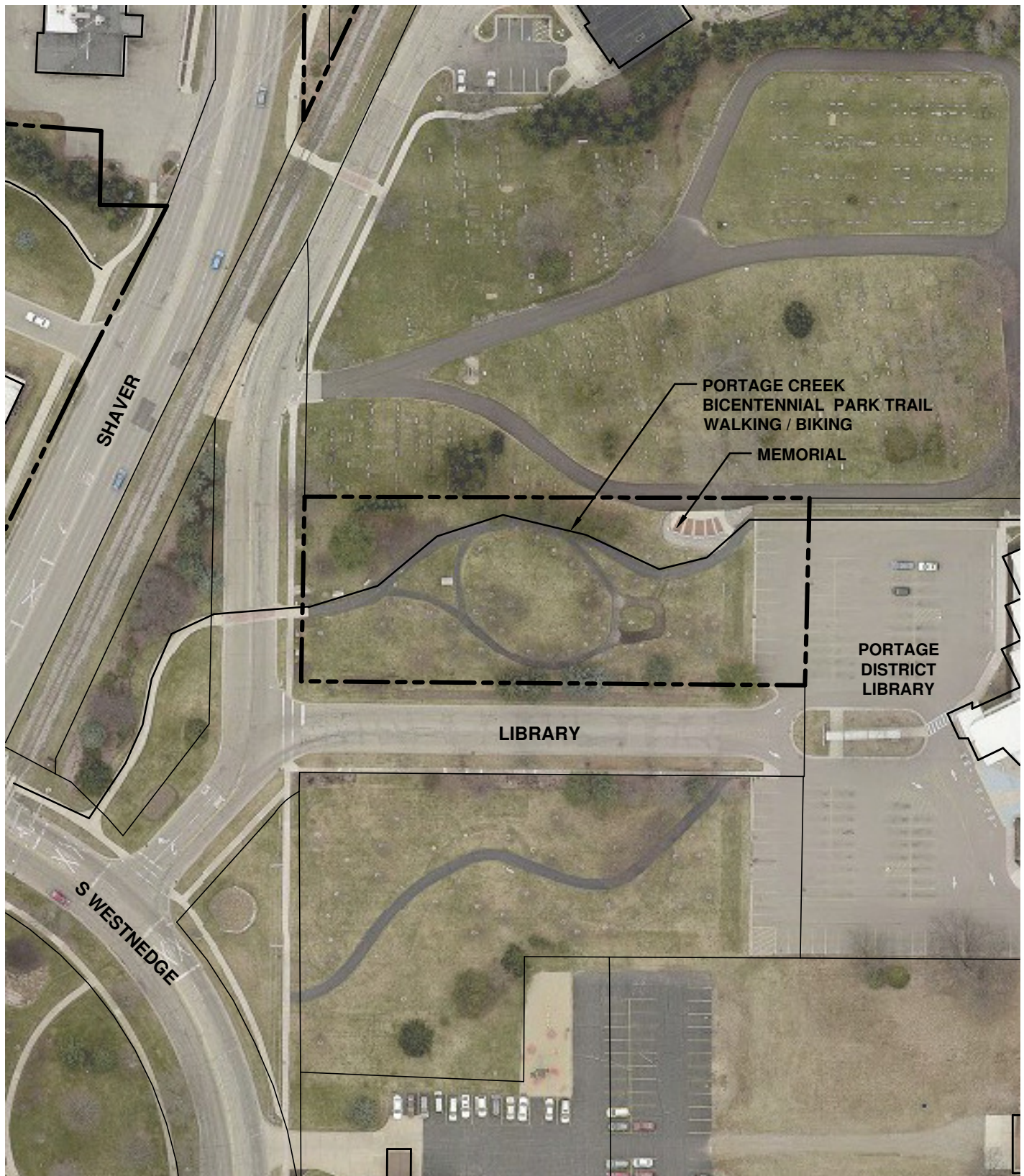
City of Portage
Parks and Recreation Master Plan
Schrier Park
Site Inventory



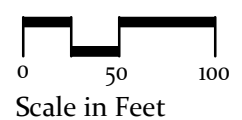


City of Portage
Parks and Recreation Master Plan
South Westnedge Park
Site Inventory



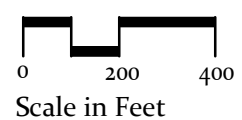


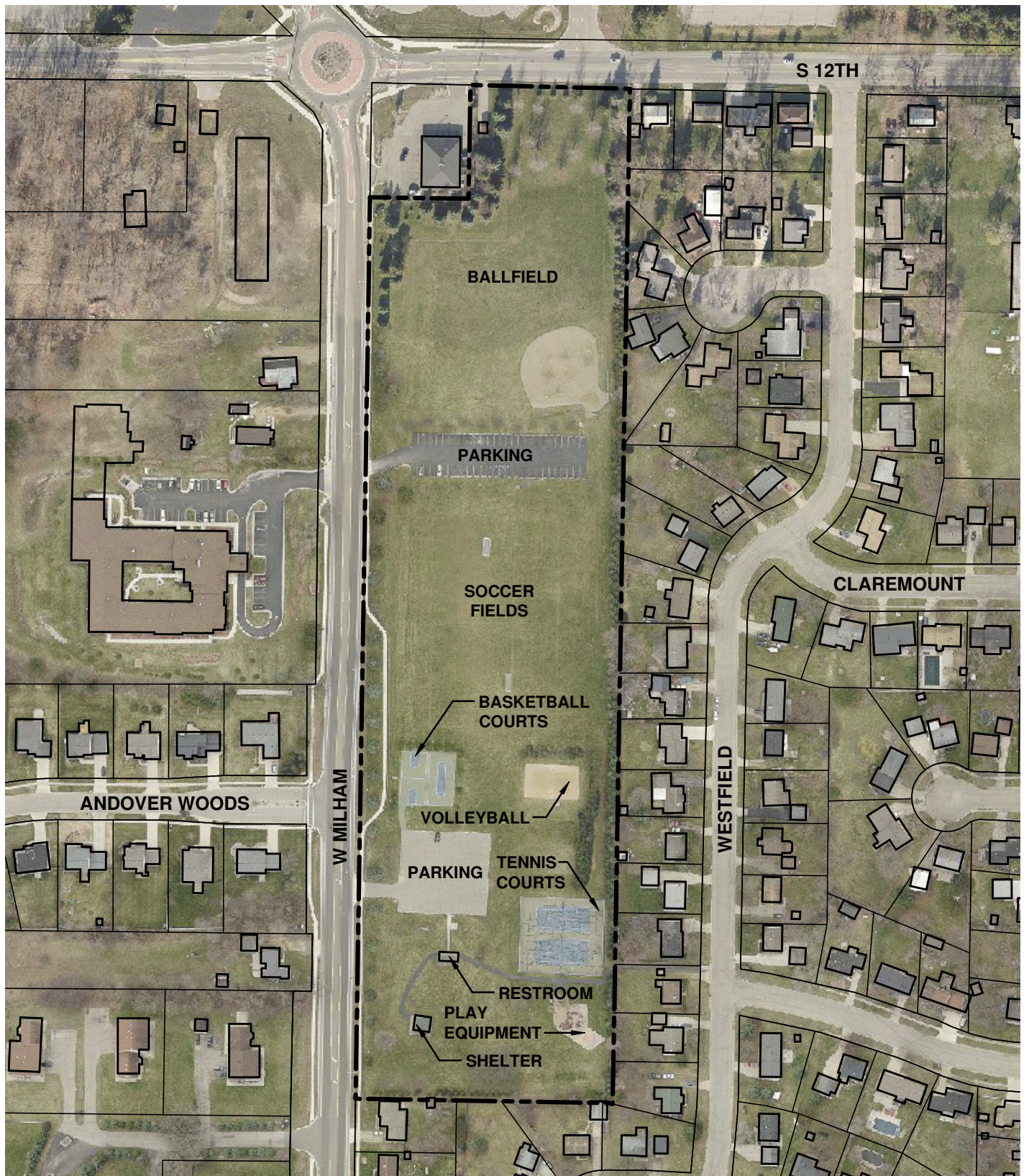
City of Portage
Parks and Recreation Master Plan
Veterans Memorial Park
Site Inventory



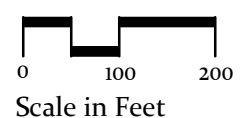


City of Portage
Parks and Recreation Master Plan
West Lake Nature Preserve
Site Inventory





City of Portage
Parks and Recreation Master Plan
Westfield Park
Site Inventory



APPENDIX 3

Program Participation Comparison

YEARLY COMPARISON REPORT							
	2012	2013	2014	2015	2016	2017	2018 est
EVENTS							
TRADITIONAL HOLIDAY	927	450	1,000	1,000	1,500	3,500	4,000
TASTE OF PORTAGE	1,017	1427		1,000			
MONSTER MASH					2,500	6,000	7,000
WINTER CARNIVAL					150	150	200
MAGIC SHOW						69	80
ANIMAL MAGIC	766						
KIDS SUMMER KICKOFF		475					
WINTER SNOW PARTY	265			297			
WINTER JAMBOREE				250			
CONCERTS							
AMPHITHEATRE MUSIC PERFORMANCES	140	388					
SCHLITZ CREEK		170					
HIKE TO A CONCERT				300	80		
ALAN TURNER CONCERT						138	
NEW ODYSSEY CONCERT						400	400
TOM SADGE CONCERT						550	
ARMY FIELD BAND CONCERT				850		400	
DAMIEN ESCOBAR							20,000
JUSTIN SHANDOR (ELVIS)							500
ALLEN SCOTT (TIM MCGRAW)							500
GLENN MILLER CONCERT					600	1,300	1,500
TOTAL EVENT ATTENDANCE:	3,115	2,910	1,000	3,697	4,830	12,507	34,180
PARK BOARD EVENTS							
RECYCLED ART IN THE PARK		500	500	400	75	1000	1,500
GET ACTIVE/BIKE TRIATHLON	78	95	200	285	250	153	
PICNIC IN THE PARKS					300	300	300
HERITAGE FESTIVAL							600
GREAT AMERICAN CAMPOUT							200
TOUR DE PORTAGE							300
MUSIC FEST			455	400	650	550	600
TOTAL EVENT ATTENDANCE:			1,155	1,085	1,275	2,003	3,500
TOTAL EVENTS	3,115	2,910	2,155	4,782	6,105	14,510	37,680
EVENTS - OTHER							
POLICE PIG OUT EVENT					60	500	500
GREEN-A-THON	336		625	200		685	900
TOTAL OTHER EVENTS	336	0	625	200	60	1,185	1,400
PROGRAM							
FALL/WINTER							
SANTA SKATE						200	30
SANTA TEA						20	25
MASCOT SKATE	48					200	200
VALENTINE'S SKATE	19	25	28	51	42	29	40
TWILIGHT SKATE		13	20				
NEW YEARS SKATE					100	300	300
ICE SKATING LESSONS	48	48	24	22	30	36	39
SKI/SNOWBOARDING	189	73	77	190	11	34	36
SNOWSHOE HIKE		15	80	46	75		

SPRING/SUMMER							
NATURE PROGRAMS							
KIDS SUMMER KICK OFF	63						
LITTLE LUNKERS CAMP		11	12	13	16	17	25
ADVANCED ANGLERS CAMP	8	13	13	19	12	14	15
FAMILY FISH FAIR	510	700		683	350	614	615
READING RANGERS						25	
ROLLING WITH RANGERS							200
FREE PARKS DAY						550	600
KALAMAZOO NATURE CENTER	423	1149	9	65		45	45
*BINDER PARK ZOO PROGRAMS						45	61
PARK DISCOVERY PROGRAM			175				
BEACH BONFIRES							200
CULTURAL/HISTORY							
PHOTO CONTEST						68	200
ALLIGATOR SANCTUARY							200
SURVIVAL SERIES							50
MOVIE SERIES	143	287					1200
POLICE MOVIE NIGHT	216	250				312	300
PORTAGE HISTORY SPEAKERS SERIES							150
GINGERBREAD HOUSE WORKSHOP						42	42
HISTORICAL TOURS						600	800
INTERPRETIVE CENTER TOURS	133						
DANCE CAMP							50
TOTAL ECLIPSE						150	
TEAS	440	277					50
PLEIN AIR WATERCOLOR							12
PAINTING IN THE PARKS						25	18
ART ENCOUNTERS	271	436					
POKEMON GO					280		
DRAMA CAMP	138						
SHAKESPEARE IN THE PARK	32	287					150
HAYLOFT THEATRE PERFORMANCE	229	476					
KALAMAZOO SYMPHONY							300
FITNESS							
BOOT CAMPS				17			60
BEACH YOGA			45				50
PADDLEBOARD YOGA		12	103				
SWMMING LESSONS							50
JAZZERIZE IN THE PARK			36				
BIKE RODEO			25				
BICYCLE SAFETY CAMP				25	100	150	150
SPORTS CAMPS/CLINICS							
ARCHERY CAMP							50
PICKLEBALL CLINIC							50
PADDLEBOARD DEMO'S		45				149	150
SKATEBOARDING CAMP	34	49	30	40		43	20
KIDS SAMPLER						19	30
GOLF CAMP	18						
BASKETBALL CAMP	92						
KAYAKING INTRO	8						
BASEBALL CAMP	47						
LACROSSE CLINIC						18	25
VOLLEYBALL CAMP	330						
SOCCER CAMP			240				
TOTAL PROGRAM ATTENDANCE:	3,439	4,166	917	1,171	1,016	3,705	6,588

FARMERS MARKET							
FARMERS MARKET				1400	3500	8725	12000
WINTER FARMERS MARKET					891	300	
HOLIDAY FARMERS MARKET						300	300
TOTAL MARKET ATTENDANCE:	0	0	0	1,400	4,391	9,325	12,300
SOFTBALL							
NUMBER OF PARTICIPANTS	1797	1594	2057	1762	2843	3000	3150
NUMBER OF TOTAL TEAMS	135	123	120	118	182	200	210
LEAGUE DIVISIONS (SPRING & FALL)	17	17	17	17	28	30	30
SLOW PITCH TOURNAMENTS	7	4	4	4	6	5	7
FAST PITCH TOURNAMENTS	5	3	7	9	10	10	11
TOTAL SOFTBALL ATTENDANCE:	1,961	1,741	2,205	1,910	3,069	3,245	3,408
WALK/RUNS							
WINTER BLAST		556	755	553	951	950	900
PEACOCK STRUT	770	21	620	323	300	350	500
AUTISM		500	585	400	490	279	300
CYSTIC FIBROSIS		125	115	175	175	0	0
CURE SEARCH		500	500	399	139	450	450
MARCH FOR BABIES		400	400	337	400	250	200
EPILEPSY		150	150	139	300	250	200
PARKINSONS WALK			50	100	100	170	150
KZOO CTY CHILD ABUSE PREVENT			189	150	200	250	300
NATIONAL KIDNEY		240	360	240	250	250	0
PSI IOTA XI				50	50	100	0
Alzheimers		600	630				
ARTHRITIS	500	500					
St. Marys					250	250	0
CONQUER CHIARIi (1X)					125		
JACK-O-LANTERN					200		
RUN 4 FREEDOM (1X)					75		
ALS		0	0	259	250	250	250
TOTAL EVENT ATTENDANCE:	1,270	3,592	4,354	3,125	4,255	3,799	3,250
RAMONA/MPIR							
MPiR ADMISSIONS - PAID			5,374	4,710	4,006	4,121	
MPiR ADMISSIONS - PUNCH CARD			2,014	1,931	1,782	796	
MPiR ADMISSIONS - PCC			32	25	25	30	
MPiR FREE DAY						450	
SKATE RENTAL - PAID			4,033	3,671	3,163	3,274	
SKATE RENTAL - PUNCH CARD			1,380	1,323	1,368	526	
SKATE SHARPENING - PAID			40	17	4	29	
SKATE SHARPENING - PUNCH CARD			9	5	3	128	
MPiR PUNCH CARDS PURCHASE			390	444	413	395	
CONCESSION SALES - SPRING/SUMMER/FALL							
CONCESSION SALES - WINTER			\$ 3,527	\$ 3,052	\$ 3,109	\$ 3,967	
MPiR TOTALS			5,852	5,460	4,951	4,352	
RAMONA RESIDENT DAILY	3,549	3,196	3,170	3,666	3,468	3,573	
RAMONA NON-RESIDENT DAILY	2,486	2,176	2,406	2,745	3,283	2,597	
RAMONA BUS PASSES	2	5	14	10	12	5	
RENTALS					818	684	
CONCESSIONS				\$ 3,983	\$ 4,940	\$ 8,018	
RAMONA TOTALS	6,037	5,377	5,590	6,421	7,581	6,859	

RENTALS							
AMPITHEATRE	5	6	5	8	8	2	
BANDSHELL	2	0	2	2	2	0	
CENTRAL PARK	9	5	9	4	17	4	
GAZEBO	2	0	1	4	5	1	
GRAIN ELEVATOR	5	3	7	25	31	37	
HAYLOFT	16	19	23	30	24	22	
LAKEVIEW #1	33	31	42	47	38	23	
LAKEVIEW #2	36	37	25	34	33	28	
LAKEVIEW SOFTBALL						28	
RAMONA #1	43	38	45	32	28	31	
RAMONA #2	27	21	30	25	37	31	
RAMONA SOFT #1						15	
RAMONA SOFT #2						5	
RAMONA SOCCER NORTH						66	
RAMONA SOCCER #5						3	
RAMONA SOCCER #6						0	
RAMONA FOOTBALL #1						27	
RAMONA FOOTBALL #2						27	
RAMONA FOOTBALL #3						27	
RAMONA FOOTBALL #4						27	
SCHRIER PARK	44	35	41	43	51	33	
SCHRIER PARK PAVILION						4	
SCHOOLHOUSE	3	2	3	3	2	4	
STUART MANOR	16	17	13	15	12	17	
SOUTHWESTNEDGE #1						7	
SOUTHWESTNEDGE #2						7	
SOUTHWESTNEDGE #3						7	
SOUTHWESTNEDGE #4						7	
SOUTHWESTNEDGE #5						7	
SOUTHWESTNEDGE #6						7	
WESTFIELD PARK	12	2	12	11	14	18	
WESTFIELD SOFTBALL						14	
TOTAL BUILDING RENTALS:	253	216	258	283	302	536	

Fee Based Programs

APPENDIX 4

Community Survey Results

Q1 Are you a resident of the City of Portage?

Answered: 67 Skipped: 1

ANSWER CHOICES	RESPONSES	
Yes	82.09%	55
No	17.91%	12
TOTAL		67

#	OTHER (PLEASE SPECIFY)	DATE
1	Scotts	10/17/2017 7:54 AM
2	Oshtemo	10/16/2017 3:38 AM
3	I lived in Portage 2 years ago.	10/15/2017 2:38 PM
4	Texas Twp	10/15/2017 2:09 PM
5	We technically live in Schoolcraft on S. Shaver.	10/15/2017 12:19 PM

Q2 What is your gender?

Answered: 61 Skipped: 7

ANSWER CHOICES	RESPONSES	
Female	63.93%	39
Male	36.07%	22
Prefer not to answer	0.00%	0
TOTAL		61

#	PREFER NOT TO ANSWER	DATE
	There are no responses.	

Q3 What are the age ranges of you and members of your household?

Answered: 61 Skipped: 7

ANSWER CHOICES	RESPONSES	
0-17	26.23%	16
18-24	6.56%	4
25-44	44.26%	27
45-64	37.70%	23
65-84	21.31%	13
85+	0.00%	0
Total Respondents: 61		

Q4 Have you or members of your household visited a City of Portage park during the past 12 months?

Answered: 61 Skipped: 7

ANSWER CHOICES	RESPONSES	
Yes	100.00%	61
No	0.00%	0
TOTAL		61

Q5 How important are each of the following recreational facilities to you

or members of your household?

Answered: 60 Skipped: 8

	VERY IMPORTANT	SOMEWHAT IMPORTANT	NOT IMPORTANT	TOTAL	WEIGHTED AVERAGE
Nature trail	73.68% 42	26.32% 15	0.00% 0	57	2.74
Walking / jogging	71.93% 41	26.32% 15	1.75% 1	57	2.70
Biking	51.72% 30	34.48% 20	13.79% 8	58	2.38
Picnicking	29.41% 15	52.94% 27	17.65% 9	51	2.12
Swimming	35.29% 18	29.41% 15	35.29% 18	51	2.00
Playground	33.33% 17	31.37% 16	35.29% 18	51	1.98
Fishing	25.49% 13	37.25% 19	37.25% 19	51	1.88
Boating	27.45% 14	31.37% 16	41.18% 21	51	1.86
Sledding	25.49% 13	29.41% 15	45.10% 23	51	1.80
Ice skating	14.00% 7	40.00% 20	46.00% 23	50	1.68
Tennis	17.31% 9	30.77% 16	51.92% 27	52	1.65
Pickle ball	24.14% 14	13.79% 8	62.07% 36	58	1.62
Concessions	12.00% 6	34.00% 17	54.00% 27	50	1.58
Baseball/softball	9.80% 5	35.29% 18	54.90% 28	51	1.55
Volleyball	4.00% 2	34.00% 17	62.00% 31	50	1.42
Basketball	7.84% 4	25.49% 13	66.67% 34	51	1.41
In-line skating	6.00% 3	28.00% 14	66.00% 33	50	1.40
Disc golf	5.88% 3	27.45% 14	66.67% 34	51	1.39
Soccer	3.92% 2	29.41% 15	66.67% 34	51	1.37
Golf	9.62% 5	17.31% 9	73.08% 38	52	1.37
Skateboarding	4.00% 2	26.00% 13	70.00% 35	50	1.34
Football	3.92% 2	17.65% 9	78.43% 40	51	1.25

#	OTHER (PLEASE SPECIFY)	DATE
1	Seating	11/3/2017 8:56 AM
2	Dog park. Dog beach.	11/2/2017 11:00 PM
3	Having more areas that older kids and teenagers can use would be great.	11/2/2017 7:06 PM
4	Splash pad is desperately needed and a city pool!	10/17/2017 6:38 PM
5	We need a splash pad	10/14/2017 8:32 PM
6	Dog walking/dog park	10/4/2017 8:39 AM
7	Dog Park - VERY important	10/3/2017 11:31 AM

Q6 Overall, how would you rate the condition of the City parks you have visited?

Answered: 61 Skipped: 7

	EXCELLENT	GOOD	FAIR	POOR	NOT VISITED	TOTAL	WEIGHTED AVERAGE
Ramona Park	46.55% 27	31.03% 18	8.62% 5	0.00% 0	13.79% 8	58	3.97
Portage Creek Bicentennial Park	32.14% 18	53.57% 30	3.57% 2	0.00% 0	10.71% 6	56	3.96
Lakeview Park	29.82% 17	22.81% 13	8.77% 5	0.00% 0	38.60% 22	57	3.05
West Lake Nature Preserve	22.22% 12	31.48% 17	9.26% 5	1.85% 1	35.19% 19	54	3.04
Eliason Nature Reserve	17.86% 10	19.64% 11	10.71% 6	0.00% 0	51.79% 29	56	2.52
Bishop's Bog Preserve	16.67% 9	24.07% 13	12.96% 7	3.70% 2	42.59% 23	54	2.69
Schrier Park	16.36% 9	30.91% 17	10.91% 6	0.00% 0	41.82% 23	55	2.80
Millennium Park	16.67% 9	31.48% 17	16.67% 9	1.85% 1	33.33% 18	54	2.96
Oakland Drive Park	15.38% 8	38.46% 20	9.62% 5	1.92% 1	34.62% 18	52	2.98
Veterans Memorial Park	13.46% 7	15.38% 8	3.85% 2	0.00% 0	67.31% 35	52	2.08
South Westnedge Park	9.26% 5	31.48% 17	12.96% 7	1.85% 1	44.44% 24	54	2.59
Central Park	5.66% 3	22.64% 12	13.21% 7	0.00% 0	58.49% 31	53	2.17
Harbors West Park	3.85% 2	11.54% 6	1.92% 1	0.00% 0	82.69% 43	52	1.54
Lexington Green Park	1.92% 1	5.77% 3	15.38% 8	7.69% 4	69.23% 36	52	1.63
Westfield Park	1.92% 1	21.15% 11	7.69% 4	1.92% 1	67.31% 35	52	1.88
Haverhill Park	1.89% 1	37.74% 20	9.43% 5	0.00% 0	50.94% 27	53	2.40
Liberty Park	1.92% 1	7.69% 4	11.54% 6	0.00% 0	78.85% 41	52	1.54

Q7 How would you rate the overall quality of the Recreation Programs in which your household participated in?

Answered: 56 Skipped: 12

	EXCELLENT	GOOD	FAIR	POOR	DID NOT PARTICIPATE	TOTAL	WEIGHTED AVERAGE
Art in the Park	11.32% 6	20.75% 11	7.55% 4	1.89% 1	58.49% 31	53	1.25
Holiday Programs	7.69% 4	15.38% 8	9.62% 5	0.00% 0	67.31% 35	52	0.96
Skating / Ski Lessons	5.56% 3	1.85% 1	1.85% 1	0.00% 0	90.74% 49	54	0.31
Music Festival	5.77% 3	7.69% 4	7.69% 4	0.00% 0	78.85% 41	52	0.62
Summer Concerts	5.77% 3	9.62% 5	15.38% 8	0.00% 0	69.23% 36	52	0.83
Monster Mash	3.85% 2	5.77% 3	1.92% 1	0.00% 0	88.46% 46	52	0.37
Lunch and Learns	4.00% 2	0.00% 0	2.00% 1	0.00% 0	94.00% 47	50	0.20
Summer Movie Night	3.92% 2	13.73% 7	1.96% 1	0.00% 0	80.39% 41	51	0.61

Winter Jamboree	1.85% 1	5.56% 3	5.56% 3	0.00% 0	87.04% 47	54	0.35
Bicycle Safety Camp	1.89% 1	1.89% 1	0.00% 0	1.89% 1	94.34% 50	53	0.15
Family Fishing Fair	1.89% 1	5.66% 3	0.00% 0	0.00% 0	92.45% 49	53	0.25
Paddlesports Event	1.89% 1	7.55% 4	0.00% 0	0.00% 0	90.57% 48	53	0.30
Volleyball Camps	1.89% 1	0.00% 0	1.89% 1	0.00% 0	96.23% 51	53	0.11
Peacock Strut	1.89% 1	9.43% 5	0.00% 0	1.89% 1	86.79% 46	53	0.38
Youth Tennis Camp	1.92% 1	0.00% 0	0.00% 0	0.00% 0	98.08% 51	52	0.08
Winter Carnival	1.92% 1	5.77% 3	5.77% 3	0.00% 0	86.54% 45	52	0.37
Football Camp	1.92% 1	0.00% 0	0.00% 0	0.00% 0	98.08% 51	52	0.08
Park Adventures	1.92% 1	0.00% 0	0.00% 0	0.00% 0	98.08% 51	52	0.08
New Years Eve Skate	0.00% 0	11.11% 6	0.00% 0	0.00% 0	88.89% 48	54	0.33
Spring Carnival	0.00% 0	5.56% 3	3.70% 2	0.00% 0	90.74% 49	54	0.24
Indoor Walking	0.00% 0	1.89% 1	0.00% 0	0.00% 0	98.11% 52	53	0.06
Girls Softball Clinic	0.00% 0	0.00% 0	0.00% 0	0.00% 0	100.00% 53	53	0.00
Little Lunkers Fish Camp	0.00% 0	0.00% 0	0.00% 0	1.89% 1	98.11% 52	53	0.02
Kids Sort Sampler	0.00% 0	0.00% 0	0.00% 0	0.00% 0	100.00% 53	53	0.00
Adult Beach Volleyball	0.00% 0	1.89% 1	1.89% 1	0.00% 0	96.23% 51	53	0.09
Adult Kickball	0.00% 0	0.00% 0	1.89% 1	0.00% 0	98.11% 52	53	0.04
Basketball Camps	0.00% 0	1.89% 1	0.00% 0	0.00% 0	98.11% 52	53	0.06
Skateboard Camp	0.00% 0	0.00% 0	0.00% 0	0.00% 0	100.00% 53	53	0.00
Lacrosse Clinic	0.00% 0	0.00% 0	0.00% 0	0.00% 0	100.00% 52	52	0.00
Drama Camp	0.00% 0	0.00% 0	0.00% 0	1.92% 1	98.08% 51	52	0.02
Advanced Anglers Fish Camp	0.00% 0	0.00% 0	0.00% 0	0.00% 0	100.00% 51	51	0.00
Adult Fall Softball	0.00% 0	1.96% 1	0.00% 0	0.00% 0	98.04% 50	51	0.06

Q8 Have you or members of your household participated in any recreation programs offered by the City of Portage during the last 12 months?

Answered: 59 Skipped: 9

ANSWER CHOICES	RESPONSES
Yes	40.68% 24
No	59.32% 35
TOTAL	59

Q9 Indicate your opinion with the following to improve the Portage park

system.

Answered: 60 Skipped: 8

	STRONGLY AGREE	AGREE	NO OPINION	DISAGREE	STRONGLY DISAGREE	TOTAL	WEIGHTED AVERAGE
Acquire land for future parks and open space	43.10% 25	31.03% 18	13.79% 8	8.62% 5	3.45% 2	58	4.02
Develop additional non-motorized trails	44.64% 25	32.14% 18	16.07% 9	5.36% 3	1.79% 1	56	4.13
Redevelop/upgrade existing parks to support a broader range of activities	38.60% 22	38.60% 22	15.79% 9	3.51% 2	3.51% 2	57	4.05
Focus effort on better maintenance of existing facilities	36.84% 21	43.86% 25	15.79% 9	3.51% 2	0.00% 0	57	4.14
Provide additional recreational programs and activities	17.54% 10	22.81% 13	47.37% 27	10.53% 6	1.75% 1	57	3.44
No additional parks or changes to current facilities	0.00% 0	1.82% 1	14.55% 8	38.18% 21	45.45% 25	55	1.73

Q10 What public/private recreational facilities outside of the City of Portage have you or members of your household used during the last 12 months? (mark all that apply)

Answered: 56 Skipped: 12

ANSWER CHOICES	RESPONSES
County Parks / Trails	73.21% 41
State parks	62.50% 35
City of Kalamazoo Parks and Recreation	51.79% 29
Public schools	35.71% 20
Neighboring townships	33.93% 19
YMCA	32.14% 18
University facilities	28.57% 16
Churches	19.64% 11
Private clubs	19.64% 11
Private sports teams	5.36% 3
Total Respondents: 56	

#	OTHER (PLEASE SPECIFY)	DATE
1	West Hills Athletic Club for tennis and pickleball	11/3/2017 9:01 AM
2	Kalamazoo Nature Center	10/23/2017 2:33 PM
3	Kalamazoo Nature Center, SWMLC trails, Pierce Cedar Creek institute, kellogg bird sanctuary	10/16/2017 9:26 PM
4	Splash pads	10/14/2017 8:32 PM
5	Hiking in national parks; walking in woods near our house	10/3/2017 2:36 PM

Q11 What are recreation facilities you would MOST LIKE TO SEE more of or added in the city to meet the needs of the members of your household? (select multiple)

Answered: 60 Skipped: 8

ANSWER CHOICES	RESPONSES
Walking / Nature Paths	56.67% 34
Bike paths/trails	48.33% 29
Farmers Market	40.00% 24

Restroom facilities	31.67%	19
Splash pad	30.00%	18
Dog park	28.33%	17
Celery flats expansion	28.33%	17
Pickle ball courts	26.67%	16
Botanical garden with sculpture park	23.33%	14
Picnic facilities	20.00%	12
Playgrounds	20.00%	12
Sculpture garden / art in the park	20.00%	12
Outdoor fitness facilities	16.67%	10
Mountain Bike trail	16.67%	10
Pool	15.00%	9
Disc golf	13.33%	8
Camping (tent and RV)	13.33%	8
Outdoor performance space / amphitheater	11.67%	7
Historical museums/exhibits	11.67%	7
Concessions	11.67%	7
Fishing	10.00%	6
Art center exhibitions	8.33%	5
Baseball/softball fields	6.67%	4
Tennis courts	6.67%	4
Volleyball courts	3.33%	2
Skate park	1.67%	1
BMX course	1.67%	1
Basketball courts	1.67%	1
Football fields	0.00%	0
Soccer fields	0.00%	0
Total Respondents: 60		

#	OTHER (PLEASE SPECIFY)	DATE
1	Indoor and outdoor pickleball courts	11/3/2017 9:37 AM
2	Dog beach and swimming area.	11/2/2017 11:00 PM
3	Put a park/playground in the empty lot by the movie theater off of Constitution!	11/2/2017 7:38 PM
4	Connect to adjacent township trails (Texas)	11/2/2017 8:52 AM
5	More preserves that are left natural, e.g., West Lake and Bishop's Bog	10/3/2017 2:36 PM
6	Connecting Lexington Green park to the Portage bike trails.	10/3/2017 8:02 AM

Q12 What recreation programs does your household have a NEED for? (select multiple)

Answered: 49 Skipped: 19

ANSWER CHOICES	RESPONSES
Adult fitness and wellness	57.14% 28
Nature programs	40.82% 20
Kayaking	40.82% 20
Holiday events	34.69% 17

Yoga	26.53%	13
Youth fitness and wellness	22.45%	11
Senior sports programs	20.41%	10
Cooking	20.41%	10
Volunteer opportunities	20.41%	10
Bike rental facilities	20.41%	10
Youth swimming lessons	18.37%	9
Water fitness	16.33%	8
Adult sports programs	16.33%	8
Special events	16.33%	8
Concert series	16.33%	8
Youth sports programs	14.29%	7
Summer camps	14.29%	7
Youth sports lessons	14.29%	7
Winter sports	14.29%	7
Personal development	12.24%	6
Youth art, dance, performing arts	10.20%	5
Before and after school programs	8.16%	4
Game table areas (chess/checkers)	8.16%	4
Adult art, dance, performing arts	6.12%	3
Ice skating lessons	6.12%	3
Golf lessons	4.08%	2
Sports tournaments	4.08%	2
Martial arts	4.08%	2
Programs for people with disabilities	2.04%	1
Total Respondents: 49		

#	OTHER (PLEASE SPECIFY)	DATE
1	Pickleball	10/19/2017 2:25 PM
2	Pickleball space	10/15/2017 7:41 PM
3	pickleball courts	10/15/2017 2:09 PM
4	No needs	10/14/2017 8:32 PM
5	Dog Park	10/4/2017 8:39 AM

Q13 What are reasons preventing you or members of your household from using parks, recreational facilities or programs more often? (select multiple)

Answered: 40 Skipped: 28

ANSWER CHOICES	RESPONSES	
I do not know what is offered	47.50%	19
Program or facility not offered	22.50%	9
I do not know where facilities are	20.00%	8
Facilities not well maintained	15.00%	6
Too far from residence	12.50%	5
Use facilities in other municipalities	12.50%	5

Not staffed well/poor service	12.50%	5
Facility/programs time/hours of operation not convenient	12.50%	5
Lack of quality programs	10.00%	4
Lack of parking	10.00%	4
Security is not sufficient	10.00%	4
Fees are too high	7.50%	3
Not accessible for people with disabilities	0.00%	0
Total Respondents: 40		

#	OTHER (PLEASE SPECIFY)	DATE
1	We play Pickleball and not enough courts available. Always have long waits	11/3/2017 9:01 AM
2	Lack of people to use the facilities with; I would use local tennis courts more often if there were an organized way to join a group or individuals	11/3/2017 8:56 AM
3	Too many bikes on walking/hiking trails	11/2/2017 11:00 PM
4	Paths (particularly crosswalks) too bumpy for rollerblades	11/2/2017 8:35 PM
5	Programs have often times been full before I could register my children.	11/2/2017 7:38 PM
6	Oh work a lot	11/2/2017 4:25 PM
7	I just moved to Portage a couple of months ago so I barely know anything about what is offered/had a chance to check it out	10/16/2017 4:49 PM
8	insufficient number of pickleball courts - they are heavily used	10/15/2017 5:23 PM
9	Ramona park rules are too strict, make more like Millenium park in GR	10/14/2017 8:32 PM
10	Working outside home, active with Grandchildren Programs	10/14/2017 8:05 AM
11	dog park was closed	10/4/2017 8:39 AM
12	time	10/3/2017 9:48 AM
13	Not all the picnic tables are appealing to have a meal on	10/3/2017 8:05 AM
14	Lexington Green park is disconnected from the rest of the city system which makes it hard to access other things from my neighborhood	10/3/2017 8:02 AM

Q14 Rank the benefits of parks, trails, and programs that are important to your household.

Answered: 59 Skipped: 9

	VERY IMPORTANT	SOMEWHAT IMPORTANT	NOT IMPORTANT	TOTAL	WEIGHTED AVERAGE
Preserve open space and environmental features	82.46% 47	15.79% 9	1.75% 1	57	2.81
Make Portage a desirable place to live	75.86% 44	22.41% 13	1.72% 1	58	2.74
Improve physical health and fitness	74.58% 44	23.73% 14	1.69% 1	59	2.73
Improve mental health and reduce stress	69.64% 39	23.21% 13	7.14% 4	56	2.63
Help reduce crime	70.37% 38	22.22% 12	7.41% 4	54	2.63
Develop and improve youth social skills and self-image	55.56% 30	29.63% 16	14.81% 8	54	2.41
Attract new residents and businesses	52.73% 29	34.55% 19	12.73% 7	55	2.40
Increase property values	45.45% 25	43.64% 24	10.91% 6	55	2.35

#	OTHER (PLEASE SPECIFY)	DATE
1	I live in the Southland Platte neighborhood. A park within walking distance would improve our property values. The areas around here need help. Especially the state streets north of Milham. A park would benefit our community, and Portage overall.	11/2/2017 7:38 PM

Q15 How important is to you that the City provide quality recreation programs, events and services to citizens?

Answered: 59 Skipped: 9

ANSWER CHOICES	RESPONSES
Very Important	52.54% 31
Somewhat Important	44.07% 26
Not Important	3.39% 2
Unsure	0.00% 0
TOTAL	59

Q16 Rank in order of priority parks and recreation services on which the city should focus for the next five (5) years.

Answered: 56 Skipped: 12

	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Safety in parks	36.00% 18	24.00% 12	4.00% 2	12.00% 6	4.00% 2	6.00% 3	0.00% 0	6.00% 3	2.00% 1	0.00% 0	2.00% 1	0.00% 0	4.00% 2	
Non-motorized trails	26.53% 13	18.37% 9	14.29% 7	8.16% 4	6.12% 3	4.08% 2	6.12% 3	4.08% 2	2.04% 1	8.16% 4	2.04% 1	0.00% 0	0.00% 0	
Cleanliness in park facilities	14.29% 7	26.53% 13	22.45% 11	8.16% 4	12.24% 6	2.04% 1	4.08% 2	4.08% 2	2.04% 1	0.00% 0	2.04% 1	2.04% 1	0.00% 0	
Quality / quantity of court facilities	11.11% 5	2.22% 1	0.00% 0	15.56% 7	0.00% 0	4.44% 2	11.11% 5	4.44% 2	4.44% 2	2.22% 1	8.89% 4	15.56% 7	20.00% 9	
Land acquisition / park expansion	8.70% 4	15.22% 7	8.70% 4	10.87% 5	15.22% 7	6.52% 3	6.52% 3	2.17% 1	0.00% 0	4.35% 2	2.17% 1	4.35% 2	15.22% 7	
Youth programs	4.76% 2	11.90% 5	4.76% 2	4.76% 2	11.90% 5	7.14% 3	11.90% 5	9.52% 4	16.67% 7	2.38% 1	7.14% 3	0.00% 0	7.14% 3	
Adult programs	4.65% 2	2.33% 1	16.28% 7	0.00% 0	6.98% 3	16.28% 7	0.00% 0	16.28% 7	6.98% 3	16.28% 7	2.33% 1	9.30% 4	2.33% 1	
Senior programs	4.35% 2	8.70% 4	8.70% 4	8.70% 4	6.52% 3	4.35% 2	6.52% 3	8.70% 4	10.87% 5	10.87% 5	13.04% 6	4.35% 2	4.35% 2	
Development of innovative facilities	4.55% 2	4.55% 2	15.91% 7	15.91% 7	11.36% 5	13.64% 6	2.27% 1	6.82% 3	6.82% 3	6.82% 3	4.55% 2	6.82% 3	0.00% 0	
Indoor facilities	2.44% 1	0.00% 0	4.88% 2	19.51% 8	7.32% 3	7.32% 3	7.32% 3	7.32% 3	9.76% 4	7.32% 3	9.76% 4	9.76% 4	7.32% 3	
Quality / quantity of athletic fields	0.00% 0	0.00% 0	2.50% 1	2.50% 1	7.50% 3	5.00% 2	12.50% 5	5.00% 2	12.50% 5	7.50% 3	12.50% 5	20.00% 8	12.50% 5	
Concerts / special events	0.00% 0	0.00% 0	9.76% 4	2.44% 1	12.20% 5	17.07% 7	12.20% 5	7.32% 3	7.32% 3	9.76% 4	7.32% 3	7.32% 3	7.32% 3	
Cultural / historical facilities	0.00% 0	0.00% 0	5.00% 2	10.00% 4	2.50% 1	7.50% 3	10.00% 4	7.50% 3	10.00% 4	17.50% 7	10.00% 4	12.50% 5	7.50% 3	

Q17 How frequently do you use concessions or bring food to park facilities?

Answered: 59 Skipped: 9

ANSWER CHOICES	RESPONSES
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Frequently	22.03%	13
Sometimes	52.54%	31
Never	25.42%	15
TOTAL		59

Q18 Would you visit a park more frequently if coffee / breakfast or lunch in a cafe setting was available?

Answered: 59 Skipped: 9

ANSWER CHOICES	RESPONSES	
Yes	40.68%	24
No	37.29%	22
No Opinion	22.03%	13
TOTAL		59

Q19 How would you rank the appearance, maintenance and cleanliness of existing facilities?

Answered: 55 Skipped: 13

	EXCELLENT	GOOD	FAIR	POOR	HAVE NOT VISITED THIS PARK	TOTAL	WEIGHTED AVERAGE
Ramona Park	39.62% 21	37.74% 20	9.43% 5	1.89% 1	11.32% 6	53	2.92
Portage Creek Bicentennial Park	23.08% 12	55.77% 29	7.69% 4	0.00% 0	13.46% 7	52	2.75
Lakeview Park	23.08% 12	28.85% 15	9.62% 5	3.85% 2	34.62% 18	52	2.02
West Lake Nature Preserve	20.00% 10	26.00% 13	18.00% 9	0.00% 0	36.00% 18	50	1.94
Eliason Nature Reserve	17.65% 9	15.69% 8	9.80% 5	0.00% 0	56.86% 29	51	1.37
Oakland Drive Park	14.58% 7	39.58% 19	8.33% 4	2.08% 1	35.42% 17	48	1.96
Bishop's Bog Preserve	11.76% 6	23.53% 12	13.73% 7	1.96% 1	49.02% 25	51	1.47
South Westnedge Park	10.00% 5	24.00% 12	16.00% 8	2.00% 1	48.00% 24	50	1.46
Schrier Park	9.80% 5	29.41% 15	11.76% 6	1.96% 1	47.06% 24	51	1.53
Millennium Park	10.00% 5	32.00% 16	12.00% 6	0.00% 0	46.00% 23	50	1.60
Veterans Memorial Park	10.42% 5	16.67% 8	10.42% 5	0.00% 0	62.50% 30	48	1.13
Westfield Park	6.00% 3	22.00% 11	8.00% 4	2.00% 1	62.00% 31	50	1.08
Central Park	6.52% 3	21.74% 10	15.22% 7	0.00% 0	56.52% 26	46	1.22
Haverhill Park	3.92% 2	25.49% 13	15.69% 8	5.88% 3	49.02% 25	51	1.29
Lexington Green Park	1.96% 1	9.80% 5	11.76% 6	15.69% 8	60.78% 31	51	0.76
Harbors West Park	2.08% 1	16.67% 8	0.00% 0	0.00% 0	81.25% 39	48	0.58
Liberty Park	2.13% 1	10.64% 5	8.51% 4	2.13% 1	76.60% 36	47	0.60

Q20 Do you think improvements are needed in any of the following areas

regarding park facility maintenance?

Answered: 52 Skipped: 16

	YES	NO	NO OPINION	TOTAL
Restrooms appearance/cleanliness	61.54% 32	21.15% 11	17.31% 9	52
Lighting	62.00% 31	22.00% 11	16.00% 8	50
Safety	60.00% 30	24.00% 12	16.00% 8	50
Cleanliness of facilities	46.00% 23	30.00% 15	24.00% 12	50
Quality of landscaping	42.86% 21	32.65% 16	24.49% 12	49
Tree maintenance	32.65% 16	38.78% 19	28.57% 14	49
Barrier free accessibility (parking/paths)	27.08% 13	27.08% 13	45.83% 22	48
Fence maintenance	26.00% 13	42.00% 21	32.00% 16	50
Quality of lawn areas and green space	22.45% 11	46.94% 23	30.61% 15	49
Beach / waterfront	22.45% 11	40.82% 20	36.73% 18	49
Broken/missing equipment	20.00% 10	32.00% 16	48.00% 24	50
Unsafe equipment	12.50% 6	31.25% 15	56.25% 27	48
Graffiti	6.25% 3	54.17% 26	39.58% 19	48

#	OTHER (PLEASE SPECIFY)	DATE
1	Maintenance of invasive species needs improving	10/16/2017 9:26 PM
2	more pickleball courts needed	10/15/2017 2:09 PM
3	Removal of invasive plants	10/4/2017 2:08 PM
4	Need to fix dog park	10/4/2017 8:39 AM
5	Reopen the Dog Park!	10/3/2017 11:31 AM

Q21 What type of community events and festivals would you like to see in Portage?

Answered: 36 Skipped: 32

#	RESPONSES	DATE
1	Ones that have events for the 25-35 year old range. Food trucks (with samples not entire meals so you can try more than one thing), beer events, better known concerts, Ice sculpting, unique craft/art fair, food competitions, neighborhood contests, etc.	11/4/2017 12:26 AM
2	Better neighborhood watch programs	11/3/2017 5:29 PM
3	More Pickleball	11/3/2017 9:01 AM
4	Christmas markets, free acoustic/folk music concerts, mass service projects	11/3/2017 8:56 AM
5	Concerts and plays	11/2/2017 11:00 PM
6	Bring back Taste of Portage	11/2/2017 8:35 PM
7	Bluegrass	11/2/2017 7:38 PM
8	More art/vendor events maybe	11/2/2017 4:25 PM
9	More nature oriented programs focusing on plants, animals and Michigan ecology and geology	10/23/2017 2:33 PM
10	Pickleball tournament	10/19/2017 2:25 PM
11	Benjammin kids concerts	10/19/2017 8:15 AM

12	Art festivals More concerts	10/18/2017 9:26 PM
13	Sponsored sports contention like a triathlon or rowing, canoeing	10/18/2017 12:45 AM
14	Pet festivals	10/17/2017 8:01 AM
15	Concert for kids	10/17/2017 7:54 AM
16	N/A	10/17/2017 2:03 AM
17	Events and festivals that showcase local businesses and local artisans. Programs that can get citizens involved with improvement projects.	10/16/2017 9:26 PM
18	Art Hop/related, Pagan festivals/holiday celebrations (just the traditional ones would be fine), concerts, cultural events (personally I'm Irish, Czech, and German), gluten-free food options at events	10/16/2017 4:49 PM
19	Pickleball tournaments	10/16/2017 1:11 PM
20	More pickleball courts.....there are so many seniors playing now	10/15/2017 7:41 PM
21	music and cultural	10/15/2017 2:38 PM
22	pickleball leagues and tournaments	10/15/2017 2:09 PM
23	Pickleball tournaments!!	10/15/2017 11:20 AM
24	A large farmer's market	10/15/2017 10:40 AM
25	We need a downtown	10/14/2017 8:32 PM
26	More concerts, festivals for young people. Bring back Taste of Portage.	10/13/2017 8:15 AM
27	Food truck Friday.	10/10/2017 11:04 AM
28	Dog events, food events, arts & crafts	10/4/2017 8:39 AM
29	N/A	10/3/2017 11:31 AM
30	fall festival	10/3/2017 9:48 AM
31	Not sure	10/3/2017 7:25 AM
32	Friday/weekend concerts versus Thursday evenings. More picnics in the park and overall community events.	10/3/2017 7:23 AM
33	Food trucks! Allow food vendors to set up in Celery flats for lunch hours.	10/2/2017 3:56 PM
34	I would like to see an interactive festival alknng the bike trail with events along the way. Art exhibits or food stands. Also summer food truck and music event maybe on one of the lake side parks in portage.	10/2/2017 3:55 PM
35	Art	9/30/2017 10:28 AM
36	No Opinion	9/29/2017 3:08 PM

Q22 Please add any additional comments below.

Answered: 29 Skipped: 39

#	RESPONSES	DATE
1	I live in Lexington Green Neighborhood. The park is utterly disgusting. Needless, graffiti, groups come from all over to use basketball courts and make it unsafe. The idiots in this neighborhood would rather ignore the issues and want dog parks than fix the issues we have now. There is flooding, trash, bugs and nothing for kids to do there.	11/3/2017 5:29 PM
2	More Pickleball	11/3/2017 9:01 AM
3	It would be great to get more pickleball lines added to existing tennis courts, particularly at Westfield Park.	11/3/2017 8:56 AM
4	The raised bumps at the crosswalksmake it literally treacherous for rollerbladers to cross the roads. Remove them, and do a better job of fixing cracks.	11/2/2017 8:35 PM
5	Need better space for farmers market.	11/2/2017 8:24 PM
6	Please consider putting a park/playground within walking distance to the neighborhoods near Southland Platte(behind kohls) and the state street areas north of Milham. Our neighborhoods need a safe place to walk to with our children. It would greatly improve property values and Portage as a whole.	11/2/2017 7:38 PM
7	Our Lexington green park seem unfinished the nature trail can see into ppls back yards..kind ugly has a lot of potential	11/2/2017 4:25 PM
8	Additional comments have been submitted to parks department	10/23/2017 2:33 PM
9	Very pleased to have new pickleball courts at lake view, but space at sides and back of courts is not adequate for safety when running after balls. Have heard there will be additional courts there. Please allow for more space between and at ends of courts and perhaps consult with players re best locations for gates and openings between courts. I have enjoyed playing at Ramona and Lakeview several times/ week this past summer and fall. Large crowds there frequently with often 10-15 people waiting to play.	10/19/2017 2:25 PM

10	Would love to see improvements in the bike pathways and bike lanes. (Potholes, cracks, debris. Expansion of	10/17/2017 2:32 PM
11	A lot of the offered activities I didn't even know existed. I wish I had because my family would have visited or attended many of the events listed on this survey.	10/17/2017 7:54 AM
12	Invasive species seem to dominate in sensitive nature preserves such as west lake and bishops big. It would show dedication to create a management plan to reduce and eradicate these invasive species.	10/16/2017 9:26 PM
13	I haven't checked out any of the concessions but with my past experiences with other places there's very rarely any safe gluten-free food options. If I want to eat at an event I usually have to bring my own food. It would be nice to be able to participate with everyone else (for those with actual medical problems, not just the fad people). I'm looking forward to exploring the parks now that I live here!	10/16/2017 4:49 PM
14	Pickleball is the fastest growing sport in the country. While Portage has added courts more are needed in one location to host tournaments and bring people and dollars to Portage.	10/16/2017 1:11 PM
15	Plentiful seating is desirable in all park settings. People who are out of shape won't go if they don't have a place to sit when they get tired, and if they don't go, they'll just continue to be out of shape. Also necessary for parents/guardians observing children on a playground... people don't want to bring their kids to play if they can't safely and comfortably keep an eye on the kids.	10/16/2017 1:03 PM
16	Overall the city does a nice job, however there is always areas that can be improved upon.	10/15/2017 10:40 AM
17	Splash pad!!!!	10/14/2017 8:32 PM
18	Disc golf	10/14/2017 4:14 PM
19	Walking Route along northside of West Lake, Would complete loop for a walk around Lake. Appears a few easements would be required.	10/14/2017 8:05 AM
20	We have outstanding parks. I particularly like all that is going on with the Eliason park. I think the city should consider buying the Gourdneck State Game Area, or part of it, for park expansion.	10/13/2017 8:15 AM
21	The pickle ball courts at Ramona and Lakeview are a great improvement. If you are planning on adding any more courts please seek the advise of knowledgable people to help with the design.	10/4/2017 3:05 PM
22	The nature preserve/reserves need to be examples of high quality, healthy ecosystems.	10/4/2017 2:08 PM
23	Please fix the dog park. Why wasn't it done right in the first place??	10/4/2017 8:39 AM
24	Annoyed that the Dog Park was supposed to reopen last month and it still has not.	10/3/2017 11:31 AM
25	Please connect Lexington Green to the rest of the city. We are part of Portage, too, and deserve access to everything the other city residents take for granted. If I want to walk or bike any Portage trails, there aren't even sidewalks connecting our neighborhood to city trails. That's unacceptable.	10/3/2017 8:02 AM
26	Upgrading restroom facilities should be a higher priority. The parks are beautiful, right up until you need to use the facilities and the overwhelming odor of body fluids hits you in various restrooms. Possible to be corrected by better ventilation.	10/2/2017 3:56 PM
27	Number 1 priority for me is bike trail improvements/expansion especially desireable is a tunnel under US -131 to connect trail at McGillicuddy to 12th Street. Is this in the works? Riding and hiking the trail at Al Sabo is wonderful but getting to it from east of 131 is dreadful and dangerous.	10/2/2017 3:55 PM
28	Love the bike trails. Support expansion and more regular maintenance (non-invasive)	10/2/2017 12:39 PM
29	I have lake access to Gourdneck Lake and have noticed over the past few years an increase in the amount of people (including myself) kayaking/paddle boarding/canoeing on the lake. Portage has a unique feature with the lakes and streams running throughout the city that I feel is under-utilized and could make for "kayak/canoe trails" through the city. I know at the south entrance of the bicentennial park there is the "canoe launch" but the stream has so much debris that it's impossible to navigate. Clearing out the debris from the Portage Creek and setting up access points to float stream would be a great feature to add to the city. Also, I know the DNR stock brown trout in the Portage Creek yearly, making the stream more accessible may promote more fishing in the stream.	9/29/2017 3:08 PM

APPENDIX 5

Documents from Public Hearings and Public Meetings

prevention week serves as a way to keep the public informed about the importance of fire prevention.

♦ Make sure the house number is clearly marked on your home and easy for the fire department to find.

house, meaning an escape plan or emergency route, and drills, please call the Portage Fire Division at 329-4487.

Invitation for Input: Parks 5-Year Recreation & Open Space Plan Workshop

The City of Portage has initiated a planning process to update the Portage Parks 5-Year Recreation & Open Space Plan. The general public is invited to attend an informational workshop on **Monday, October 16 at 6:30 p.m.** at Portage City Hall to discuss the recreational needs of the city and its residents. The purpose of the workshop is to gather community input on the current condition of the Portage park system and to discuss ideas for future park and trail development.

Attendees will be asked to share their vision and ideas for enhancements to the Portage park system, as well as cultural and recreational programming. Landscape architects from VIRIDIS Design Group will attend the workshop to facilitate the discussion and answer



questions. Input received from the public at the workshop will be used to help formulate the goals and objectives of the 5-Year Recreation & Open Space Plan.

For those unable to attend the workshop, an online survey will be available during the month of October for residents to provide feedback on the Portage park system and submit ideas for the future. The survey includes questions such as the frequency that the respondent uses city parks and the importance of certain park characteristics. To complete the survey visit www.portagemi.gov and click on the Parks Open Space Plan icon.

For more information, please call Portage Parks & Recreation at 329-4522.

October is National Planning Month



The American Planning Association (APA) has designated October as National Community Planning Month, which highlights the vital role planning plays in the day-to-day activities of citizens in every community. The month-long celebration is an opportunity to recognize how planning shapes the City of Portage, as well as the work of planners and the planning profession in creating communities of lasting value.

Planning is the process of envisioning, mapping or otherwise conceiving how a community will look, grow, and define itself – its characteristics, attributes and identity. As

our community continues to change and grow, planning plays an important role in ensuring that new developments are designed and built in harmony with existing surroundings. Planning carefully balances the needs and desires of residents against the challenges presented by growth and change, not just in the physical realm, but also economically and socially. Planning also strives to give residents choices. From the type of home an individual lives in, such as a condominium, apartment, town home or single family, to how an individual gets around, whether it be public transit, walking, bicycling or driving, planning helps ensure communities address the needs of everyone.

This year's theme, **Innovation in Planning**, underscores the important role planning plays in addressing and

adapting to challenges faced by communities in the 21st century. Innovation involves everything from using data sources and technology to address issues including inequality, access to transportation and social mobility, to celebrating new approaches to creating communities of lasting value. Portage continues to implement innovative ideas in the areas of technology to ensure transparency, support for new forms of development, such as mixed use and live-work accommodations, connecting people to places with non-motorized multi-use paths, incentives encouraging more affordable housing, among others.

To learn more about National Community Planning Month, visit www.planning.org/ncpm or contact the Department of Community Development at 329-4477.

MINUTES OF MEETING

October 17, 2017

PROJECT: City of Portage 5-Year Recreation and Open Space Plan Update
MEETING DATE: October 16, 2017
VIRIDIS PROJECT #: 1746

PRESENT: Kathleen Hoyle, City of Portage
Tim Earl, City of Portage
John McCann, VIRIDIS Design Group
Audience of about 20 City residents

PURPOSE OF MEETING: Public Input Meeting

1. Kathleen welcomed the audience and gave a brief introduction.
2. VIRIDIS gave a brief presentation which included a description of the following: the purpose of the Recreation Plan, the contents of the plan, and the process in place to develop the plan.
3. The meeting attendees were organized into three working groups. VIRIDIS provided instructions for the group work which included nominating a scribe/spokesperson, providing and recording ideas discussed for each provided question, and identifying the top idea choices for each question.
4. Group work
 - a. Each group was provided a series of 4 questions and asked to provide ideas for each. Each group was given 10 minutes to discuss each question. VIRIDIS sat in each group to facilitate the discussions.
 - b. When each group completed all the questions on their own, all the groups reconvened as one group and shared the ideas that were discussed. VIRIDIS recorded all of the comments on a large pad for all to see.
5. Group work results
 - a. Question #1 - What are three ways the City can improve the parks and recreation system?
 - i. Invasive species control
 - ii. Kayaking on Portage Creek
 - iii. Expand bike trail system
 - iv. Age appropriate play equipment for all ages (particularly for 3 and under)
 - v. More benches along trails (space every half mile)
 - vi. Benches in playground areas for adults to sit and watch children
 - vii. Markings on trails to delineate bicycle and pedestrian lanes, or consider separating paths

- viii. More soft trails for hiking
- ix. Cleanliness in existing restrooms
- x. Provide port-a-johns at pickle ball courts
- xi. Non-motorized trail expansion
- xii. Bike racks
- xiii. Edible gardens
- b. Question #2 - What type of new and innovative park amenities should the City consider adding to the park system?
 - i. Benches
 - ii. Shade
 - iii. Drinking fountains
 - iv. Consult with pickle ball players when designing courts
 - v. Better accessibility - wheel chair rentals
 - vi. Splash park
 - vii. Aquatic center
 - viii. More signage, especially regarding clean up after dogs
 - ix. Disc golf
 - x. Fitness course on trails
 - xi. More port-a-johns on pickle ball courts, and when restrooms close for winter
 - xii. Build rain gardens to both manage storm water issues and be an aesthetic feature
- c. Question #3 - What cultural / historical based recreational amenities would interest you?
 - i. Green houses
 - ii. Develop Old Mill
 - iii. Coffee house / events
 - iv. Interpretive signage to tell the history of parks / park names
 - v. Expand music program
 - vi. Hayloft theater programs
- d. Question #4 - What are three long term goals the City should focus on related to parks and recreation?
 - i. More pickle ball courts
 - ii. Art fair
 - iii. Bike trail connections to other municipalities
 - iv. Bike trail connections from neighborhoods to existing trail system
 - v. Sidewalks
 - vi. Botanical garden
 - vii. Correct bike lane issue - build up of leaves in the fall and placement of trash containers within bike lane area blocks the bike lane
 - viii. Coordinate with local nature volunteer organizations (IE nature center) to remove invasive species from sensitive areas within parks
 - ix. Require developers to provide dedicated park space when developing new projects / subdivisions
 - x. Address road crossing issue at Portage / Forest

6. Final voting

- a. After all the ideas were shared and recorded, each meeting attendee was provided with 5 colored dots. Attendees were asked to place dots next to the ideas that they thought were most important. The only rule was that only three dots could be placed on any one item.
- b. After voting the meeting was adjourned.

These minutes are VIRIDIS Design Group's interpretation of discussions and conclusions from the referenced meeting. Please contact our office within 5 business days if corrections need to be made.

Respectfully submitted,

VIRIDIS Design Group



John McCann, LLA, ASLA, LEED AP
Senior Landscape Architect

CC: All attendees
Linda Bruno, VIRIDIS Design Group

CITY OF PORTAGE

5-YEAR PARKS AND RECREATION MASTER PLAN UPDATE

PUBLIC INPUT MEETING

October 16, 2017

Name	Email	City Resident?
RALPH DITMAR	RNDITIMAR@me.com	YES
NICKY LETCH	NICKYLETCH1226@GMAIL.COM	NO
Susan Williams	Kally200@aol.com	YES
BREZ AYERS	gapersp@discover.kalimazoo.com	YES
Betty Lee Ogley	Bongley@charter.net	Yes
John Fomusa	utohna123@gmail.com	Yes

CITY OF PORTAGE

5-YEAR PARKS AND RECREATION MASTER PLAN UPDATE

PUBLIC INPUT MEETING

October 16, 2017

Name

Email

City Resident?

Pickle
Ball
experts

Larry L. Allgauer	Allgauer647291@yahoo.com	yes
JOHN CLOBURN	LTCJOHN@AOL.COM	YES
JANET PADILLA		YES
Deborah Goodchild	debgood debgoodchild@wi.sr.com	yes

* *

October 16, 2017

[illegible]



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MINUTES OF MEETING

November 17, 2017

PROJECT: City of Portage 5-Year Recreation and Open Space Plan Update
MEETING DATE: November 1, 2017
VIRIDIS PROJECT #: 1746

PRESENT: Kathleen Hoyle, City of Portage
Rod Russell - Director of Public Services
City of Portage Park Board members
John McCann, VIRIDIS Design Group

PURPOSE OF MEETING: Park Board Plan Update and Input Meeting

1. Kathleen introduced VIRIDIS and gave a brief introduction of the project and purpose of the meeting.
2. VIRIDIS gave a brief presentation which included a description of the following: the purpose of the Recreation Plan, the contents of the plan, and the process in place to develop the plan.
3. The meeting was designed to be an informal discussion type format so that board members could share and discuss ideas. VIRIDIS posed a series of questions and asked the board members to provide ideas, thoughts, concerns, and general feedback. VIRIDIS recorded the responses as noted below.
4. Park Board feedback:
 - a. Question #1 - What are three ways the City can improve the parks and recreation system?
 - i. Maintenance endowment
 - ii. Corporate sponsors
 - iii. More solar USB stations
 - iv. Wi-Fi
 - v. Increase parking
 - vi. Recycling
 - vii. Make parks more sustainable (recycled products, alternative power sources)
 - b. Question #2 - What type of new and innovative park amenities should the City consider adding to the park system?
 - i. Splash Pad
 - ii. Farmers market (perm)
 - iii. Trail connection to Texas twp
 - iv. Food Trucks
 - v. Outdoor exercise equipment
 - vi. Rentals for bikes

- vii. Watercraft
- viii. Mountain bike course
- ix. Motor cross course
- x. Disc golf
- xi. Wiffleball
- xii. Camp grounds
- xiii. Community garden
- c. Question #3 - What cultural / historical based recreational amenities would interest you?
 - i. Interpretive signs
 - ii. Tours of historical buildings
 - iii. Historical places map
 - iv. Festivals and concerts (Heritage Fest)
 - v. Beer Fest
 - vi. Art in the parks and along trails
 - vii. Botanical garden
 - viii. Revolving exhibits
- d. Question #4 - What are three long term goals the City should focus on related to parks and recreation?
 - i. Financial sustainability
 - ii. Environmental sustainability
 - iii. Trail expansion
 - iv. Connect to adjacent communities with trails
 - v. Challenging playscapes
 - vi. Healthy citizen reward program
 - vii. Larger entertainment venues

These minutes are VIRIDIS Design Group's interpretation of discussions and conclusions from the referenced meeting. Please contact our office within 5 business days if corrections need to be made.

Respectfully submitted,

VIRIDIS Design Group



John McCann, LLA, ASLA, LEED AP
Senior Landscape Architect

CC: All attendees
Linda Bruno, VIRIDIS Design Group



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MINUTES OF MEETING

October 31, 2017

PROJECT: City of Portage 5-Year Recreation and Open Space Plan Update
MEETING DATE: October 25, 2017
VIRIDIS PROJECT #: 1746

PRESENT: Parks Department Staff
Park Rangers
J ohn McCann, VIRIDIS Design Group

PURPOSE OF MEETING: Park Staff Input Meeting

1. VIRIDIS gave a brief presentation which included a description of the following: the purpose of the Recreation Plan, the contents of the plan, and the process in place to develop the plan.
2. The meeting was designed to be an informal discussion type format so that staff members could share and discuss ideas. VIRIDIS posed a series of questions and asked the board members to provide ideas, thoughts, concerns, and general feedback. VIRIDIS recorded the responses as noted below. Following the brainstorming exercise, staff was asked to vote on their top priorities
3. Park Staff feedback (**Bold items indicate high priority votes**):
 - a. Question #1 - What are three ways the City can improve the parks and recreation system?
 - i. **Cleaner restrooms**
 - ii. Rebuild some restrooms
 - iii. Increase programming for Rec Center and aquatics
 - iv. **Update trail signs**
 - v. More events at parks
 - vi. Skate park competitions
 - vii. Update events page on website
 - viii. **Increase staff**
 - ix. **Lighting in parking lots**
 - x. Vending machines
 - xi. **Improve infrastructure**
 - xii. Picnic tables
 - b. Question #2 - What type of new and innovative park amenities should the City consider adding to the park system?
 - i. Splash pad
 - ii. **Bike rental**
 - iii. Ranger storage

- iv. Canoe/kayak rental**
 - v. Ropes course
 - vi. Disc golf
 - vii. Upgrade internal park signs
 - viii. Improve Portage Creek flow
 - ix. Large amphitheater**
 - x. Increase parking**
 - xi. Mountain bike course
 - xii. Pool
 - xiii. Dog park
 - xiv. Indoor ice rink**
 - xv. Expand beach at Ramona
 - xvi. Improve access to Old Mill
 - xvii. Heated restrooms
 - xviii. Connect Schrier and Eliason with path
 - xix. Fishing piers
- c. Question #3 - What cultural / historical based recreational amenities would interest you?
 - i. Amphitheater
 - ii. Plays
 - iii. Farmers market**
 - iv. Events such as car show, war reenactment, craft show
 - v. Sports camps for 5-yr and under
 - vi. Taste of Portage**
 - vii. Smaller drop-in concerts at Celery Flats (blue grass, kids bands etc)**
 - viii. Community Garden
 - ix. Functioning Farm
 - x. Edible garden
 - xi. Zen garden
 - xii. Flower gardens
- d. Question #4 - What are three long term goals the City should focus on related to parks and recreation?
 - i. Increase parking capacity**
 - ii. Expand bike trails
 - iii. Special events
 - iv. Mountain bike trails
 - v. Increase staff
 - vi. More staff equipment**
 - vii. Increase program offerings
 - viii. Larger concert venue
 - ix. Environmental sustainability**
 - x. Invasive species control
 - xi. Accessibility
 - xii. Improve infrastructure - drainage at gates**
 - xiii. Land acquisition
 - xiv. Super decking - trail improvements**

- xv. Partnerships with schools/businesses/community
- xvi. Staff offices out of basement

4. Final voting

- a. After all the ideas were shared and recorded, each meeting attendee was provided with 5 colored dots. Attendees were asked to place dots next to the ideas that they thought were most important. The only rule was that only three dots could be placed on any one item. The bold items above received the most votes for each question topic.
- b. After voting the meeting was adjourned.

These minutes are VIRIDIS Design Group's interpretation of discussions and conclusions from the referenced meeting. Please contact our office within 5 business days if corrections need to be made.

Respectfully submitted,

VIRIDIS Design Group



John McCann, LLA, ASLA, LEED AP
Senior Landscape Architect

CC: All attendees
Linda Bruno, VIRIDIS Design Group



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MINUTES OF MEETING

November 17, 2017

PROJECT: City of Portage 5-Year Recreation and Open Space Plan Update
MEETING DATE: November 2, 2017
VIRIDIS PROJECT #: 1746

PRESENT: Kathleen Hoyle, - Director of Parks, Recreation, and Senior Center Services
Rod Russell - Director of Public Services
Adam Herringa - Clerk
Vicki Georgeau - Director of Community Development
Devin Mackinder, Technology Services
Nick Arnold, Public Safety
Mary Beth Block, Asst. To the City Manager
Lauren VanderVeen, Finance
Kaitlynn Boot, Transportation and Utilities
John McCann, VIRIDIS Design Group

PURPOSE OF MEETING: City Staff Input Meeting

1. Kathleen introduced VIRIDIS and gave a brief introduction of the master plan update, process, and purpose of the meeting.
2. VIRIDIS gave a brief presentation which included a description of the following: the purpose of the Recreation Plan, the contents of the plan, and the process in place to develop the plan.
3. The meeting was designed to be an informal discussion type format so that staff members could share and discuss ideas. VIRIDIS posed a series of questions and asked the attendees to provide ideas, thoughts, concerns, and general feedback. VIRIDIS recorded the responses as noted below.
4. Park Staff feedback:
 - a. Question #1 - What are three ways the City can improve the parks and recreation system?
 - i. Park millage
 - ii. Winter activities
 - iii. Heated restrooms
 - iv. X-country skiing
 - v. Enhance trail systems
 - vi. Safety on trails (cameras)
 - vii. Public safety presence
 - viii. Add staff
 - ix. More programming in smaller parks,

- x. Movie night
- xi. Active park system
- xii. Low maintenance
- xiii. Tournaments
- xiv. Improve drainage at Central Park
- b. Question #2 - What type of new and innovative park amenities should the City consider adding to the park system?
 - i. Accessible playgrounds
 - ii. Lockers w/ charging stations
 - iii. Wi-Fi
 - iv. Drone flying area
 - v. Splash pad
 - vi. Emergency call box at trails
 - vii. Challenging play equipment
 - viii. Exercise equip
 - ix. Access for fishing
 - x. Promote trout habitat
 - xi. Mountain bike trail
 - xii. Edible trail
 - xiii. Swim lessons
 - xiv. Dog swimming
 - xv. Disc golf
 - xvi. Wiffleball
 - xvii. Hampton Lake access
 - xviii. Enhance skate park
 - xix. Ninja warrior course
 - xx. Outdoor movies
 - xxi. Climbing wall
 - xxii. Festival space
 - xxiii. Food trucks
 - xxiv. Farmers market
 - xxv. Soft trails
 - xxvi. Parking
 - xxvii. Tot lot
- c. Question #3 - What cultural / historical based recreational amenities would interest you?
 - i. Develop Martin Luther King Jr Park
 - ii. Historical tours
 - iii. Cultural festivals
 - iv. Public art
 - v. Peddle pub
 - vi. Native American exhibit
 - vii. Interpretive signs
 - viii. Large outdoor amphitheater
 - ix. X-country event
 - x. Craft beer festival

- xi. Music for younger crowd
- xii. Community garden
- xiii. Recognize native American,
- xiv. Commercial kitchen
- xv. Incubator space
- d. Question #4 - What are three long term goals the City should focus on related to parks and recreation?
 - i. Corporate sponsors
 - ii. Connect trail to adjacent communities
 - iii. Long term sustainability (financial and maintenance)
 - iv. Land acquisition - expand park system
 - v. Add a neighborhood park
 - vi. Boardwalk on West Lake and Austin Lake
 - vii. Partner with DNR to add to State Game Area

These minutes are VIRIDIS Design Group's interpretation of discussions and conclusions from the referenced meeting. Please contact our office within 5 business days if corrections need to be made.

Respectfully submitted,

VIRIDIS Design Group



John McCann, LLA, ASLA, LEED AP
Senior Landscape Architect

CC: All attendees
Linda Bruno, VIRIDIS Design Group



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MINUTES OF MEETING

November 17, 2017

PROJECT: City of Portage 5-Year Recreation and Open Space Plan Update
MEETING DATE: November 6, 2017
VIRIDIS PROJECT #: 1746

PRESENT: Adam Herringa - City Clerk
Youth Advisory Committee Members
John McCann, VIRIDIS Design Group

PURPOSE OF MEETING: Youth Advisory Committee Input Meeting

1. VIRIDIS gave a brief presentation which included a description of the following: the purpose of the Recreation Plan, the contents of the plan, and the process in place to develop the plan.
2. The meeting was designed to be an informal discussion type format so that committee members could share and discuss ideas. VIRIDIS posed a series of questions and asked the attendees to provide ideas, thoughts, concerns, and general feedback. VIRIDIS recorded the responses as noted below.
3. Park Staff feedback:
 - a. Question #1 - What are three ways the City can improve the parks and recreation system?
 - i. Cleaner restrooms
 - ii. Way-finding signs
 - iii. Events at lesser known parks
 - iv. Awareness - knowing where parks are and what they have to offer
 - v. Locate parks on trail maps
 - vi. Environmental sustainability
 - vii. Volunteer opportunities
 - viii. Field trips for schools
 - ix. Plant more trees - adopt a tree program
 - x. Maintenance
 - xi. More events - dog walk-a-thon
 - xii. Focus on pedestrians not cars
 - b. Question #2 - What type of new and innovative park amenities should the City consider adding to the park system?
 - i. Wi-Fi
 - ii. Bike rentals
 - iii. Fire Pit
 - iv. Drinking fountain w/ bottle fill

- v. Art / Sculptures
 - vi. Solar phone chargers
 - vii. Play equipment available for rental
 - viii. Playgrounds
 - ix. Picnic tables
 - x. Walking paths
 - xi. Fountains
 - xii. Hammocks
 - xiii. Vending machines
 - xiv. Interpretive signs
 - xv. Fishing activities/equipment
 - xvi. Restaurant/cafe
 - xvii. Food trucks
 - xviii. Lighting
 - xix. Canoe/kayak rentals
 - xx. Dog food stations
 - xxi. Shade/umbrellas
- c. Question #3 - What cultural / historical based recreational amenities would interest you?
- i. Open buildings at Celery Flats
 - ii. Concerts
 - iii. Fireworks
 - iv. Theater in barn at Celery Flats
 - v. Christmas lights at all parks
 - vi. Add ice rink
 - vii. More interpretive signs at all parks
 - viii. Tell the history of portage in parks

These minutes are VIRIDIS Design Group's interpretation of discussions and conclusions from the referenced meeting. Please contact our office within 5 business days if corrections need to be made.

Respectfully submitted,

VIRIDIS Design Group



John McCann, LLA, ASLA, LEED AP
Senior Landscape Architect

CC: All attendees
Linda Bruno, VIRIDIS Design Group

STATE OF MICHIGAN)
County of Kalamazoo

ss Naun Suttrop

Being duly sworn deposes and say he/she is Principal Clerk of



THE KALAMAZOO GAZETTE DAILY EDITION

a newspaper published and circulated in the County of Kalamazoo and otherwise qualified according to Supreme Court Rule; and that the annexed notice, taken from said paper, has been duly published in said paper on the following day(days) _____

December 24 A.D. 20 17

Sworn to and subscribed before me this 27th day of December 20 17


JANICE M. DEGRAAF
NOTARY PUBLIC, STATE OF MI
COUNTY OF KENT
MY COMMISSION EXPIRES Oct 3, 2020
ACTING IN COUNTY OF Kent

**PORTAGE**
A Natural Place to Move

City of Portage - 5 Year Parks Recreation & Open Space Master Plan Update

Notice of Plan Availability for Public Review and Comment

A draft of the 5 Year Parks Recreation & Open Space Master Plan Update for the City of Portage will be available for public review and comment for 30 days starting on December 27 at noon. Any interested residents may review the plan and send comments.

Written comments may be sent to The City of Portage, Parks & Recreation Department, 7900 South Westnedge Avenue, Portage, Michigan 49002.

Email comments may be sent to hoylek@portagemi.gov

Copies of the plan are on file at the following locations:
-City Hall, 7900 South Westnedge, Portage, Michigan 49002.
-Portage District Library, 300 Library Lane, Portage, Michigan 49002

The plan is also available for viewing online at:
www.portagemi.gov

For more information contact:
Parks & Recreation Department
269-329-4522

Dated December 24, 2017

8472953-01



STATE OF MICHIGAN)
County of Kalamazoo

ss. Naun Sutton

Being duly sworn deposes and say he/she is Principal Clerk of

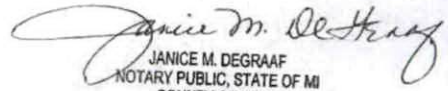


THE KALAMAZOO GAZETTE DAILY EDITION

a newspaper published and circulated in the County of Kalamazoo and otherwise qualified according to Supreme Court Rule; and that the annexed notice, taken from said paper, has been duly published in said paper on the following day(days) _____

January 14 A.D. 20 18

Sworn to and subscribed before me this 15th day of January 20 18


JANICE M. DEGRAAF
NOTARY PUBLIC, STATE OF MI
COUNTY OF KENT
MY COMMISSION EXPIRES Oct 3, 2020
ACTING IN COUNTY OF Kent

**PORTAGE**
A Natural Place to Move

CITY OF PORTAGE NOTICE OF PUBLIC HEARING & MEETING

A Public Hearing & Meeting by the CITY OF PORTAGE PARK BOARD is scheduled for 6:30 p.m. on Wednesday, February 7, 2018. The location of the hearing and meeting will be the PORTAGE SENIOR CENTER, Arts & Crafts Room, 320 Library Lane, Portage, MI 49002.

The purpose of the public hearing is for the public to express any comments on the 2018 Recreation and Open Space Plan Update. Copies of the plan are on file and may be viewed at the following locations:

- Portage City Hall, 7900 South Westnedge Avenue, Portage, MI 49002; and
- Portage District Library, 300 Library Lane, Portage, MI 49002.

The 2018 Recreation and Open Space Plan Update is also available for viewing online at www.portagemi.gov.

The meeting following the public hearing will focus on goals and events for the upcoming year.

For more information contact the City of Portage Department of Parks and Recreation at 269-329-4522.

Dated: January 14, 2018

6494827-01

Portage Park Board Meeting Minutes
February 7, 2018

Board Present: Tim Earl, Jon Peer, Kazmira Ruhland, Charles Thomas, Staci Salisbury, Elanor Riley, Tara Gish

Kathleen Hoyle – Director of Parks, Recreation, and Senior Center Services

Board Absent – Excused: Lana Escamilla, Robb Krueger

Rodney Russell – Director of Public Services

Meeting was called to order at 6:34pm by Mr. Earl

I. INTRODUCTIONS

1. New board member Tara Gish
2. Guests in attendance:
 - a. John McCann, Viridis Design Group
 - b. Donna DeBault
 - c. Maxine June
 - d. David Parkhill
 - e. Gerald Kroehn

II. APPROVAL OF AGENDA

Agenda was distributed and reviewed. Mr. Thomas moved to approve the agenda, Mr. Peer seconded, approved by voice vote.

III. APPROVAL OF MINUTES

1. Park Board Meeting Minutes
Minutes from prior meeting were distributed and reviewed. Mr. Peer moved to approve the minutes, Ms. Ruhland seconded, approved by voice vote.
2. Bicycle Advisory Committee Meeting Minutes
Minutes from the bicycle advisory committee meeting were distributed and reviewed. Mr. Thomas moved to approve the minutes, Mr. Peer seconded, approved by voice vote.

IV. DEPARTMENT REPORT

1. Capital Improvement Plan is almost complete and should be submitted to the City Council by April
2. Budget planning for this year will be reviewed by the City Council soon
3. The Parks department is planning upcoming collaborative programming with the KIA
4. Construction of the new trail-head at Osterhout has begun; there is new signage detailing the project at the location
5. Celery Flats parking lot expansion to add 40 new parking spaces will begin soon
6. The interpretative center at Celery Flats will be demolished and a new shelter will be constructed through August
7. More trail additions to be discussed in the future

V. PUBLIC SERVICE REPORT

Mr. Russell not present, Mrs. Hoyle reported there have been public complaints about trails not being cleared of snow. Primary streets and roads remain the priority for the public services department.

VI. NEW BUSINESS

1. Public Hearing for 5-year Parks Master Plan
 - a. Items in the 5 year plan are what the city of Portage is hoping to accomplish in development of public spaces for the next 5 years
 - b. The DNR will not fund projects unless they were included in this plan.
 - c. Inclusion in the plan does not guarantee completion of projects.
 - d. The plan includes items on the capital improvement schedule as well as public suggestions for improvement
 - e. Citizen Comments and Concerns:
 - i) Gordon Estate Game Area land purchase:
 - Mrs. Debault requested clarification of what parcels are being purchased and what the plans for development are on this land. She was also concerned about the effect on the deer population if these areas were developed and hunting was prohibited.
 - Mr. Parkhill was concerned that hunting may be prohibited on the land which would push hunters into adjacent areas and make them more crowded. Due to the small area and growing surrounding development, he was also interested in the potential for bow hunting of deer in these areas.
 - Mr. Kroehn was similarly concerned that hunting may become prohibited on the purchased parcels or that they would be developed.
 - Mrs. Hoyle clarified that the parcels which are being purchased are adjacent to Centre St. and Vanderbilt. Nothing south of Vanderbilt will be developed as both the DNR and Portage wish to keep this as a natural area. If and when any plans are finalized, there will be public hearings scheduled to get input from the citizens.
 - ii) Oakland Park
 - Mr. Kroehn expressed his appreciation for the facilities and amenities at Oakland park, stating that he and his family members greatly enjoy the park.
 - f. Additional Citizen Comments which were received electronically were reviewed at the meeting and are included in Appendix A
 - g. After the final comments, Mr. Earl asked for a motion to close the public hearing and approve the 5-Year Recreation and Open Space plan with revisions from the citizen comments.
 - h. Mr. Peer motioned to close the public hearing and Ms. Ruhland seconded. Vote passed by voice vote
 - i. The Plan will be sent to the Planning Commission and Council for final adoption
2. February Financial Report
 - a. Expense for annual website hosting, no other changes since previous report

- b. Board Members discussed the purchase of nametags for new board members
 - i) Motion to approve this expense by Mrs. Riley
 - ii) Ms. Salisbury seconded
 - iii) Motion approved by voice vote
- 3. 2018 Park Board Goals
 - Board members reviewed the list of goals from 2017 and will return with new ideas and suggestions for review at the next meeting
- 4. Subcommittee Reports
 - a. Heritage Festival Update (Saturday, May 12)
 - i) Ms. Ruhland has begun the process of planning this event and collecting information for potential vendors.
 - ii) The event will be held at Celery Flats on May 12 from 2 – 5pm
 - iii) The event will include different cultural groups from Portage and the surrounding area including food, vendors, dancing, and other entertainment.
 - iv) Park board members discussed other ideas for potential vendors and group invitations and will report back at the next meetings
 - b. Kalamazoo Folk Life Music Festival (Sunday, July 8)
 - i) Board members discussed event funding and event sponsorship ideas
 - c. Great American Camp Out – Portage (Saturday, June 23)
 - i) This event was previously titled “Summer Bash” but has been renamed to coordinate with National Camp Out Day
 - ii) Board members discussed event funding and camp site location planning
 - iii) Event coordinators (Ms. Escamilla and Ms. Salisbury) are continuing to work on finding sponsors and vendors for this event
 - d. Bike Event (Saturday, August 11)
 - i) The previously suggested name “Bike-a-palooza” is used by another group for a fundraiser so the name is not available.
 - ii) Mrs. Riley and Mr. Thomas will continue work together to coordinate this event and gather vendors and sponsorship
 - e. Recycled Art in the Park
 - i) This event has been rescheduled from its usual time in May to better fit with artist schedules through the year
 - ii) New categories this year include both adults and youth
 - iii) Mr. Earl requested board members to lead the organizing subcommittee for this event
 - iv) Ms. Gish and Ms. Ruhland will coordinate the subcommittee for planning this event and will report back at the next meeting
- 5. Fundraising Activities – Hiking Sticks
 - Nothing to report currently
- 6. Friends of the Park Report
 - a. Board members discussed potential candidates for the board of directors and will report back at the next meeting

- b. Facebook Updates
 - i) Ms. Ruhland shared the page with many of her friends and increased the social media reach of the facebook page
- c. Website Updates
 - i) Mr. Peer will work with Mrs. Riley to update the website
 - ii) Annual hosting costs have been paid
- d. Board members discussed how events are currently marketed and how this could be improved. Events are normally published in the spring / summer event booklet and the Portager. Ms. Ruhland suggested that we increase the amount of posts that we share on Facebook and other social media so that we can more effectively share information with the community.

VII. SUMMARY ACTIVITY REPORT

Board members reviewed summary activity report

VIII. PARK ASSIGNMENTS / REPORT

Ms. Gish was assigned to Lexington-Green park

IX. COMMENTS FROM BOARD MEMBERS

1. Mr. Peer welcomes Tara to the board
2. Ms. Ruhland suggested that we should make a patch or pin to sell at events
3. Ms. Ruhland also suggested that we reach out more frequently to the Girl Scout council who has expressed interest in being involved in more events
4. Mr. Thomas welcomed Ms. Gish
5. Mrs. Riley welcomed Ms. Gish

Motion to adjourn by Mr. Peer, Ms. Ruhland seconded

Meeting adjourned at 8:21 pm

Next meeting is March 7 at Stuart Manor

Respectfully Submitted,

Mrs. Elanor Riley
Park Board Secretary

STATE OF MICHIGAN)
County of Kalamazoo

ss Shawn Suttrop

Being duly sworn deposes and say he/she is Principal Clerk of



THE KALAMAZOO GAZETTE DAILY EDITION

a newspaper published and circulated in the County of Kalamazoo and otherwise qualified according to Supreme Court Rule; and that the annexed notice, taken from said paper, has been duly published in said paper on the following day(days) _____

February 7 A.D. 20 18

Sworn to and subscribed before me this 7th day of February 20 18


JANICE M. DEGRAAF
NOTARY PUBLIC, STATE OF MI
COUNTY OF KENT
MY COMMISSION EXPIRES Oct 3, 2020
ACTING IN COUNTY OF Kent

**PORTAGE**
A Natural Place to Move

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF PORTAGE AND ALL INTERESTED PERSONS.

The City of Portage Planning Commission will conduct a public hearing on the following item at the meeting on **Thursday, February 22, 2018** in the Council Chambers of Portage City Hall, 7900 South Westnedge Avenue at 7:00 p.m. (or as soon thereafter as may be heard) on the following:

- 2018 Recreation and Open Space Plan Update. The Recreation and Open Space Plan is a component of the Comprehensive Plan intended to address recreational needs in the city.

All interested persons are welcome to attend the public hearings and comment on the items. Written comments may also be submitted to the Department of Community Development prior to 12:00 noon the day of the public hearing. Copies of the items are available for review between the hours of 8 a.m. and 5 p.m. Monday through Friday in the Department of Community Development, Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan, 49002. Contact the Department of Community Development at 329-4477 for additional customer assistance.

Dated: February 7, 2018

8516737-01

placeholder for planning commission
public hearing meeting notes

placeholder for planning commission
resolution

placeholder for notice of council meeting

placeholder for council meeting notes

**placeholder for council resolution
of adoption**

APPENDIX 6

Correspondence with Municipal Agencies

CITY OF PORTAGE

PARK BOARD

7900 South Westnedge Avenue, Portage, Michigan 49002

January 4, 2018

RE: Proposed 2018 Recreation and Open Space Plan Update

During the January 3, 2018 meeting, the Park Board completed a thorough review of the proposed 2018 Recreation and Open Space Plan Update. This plan is an element of the Comprehensive Plan and must be updated every five years to comply with the community recreation planning guidelines established by the Michigan Department of Natural Resources Grants Management Division. At the conclusion of the discussion, the Park Board voted unanimously to approve and forward the Plan for public hearing on February 7, 2018 at its next board meeting, and to forward approval to the Planning Commission.

This letter is to support and recommend forwarding the 2018 Recreation and Open Space Plan Update, prepared by the City of Portage Parks & Recreation Department, to the Planning Commission and Portage City Council to initiate the formal review, hearing, and approval process in accordance with the requirements of Public Act 33 of 2008, Michigan Planning Enabling Act.

Best regards,

A handwritten signature in dark ink, appearing to read 'Timothy Earl', written over a light blue horizontal line.

Timothy Earl, Chairperson
City of Portage Park Board

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: 2018 Recreation and Open Space Plan Update

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development
Kathleen Hoyle, Director of Parks, Recreation & Senior Citizen Services

ACTION RECOMMENDED: Receive the proposed 2018 Recreation and Open Space Plan Update and approve the distribution of the plan update to the Planning Commissions of adjacent communities and to the Kalamazoo County Planning Commission.

The proposed 2018 Recreation and Open Space Plan Update, which is an element of the Comprehensive Plan, has been prepared by the Department of Parks, Recreation and Senior Citizen Services. The Parks Board and the Planning Commission have begun their review of the Plan Update. The Planning Commission reviewed the proposed document on December 21, 2017 and recommended the document be forwarded to City Council.

Pursuant to the Planning Enabling Act (Act 33 of 2008, as amended), once the Planning Commission has completed the review of a proposed amendment to the Comprehensive Plan, the draft document is submitted to the legislative body for review and comment. The City Council must then consider authorizing the distribution of the proposed 2018 Recreation and Open Space Plan Update to adjacent communities, as well as the county, for review and comment. At the conclusion of the review and comment period, the Planning Commission will conduct a public hearing and review any comments regarding the 2018 Recreation and Open Space Plan Update.

A copy of the proposed 2018 Recreation and Open Space Plan Update was provided to City Council in the Materials Transmitted on January 5, 2018. It is recommended that City Council receive the proposed 2018 Recreation and Open Space Plan Update and, subsequent to review, approve distribution of the draft document to the above noted entities.

FUNDING: Not applicable

Attachments:

1. December 29, 2017 Planning Commission Transmittal
2. December 21, 2017 Planning Commission meeting minutes (draft)
3. January 4, 2018 Park Board Letter of Support

TO: Planning Commission**DATE:** December 21, 2017**FROM:** Vicki Georgeau, Director of Community Development**SUBJECT:** Proposed 2018 Recreation and Open Space Plan Update

The Department of Parks, Recreation and Public Services has initiated an update of the 2013 Recreation and Open Space Plan. The Recreation and Open Space Plan is a component of the Comprehensive Plan and is updated every five years and amended, as necessary, to provide a valuable planning tool and fulfill Michigan Department of Natural Resources (MDNR) requirements for park acquisition and development grants.

The following summarizes the substantive changes since the 2013 Plan update:

1. The Betty Lee Ongley Preserve has been added to the inventory of Park Facilities.
2. Content of the plan has been revised to fulfill MDNR Grants requirements.
3. The plan has been updated to reflect changes in the city organization and Action Plans for the Parks & Recreation Department
4. Goals, Objectives, Action Plan Priority List and Financial Program has been updated to reflect the 2017-2018 Capital Improvement Plan.

During the January 3rd meeting, the Parks Board will review the draft 2018 Recreation and Open Space Plan Update to recommended approval of the Plan update to the Planning Commission. After the meeting, a communication from Parks Board Chairperson, Tim Earl will be sent.

As required by the Michigan Planning Enabling Act (Act 33 of 2008, as amended), once the Planning Commission has completed review of the draft document, it is submitted to the legislative body for review and comment. The City Council must then approve the distribution of the 2018 Recreation and Open Space Plan Update to adjacent communities and the county, which are provided up to 42 days to review the plan and submit any comments. At the conclusion of the review and comment period, the Planning Commission will conduct a public hearing and review any comments regarding the 2018 Recreation and Open Space Plan Update. After considering comments and any changes, the Planning Commission will provide a recommendation to City Council. The MDNR requires that the recreation plan element of the Comprehensive Plan be adopted by the local governing body.

The Planning Commission is advised to review and discuss the 2018 Recreation and Open Space Plan Update Plan Update during the December 21, 2017 meeting. Changes, if any, will be incorporated into the document before the Plan is forwarded to City Council.

Attachment: 2018 Recreation and Open Space Plan (amended pages)

John McCann

From: Kathleen Hoyle <hoylek@portagemi.gov>
Sent: Wednesday, January 10, 2018 12:56 PM
To: John McCann
Subject: FW: Proposed 2018 City of Portage Recreation and Open Space Plan

John-

You can use this email for the communication with the municipals for the plan.

Kathleen

From: Christopher Forth
Sent: Wednesday, January 10, 2018 12:30 PM
To: Brady Township; City of Kalamazoo-Community Planning & Development; Comstock Township; Kalamazoo County Planning; Kalamazoo Metro Transit; Kalamazoo/Battle Creek International Airport (amwood@kalcounty.com); Oshtemo Township; Pavilion Township; Prairie Ronde Township; Schoolcraft Township; Texas Township
Cc: Victoria Georgeau; Kathleen Hoyle
Subject: Proposed 2018 City of Portage Recreation and Open Space Plan

CITY OF PORTAGE PLANNING COMMISSION - NOTICE OF DISTRIBUTION Proposed 2018 Recreation and Open Space Plan element of the Comprehensive Plan

In accordance with MCL 125.3841, Michigan Planning Enabling Act (Public Act 33 of 2008, as amended) and Notice of Intent to Amend the Recreation and Open Space Plan element of the Comprehensive Plan dated December 21, 2017, below is a link to the City of Portage webpage that contains the proposed 2018 Recreation and Open Space Plan. The Portage City Council approved the document for distribution during the January 9, 2018 meeting.

<http://www.portagemi.gov/FilesCustom/HtmlEditor/files/Parks/Draft2018RecreationOpenSpacePlan.pdf>

The City of Portage Planning Commission formally requests your cooperation with review and comment of the proposed document within the 42 day comment period established by statute. After you have reviewed the proposed documents, please direct any correspondence to:

City of Portage
Department of Community Development
7900 South Westnedge Avenue
Portage, Michigan 49002

The City of Portage Planning Commission formally requests your cooperation with review and comment of the Comprehensive Plan amendment. If you have any questions, please contact Vicki Georgeau, Director of the Department of Community Development or Christopher Forth, Deputy Director at (269) 329-4477.

Christopher Forth, AICP
Deputy Director of Planning, Development & Neighborhood Services
City of Portage Department of Community Development
7900 South Westnedge Avenue
Portage, MI 49002
269.329.4474



1430 Monroe Avenue, NW Suite 105
Grand Rapids, Michigan 49505

313 North Burdick Street
Kalamazoo, Michigan 49007

March 1, 2018

Lotta Jarnefelt, Director
Kalamazoo County Department of Planning and Community Development
201 West Kalamazoo Ave
Kalamazoo, MI 49007

Dear Ms. Jarnefelt:

Enclosed for your review is a copy of the City of Portage 2018 Recreation and Open Space Master Plan update adopted by City Council on February 27, 2018. The plan has recently been updated and we would appreciate your review and any comments you have concerning the Plan's contents. We are submitting this plan in accordance with the Michigan Department of Natural Resources' guidelines for preparing a community recreation plan.

If you need additional information, please feel free to call.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. McCann", with a long horizontal flourish extending to the right.

John McCann, LLA, LEED AP, ASLA
Senior Landscape Architect

Cc: Kathleen Hoyle, Parks Director



1430 Monroe Avenue, NW Suite 105
Grand Rapids, Michigan 49505

313 North Burdick Street
Kalamazoo, Michigan 49007

March 1, 2018

Lee Adams
Southcentral Michigan Planning Council
300 South Westnedge Avenue
Kalamazoo, MI 49007

Dear Mr. Adams:

Enclosed for your review is a copy of the City of Portage 2018 Recreation and Open Space Master Plan update adopted by City Council on February 27, 2018. The plan has recently been updated and we would appreciate your review and any comments you have concerning the Plan's contents. We are submitting this plan in accordance with the Michigan Department of Natural Resources' guidelines for preparing a community recreation plan.

If you need additional information, please feel free to call.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. McCann", written in a cursive style.

John McCann, LLA, LEED AP, ASLA
Senior Landscape Architect

Cc: Kathleen Hoyle, Parks Director

APPENDIX 7

Post Completion Self-Inspection Reports



**PUBLIC OUTDOOR RECREATION GRANT
POST-COMPLETION SELF-CERTIFICATION REPORT**

*This information required under authority of Part 19, PA 451 of 1994, as amended;
the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964); and Part 715, of PA 451 of 1994, as amended.*

GRANT TYPE: ☐ MICHIGAN NATURAL RESOURCES TRUST FUND ☒ CLEAN MICHIGAN INITIATIVE
(Please select one) ☐ LAND AND WATER CONSERVATION FUND ☐ RECREATION PASSPORT ☐ BOND FUND

GRANTEE: City of Portage

PROJECT NUMBER: CM99-393

PROJECT TYPE: Development

PROJECT TITLE: Portage Creek Bicentennial Park Trail Development

PROJECT SCOPE: Non-motorized trail, overlook decks

TO BE COMPLETED BY LOCAL GOVERNMENT AGENCY (GRANTEE)

Name of Agency (Grantee) City of Portage	Contact Person Kathleen Hoyle	Title Parks Director
Address 7719 S. Westnedge Ave.	Telephone 269-329-4521	
City, State, ZIP Portage, MI 49002	Email hoylek@portagemi.gov	

SITE DEVELOPMENT

Any change(s) in the facility type, site layout, or recreation activities provided?
If yes, please describe change(s).

☐ Yes ☒ No

Has any portion of the project site been converted to a use other than outdoor recreation? If yes, please describe what portion and describe use. (This would include cell towers and any non-recreation buildings.)

☐ Yes ☒ No

Are any of the facilities obsolete? If yes, please explain.

☐ Yes ☒ No

SITE QUALITY

Is there a park entry sign which identifies the property or facility as a public recreation area?
If yes, please provide a photograph of the sign. If no, please explain.

☒ Yes ☐ No

Are the facilities and the site being properly maintained? If no, please explain.

☒ Yes ☐ No

Is vandalism a problem at this site? If yes, explain the measures being taken to prevent or minimize vandalism.

☐ Yes ☒ No

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

Is maintenance scheduled on a regular basis? If yes, give schedule. If no, please explain.

☒ Yes ☐ No

Rangers inspect 2x/day and report issues to Maint, daily cleaning, annual safety audits

CIP includes maint. for trail/parking resurfacing, lighting, shelters, playgrounds

GENERAL

Is a Program Recognition plaque permanently displayed at the site? If yes, please provide a photograph. (Not required for Bond Fund Grants)

☒ Yes ☐ No ☐ N/A

Is any segment of the general public restricted from using the site or facilities? (i.e. resident only, league only, boaters only, etc.) If yes, please explain.

☐ Yes ☒ No

Is a fee charged for use of the site or facilities? If yes, please provide fee structure.

☐ Yes ☒ No

What are the hours and seasons for availability of the site?

Open year round 6am to dusk

COMMENTS (ATTACH SEPARATE SHEET IF MORE SPACE IS NEEDED)

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

CERTIFICATION

I do hereby certify that I am duly elected, appointed and/or authorized by the Grantee named above and that the information and answers provided herein are true and accurate to the best of my personal knowledge, information and belief.

Please print

Matthew Hoyer

Grantee Authorized Signature

[Signature]

Date

1/24/18

Please print

Joe Wilhelme

Witness Signature

[Signature]

Date

1/24/18

Send completed report to:

**POST COMPLETION GRANT INSPECTION REPORTS
GRANTS MANAGEMENT
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
PO BOX 30425
LANSING MI 48909-7925**



**PUBLIC OUTDOOR RECREATION GRANT
POST-COMPLETION SELF-CERTIFICATION REPORT**

*This information required under authority of Part 19, PA 451 of 1994, as amended;
the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964); and Part 715, of PA 451 of 1994, as amended.*

GRANT TYPE: ☒ MICHIGAN NATURAL RESOURCES TRUST FUND ☐ CLEAN MICHIGAN INITIATIVE
(Please select one) ☐ LAND AND WATER CONSERVATION FUND ☐ RECREATION PASSPORT ☐ BOND FUND

GRANTEE: City of Portage

PROJECT NUMBER: TF98-145

PROJECT TYPE: Development

PROJECT TITLE: Portage Creek Bicentennial Park Trail Development

PROJECT SCOPE: Multipurpose trail, benches, overlook decks, boardwalk

TO BE COMPLETED BY LOCAL GOVERNMENT AGENCY (GRANTEE)

Name of Agency (Grantee) City of Portage	Contact Person Kathleen Hoyle	Title Parks Director
Address 7719 S. Westnedge Ave.	Telephone 269-329-4521	
City, State, ZIP Portage, MI 49002	Email hoylek@portagemi.gov	

SITE DEVELOPMENT

Any change(s) in the facility type, site layout, or recreation activities provided?

If yes, please describe change(s).

☒ Yes ☐ No

One small section of the trail was re-routed to follow Portage Creek

Has any portion of the project site been converted to a use other than outdoor recreation? If yes, please describe what portion and describe use. (This would include cell towers and any non-recreation buildings.)

☐ Yes ☒ No

Are any of the facilities obsolete? If yes, please explain.

☐ Yes ☒ No

SITE QUALITY

Is there a park entry sign which identifies the property or facility as a public recreation area?

If yes, please provide a photograph of the sign. If no, please explain.

☒ Yes ☐ No

Are the facilities and the site being properly maintained? If no, please explain.

☒ Yes ☐ No

Is vandalism a problem at this site? If yes, explain the measures being taken to prevent or minimize vandalism.

☐ Yes ☒ No

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

Is maintenance scheduled on a regular basis? If yes, give schedule. If no, please explain.

☒ Yes ☐ No

Rangers inspect 2x/day and report issues to Maint, daily cleaning, annual safety audits

CIP includes maint. for trail/parking resurfacing, lighting, shelters, playgrounds

GENERAL

Is a Program Recognition plaque permanently displayed at the site? If yes, please provide a photograph. (Not required for Bond Fund Grants)

☒ Yes ☐ No ☐ N/A

Is any segment of the general public restricted from using the site or facilities? (i.e. resident only, league only, boaters only, etc.) If yes, please explain.

☐ Yes ☒ No

Is a fee charged for use of the site or facilities? If yes, please provide fee structure.

☐ Yes ☒ No

What are the hours and seasons for availability of the site?

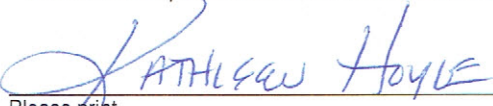
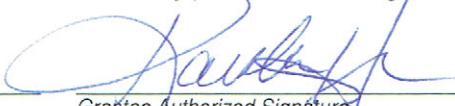
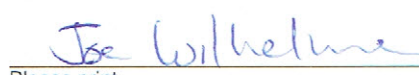
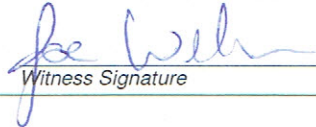
Open year round 6am to dusk

COMMENTS (ATTACH SEPARATE SHEET IF MORE SPACE IS NEEDED)

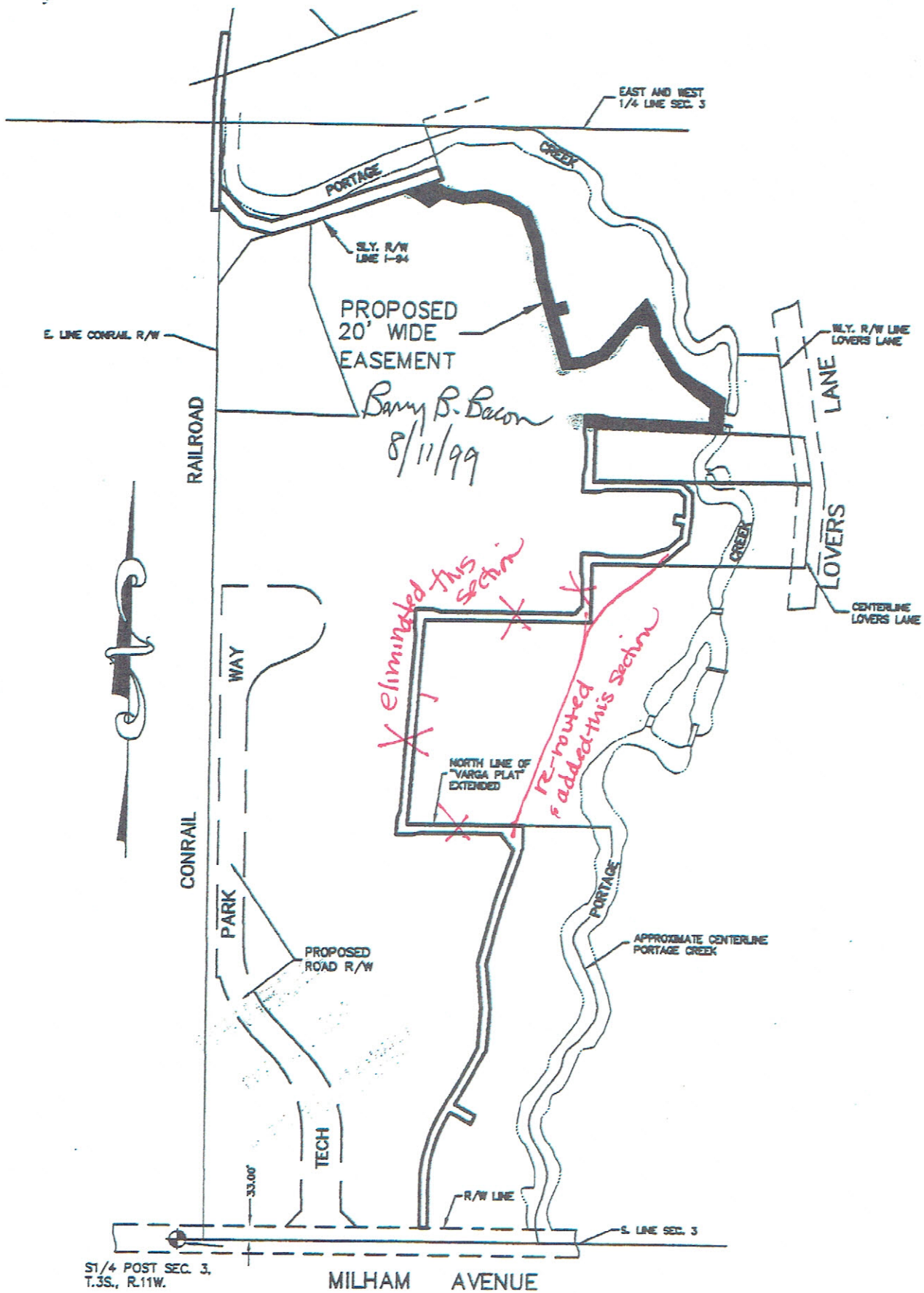
POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

CERTIFICATION

I do hereby certify that I am duly elected, appointed and/or authorized by the Grantee named above and that the information and answers provided herein are true and accurate to the best of my personal knowledge, information and belief.

 Please print	 Grantee Authorized Signature	<u>1/24/18</u> Date
 Please print	 Witness Signature	<u>1/24/18</u> Date

Send completed report to: **POST COMPLETION GRANT INSPECTION REPORTS
GRANTS MANAGEMENT
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
PO BOX 30425
LANSING MI 48909-7925**





**PUBLIC OUTDOOR RECREATION GRANT
POST-COMPLETION SELF-CERTIFICATION REPORT**

*This information required under authority of Part 19, PA 451 of 1994, as amended;
the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964); and Part 715, of PA 451 of 1994, as amended.*

GRANT TYPE: ☐ MICHIGAN NATURAL RESOURCES TRUST FUND ☐ CLEAN MICHIGAN INITIATIVE
(Please select one) ☒ LAND AND WATER CONSERVATION FUND ☐ RECREATION PASSPORT ☐ BOND FUND

GRANTEE: City of Portage

PROJECT NUMBER: 26-01489

PROJECT TYPE: Development

PROJECT TITLE: Portage Creek Bicentennial Park - Phase 1A

PROJECT SCOPE: decks, boardwalks, nature, hiking, biking X-country trails, restroom

TO BE COMPLETED BY LOCAL GOVERNMENT AGENCY (GRANTEE)

Name of Agency (Grantee) City of Portage	Contact Person Kathleen Hoyle	Title Parks Director
Address 7719 S. Westnedge Ave.	Telephone 269-329-4521	
City, State, ZIP Portage, MI 49002	Email hoylek@portagemi.gov	

SITE DEVELOPMENT

Any change(s) in the facility type, site layout, or recreation activities provided?
If yes, please describe change(s).

☐ Yes ☒ No

Has any portion of the project site been converted to a use other than outdoor recreation? If yes, please describe what portion and describe use. (This would include cell towers and any non-recreation buildings.)

☐ Yes ☒ No

Are any of the facilities obsolete? If yes, please explain.

☐ Yes ☒ No

SITE QUALITY

Is there a park entry sign which identifies the property or facility as a public recreation area?
If yes, please provide a photograph of the sign. If no, please explain.

☒ Yes ☐ No

Are the facilities and the site being properly maintained? If no, please explain.

☒ Yes ☐ No

Is vandalism a problem at this site? If yes, explain the measures being taken to prevent or minimize vandalism.

☐ Yes ☒ No

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

Is maintenance scheduled on a regular basis? If yes, give schedule. If no, please explain.

☒ Yes ☐ No

Rangers inspect 2x/day and report issues to Maint, daily cleaning, annual safety audits

CIP includes maint. for trail/parking resurfacing, lighting, shelters, playgrounds

GENERAL

Is a Program Recognition plaque permanently displayed at the site? If yes, please provide a photograph. (Not required for Bond Fund Grants)

☒ Yes ☐ No ☐ N/A

Is any segment of the general public restricted from using the site or facilities? (i.e. resident only, league only, boaters only, etc.) If yes, please explain.

☐ Yes ☒ No

Is a fee charged for use of the site or facilities? If yes, please provide fee structure.

☐ Yes ☒ No

What are the hours and seasons for availability of the site?

Open year round 6am to dusk

COMMENTS (ATTACH SEPARATE SHEET IF MORE SPACE IS NEEDED)

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

CERTIFICATION

I do hereby certify that I am duly elected, appointed and/or authorized by the Grantee named above and that the information and answers provided herein are true and accurate to the best of my personal knowledge, information and belief.

KATHLEEN HOYLE
Please print

[Signature]
Grantee Authorized Signature

1/24/18
Date

Joe Wilhelme
Please print

[Signature]
Witness Signature

1/24/18
Date

Send completed report to:

POST COMPLETION GRANT INSPECTION REPORTS
GRANTS MANAGEMENT
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
PO BOX 30425
LANSING MI 48909-7925



**PUBLIC OUTDOOR RECREATION GRANT
POST-COMPLETION SELF-CERTIFICATION REPORT**

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GRANT TYPE: ☒ MICHIGAN NATURAL RESOURCES TRUST FUND ☐ CLEAN MICHIGAN INITIATIVE
(Please select one) ☐ LAND AND WATER CONSERVATION FUND ☐ RECREATION PASSPORT ☐ BOND FUND

GRANTEE: City of Portage

PROJECT NUMBER: TF95-212

PROJECT TYPE: Development

PROJECT TITLE: Bishop's Bog Preserve Trail

PROJECT SCOPE: Development of approx. one mile of woodchip and plastic deck trail

TO BE COMPLETED BY LOCAL GOVERNMENT AGENCY (GRANTEE)

Name of Agency (Grantee) City of Portage	Contact Person Kathleen Hoyle	Title Parks Director
Address 7719 S. Westnedge Ave.	Telephone 269-329-4521	
City, State, ZIP Portage, MI 49002	Email hoylek@portagemi.gov	

SITE DEVELOPMENT

Any change(s) in the facility type, site layout, or recreation activities provided?
If yes, please describe change(s).

☐ Yes ☒ No

Has any portion of the project site been converted to a use other than outdoor recreation? If yes, please describe what portion and describe use. (This would include cell towers and any non-recreation buildings.)

☐ Yes ☒ No

Are any of the facilities obsolete? If yes, please explain.

☐ Yes ☒ No

SITE QUALITY

Is there a park entry sign which identifies the property or facility as a public recreation area?
If yes, please provide a photograph of the sign. If no, please explain.

☒ Yes ☐ No

Are the facilities and the site being properly maintained? If no, please explain.

☒ Yes ☐ No

Is vandalism a problem at this site? If yes, explain the measures being taken to prevent or minimize vandalism.

☐ Yes ☒ No

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

Is maintenance scheduled on a regular basis? If yes, give schedule. If no, please explain.

☒ Yes ☐ No

Rangers inspect 2x/day and report issues to Maint, daily cleaning, annual safety audits
CIP includes maint. for trail/parking resurfacing, lighting, shelters, playgrounds

GENERAL

Is a Program Recognition plaque permanently displayed at the site? If yes, please provide a photograph. (Not required for Bond Fund Grants)

☒ Yes ☐ No ☐ N/A

Is any segment of the general public restricted from using the site or facilities?
(i.e. resident only, league only, boaters only, etc.) If yes, please explain.

☐ Yes ☒ No

Is a fee charged for use of the site or facilities? If yes, please provide fee structure.

☐ Yes ☒ No

What are the hours and seasons for availability of the site?

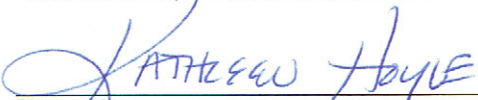
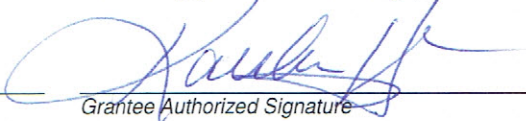
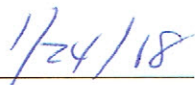
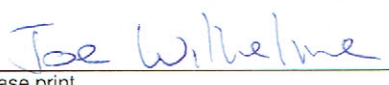
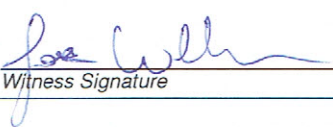
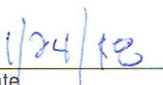
Open year round 6am to dusk

COMMENTS (ATTACH SEPARATE SHEET IF MORE SPACE IS NEEDED)

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

CERTIFICATION

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MICHIGAN DEPARTMENT OF NATURAL RESOURCES
PO BOX 30425
LANSING MI 48909-7925



**PUBLIC OUTDOOR RECREATION GRANT
POST-COMPLETION SELF-CERTIFICATION REPORT**

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GRANT TYPE: ☐ MICHIGAN NATURAL RESOURCES TRUST FUND ☐ CLEAN MICHIGAN INITIATIVE
(Please select one) ☒ LAND AND WATER CONSERVATION FUND ☐ RECREATION PASSPORT ☐ BOND FUND

GRANTEE: City of Portage

PROJECT NUMBER: 26-01564

PROJECT TYPE: Development

PROJECT TITLE: Harbors West Park

PROJECT SCOPE: Court games, picnic shelter/restroom, playground, pathways, parking

TO BE COMPLETED BY LOCAL GOVERNMENT AGENCY (GRANTEE)

Name of Agency (Grantee)	Contact Person	Title
City of Portage	Kathleen Hoyle	Parks Director
Address	Telephone	
7719 S. Westnedge Ave.	269-329-4521	
City, State, ZIP	Email	
Portage, MI 49002	hoylek@portagemi.gov	

SITE DEVELOPMENT

Any change(s) in the facility type, site layout, or recreation activities provided?
If yes, please describe change(s).

☐ Yes ☒ No

Has any portion of the project site been converted to a use other than outdoor recreation? If yes, please describe what portion and describe use. (This would include cell towers and any non-recreation buildings.)

☐ Yes ☒ No

Are any of the facilities obsolete? If yes, please explain.

☐ Yes ☒ No

SITE QUALITY

Is there a park entry sign which identifies the property or facility as a public recreation area?
If yes, please provide a photograph of the sign. If no, please explain.

☒ Yes ☐ No

Are the facilities and the site being properly maintained? If no, please explain.

☒ Yes ☐ No

Is vandalism a problem at this site? If yes, explain the measures being taken to prevent or minimize vandalism.

☐ Yes ☒ No

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

Is maintenance scheduled on a regular basis? If yes, give schedule. If no, please explain.

☒ Yes ☐ No

Rangers inspect 2x/day and report issues to Maint, daily cleaning, annual safety audits

CIP includes maint. for trail/parking resurfacing, lighting, shelters, playgrounds

GENERAL

Is a Program Recognition plaque permanently displayed at the site? If yes, please provide a photograph. (Not required for Bond Fund Grants)

☒ Yes ☐ No ☐ N/A

Is any segment of the general public restricted from using the site or facilities? (i.e. resident only, league only, boaters only, etc.) If yes, please explain.

☐ Yes ☒ No

Is a fee charged for use of the site or facilities? If yes, please provide fee structure.

☐ Yes ☒ No

What are the hours and seasons for availability of the site?

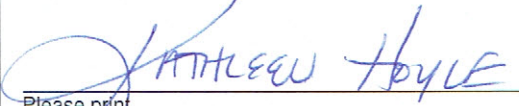
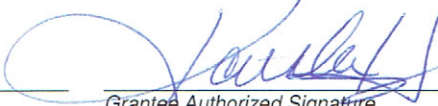
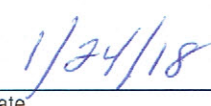
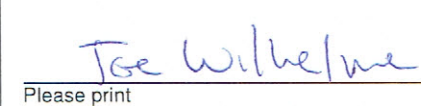
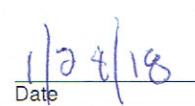
Open year round 6am to dusk

COMMENTS (ATTACH SEPARATE SHEET IF MORE SPACE IS NEEDED)

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

CERTIFICATION

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 Please print	 Witness Signature	 Date

Send completed report to: POST COMPLETION GRANT INSPECTION REPORTS
GRANTS MANAGEMENT
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
PO BOX 30425
LANSING MI 48909-7925



**PUBLIC OUTDOOR RECREATION GRANT
POST-COMPLETION SELF-CERTIFICATION REPORT**

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GRANT TYPE: ☒ MICHIGAN NATURAL RESOURCES TRUST FUND ☐ CLEAN MICHIGAN INITIATIVE
(Please select one) ☐ LAND AND WATER CONSERVATION FUND ☐ RECREATION PASSPORT ☐ BOND FUND

GRANTEE: City of Portage

PROJECT NUMBER: TF00-367

PROJECT TYPE: Development

PROJECT TITLE: Lakeview Park

PROJECT SCOPE: Fishing pier/overlook, trails, playground, boardwalk/decks, Volleyball

TO BE COMPLETED BY LOCAL GOVERNMENT AGENCY (GRANTEE)

Name of Agency (Grantee)	Contact Person	Title
City of Portage	Kathleen Hoyle	Parks Director
Address	Telephone	
7719 S. Westnedge Ave.	269-329-4521	
City, State, ZIP	Email	
Portage, MI 49002	hoylek@portagemi.gov	

SITE DEVELOPMENT

Any change(s) in the facility type, site layout, or recreation activities provided?
If yes, please describe change(s).

☐ Yes ☒ No

Has any portion of the project site been converted to a use other than outdoor recreation? If yes, please describe what portion and describe use. (This would include cell towers and any non-recreation buildings.)

☐ Yes ☒ No

Are any of the facilities obsolete? If yes, please explain.

☐ Yes ☒ No

SITE QUALITY

Is there a park entry sign which identifies the property or facility as a public recreation area?
If yes, please provide a photograph of the sign. If no, please explain.

☒ Yes ☐ No

Are the facilities and the site being properly maintained? If no, please explain.

☒ Yes ☐ No

Is vandalism a problem at this site? If yes, explain the measures being taken to prevent or minimize vandalism.

☐ Yes ☒ No

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

Is maintenance scheduled on a regular basis? If yes, give schedule. If no, please explain.

☒ Yes ☐ No

Rangers inspect 2x/day and report issues to Maint, daily cleaning, annual safety audits

CIP includes maint. for trail/parking resurfacing, lighting, shelters, playgrounds

GENERAL

Is a Program Recognition plaque permanently displayed at the site? If yes, please provide a photograph. (Not required for Bond Fund Grants)

☒ Yes ☐ No ☐ N/A

Is any segment of the general public restricted from using the site or facilities? (i.e. resident only, league only, boaters only, etc.) If yes, please explain.

☐ Yes ☒ No

Is a fee charged for use of the site or facilities? If yes, please provide fee structure.

☐ Yes ☒ No

What are the hours and seasons for availability of the site?

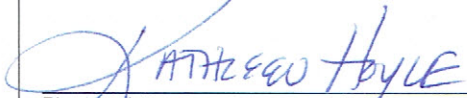
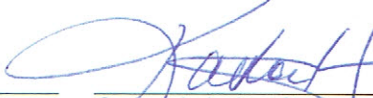
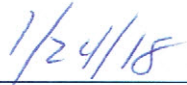
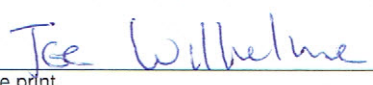
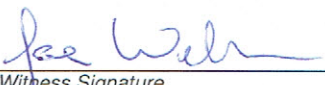
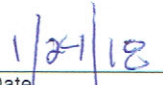
Open year round 6am to dusk

COMMENTS (ATTACH SEPARATE SHEET IF MORE SPACE IS NEEDED)

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

CERTIFICATION

I do hereby certify that I am duly elected, appointed and/or authorized by the Grantee named above and that the information and answers provided herein are true and accurate to the best of my personal knowledge, information and belief.

 Please print	 Grantee Authorized Signature	 Date
 Please print	 Witness Signature	 Date

Send completed report to: **POST COMPLETION GRANT INSPECTION REPORTS
GRANTS MANAGEMENT
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
PO BOX 30425
LANSING MI 48909-7925**

**PUBLIC OUTDOOR RECREATION GRANT
POST-COMPLETION SELF-CERTIFICATION REPORT**

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GRANT TYPE: ☐ MICHIGAN NATURAL RESOURCES TRUST FUND ☐ CLEAN MICHIGAN INITIATIVE
(Please select one) ☒ LAND AND WATER CONSERVATION FUND ☐ RECREATION PASSPORT ☐ BOND FUND

GRANTEE: City of Portage

PROJECT NUMBER: 26-00181

PROJECT TYPE: Acquisition

PROJECT TITLE: Lakeview Park

PROJECT SCOPE: Acquisition of 24.16 acres on Austin Lake

TO BE COMPLETED BY LOCAL GOVERNMENT AGENCY (GRANTEE)

Name of Agency (Grantee) City of Portage	Contact Person Kathleen Hoyle	Title Parks Director
Address 7719 S. Westnedge Ave.	Telephone 269-329-4521	
City, State, ZIP Portage, MI 49002	Email hoylek@portagemi.gov	

SITE DEVELOPMENT

Any change(s) in the facility type, site layout, or recreation activities provided?
If yes, please describe change(s).

☒ Yes ☐ No

See project #TF00-367

Has any portion of the project site been converted to a use other than outdoor recreation? If yes, please describe what portion and describe use. (This would include cell towers and any non-recreation buildings.)

☐ Yes ☒ No

Are any of the facilities obsolete? If yes, please explain.

☐ Yes ☒ No

SITE QUALITY

Is there a park entry sign which identifies the property or facility as a public recreation area?
If yes, please provide a photograph of the sign. If no, please explain.

☒ Yes ☐ No

Are the facilities and the site being properly maintained? If no, please explain.

☒ Yes ☐ No

Is vandalism a problem at this site? If yes, explain the measures being taken to prevent or minimize vandalism.

☐ Yes ☒ No

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

Is maintenance scheduled on a regular basis? If yes, give schedule. If no, please explain.

☒ Yes ☐ No

Rangers inspect 2x/day and report issues to Maint, daily cleaning, annual safety audits

CIP includes maint. for trail/parking resurfacing, lighting, shelters, playgrounds

GENERAL

Is a Program Recognition plaque permanently displayed at the site? If yes, please provide a photograph. (Not required for Bond Fund Grants)

☒ Yes ☐ No ☐ N/A

Is any segment of the general public restricted from using the site or facilities? (i.e. resident only, league only, boaters only, etc.) If yes, please explain.

☐ Yes ☒ No

Is a fee charged for use of the site or facilities? If yes, please provide fee structure.

☐ Yes ☒ No

What are the hours and seasons for availability of the site?

Open year round 6am to dusk

COMMENTS (ATTACH SEPARATE SHEET IF MORE SPACE IS NEEDED)

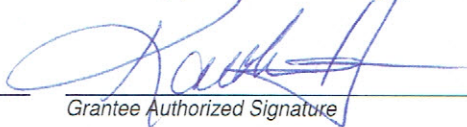
POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

CERTIFICATION

I do hereby certify that I am duly elected, appointed and/or authorized by the Grantee named above and that the information and answers provided herein are true and accurate to the best of my personal knowledge, information and belief.

KATHLEEN HOYLE

Please print



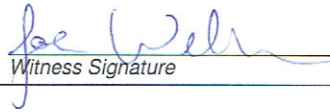
Grantee Authorized Signature

Date

1/24/18

Joe Wilhelm

Please print



Witness Signature

Date

1/24/18

Send completed report to:

POST COMPLETION GRANT INSPECTION REPORTS
GRANTS MANAGEMENT
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
PO BOX 30425
LANSING MI 48909-7925



**PUBLIC OUTDOOR RECREATION GRANT
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GRANT TYPE: ☐ MICHIGAN NATURAL RESOURCES TRUST FUND ☐ CLEAN MICHIGAN INITIATIVE
(Please select one) ☒ LAND AND WATER CONSERVATION FUND ☐ RECREATION PASSPORT ☐ BOND FUND

GRANTEE: City of Portage

PROJECT NUMBER: 26-01061

PROJECT TYPE: Development

PROJECT TITLE: Ramona Park

PROJECT SCOPE: baseball/softball, parking, utilities, roads, comfort station

TO BE COMPLETED BY LOCAL GOVERNMENT AGENCY (GRANTEE)

Name of Agency (Grantee)	Contact Person	Title
City of Portage	Kathleen Hoyle	Parks Director
Address	Telephone	
7719 S. Westnedge Ave.	269-329-4521	
City, State, ZIP	Email	
Portage, MI 49002	hoylek@portagemi.gov	

SITE DEVELOPMENT

Any change(s) in the facility type, site layout, or recreation activities provided?
If yes, please describe change(s). ☒ Yes ☐ No

See project #TF91-335

Has any portion of the project site been converted to a use other than outdoor recreation? If yes, please describe what portion and describe use. (This would include cell towers and any non-recreation buildings.) ☐ Yes ☒ No

Are any of the facilities obsolete? If yes, please explain. ☐ Yes ☒ No

SITE QUALITY

Is there a park entry sign which identifies the property or facility as a public recreation area?
If yes, please provide a photograph of the sign. If no, please explain. ☒ Yes ☐ No

Are the facilities and the site being properly maintained? If no, please explain. ☒ Yes ☐ No

Is vandalism a problem at this site? If yes, explain the measures being taken to prevent or minimize vandalism. ☐ Yes ☒ No

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

Is maintenance scheduled on a regular basis? If yes, give schedule. If no, please explain.

☒ Yes ☐ No

Rangers inspect 2x/day and report issues to Maint, daily cleaning, annual safety audits
CIP includes maint. for trail/parking resurfacing, lighting, shelters, playgrounds

GENERAL

Is a Program Recognition plaque permanently displayed at the site? If yes, please provide a photograph. (Not required for Bond Fund Grants)

☒ Yes ☐ No ☐ N/A

Is any segment of the general public restricted from using the site or facilities?
(i.e. resident only, league only, boaters only, etc.) If yes, please explain.

☐ Yes ☒ No

Is a fee charged for use of the site or facilities? If yes, please provide fee structure.

☒ Yes ☐ No

Shelter is open to the public but can be rented for \$110 per day. Softball and soccer
fields are open to the public but can be reserved for \$10 per hour.

What are the hours and seasons for availability of the site?

Open year round 6am to dusk

COMMENTS (ATTACH SEPARATE SHEET IF MORE SPACE IS NEEDED)

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

CERTIFICATION

I do hereby certify that I am duly elected, appointed and/or authorized by the Grantee named above and that the information and answers provided herein are true and accurate to the best of my personal knowledge, information and belief.

KATHLEEN HOYLE
Please print

[Signature]
Grantee Authorized Signature

1/24/18
Date

Joe Wilhelme
Please print

[Signature]
Witness Signature

1/24/18
Date

Send completed report to:

POST COMPLETION GRANT INSPECTION REPORTS
GRANTS MANAGEMENT
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
PO BOX 30425
LANSING MI 48909-7925

**PUBLIC OUTDOOR RECREATION GRANT
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GRANT TYPE: ☒ MICHIGAN NATURAL RESOURCES TRUST FUND ☐ CLEAN MICHIGAN INITIATIVE
(Please select one) ☐ LAND AND WATER CONSERVATION FUND ☐ RECREATION PASSPORT ☐ BOND FUND

GRANTEE: City of Portage

PROJECT NUMBER: TF91-335

PROJECT TYPE: Development

PROJECT TITLE: Ramona Park

PROJECT SCOPE: fishing platform, court games, softball, picnic area, bath house renov

TO BE COMPLETED BY LOCAL GOVERNMENT AGENCY (GRANTEE)

Name of Agency (Grantee)	Contact Person	Title
City of Portage	Kathleen Hoyle	Parks Director
Address	Telephone	
7719 S. Westnedge Ave.	269-329-4521	
City, State, ZIP	Email	
Portage, MI 49002	hoylek@portagemi.gov	

SITE DEVELOPMENT

Any change(s) in the facility type, site layout, or recreation activities provided?
If yes, please describe change(s). ☐ Yes ☒ No

Has any portion of the project site been converted to a use other than outdoor recreation? If yes, please describe what portion and describe use. (This would include cell towers and any non-recreation buildings.) ☐ Yes ☒ No

Are any of the facilities obsolete? If yes, please explain. ☐ Yes ☒ No

SITE QUALITY

Is there a park entry sign which identifies the property or facility as a public recreation area?
If yes, please provide a photograph of the sign. If no, please explain. ☒ Yes ☐ No

Are the facilities and the site being properly maintained? If no, please explain. ☒ Yes ☐ No

Is vandalism a problem at this site? If yes, explain the measures being taken to prevent or minimize vandalism. ☐ Yes ☒ No

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

Is maintenance scheduled on a regular basis? If yes, give schedule. If no, please explain.

☒ Yes ☐ No

Rangers inspect 2x/day and report issues to Maint, daily cleaning, annual safety audits

CIP includes maint. for trail/parking resurfacing, lighting, shelters, playgrounds

GENERAL

Is a Program Recognition plaque permanently displayed at the site? If yes, please provide a photograph. (Not required for Bond Fund Grants)

☒ Yes ☐ No ☐ N/A

Is any segment of the general public restricted from using the site or facilities? (i.e. resident only, league only, boaters only, etc.) If yes, please explain.

☐ Yes ☒ No

Is a fee charged for use of the site or facilities? If yes, please provide fee structure.

☒ Yes ☐ No

Two shelters are open to the public use, but can be reserved at \$110/day. Free parking is available, but one lot near beach is \$5/car/day.

What are the hours and seasons for availability of the site?

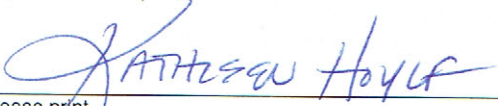
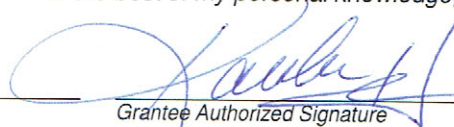
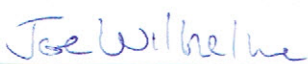
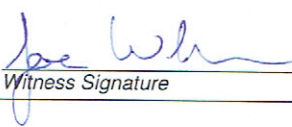
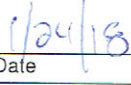
Open year round 6am to dusk

COMMENTS (ATTACH SEPARATE SHEET IF MORE SPACE IS NEEDED)

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

CERTIFICATION

I do hereby certify that I am duly elected, appointed and/or authorized by the Grantee named above and that the information and answers provided herein are true and accurate to the best of my personal knowledge, information and belief.

 Please print	 Grantee Authorized Signature	 Date
 Please print	 Witness Signature	 Date

Send completed report to: **POST COMPLETION GRANT INSPECTION REPORTS
GRANTS MANAGEMENT
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
PO BOX 30425
LANSING MI 48909-7925**





**PUBLIC OUTDOOR RECREATION GRANT
POST-COMPLETION SELF-CERTIFICATION REPORT**

*This information required under authority of Part 19, PA 451 of 1994, as amended;
the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964); and Part 715, of PA 451 of 1994, as amended.*

GRANT TYPE: ☐ MICHIGAN NATURAL RESOURCES TRUST FUND ☐ CLEAN MICHIGAN INITIATIVE
(Please select one) ☒ LAND AND WATER CONSERVATION FUND ☐ RECREATION PASSPORT ☐ BOND FUND

GRANTEE: City of Portage

PROJECT NUMBER: 26-00620

PROJECT TYPE: Development

PROJECT TITLE: Schrier Park

PROJECT SCOPE: Picnic shelter/equipment, trails, tot lot, playfield, parking, benches

TO BE COMPLETED BY LOCAL GOVERNMENT AGENCY (GRANTEE)

Name of Agency (Grantee)	Contact Person	Title
City of Portage	Kathleen Hoyle	Parks Director
Address	Telephone	
7719 S. Westnedge Ave.	269-329-4521	
City, State, ZIP	Email	
Portage, MI 49002	hoylek@portagemi.gov	

SITE DEVELOPMENT

Any change(s) in the facility type, site layout, or recreation activities provided?
If yes, please describe change(s).

☐ Yes ☒ No

Has any portion of the project site been converted to a use other than outdoor recreation? If yes, please describe what portion and describe use. (This would include cell towers and any non-recreation buildings.)

☐ Yes ☒ No

Are any of the facilities obsolete? If yes, please explain.

☐ Yes ☒ No

SITE QUALITY

Is there a park entry sign which identifies the property or facility as a public recreation area?
If yes, please provide a photograph of the sign. If no, please explain.

☒ Yes ☐ No

Are the facilities and the site being properly maintained? If no, please explain.

☒ Yes ☐ No

Is vandalism a problem at this site? If yes, explain the measures being taken to prevent or minimize vandalism.

☐ Yes ☒ No

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

Is maintenance scheduled on a regular basis? If yes, give schedule. If no, please explain.

☒ Yes ☐ No

Rangers inspect 2x/day and report issues to Maint, daily cleaning, annual safety audits

CIP includes maint. for trail/parking resurfacing, lighting, shelters, playgrounds

GENERAL

Is a Program Recognition plaque permanently displayed at the site? If yes, please provide a photograph. (Not required for Bond Fund Grants)

☒ Yes ☐ No ☐ N/A

Is any segment of the general public restricted from using the site or facilities? (i.e. resident only, league only, boaters only, etc.) If yes, please explain.

☐ Yes ☒ No

Is a fee charged for use of the site or facilities? If yes, please provide fee structure.

☒ Yes ☐ No

Shelter is open to the public, but can be rented for \$110 per day

What are the hours and seasons for availability of the site?

Open year round 6am to dusk

COMMENTS (ATTACH SEPARATE SHEET IF MORE SPACE IS NEEDED)

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

CERTIFICATION

I do hereby certify that I am duly elected, appointed and/or authorized by the Grantee named above and that the information and answers provided herein are true and accurate to the best of my personal knowledge, information and belief.

KATZEEU HOYLE
Please print

[Signature]
Grantee Authorized Signature

1/24/18
Date

Joe Wilhelm
Please print

[Signature]
Witness Signature

1/24/18
Date

Send completed report to:

**POST COMPLETION GRANT INSPECTION REPORTS
GRANTS MANAGEMENT
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
PO BOX 30425
LANSING MI 48909-7925**





**PUBLIC OUTDOOR RECREATION GRANT
POST-COMPLETION SELF-CERTIFICATION REPORT**

*This information required under authority of Part 19, PA 451 of 1994, as amended;
the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964); and Part 715, of PA 451 of 1994, as amended.*

GRANT TYPE: ☒ MICHIGAN NATURAL RESOURCES TRUST FUND ☐ CLEAN MICHIGAN INITIATIVE
(Please select one) ☐ LAND AND WATER CONSERVATION FUND ☐ RECREATION PASSPORT ☐ BOND FUND

GRANTEE: City of Portage

PROJECT NUMBER: TF16-0151

PROJECT TYPE: Development

PROJECT TITLE: Portage South Central Trail Development

PROJECT SCOPE: Paved trails, boardwalk, overlook deck, access pathways

TO BE COMPLETED BY LOCAL GOVERNMENT AGENCY (GRANTEE)

Name of Agency (Grantee)	Contact Person	Title
City of Portage	Kathleen Hoyle	Parks Director
Address	Telephone	
7719 S. Westnedge Ave.	269-329-4521	
City, State, ZIP	Email	
Portage, MI 49002	hoylek@portagemi.gov	

SITE DEVELOPMENT

Any change(s) in the facility type, site layout, or recreation activities provided?
If yes, please describe change(s).

☐ Yes ☒ No

Has any portion of the project site been converted to a use other than outdoor recreation? If yes, please describe what portion and describe use. (This would include cell towers and any non-recreation buildings.)

☐ Yes ☒ No

Are any of the facilities obsolete? If yes, please explain.

☐ Yes ☒ No

SITE QUALITY

Is there a park entry sign which identifies the property or facility as a public recreation area?
If yes, please provide a photograph of the sign. If no, please explain.

☒ Yes ☐ No

Are the facilities and the site being properly maintained? If no, please explain.

☒ Yes ☐ No

Is vandalism a problem at this site? If yes, explain the measures being taken to prevent or minimize vandalism.

☐ Yes ☒ No

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

Is maintenance scheduled on a regular basis? If yes, give schedule. If no, please explain.

☒ Yes ☐ No

Rangers inspect 2x/day and report issues to Maint, daily cleaning, annual safety audits

CIP includes maint. for trail/parking resurfacing, lighting, shelters, playgrounds

GENERAL

Is a Program Recognition plaque permanently displayed at the site? If yes, please provide a photograph. (Not required for Bond Fund Grants)

☐ Yes ☒ No ☐ N/A

Is any segment of the general public restricted from using the site or facilities? (i.e. resident only, league only, boaters only, etc.) If yes, please explain.

☐ Yes ☒ No

Is a fee charged for use of the site or facilities? If yes, please provide fee structure.

☐ Yes ☒ No

What are the hours and seasons for availability of the site?

Open year round 6am to dusk

COMMENTS (ATTACH SEPARATE SHEET IF MORE SPACE IS NEEDED)

PA in progress

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

CERTIFICATION

I do hereby certify that I am duly elected, appointed and/or authorized by the Grantee named above and that the information and answers provided herein are true and accurate to the best of my personal knowledge, information and belief.

KATHLEEN HYDE
Please print

[Signature]
Grantee Authorized Signature

1/24/18
Date

Joe Wilhelm
Please print

[Signature]
Witness Signature

1/24/18
Date

Send completed report to:

**POST COMPLETION GRANT INSPECTION REPORTS
GRANTS MANAGEMENT
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
PO BOX 30425
LANSING MI 48909-7925**



**PUBLIC OUTDOOR RECREATION GRANT
POST-COMPLETION SELF-CERTIFICATION REPORT**

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GRANT TYPE: ☐ MICHIGAN NATURAL RESOURCES TRUST FUND ☐ CLEAN MICHIGAN INITIATIVE
(Please select one) ☐ LAND AND WATER CONSERVATION FUND ☐ RECREATION PASSPORT ☒ BOND FUND

GRANTEE: City of Portage

PROJECT NUMBER: BF89-492

PROJECT TYPE: Development

PROJECT TITLE: South Westnedge Park

PROJECT SCOPE: Renovation for ball fields and concession / restroom facility

TO BE COMPLETED BY LOCAL GOVERNMENT AGENCY (GRANTEE)

Name of Agency (Grantee)	Contact Person	Title
City of Portage	Kathleen Hoyle	Parks Director
Address	Telephone	
7719 S. Westnedge Ave.	269-329-4521	
City, State, ZIP	Email	
Portage, MI 49002	hoylek@portagemi.gov	

SITE DEVELOPMENT

Any change(s) in the facility type, site layout, or recreation activities provided?
If yes, please describe change(s).

☒ Yes ☐ No

See project #26-01600

Has any portion of the project site been converted to a use other than outdoor recreation? If yes, please describe what portion and describe use. (This would include cell towers and any non-recreation buildings.)

☐ Yes ☒ No

Are any of the facilities obsolete? If yes, please explain.

☐ Yes ☒ No

SITE QUALITY

Is there a park entry sign which identifies the property or facility as a public recreation area?
If yes, please provide a photograph of the sign. If no, please explain.

☒ Yes ☐ No

Are the facilities and the site being properly maintained? If no, please explain.

☒ Yes ☐ No

Is vandalism a problem at this site? If yes, explain the measures being taken to prevent or minimize vandalism.

☐ Yes ☒ No

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

Is maintenance scheduled on a regular basis? If yes, give schedule. If no, please explain.

☒ Yes ☐ No

Rangers inspect 2x/day and report issues to Maint, daily cleaning, annual safety audits

CIP includes maint. for trail/parking resurfacing, lighting, shelters, playgrounds

GENERAL

Is a Program Recognition plaque permanently displayed at the site? If yes, please provide a photograph. (Not required for Bond Fund Grants)

☐ Yes ☐ No ☒ N/A

Is any segment of the general public restricted from using the site or facilities? (i.e. resident only, league only, boaters only, etc.) If yes, please explain.

☐ Yes ☒ No

Is a fee charged for use of the site or facilities? If yes, please provide fee structure.

☒ Yes ☐ No

Softball fields are open to the public but can be reserved for \$10 per hour

What are the hours and seasons for availability of the site?

Open year round 6am to dusk

COMMENTS (ATTACH SEPARATE SHEET IF MORE SPACE IS NEEDED)

Application withdrawn

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

CERTIFICATION

I do hereby certify that I am duly elected, appointed and/or authorized by the Grantee named above and that the information and answers provided herein are true and accurate to the best of my personal knowledge, information and belief.

KATHLEEN HOYLE
Please print

Kathleen Hoyle
Grantee Authorized Signature

1/24/18
Date

Joe Wilhelm
Please print

Joe Wilhelm
Witness Signature

1/24/18
Date

Send completed report to:

POST COMPLETION GRANT INSPECTION REPORTS
GRANTS MANAGEMENT
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
PO BOX 30425
LANSING MI 48909-7925



**PUBLIC OUTDOOR RECREATION GRANT
POST-COMPLETION SELF-CERTIFICATION REPORT**

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GRANT TYPE: ☐ MICHIGAN NATURAL RESOURCES TRUST FUND ☐ CLEAN MICHIGAN INITIATIVE
(Please select one) ☒ LAND AND WATER CONSERVATION FUND ☐ RECREATION PASSPORT ☐ BOND FUND

GRANTEE: City of Portage

PROJECT NUMBER: 26-01600

PROJECT TYPE: Development

PROJECT TITLE: South Westnedge Park

PROJECT SCOPE: In-line hockey rink, skate park, restrooms, soccer field, parking

TO BE COMPLETED BY LOCAL GOVERNMENT AGENCY (GRANTEE)

Name of Agency (Grantee) City of Portage	Contact Person Kathleen Hoyle	Title Parks Director
Address 7719 S. Westnedge Ave.	Telephone 269-329-4521	
City, State, ZIP Portage, MI 49002	Email hoylek@portagemi.gov	

SITE DEVELOPMENT

Any change(s) in the facility type, site layout, or recreation activities provided?
If yes, please describe change(s).

☒ Yes ☐ No

Soccer field was renovated into a public no-fee dog park

Has any portion of the project site been converted to a use other than outdoor recreation? If yes, please describe what portion and describe use. (This would include cell towers and any non-recreation buildings.)

☐ Yes ☒ No

Are any of the facilities obsolete? If yes, please explain.

☐ Yes ☒ No

SITE QUALITY

Is there a park entry sign which identifies the property or facility as a public recreation area?
If yes, please provide a photograph of the sign. If no, please explain.

☒ Yes ☐ No

Are the facilities and the site being properly maintained? If no, please explain.

☒ Yes ☐ No

Is vandalism a problem at this site? If yes, explain the measures being taken to prevent or minimize vandalism.

☐ Yes ☒ No

POST-COMPLETION SELF-CERTIFICATION REPORT - CONT'D

Is maintenance scheduled on a regular basis? If yes, give schedule. If no, please explain.

☒ Yes ☐ No

Rangers inspect 2x/day and report issues to Maint, daily cleaning, annual safety audits

CIP includes maint. for trail/parking resurfacing, lighting, shelters, playgrounds

GENERAL

Is a Program Recognition plaque permanently displayed at the site? If yes, please provide a photograph. (Not required for Bond Fund Grants)

☒ Yes ☐ No ☐ N/A

Is any segment of the general public restricted from using the site or facilities? (i.e. resident only, league only, boaters only, etc.) If yes, please explain.

☐ Yes ☒ No

Is a fee charged for use of the site or facilities? If yes, please provide fee structure.

☐ Yes ☒ No

What are the hours and seasons for availability of the site?

Open year round 6am to dusk

COMMENTS (ATTACH SEPARATE SHEET IF MORE SPACE IS NEEDED)

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

CERTIFICATION

I do hereby certify that I am duly elected, appointed and/or authorized by the Grantee named above and that the information and answers provided herein are true and accurate to the best of my personal knowledge, information and belief.

KATHLEEN HOYLE

Please print

Kathleen Hoyle

Grantee Authorized Signature

1/24/18

Date

Joe Wilhelm

Please print

Joe Wilhelm

Witness Signature

1/24/18

Date

Send completed report to:

POST COMPLETION GRANT INSPECTION REPORTS
GRANTS MANAGEMENT
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
PO BOX 30425
LANSING MI 48909-7925



**PUBLIC OUTDOOR RECREATION GRANT
POST-COMPLETION SELF-CERTIFICATION REPORT**

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GRANT TYPE: ☒ MICHIGAN NATURAL RESOURCES TRUST FUND ☐ CLEAN MICHIGAN INITIATIVE
(Please select one) ☐ LAND AND WATER CONSERVATION FUND ☐ RECREATION PASSPORT ☐ BOND FUND

GRANTEE: City of Portage

PROJECT NUMBER: TF00-118

PROJECT TYPE: Development

PROJECT TITLE: West Lake Nature Preserve

PROJECT SCOPE: Interpretive center, parking, overlook decks

TO BE COMPLETED BY LOCAL GOVERNMENT AGENCY (GRANTEE)

Name of Agency (Grantee)	Contact Person	Title
City of Portage	Kathleen Hoyle	Parks Director
Address	Telephone	
7719 S. Westnedge Ave.	269-329-4521	
City, State, ZIP	Email	
Portage, MI 49002	hoylek@portagemi.gov	

SITE DEVELOPMENT

Any change(s) in the facility type, site layout, or recreation activities provided?
If yes, please describe change(s).

☐ Yes ☒ No

Has any portion of the project site been converted to a use other than outdoor recreation? If yes, please describe what portion and describe use. (This would include cell towers and any non-recreation buildings.)

☐ Yes ☒ No

Are any of the facilities obsolete? If yes, please explain.

☐ Yes ☒ No

SITE QUALITY

Is there a park entry sign which identifies the property or facility as a public recreation area?
If yes, please provide a photograph of the sign. If no, please explain.

☒ Yes ☐ No

Are the facilities and the site being properly maintained? If no, please explain.

☒ Yes ☐ No

Is vandalism a problem at this site? If yes, explain the measures being taken to prevent or minimize vandalism.

☐ Yes ☒ No

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

Is maintenance scheduled on a regular basis? If yes, give schedule. If no, please explain.

☒ Yes ☐ No

Rangers inspect 2x/day and report issues to Maint, daily cleaning, annual safety audits

CIP includes maint. for trail/parking resurfacing, lighting, shelters, playgrounds

GENERAL

Is a Program Recognition plaque permanently displayed at the site? If yes, please provide a photograph. (Not required for Bond Fund Grants)

☐ Yes ☐ No ☒ N/A

Is any segment of the general public restricted from using the site or facilities? (i.e. resident only, league only, boaters only, etc.) If yes, please explain.

☐ Yes ☒ No

Is a fee charged for use of the site or facilities? If yes, please provide fee structure.

☐ Yes ☒ No

What are the hours and seasons for availability of the site?

Open year round 6am to dusk

COMMENTS (ATTACH SEPARATE SHEET IF MORE SPACE IS NEEDED)

Grant application was withdrawn

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

CERTIFICATION

I do hereby certify that I am duly elected, appointed and/or authorized by the Grantee named above and that the information and answers provided herein are true and accurate to the best of my personal knowledge, information and belief.

Please print

KATHLEEN HOYE

Grantee Authorized Signature



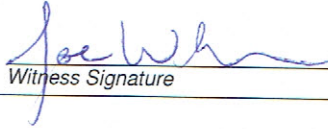
Date

1/24/18

Please print

Joe Wilhelme

Witness Signature



Date

1/24/18

Send completed report to:

POST COMPLETION GRANT INSPECTION REPORTS
GRANTS MANAGEMENT
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
PO BOX 30425
LANSING MI 48909-7925

**PUBLIC OUTDOOR RECREATION GRANT
POST-COMPLETION SELF-CERTIFICATION REPORT**

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GRANT TYPE: ☐ MICHIGAN NATURAL RESOURCES TRUST FUND ☐ CLEAN MICHIGAN INITIATIVE
(Please select one) ☒ LAND AND WATER CONSERVATION FUND ☐ RECREATION PASSPORT ☐ BOND FUND

GRANTEE: City of Portage

PROJECT NUMBER: 26-01060 H2

PROJECT TYPE: Acquisition

PROJECT TITLE: West Lake Nature Preserve (Originally Percy Matteson Property)

PROJECT SCOPE: Acquisition of 80 acres with frontage on West Lake

TO BE COMPLETED BY LOCAL GOVERNMENT AGENCY (GRANTEE)

Name of Agency (Grantee)	Contact Person	Title
City of Portage	Kathleen Hoyle	Parks Director
Address	Telephone	
7719 S. Westnedge Ave.	269-329-4521	
City, State, ZIP	Email	
Portage, MI 49002	hoylek@portagemi.gov	

SITE DEVELOPMENT

Any change(s) in the facility type, site layout, or recreation activities provided?
If yes, please describe change(s).

☒ Yes ☐ No

See project # TF87-289, BF89-494, TF00-118

Has any portion of the project site been converted to a use other than outdoor recreation? If yes, please describe what portion and describe use. (This would include cell towers and any non-recreation buildings.)

☐ Yes ☒ No

Are any of the facilities obsolete? If yes, please explain.

☐ Yes ☒ No

SITE QUALITY

Is there a park entry sign which identifies the property or facility as a public recreation area?
If yes, please provide a photograph of the sign. If no, please explain.

☒ Yes ☐ No

Are the facilities and the site being properly maintained? If no, please explain.

☒ Yes ☐ No

Is vandalism a problem at this site? If yes, explain the measures being taken to prevent or minimize vandalism.

☐ Yes ☒ No

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

Is maintenance scheduled on a regular basis? If yes, give schedule. If no, please explain.

☒ Yes ☐ No

Rangers inspect 2x/day and report issues to Maint, daily cleaning, annual safety audits

CIP includes maint. for trail/parking resurfacing, lighting, shelters, playgrounds

GENERAL

Is a Program Recognition plaque permanently displayed at the site? If yes, please provide a photograph. (Not required for Bond Fund Grants)

☒ Yes ☐ No ☐ N/A

Is any segment of the general public restricted from using the site or facilities? (i.e. resident only, league only, boaters only, etc.) If yes, please explain.

☐ Yes ☒ No

Is a fee charged for use of the site or facilities? If yes, please provide fee structure.

☐ Yes ☒ No

What are the hours and seasons for availability of the site?

Open year round 6am to dusk

COMMENTS (ATTACH SEPARATE SHEET IF MORE SPACE IS NEEDED)

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

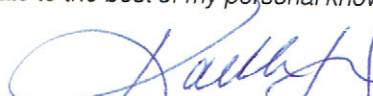
CERTIFICATION

I do hereby certify that I am duly elected, appointed and/or authorized by the Grantee named above and that the information and answers provided herein are true and accurate to the best of my personal knowledge, information and belief.

Please print

KATHLEEN HOYE

Grantee Authorized Signature



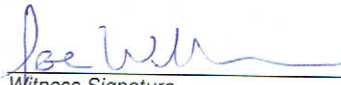
Date

1/24/18

Please print

Joe Wilhelm

Witness Signature



Date

1/24/18

Send completed report to:

POST COMPLETION GRANT INSPECTION REPORTS
GRANTS MANAGEMENT
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
PO BOX 30425
LANSING MI 48909-7925

**PUBLIC OUTDOOR RECREATION GRANT
POST-COMPLETION SELF-CERTIFICATION REPORT**

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GRANT TYPE: ☐ MICHIGAN NATURAL RESOURCES TRUST FUND ☐ CLEAN MICHIGAN INITIATIVE
(Please select one) ☐ LAND AND WATER CONSERVATION FUND ☐ RECREATION PASSPORT ☒ BOND FUND

GRANTEE: City of Portage

PROJECT NUMBER: BF89-494

PROJECT TYPE: Development

PROJECT TITLE: West Lake Nature Preserve

PROJECT SCOPE: Woodchip trails, wetland deck trails, wetland observation platforms

TO BE COMPLETED BY LOCAL GOVERNMENT AGENCY (GRANTEE)

Name of Agency (Grantee)	Contact Person	Title
City of Portage	Kathleen Hoyle	Parks Director
Address	Telephone	
7719 S. Westnedge Ave.	269-329-4521	
City, State, ZIP	Email	
Portage, MI 49002	hoylek@portagemi.gov	

SITE DEVELOPMENT

Any change(s) in the facility type, site layout, or recreation activities provided?
If yes, please describe change(s).

☒ Yes ☐ No

See project #TF00-118

Has any portion of the project site been converted to a use other than outdoor recreation? If yes, please describe what portion and describe use. (This would include cell towers and any non-recreation buildings.)

☐ Yes ☒ No

Are any of the facilities obsolete? If yes, please explain.

☐ Yes ☒ No

SITE QUALITY

Is there a park entry sign which identifies the property or facility as a public recreation area?
If yes, please provide a photograph of the sign. If no, please explain.

☒ Yes ☐ No

Are the facilities and the site being properly maintained? If no, please explain.

☒ Yes ☐ No

Is vandalism a problem at this site? If yes, explain the measures being taken to prevent or minimize vandalism.

☐ Yes ☒ No

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

Is maintenance scheduled on a regular basis? If yes, give schedule. If no, please explain.

☒ Yes ☐ No

Rangers inspect 2x/day and report issues to Maint, daily cleaning, annual safety audits

CIP includes maint. for trail/parking resurfacing, lighting, shelters, playgrounds

GENERAL

Is a Program Recognition plaque permanently displayed at the site? If yes, please provide a photograph. (Not required for Bond Fund Grants)

☐ Yes ☐ No ☒ N/A

Is any segment of the general public restricted from using the site or facilities? (i.e. resident only, league only, boaters only, etc.) If yes, please explain.

☐ Yes ☒ No

Is a fee charged for use of the site or facilities? If yes, please provide fee structure.

☐ Yes ☒ No

What are the hours and seasons for availability of the site?

Open year round 6am to dusk

COMMENTS (ATTACH SEPARATE SHEET IF MORE SPACE IS NEEDED)

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

CERTIFICATION

I do hereby certify that I am duly elected, appointed and/or authorized by the Grantee named above and that the information and answers provided herein are true and accurate to the best of my personal knowledge, information and belief.

KATHLEEN HOYLE
Please print

[Signature]
Grantee Authorized Signature

1/24/18
Date

Joe Wilhelme
Please print

[Signature]
Witness Signature

1/24/18
Date

Send completed report to:

**POST COMPLETION GRANT INSPECTION REPORTS
GRANTS MANAGEMENT
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
PO BOX 30425
LANSING MI 48909-7925**



**PUBLIC OUTDOOR RECREATION GRANT
POST-COMPLETION SELF-CERTIFICATION REPORT**

*This information required under authority of Part 19, PA 451 of 1994, as amended;
the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964); and Part 715, of PA 451 of 1994, as amended.*

GRANT TYPE: ☒ MICHIGAN NATURAL RESOURCES TRUST FUND ☐ CLEAN MICHIGAN INITIATIVE
(Please select one) ☐ LAND AND WATER CONSERVATION FUND ☐ RECREATION PASSPORT ☐ BOND FUND

GRANTEE: City of Portage

PROJECT NUMBER: TF87-289

PROJECT TYPE: Development

PROJECT TITLE: West Lake Nature Preserve

PROJECT SCOPE: Trail/pathways, parking, utilities, play and picnic equip., shelter

TO BE COMPLETED BY LOCAL GOVERNMENT AGENCY (GRANTEE)

Name of Agency (Grantee) City of Portage	Contact Person Kathleen Hoyle	Title Parks Director
Address 7719 S. Westnedge Ave.	Telephone 269-329-4521	
City, State, ZIP Portage, MI 49002	Email hoylek@portagemi.gov	

SITE DEVELOPMENT

Any change(s) in the facility type, site layout, or recreation activities provided?
If yes, please describe change(s).

☒ Yes ☐ No

See project # BF89-494, TF00-118

Has any portion of the project site been converted to a use other than outdoor recreation? If yes, please describe what portion and describe use. (This would include cell towers and any non-recreation buildings.)

☐ Yes ☒ No

Are any of the facilities obsolete? If yes, please explain.

☐ Yes ☒ No

SITE QUALITY

Is there a park entry sign which identifies the property or facility as a public recreation area?
If yes, please provide a photograph of the sign. If no, please explain.

☒ Yes ☐ No

Are the facilities and the site being properly maintained? If no, please explain.

☒ Yes ☐ No

Is vandalism a problem at this site? If yes, explain the measures being taken to prevent or minimize vandalism.

☐ Yes ☒ No

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

Is maintenance scheduled on a regular basis? If yes, give schedule. If no, please explain.

☒ Yes ☐ No

Rangers inspect 2x/day and report issues to Maint, daily cleaning, annual safety audits

CIP includes maint. for trail/parking resurfacing, lighting, shelters, playgrounds

GENERAL

Is a Program Recognition plaque permanently displayed at the site? If yes, please provide a photograph. (Not required for Bond Fund Grants)

☒ Yes ☐ No ☐ N/A

Is any segment of the general public restricted from using the site or facilities? (i.e. resident only, league only, boaters only, etc.) If yes, please explain.

☐ Yes ☒ No

Is a fee charged for use of the site or facilities? If yes, please provide fee structure.

☐ Yes ☒ No

What are the hours and seasons for availability of the site?

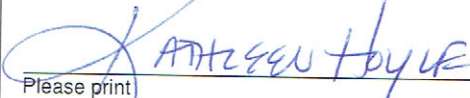
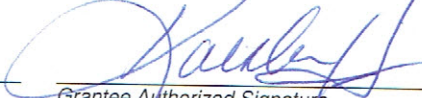
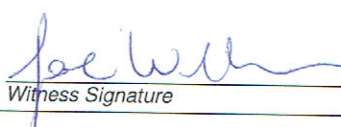
Open year round 6am to dusk

COMMENTS (ATTACH SEPARATE SHEET IF MORE SPACE IS NEEDED)

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

CERTIFICATION

I do hereby certify that I am duly elected, appointed and/or authorized by the Grantee named above and that the information and answers provided herein are true and accurate to the best of my personal knowledge, information and belief.

 Please print	 Grantee Authorized Signature	<u>1/24/18</u> Date
<u>Joe Welhelme</u> Please print	 Witness Signature	<u>1/24/18</u> Date

Send completed report to: **POST COMPLETION GRANT INSPECTION REPORTS
GRANTS MANAGEMENT
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
PO BOX 30425
LANSING MI 48909-7925**





**PUBLIC OUTDOOR RECREATION GRANT
POST-COMPLETION SELF-CERTIFICATION REPORT**

*This information required under authority of Part 19, PA 451 of 1994, as amended;
the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964); and Part 715, of PA 451 of 1994, as amended.*

GRANT TYPE: ☐ MICHIGAN NATURAL RESOURCES TRUST FUND ☐ CLEAN MICHIGAN INITIATIVE
(Please select one) ☒ LAND AND WATER CONSERVATION FUND ☐ RECREATION PASSPORT ☐ BOND FUND

GRANTEE: City of Portage

PROJECT NUMBER: 26-01271

PROJECT TYPE: Development

PROJECT TITLE: Westfield Park

PROJECT SCOPE: softball field, parking lot, restroom/storage building

TO BE COMPLETED BY LOCAL GOVERNMENT AGENCY (GRANTEE)

Name of Agency (Grantee)	Contact Person	Title
City of Portage	Kathleen Hoyle	Parks Director
Address	Telephone	
7719 S. Westnedge Ave.	269-329-4521	
City, State, ZIP	Email	
Portage, MI 49002	hoylek@portagemi.gov	

SITE DEVELOPMENT

Any change(s) in the facility type, site layout, or recreation activities provided?
If yes, please describe change(s).

☒ Yes ☐ No

See project #RP12-474

Has any portion of the project site been converted to a use other than outdoor recreation? If yes, please describe what portion and describe use. (This would include cell towers and any non-recreation buildings.)

☐ Yes ☒ No

Are any of the facilities obsolete? If yes, please explain.

☐ Yes ☒ No

SITE QUALITY

Is there a park entry sign which identifies the property or facility as a public recreation area?
If yes, please provide a photograph of the sign. If no, please explain.

☒ Yes ☐ No

Are the facilities and the site being properly maintained? If no, please explain.

☒ Yes ☐ No

Is vandalism a problem at this site? If yes, explain the measures being taken to prevent or minimize vandalism.

☐ Yes ☒ No

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

Is maintenance scheduled on a regular basis? If yes, give schedule. If no, please explain.

☒ Yes ☐ No

Rangers inspect 2x/day and report issues to Maint, daily cleaning, annual safety audits

CIP includes maint. for trail/parking resurfacing, lighting, shelters, playgrounds

GENERAL

Is a Program Recognition plaque permanently displayed at the site? If yes, please provide a photograph. (Not required for Bond Fund Grants)

☒ Yes ☐ No ☐ N/A

Is any segment of the general public restricted from using the site or facilities? (i.e. resident only, league only, boaters only, etc.) If yes, please explain.

☐ Yes ☒ No

Is a fee charged for use of the site or facilities? If yes, please provide fee structure.

☒ Yes ☐ No

Softball field is open to the public, but can be reserved for \$10/hour

What are the hours and seasons for availability of the site?

Open year round 6am to dusk

COMMENTS (ATTACH SEPARATE SHEET IF MORE SPACE IS NEEDED)

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

CERTIFICATION

I do hereby certify that I am duly elected, appointed and/or authorized by the Grantee named above and that the information and answers provided herein are true and accurate to the best of my personal knowledge, information and belief.

KATHLEEN HOYLE
Please print

[Signature]
Grantee Authorized Signature

1/24/18
Date

Joe Wilhelm
Please print

[Signature]
Witness Signature

1/24/18
Date

Send completed report to:

**POST COMPLETION GRANT INSPECTION REPORTS
GRANTS MANAGEMENT
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
PO BOX 30425
LANSING MI 48909-7925**



**PUBLIC OUTDOOR RECREATION GRANT
POST-COMPLETION SELF-CERTIFICATION REPORT**

*This information required under authority of Part 19, PA 451 of 1994, as amended;
the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964); and Part 715, of PA 451 of 1994, as amended.*

GRANT TYPE: ☐ MICHIGAN NATURAL RESOURCES TRUST FUND ☐ CLEAN MICHIGAN INITIATIVE
(Please select one) ☐ LAND AND WATER CONSERVATION FUND ☒ RECREATION PASSPORT ☐ BOND FUND

GRANTEE: City of Portage

PROJECT NUMBER: RP12-474

PROJECT TYPE: Development

PROJECT TITLE: Westfield Park Playground Renovation

PROJECT SCOPE: play structure replacement, surfacing, edging, and retaining wall

TO BE COMPLETED BY LOCAL GOVERNMENT AGENCY (GRANTEE)

Name of Agency (Grantee) City of Portage	Contact Person Kathleen Hoyle	Title Parks Director
Address 7719 S. Westnedge Ave.	Telephone 269-329-4521	
City, State, ZIP Portage, MI 49002	Email hoylek@portagemi.gov	

SITE DEVELOPMENT

Any change(s) in the facility type, site layout, or recreation activities provided?
If yes, please describe change(s).

☐ Yes ☒ No

Has any portion of the project site been converted to a use other than outdoor recreation? If yes, please describe what portion and describe use. (This would include cell towers and any non-recreation buildings.)

☐ Yes ☒ No

Are any of the facilities obsolete? If yes, please explain.

☐ Yes ☒ No

SITE QUALITY

Is there a park entry sign which identifies the property or facility as a public recreation area?
If yes, please provide a photograph of the sign. If no, please explain.

☒ Yes ☐ No

Are the facilities and the site being properly maintained? If no, please explain.

☒ Yes ☐ No

Is vandalism a problem at this site? If yes, explain the measures being taken to prevent or minimize vandalism.

☐ Yes ☒ No

POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

Is maintenance scheduled on a regular basis? If yes, give schedule. If no, please explain.

☒ Yes ☐ No

Rangers inspect 2x/day and report issues to Maint, daily cleaning, annual safety audits

CIP includes maint. for trail/parking resurfacing, lighting, shelters, playgrounds

GENERAL

Is a Program Recognition plaque permanently displayed at the site? If yes, please provide a photograph. (Not required for Bond Fund Grants)

☒ Yes ☐ No ☐ N/A

Is any segment of the general public restricted from using the site or facilities? (i.e. resident only, league only, boaters only, etc.) If yes, please explain.

☐ Yes ☒ No

Is a fee charged for use of the site or facilities? If yes, please provide fee structure.

☐ Yes ☒ No

What are the hours and seasons for availability of the site?

Open year round 6am to dusk

COMMENTS (ATTACH SEPARATE SHEET IF MORE SPACE IS NEEDED)

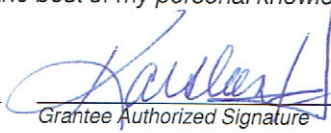
POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

CERTIFICATION

I do hereby certify that I am duly elected, appointed and/or authorized by the Grantee named above and that the information and answers provided herein are true and accurate to the best of my personal knowledge, information and belief.

KATHLEEN HOYLE

Please print



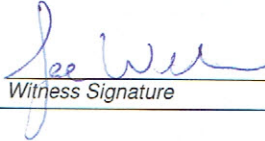
Grantee Authorized Signature

1/24/18

Date

Joe Wilhelme

Please print



Witness Signature

1/24/18

Date

Send completed report to:

POST COMPLETION GRANT INSPECTION REPORTS
GRANTS MANAGEMENT
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
PO BOX 30425
LANSING MI 48909-7925



APPENDIX 8

Plan Certification Checklist



COMMUNITY PARK, RECREATION, OPEN SPACE, AND GREENWAY PLAN CERTIFICATION CHECKLIST

By Authority of Parts 19, 703 and 716 of Act 451, P.A. 1994, as amended, submission of this information is required for eligibility to apply for grants

INSTRUCTIONS: Complete, obtain certification signatures and submit this checklist with a locally adopted recreation plan.

All recreation plans are required to meet the content and local approval standards listed in this checklist and as outlined in the *Guidelines for the Development of Community Park, Recreation, Open Space and Greenway Plans* provided by the Michigan Department of Natural Resources (DNR). Plans must be submitted to the DNR **with** a completed checklist that has been signed by an authorized official(s) of the local unit of government(s) submitting the plan. Plans may be submitted at any time of the year, but no later than March 1 of the year the local unit of government is applying for grants.

PLAN INFORMATION

Name of Plan:

City of Portage 2018 Recreation and Open Space Plan

List the community names (including school districts) that are covered under the plan and have passed a resolution adopting the plan.

County

Month and year plan adopted by the community's governing body

City of Portage

Kalamazoo

February 2018

PLAN CONTENT

INSTRUCTIONS: Please check each box to certify that the listed information is included in the final plan.

☒ **1. COMMUNITY DESCRIPTION**

☒ **2. ADMINISTRATIVE STRUCTURE**

- ☒ Roles of Commission(s) or Advisory Board(s)
- ☒ Department, Authority and/or Staff Description and Organizational Chart
- ☒ Annual and Projected Budgets for Operations, Maintenance, Capital Improvements and Recreation Programming
- ☒ Current Funding Sources
- ☒ Role of Volunteers
- ☒ Relationship(s) with School Districts, Other Public Agencies or Private Organizations

Regional Authorities or Trailway Commissions Only:

- ☐ Description of the Relationship between the Authority or Commission and the Recreation Departments of Participating Communities
- ☐ Articles of Incorporation

☒ **3. RECREATION INVENTORY**

- ☒ Description of Methods Used to Conduct the Inventory
- ☒ Inventory of all Community Owned Parks and Recreation Facilities
- ☒ Location Maps (site development plans recommended but not required)
- ☒ Accessibility Assessment
- ☒ Status Report for all Grant-Assisted Parks and Recreation Facilities
- ☐ Waterways Inventory (if applicable)

☐ **4. RESOURCE INVENTORY (OPTIONAL)**

☒ **5. DESCRIPTION OF THE PLANNING PROCESS**

☒ **6. DESCRIPTION OF THE PUBLIC INPUT PROCESS**

☒ Description of the Method(s) Used to Solicit Public Input Before or During Preparation of the Plan, Including a Copy of the Survey or Meeting Agenda and a Summary of the Responses Received

☒ Copy of the Notice of the Availability of the Draft Plan for Public Review and Comment

Date of the Notice 12/24/17

Type of Notice Press release in newspaper

Plan Location City Hall, District Library, Web

Duration of Draft Plan Public Review Period (Must be at Least 30 Days) 12/27/17 - 1/27/18

☒ Copy of the Notice for the Public Meeting Held after the One Month Public Review Period and Before the Plan's Adoption by the Governing Body(ies)

Date of Notice 1/14/18

Name of Newspaper Kalamazoo Gazette

Date of Meeting 2/7/18

☒ Copy of the Minutes from the Public Meeting

☒ **7. GOALS AND OBJECTIVES**

☒ **8. ACTION PROGRAM**

☒ **9. POST-COMPLETION SELF-CERTIFICATION REPORT(S)**

PLAN ADOPTION DOCUMENTATION

APPROVAL DOCUMENTATION: For multi-jurisdictional plans, **each** local unit of government must pass a resolution adopting the plan. Prepare and attach a separate page for each unit of government included in the plan.

☒ 1. Official resolution of adoption by the governing body dated: 2/27/18

☒ 2. Official resolution of the Planning Commission or Board, recommending adoption of the plan by the governing body, dated: 2/22/18

☒ 3. Copy of letter transmitting adopted plan to County Planning Agency dated: 3/1/18

☒ 4. Copy of letter transmitting adopted plan to Regional Planning Agency dated: 3/1/18

OVERALL CERTIFICATION

NOTE: For multi-jurisdictional plans, Overall Certification must include the signature of each local unit of government. Prepare and attach a separate signature page for each unit of government included in the plan.

I hereby certify that the recreation plan for

includes the required content, as indicated

(Local Unit of Government)

above and as set forth by the DNR.

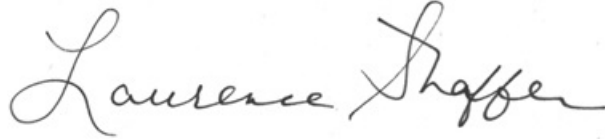
Authorized Official for the Local Unit of Government

Date

This completed checklist must be uploaded in MiRecGrants.

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Storm Sewer Closed Circuit Television Inspection - Bid Tabulation

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Award a construction contract for Storm Sewer Closed Circuit Television Inspection to Pipetek Infrastructure Services of Plymouth, Michigan, in an amount not to exceed \$63,718 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

The 2018-2019 recommended Capital Improvement Program budget includes funding for the Local Street Reconstruction Program, which includes the reconstruction of approximately 36 local streets totaling over 8.5 miles. Installation of large sections of city's storm sewer system began in the early 1950s and locations where these older storm sewer systems are installed have shown an increasing number of sinkholes and other failures. The local streets to be reconstructed are in areas of known storm water issues and storm pipe failure.

To address these concerns, inspection of the storm sewer pipes is required. The Storm Sewer Closed Circuit Television Inspection project includes the cleaning and video inspection of 26,000 feet of storm sewer pipe ranging from 12 inches to 30 inches. The city does not have the equipment to clean and inspect large diameter storm sewer pipe. The inspection reports and videos will then be used to identify storm sewer improvements that should be completed as part of the Local Street Reconstruction Program. The 2017-2018 Utility Fund budget includes funding for storm drainage improvements.

On February 15, 2018 bids for the storm sewer cleaning and video inspection project were received from eight contractors with the low bid being submitted by Pipetek Infrastructures Service of Plymouth, Michigan in the amount of \$63,718. The city has not contracted with this company previous, however the project was reviewed in detail with the contractor and references were verified.

Therefore, it is recommended that the City Council award a contract to Pipetek Infrastructure Services for the Storm Sewer Closed Circuit Television Inspection Services in the amount not to exceed \$63,718 and authorize the City Manager to execute all documents on behalf of the city.

FUNDING: The 2017-2018 Utility Fund Budget includes funding to clean and inspect storm sewer infrastructure prior to street resurfacing.

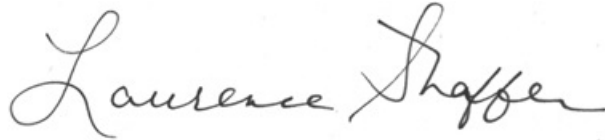
Attachments: 1. Bid Tab

TABULATION OF PROPOSALS
STORM SEWER CLOSED CIRCUIT TELEVISION INSPECTION

<u>BIDDER</u>	<u>ESTIMATED PROJECT HOURS</u>	<u>PROJECT COMPLETION</u>	<u>BID</u>
Pipetek Infrastructure Services 861 William Plymouth, MI 48170	490 hours	30 days	\$63,718.00
Greenscape General Contracting 8360 W. Ludington Dr. Lake, MI 48632	485 hours	100 days	\$67,825.50
Perceptive Services and Operations 140 E. Bridge St. Plainwell, MI 49080	360 hours	120 days	\$75,500.69
Clean Earth Environmental 5189 King Highway Kalamazoo, MI 49048	500 hours	30 days	\$76,329.58
Plummer's Environmental 10075 Sedroc Industrial Byron Center, MI 49315	Not Identified	Div. 1 - 4/30/18 Div. 2 - 6/20/18	\$86,342.99
Elite Pipeline Services 5220 Edgewater Allendale, MI 49401	758 Hours	Not Identified	\$100,723.50
Taplin Group LLC 5140 W. Michigan Ave. Kalamazoo, MI 49006	634 hours	46 days	\$102,302.70
United Resource LLC 32900 Capitol St.nia, MI 48150	473 hours	117 days	\$128,675.97

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Traffic Signal Equipment and Material Purchase - Bid Tabulation

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Award a contract for the purchase of traffic signal poles, mast arms and assemblies for the projects on South Westnedge Avenue at J. L. Hudson Drive, Portage Road and Romence Parkway, West Centre Avenue and Oakland Drive to Maico Industries, Inc., in the amount not to exceed \$155,421 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

The 2017-2018 Capital Improvement Program budget includes funds for various traffic signal upgrades and installations as part of the 2017-2018 construction season. Planned traffic signal upgrades at South Westnedge Avenue and J. L. Hudson Drive, West Centre Avenue and Oakland Drive will enhance interconnection, traffic flow, provide traffic data and streamline video to the Transportation Operation Center located in the Public Services building. The existing traffic signals in these locations have exceeded their serviceable life and require full replacement. In addition, three new signal mast arms and poles have been included in this bid package for the intersection of Portage Road and Romence Parkway for future traffic signal installations.

On August 5, 2017, City Council awarded an engineering contract to Abonmarche Consultants, Incorporated for the South Westnedge Avenue Reconstruction Project, and on August 22, 2017, City Council awarded an engineering contract to Wightman & Associates, Incorporated for the West Centre Avenue Reconstruction Project. Plans and specifications have been finalized and the projects will soon be submitted for construction bidding. Mast arm replacement and construction is anticipated to begin in July 2018.

The delivery of new traffic signal poles, mast arms and assemblies can take up to 20 weeks, which necessitates that the specialized equipment be ordered well in advance of the commencement of construction. Pre-bidding these specialty items has proven successful with previous city projects and assures that the materials will be available when needed by the selected construction contractors. On February 15, 2018, bids were received for the required traffic signal assemblies from three (3) vendors. The only qualified bid was submitted by Maico Industries, Inc. of Ellsworth, Kansas in the amount of \$153,873. The other two bids contained exceptions to the desired bid specifications which included the need for off-loading the material as well as insurance requirements and were therefore omitted. Maico Industries, Inc. has successfully supplied similar materials to the city for previous projects.

Therefore, it is recommended that a contract for the purchase of traffic signal poles, mast arms and assemblies for the projects on South Westnedge Avenue at J. L. Hudson Drive, Portage Road and Romence Parkway, and West Centre Avenue and Oakland Drive be awarded to Maico Industries, Inc. in the amount not to exceed \$155,421 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: Funding for this purchase is included in the 2017-2018 Capital Improvement Program.

Attachments: 1. Bid Tabulation

BID TABULATION
TRAFFIC SIGNAL MAST ARMS

Maico Industries, Inc.
936 Highway 14
Ellsworth, KS 67439

Intersection/Location

S. Westnedge Ave. @ JL Hudson Driv

NE Corner	\$14,764.00
SE Corner	\$14,764.00
SW Corner	\$14,965.00
NW Corner	\$12,508.00

W. Centre Ave. @ Oakland Drive

NE Corner	\$13,657.00
SE Corner	\$13,657.00
SW Corner	\$14,764.00
NW Corner	\$14,764.00

Portage Road @ Romence Road Pkwy.

NE Corner	\$13,657.00
SE Corner	\$13,657.00
NW Corner	\$14,264.00

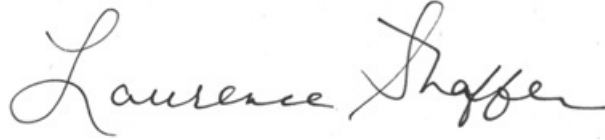
Grand Total	\$155,421.00
--------------------	---------------------

Non-Compliant Bid (took exception to off-loading bid requirement)

Structures USA, Elizabethtown, KY
Farr & Faron Associates

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: January 2018 Environmental Report

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Information Only

Attached please find the January 2018 Summary Environmental Activity Report from Department of Transportation & Utilities Director Kendra Gwin. New material or material of specific interest to City Council is presented in italics.

City Council has a quality of environment goal to “enhance environmental quality and protect natural resources.” The summary report is intended for informational purposes and to keep the Council, Planning Commission and Environmental Board apprised of current environmental issues.

FUNDING: N/A

Attachments: 1. Environmental - January

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
January 2018 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	Beginning in 1991, South Westnedge Park (landfill) has been monitored for on-site and off-site contamination. On July 23, 2013, City Council approved a three-year contract with American Hydrogeologic Corporation (AHC) to perform annual groundwater sampling. General groundwater quality continues to improve. Initial groundwater and methane results indicate no off-site impact. AHC has completed their contract. <i>The City is working with Attorney Brown to obtain a Hold Harmless Agreement for four properties in the influence area to have connected to municipal water.</i>
Site Inspection / Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	Coordination with property owners and City or State agencies ongoing. <i>Review of 8 site/building plans and/or plats completed in January 2018.</i>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<i>Sanitary sewer hookup permits issued in January 2018: 4 residential; 2 commercial.</i>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions. Special emphasis on weed control and non-point source pollution reduction.	Five Year Lake Management Assessment District process was approved by City Council. The West Lake Improvement association has completed a five year plan for a new special assessment district in 2014. Special assessment process for 2015-2019 began on August 26, 2014. Resolution No. 5 completing the assessment was adopted October 21, 2014. The Association elected to use Restorative Lake Sciences, LLC for consulting services in 2015 and to renew the contract with Restorative Lake Sciences for 2017.
Retention Basin Sampling Program (Groundwater Elevation)	Investigation regarding potential impact of retention basins on groundwater levels.	Nova Consultants was awarded a four-year contract by City Council on April 29, 2014 for a four year program to monitor groundwater levels in the city. Monthly sampling at two retention basins continues.

Wellhead Protection Program (WHPP)	Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.	Current Wellhead Protection was originally approved in 2001. Update of the program as part of the Water Reliability Study in conjunction with Fishbeck, Thompson, Carr & Huber is complete. Final report preparation was submitted to the Michigan Department of Environmental Quality for review and approval. Letter of approval received from MDEQ on June 15, 2015. Program implementation is ongoing.
Leaf Compost Monitoring Program	Monitoring and analysis of groundwater at the new Oakland Drive Leaf Compost site.	City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the Oakland Drive compost site. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi-annual sampling was performed from 2002 to 2008 in June and January. Sampling and analysis results continue to show negligible groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. No significant change in groundwater impacts. Sampling was completed in June 2017.
National Pollution Discharge Elimination System (NPDES) Permit Implementation	Five year plan to implement the current NPDES stormwater permit.	Received NPDES general permit on August 15, 2001. City staff completed the submission of a Storm Water Pollution Prevention Initiative (SWPPI) as required by NPDES permit. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year timeframe with first work item (updating the Public Participation Plan) completed December 11, 2009. New permit application process announced in November 2014. New permit application was submitted in March 2015. Semi-annual report submitted to MDEQ on December 21, 2015. Program implementation is ongoing.
	Kalamazoo River Mainstream Watershed Management Plan	Draft of watershed plan submitted to MDEQ on December 30, 2005. Public participation plan update submitted to MDEQ on November 24, 2009. Kalamazoo River Watershed council completed a watershed update in November, 2011. No new developments.

	Portage River Watershed Management Plan	Draft watershed plan submitted to MDEQ on December 30, 2005. Interest has been raised by local conservation groups to update the Watershed Plan using grant funds. Grant for watershed update was awarded to Calhoun County Conversation District. No new developments.
	Plan to implement and maintain an Illicit Discharge Elimination Program (IDEP) Storm Sewer Outfall Testing.	On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled “Storm Water Illicit Discharges and Connections.” Continued outfall sampling is required by permit and will be budgeted accordingly. On April 29, 2014 City Council awarded a contract to Nova Consultants, Inc., to perform annual investigations of storm outfalls and investigate all outfalls on a four-year cycle. Report submitted to MDEQ as part of the annual report. Follow-up reporting on IDEP procedures submitted on August 25, 2016. Program implementation is ongoing.
Garden Lane Water Treatment Plant	Native Prairie Restoration	Native prairie burn completed in March 2016. Staff assisting the Environmental Board with invasive species control. City staff are working together to implement a management program for future burns. Procedures are being implemented and resources identified so that the fire department will have the ability to administer and control native prairie burns.
Environmental Incident/Spill Clean Up Notification	Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup.	Emergency spill response contract for 2017-18 with Terra Contracting is in process.
Deer Management	Assist the Environmental Board with the impact of the native deer population in the city.	The city has contracted with the Kalamazoo Nature Center to install and monitor deer exclosures. The exclosures were constructed as a local boy scout project and will help assess damage from deer in the areas they are placed. The agreement concerning deer exclosures between the city and the Kalamazoo Nature Centre expiring March 1, 2017 was extended through October 1, 2017. The Kalamazoo Nature Center provided an update in September 2017. Investigation work in conjunction with the board is ongoing.

Internal Environmental Efforts	Summarize internal city environmental efforts including recycling, building improvements, and hybrid vehicle inclusion.	Environmental efforts in the City of Portage are ongoing.
Environmental Board	Summarize efforts of the Environmental Board projects.	The Environmental Board is currently providing assistance and expertise, as needed, to the Parks Department on their Land Management Plan. The Board is also looking into opportunities to educate the community on environmental topics.

Submitted by: Jamie Harmon, Assistant City Engineer

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – January 8, 2018

The City of Portage Zoning Board of Appeals meeting was called to order by Chair Schau at 7:00 p.m. in the Council Chambers. Three people were in the audience.

MEMBERS PRESENT: Randall Schau, Veronica Demaio, John Byrnes, Jay Eichstaedt, Linda Finch, Alexander Philipp, Natalie Rowe, Jeff Wettig (alt), Linda Fry (alt)

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator, Charlie Bear, Assistant City Attorney.

MEMBERS EXCUSED: None

APPROVAL OF THE MINUTES: Eichstaedt moved and Rowe seconded a motion to approve the December 11, 2017 minutes as submitted. Upon voice vote, the motion was approved 7-0.

OLD BUSINESS:

ZBA #17-13; 9244 Chapel Street: Linda Fry stated as the property owner she had a potential conflict of interest and left the chambers for the duration of the item. Mais summarized the requests to construct a 30-foot by 30-foot accessory building that: a) exceeds the ground floor living area by 178 square feet; and b) is 18.3 feet high where a maximum 14-foot height is permitted. Schau inquired if the applicant had considered an alternate design since the public hearing. The applicant stated he would still like to eliminate outdoor storage and would prefer to construct a 30-foot by 30-foot garage, but would be willing to construct a 28-foot by 28-foot garage that would be 16 feet 8 inches high. Eichstaedt inquired why a 10/12 roof pitch was needed. The applicant stated for aesthetic reasons and also to accommodate additional storage area. Eichstaedt inquired what heights of the other existing accessory buildings in the neighborhood are. Mais responded staff did not know all the heights, but did know that no accessory building height variances had been granted in the neighborhood.

A public hearing was reopened. No one spoke for or against the request. The public hearing was closed.

A motion was made by Rowe, seconded by Finch, to grant a) a lesser variance to construct a 28-foot by 28-foot accessory building that exceeds the ground floor living area by 62 square feet for the following reasons: there are exceptional or extraordinary circumstances applying to the property that do not apply generally to other properties in the zoning district which include the double lot was created to accommodate the accessory building; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to maintain a functional and safe accessory building which is similar to that possessed by other properties in the same zoning district and in the vicinity; the immediate practical difficulty causing the need for the variance was not created by the applicant; will not be detrimental to adjacent property and will not materially impair the intent and purpose of the zoning ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Eichstaedt-Yes, Byrnes-Yes, Rowe-Yes, Philipp-No, Schau-Yes, Finch-Yes, Demaio-No. The motion passed 5-2.

A motion was made by Rowe, seconded by Finch to grant b) a variance to construct an accessory building that is 16 feet 8 inches high where a maximum height of 14 feet is permitted, for the following reasons: there are exceptional or extraordinary circumstances applying to the property that do not apply generally to other properties in the zoning district which include the double lot was created to accommodate the accessory building; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to maintain a functional and safe accessory building which is similar to that possessed by other properties in the same zoning district and in the vicinity; the immediate practical difficulty causing the need for the variance was not created by the applicant; will not be detrimental to adjacent property and will not materially impair the intent and purpose of the zoning ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated

in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Eichstaedt-No, Byrnes-Yes, Rowe-Yes, Philipp-No, Schau-No, Finch-Yes, Demaio-No. The motion failed 3-4.

NEW BUSINESS:

ZBA #17-15; 129 West Centre Avenue: Eichstaedt stated he had a potential conflict of interest because he is employed by the company that manages the subject property and left the chambers for the duration of the item. Mais summarized the requested variance from the provision that a microbrewery include a restaurant serving lunch and dinner with a minimum seating occupancy of 100 persons. The applicant, Jacob Lohse, explained he wanted to locate the business near the City Center Area and the starting budget will only permit offering pizza initially, but plans over the next two years to add a full menu for lunch and dinners, and additional seating. Mr. Lohse explained only 3,100 square feet was available for lease currently but had an option on an adjacent tenant space when their lease expires in two years, and at that time additional area for seating from the proposed 75 seats to over 100 seats would become possible. Schau noted that while he supported the variance, he was not convinced limited tenant space is a practical difficulty, as the applicant could choose a different location with more floor area somewhere else. Schau inquired what staff considered a full lunch and dinner menu. Mais replied that while the definition of a full menu could be subject to some debate, staff was confident it involves offering more than one item on the menu. Finch inquired what would happen if the Board granted a variance permitting less than 100 seats and the applicant was not able to lease additional space in two years to expand seating. Mais stated variances go with the land and the applicant would be allowed to continue to operate as approved in perpetuity. Schau inquired if 100 seats could be accommodated within the subject 3,100 square feet. The applicant noted the previous use in the leased area was a restaurant that did not have 100 seats and the only way to provide 100 seats would be to remove equipment needed for beer production. Rowe stated she was familiar with the available real estate in the immediate vicinity and felt the variance was needed to locate the proposed business in the available commercial tenant spaces around the city center area.

A public hearing was opened. No one spoke for or against the request. The public hearing was closed.

A motion was made by Rowe, seconded by Finch, to grant a variance from the provision that a microbrewery include a restaurant serving lunch and dinner with a minimum seating occupancy of 100 persons for the following reasons: there are there are exceptional or extraordinary circumstances applying to the property that do not apply generally to other properties in the zoning district which include the limited tenant space and that the use is consistent with the intent of the ordinance; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to operate a microbrewery/brewpub which is similar to that possessed by other properties in the same zoning district and in the vicinity; the immediate practical difficulty causing the need for the variance was not created by the applicant; will not be detrimental to adjacent property and will not materially impair the intent and purpose of the zoning ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Wettig-Yes, Byrnes-Yes, Rowe-Yes, Philipp-Yes, Schau-Yes, Finch-Yes, Demaio-Yes. The motion passed 7-0.

STATEMENT OF CITIZENS:

None

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator

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Environmental Board Minutes, January 10, 2018

Meeting called to order at 7:00pm.

Bill introduced our new members Brian Harrison and Roger Lonoza.

Members Present: Chair William Beck, William Strong, Deirdre Courtney, Jerry Kroehn, Brian Harrison, Assistant City Engineer Jamie Harmon, and Secretary Tim Winslow.

Excused Members: Martha Dahlinger, Roger Lonoza.

Unexcused Members: Dave Solberg, Student Advisory Member Owen Gwyn

Guests: None.

Jerry made a motion to approve the minutes, seconded by Deirdre. Motion passes.

City's Trash Hauling Services

We are going to change our agenda for next month's meeting because the City Manager, Larry Schaeffer has asked for the environmental board to provide advice regarding the city's current trash hauling situation. The City Council might look into possibly moving to one provider of trash hauler services for the City in the future.

Bill passed around a Force Field Diagram to help us look at the current state and possible future state of the situation. This will help us think of the environmental implications of both states so we can best provide advice to the City Council.

The current state is there are four providers that are contracted with each individual homeowner, apartment complex, condo association, etc. The four providers are Best Way, Republic, Allied, and Waste Management. Best Way and Republic also own local transfer stations where this trash is hauled before taken to landfills.

Bill might check out the transfer stations to see which company is doing the best job in terms of the environment with disposing of its trash. Bill also brought up that the history of these companies should be looked into and this should be part of the criteria for picking a potential trash hauler.

Jamie suggests potentially splitting up the research amongst the board so that not more than one person is researching the same topic or area. Bill suggests letting each member though do whatever research they want to when formulating their thoughts regarding this topic.

Land Management Plan Project Team Update

Deirdre provided a brief update that she will continue to hound Kathleen Hoyle regarding the

plan and any updates regarding it.

Resident Education Project Team Update

Jerry provided a quick update regarding the resident education subcommittee. He looked at the Parks calendar and saw that the park rangers actually lead quite a few events. He thinks the board can help provide speakers for these events as well as possibly do the speaking as well if necessary. He also thinks they will definitely look into getting into the schools more involved as well.

We will try to get Owen more involved on this since he is our student advisory member on the board.

The board also will look into doing more events possibly around Arbor Day, invasive species removal, etc. to help publicize what the city is doing with regard to the land management plan. The board already also participates in the Greenathon and in the past has also participated in the Fishing Fair and these would be two other opportunities to discuss this topic. Bill brings up that the board should consider planning more year-round events as well.

Jerry also submitted a potential Portager article to Jamie that they may consider publishing.

Calendar of Events

Bill will put together a tentative calendar of events for the environmental board for the coming 2018 year for invasive plant pulls, Greenathon, Arbor Day events, etc. We can then at our next meeting move dates around and decide which events to actually commit to doing.

We usually do the invasive plant pulls in April or May. Jamie brings up putting an article in the Portager for March to ask for volunteers to help in these efforts.

Bill S. is working on an event for Arbor Day that will involve planting native trees in the area and within the city limits of Portage. Bill would like to piggyback off this and make this an annual event that the environmental board works on. We could use such an event to encourage other Portage residents and nurseries to push for planting native plants and trees that grow much better in this area than other trees or plants that are planted. We might try to involve Mike Graham, the City's contracted forester in this event as well.

Natural Shorelines Project Team

Bill is going to meet with the head of the West Lake Association to discuss some of the concerns and issues they are having regarding their shorelines.

Incentivizing Businesses to Make Environmental Decisions Project Team

We are going to schedule a meeting this month to discuss this topic. Tim will send out an email

for this. One idea is to look at what Stryker is doing regarding its landscaping plan that it is working on now.

February Environmental Board Meeting Agenda

Right now we have added the trash hauler issue and calendar of events on the agenda. Jamie will also need a Portager article by this meeting for the March issue of the Portager. The Resident Education project team will work on an article for this issue.

Jerry brings up the new Ongley Preserve up near Kilgore Road that was just donated by Councilmember Claudette Reid and the potential involvement of the environmental board with that.

Jamie brings up that the City of Portage is putting in an interpretative center in at Celery Flats and as part of that they are going to redo the parking lot there as well so you might see some signs regarding tree removal there.

Jerry made a motion to adjourn, seconded by Bill S.. Meeting adjourned at 8:08pm.

/s/ Tim Winslow

Youth Advisory Committee Meeting Minutes

January 15, 2018

- I. Chairperson Miller called the meeting to order at 6:35 p.m.
- II. Introductions and Attendance
- III. Approved the December 4th Meeting Minutes
- IV. Report from Liaisons
 - a. No reports
- V. Snow Party
 - a. Saturday, February 5th
 - b. Noon until 3:00 p.m.
 - c. Oakland Drive Park
 - d. Cardboard sled, snowman building and bonfire
 - e. Reviewed Winter Snow Party Summary
- VI. MLK, Jr. Event
 - a. Friday, February 16
 - b. 7:00 – 9:00 p.m., arrive at 6:30 p.m.
 - c. PNHS Auditorium
 - d. The Witness will be performed
 - e. YAC will handout programs, assist patrons as needed
- VII. Green-a-Thon 2018
 - a. Saturday, April 28th from 11:00 a.m. until 3:00 p.m.
 - b. Reviewed ideas for vendors. Ideas included PCHS Garden Club, Lake Village Farms, KAMSC Earthlings, Portage Center Recycling Club, ChocolaTea, WMU Solar Car, PNHS Garden Club and Kalamazoo Youth Development Network.
- VIII. Goals and Objectives for 2018
 - a. Reviewed and Updated Goals and Objectives
 - b. Decided to present to City Council on 2/13/18.
- IX. KydNet Relationship
 - a. Decided to invited Kalamazoo Youth Development Network to the next YAC meeting.
- X. Movies! Community Movie Night in August
 - a. Created a list of potential movies including Ninjago, Jumanji, Paddington 2, Black Panther, Star Wars The Last Jedi, Wonder, Coco, Justice League, Ferdinand The Bull, A Wrinkle in Time, The Greatest Showman, H.S. Musical, Grease, Jaws and The Incredibles 2.
- XI. Asked if a crime scene demo can be arranged with the Police Department.
- XII. Next Meeting: February 12, 2018.

PLANNING COMMISSION

February 1, 2018

The City of Portage Planning Commission meeting of February 1, 2018 was called to order by Chairman Stoffer at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Two citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Stoffer led the Commission, staff and citizens in the Pledge of Allegiance.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development & Neighborhood Services; Michael West, Senior City Planner; and Randy Brown, City Attorney.

ROLL CALL:

Mr. Forth called the role: Patterson (yes), Shoup (yes), Stoffer (yes), Bosch (yes); Joshi (yes); Harrell-Page (no); Place (yes), and Corradini (yes). A motion was made by Commissioner Patterson, seconded by Commissioner Bosch, to approve the role excusing Commissioner Schimmel. The motion was unanimously approved 7-0. Commissioner Harrell-Page arrived at 7:02 p.m.

APPROVAL OF MINUTES:

Chairman Stoffer referred the Commission to the January 18, 2018 regular meeting minutes contained in the agenda packet. A motion was made by Commissioner Patterson, seconded by Commissioner Bosch, to approve the minutes as submitted. The motion was unanimously approved 8-0.

SITE/FINAL PLANS:

1. Specific Plan: Portage Creek Landings (Unit 2), 412 West Centre Avenue. Mr. Forth summarized the January 26, 2018 staff report regarding a request by PCL Curtis, LLC to construct an 8,000 square foot office/retail building and associated site improvements. Mr. Forth summarized the original 2006 CPD, commercial planned development zoning and conceptual plan approval, and subsequent specific plan approvals by the Planning Commission (Walgreens- 2006 and Huntington Bank- 2008) and City Council extensions granted in 2012 and 2017. Mr. Forth stated the specific plan for Unit 2 has been designed consistent with the approval conceptual plan for the Portage Creek Landings Commercial Planned Development and was recommended for approval.

Gordon Groves (member, PCL Curtis, LLC) was present to support the specific plan and discuss the development project. Mr. Groves provided a brief development history summary of the Portage Creek Landings Commercial Planned Development and a timeline for construction of the proposed office/retail building. Commissioner Shoup indicated that he recently had a business transaction with a member of PCL Curtis (Mike Marshburn) and asked Attorney Brown if he should recuse himself from voting on this agenda item. Attorney Brown inquired as to the nature of Commissioner Shoup's relationship with Mr. Marshburn and whether he could be objective in review and discussion of the specific plan. After a brief discussion, Commissioner Shoup concluded that he could be objective in his review of the specific plan and stated he did not have a conflict of interest.

A motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to approve the Specific Plan for Portage Creek Landings (Unit 2), 412 West Centre Avenue. The motion was unanimously approved 8-0.

PUBLIC HEARING:

None.

OLD BUSINESS:

None.

STATEMENT OF CITIZENS/COMMISSIONERS:

Commissioners Bosch and Joshi indicated they would not be present at the February 15, 2018 meeting. Commissioners Patterson and Corradini stated they would not be present at the February 22, 2018 meeting.

7:12 p.m. - The Commission took a short recess. 7:17 p.m. - The Commission reconvened in Conference Room #2.

NEW BUSINESS:

1. FY 2018-2028 Capital Improvement Program (preliminary). Mr. Forth reviewed the staff report dated January 26, 2018 that summarized the process for soliciting citizen and Commission input regarding the annual Capital Improvement Program (CIP) which began in September 2017. Mr. Forth stated the preliminary information provided to the Commission included summary tables and project profiles which represented new projects or previously identified projects that have been revised. CIP projects from the 2017-2027 document that have not been changed were not included in the agenda. Mr. Forth summarized the new/revised projects for each major category including Streets, Sidewalks & Bikeways, Water, Sewer, Police, Fire, Public Facilities and Parks & Recreation. Mr. Forth discussed the sidewalk/bikeway projects including those planned within the east portion of the city (Romence Road East Multi-Use Trail Extension, South Sprinkle Road Bypass – North, Bishop Road Trailway Extension, South Sprinkle Road Bypass Trailway). Mr. Forth stated a complete bounded DRAFT version of the FY 2018-2028 CIP would be provided in March, however, staff was requesting any initial comments from the Commission regarding the new and revised projects detailed in the staff report and attachments.

Commissioner Place discussed traffic calming measures and frequent speeding she has witnessed on Lovers Lane near Forest Drive. Mr. Forth suggested that Commissioner Place contact the Police Department so that they can document and investigate the issue. Commissioner Corradini asked if consideration was given to public water/sewer replacements with some of the major roadway projects. Mr. Forth stated that the Transportation and Utilities Department has historically coordinated these projects simultaneously, when warranted. Commissioner Place inquired about Wi-Fi availability across the city and the possibility of public Wi-Fi locations. Chairman Stoffer noted that the Neighborhood Community Enhancement Program has been funded for the upcoming FY 2018-2019. The Commission did not have any additional questions or comments regarding the preliminary FY 2018-2028 CIP at this time. Mr. Forth asked the Commission to email staff with any additional questions and/or comments regarding the preliminary FY 2017-2027 CIP.

ADJOURNMENT:

There being no further business to come before the Commission, the regularly scheduled meeting was adjourned at 8:10 p.m.

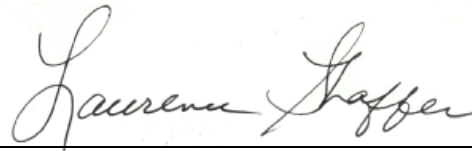
Respectfully submitted,

Christopher Forth, AICP
Deputy Director of Planning, Development and Neighborhood Services

MATERIALS TRANSMITTED

Tuesday, February 13, 2018

1. 2018 City Council Retreat – **Information Only.**

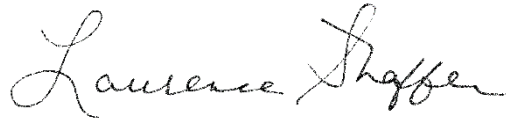


Laurence Shaffer, City Manager

cc: Rob Boulis, Deputy City Manager

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: 2018 City Council Retreat - Notes, Explanations and Priorities

On January 12, 2018, the Portage City Council, led by Mayor Patricia M. Randall, conducted its annual retreat. In attendance at Heritage Hall, Board of Trustees Room, Western Michigan University were Mayor Randall, Mayor Pro Tem Jim Pearson and Council members Claudette Reid, Terry Urban, Richard Ford, Lori Knapp and Chris Burns. City Manager Laurence Shaffer and Deputy City Manager Rob Boulis also attended. The presenter, James Officer discussed the power of relationships and communication to drive productive organizations. Each member of the City Council was asked to state the issues and challenges that lay before the City for the upcoming year. The attached notes attempt to list the issues identified by each member of the City Council in a summary format.

This document will attempt to achieve two things. First, it will assign to the various department heads those issues raised by City Council members that appropriately deserve a response from the administration. Second, this document will collate and array the various topics the City Council identified as issues that should be prioritize over the next year. The City Council identified three (3) topics that it wished to conduct Committee of the Whole Meetings (COW) to examine, receive information and recommendations relative to how to proceed. Those three topics, including the date for which a COW shall be held, are as follows:

- Electronic Participation By Council Members at Meetings February 13, 2018
- Senior Center Expansion – Community Center; Funding February 27, 2018
- Social Media – Use of electronic communication to forge community April 24, 2018

Additional topics were offered by City Council members at the retreat. Below is a summary.

Citizen Survey – Need to perform a professional analysis of Citizen Survey; establish survey guidelines. (Reid, Knapp)

Social Media – Evaluate social media; Citizen Committee; address fractured social media profile; need communication committee; website challenges; Facebook and Twitter presence; Manager Facebook Page (Reid, Knapp; Ford; Burns)

Parks and Recreation Program – Measure the effectiveness of Parks and Recreation Program (Reid)

Senior Center – Citizen input; need a Committee to move forward; create a Task Force; Community Center attributes; (Randall, Burns, Knapp, Reid)

Paper Records – Focus upon sustainability; don't save unnecessary paper; paperless agendas for Boards; automated dictation system; closed caption for hearing impaired for meetings. (Ford, Burns)

Property Committee – Need committee to review potential city property acquisitions. (Urban)

Property Code Enforcement – Address citizen dissatisfaction with code enforcement. (Knapp)

Sewer Extension Beyond City of Portage Boundaries – What are the various costs, benefits and impacts for allowing the extension of the Portage sewage collection system to adjacent communities? (Ford)

Process for Calling Outstanding Bonds – What is the process for the evaluation when to call bonds? (Ford)

PMN Policy – Should the city consider options beyond PMN and its services? (Randall, Burns, Pearson)

Improve Public Facilities (Farmers Market and separate bike lanes) (Burns)

Retail Apocalypse – (Burns)

Single Trash Hauler for the City – (Pearson)

Succession Planning – (Randall, Pearson)

Social Programs – City support of Outside Agencies; Poverty in Portage (Reid, Burns, Knapp, Randall)

Road Safety around Schools – (Burns)

Open Space Plan – Public Input (Reid)

The city department heads shall provide reports to the City Council on the following topics:

1. *A Report from the Public Safety Department that identifies the departmental policy for video retention and pursuit should be forwarded to the City Council – **Public Safety Director Arnold***
2. *A Report from the Director of Information Technology on the progress of the Web Page – **Devin Mackinder, Director.***
3. *What are the poverty statistics in Portage and how have those numbers changed over time. **Victoria Georgeau, Community Development Director.***
4. *How many tickets have been issued by the Public Safety Department for on street parking? – **Public Safety Director Arnold.***
5. *How many additional surveys are conducted by the City of Portage? **Mary Beth Block, Assistant to the City Manager.***

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: February 5, 2018

FROM: Meshia Rose, Deputy City Assessor *Meshia Rose*

SUBJECT: January 2018 Department Operations Report

The following information summarizes the operations of the City Assessor's Office during January 2018:

- **2018 Assessment Roll Preparation:** The Assessor's office continued in the final stage of preparing the 2018 assessment roll. All new construction for residential real property was assessed and added to roll during the month of January. On February 12th, all residential real property assessment notices are scheduled to be mailed to property owners. Following the completion of entering all personal property returns the remaining Commercial, Industrial, and Personal Property notices will be sent out to property owners. Until the March 12th commencement of the Board of Review, assessing staff are available to receive calls from citizens that have questions or require explanations of their assessments. Citizens will be encouraged on their assessment notices to make an appointment with assessing staff to review their assessment prior to making a Board of Review appointment.

Overall assessment changes based on the assessment ratio studies provided by the Kalamazoo County Equalization Department and approved by the State Tax Commission include an approximate increase of 10.76% for commercial, 1.83% for residential and 4.71% for industrial.

The Consumers Price Index (CPI) which will be used to establish 2018 taxable values has been determined by the State Tax Commission to be 1.021. This means that any property that has not transferred ownership or added additions to their property will receive a 2.1% increase to their taxable value. It is currently estimated that an increase to taxable value of approximately 19,793,062 is attributable to the 1,181 transfers of ownership processed throughout 2017.

- **Customer Service:** The staff of the City Assessor's Office provided a high level of customer service during the month of January. Prompt and courteous service was provided in response to the numerous telephone calls and personal visits from realtors, developers, private appraisers, title companies and taxpayers. In addition, our office is preparing to assist taxpayers during and throughout the March Board of Review process.

Please contact me if you have any questions concerning the information presented above.

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: February 16, 2018

FROM: Adam Herringa, City Clerk *ADH*

SUBJECT: January Monthly Report

ELECTIONS

Met with vendors to obtain quotes on developing the space necessary for moving election materials out of a rented storage unit to a city location within the Department of Public Safety.

Continued processing additions, changes and deletions from the Qualified Voter File.

BOARDS AND COMMISSIONS

Coordinated the monthly meeting of the Youth Advisory Committee and made plans for the February Snow Party.

Assisted in preparing materials and attended the Historic District Commission monthly meeting on January 3. Advised several district property owners and area realtors on property matters.

Prepared and conducted the January 9th Board and Commission Interview Session of the City Council. Notified applicants and staff of the outcome of the appointments. Completed swearing-in for several new appointees.

Attended a meeting of the Portage Public Schools District Advisory Council.

PUBLIC INFORMATION AND CITIZEN ASSISTANCE

Provided Notary Public Service to citizens upon request. Deputy City Clerk Erica Eklov received certification as a notary.

Provided help to citizens for phone and over-the-counter requests including voter information, guidance to appropriate departments and miscellaneous assistance.

Coordinated Freedom of Information Act (FOIA) requests, published legal notices and posted meeting notices.

Performed research for city departments on a variety of topics.

CEMETERIES

Processed three (3) grave openings/closings, including the preparation of invoices and Burial Rights Certificates. Updated cemetery maps, researched availability of lots for citizens in cooperation with the Department of Public Services and assisted with burials.

CITY COUNCIL AGENDAS

Conducted a tutorial/refresher on the new City Council agenda procedure and functionality of Civic Clerk for staff. Reviewed Civic Clerk with the City of New Orleans as they are evaluating the software.

Implemented a revised City Council agenda and meeting format. Following City Council approval, took steps to execute changes and modifications to the agenda and meeting process.

Staffed and assisted in the execution of two Pre-Council Meetings, two Regular City Council Meetings and one Special Meeting. Provided notices, follow-up communications, filed Resolutions and took actions related to items passed by City Council at the January City Council Meetings.

Prepared the Minutes for the January City Council Meetings and assisted the City Manager's Office in preparation of the City Council Agendas.

OTHER

Prepared the proposed departmental budget for FY 2018-2019.

Officiated at the Swearing-In Ceremony for a new police officer.

Toured a private records management facility regarding a potential new approach to storing documents and meeting retention needs for the City of Portage.

Reviewed affidavits in relation to possible compliance with the City of Portage Emergency Medical Marihuana Ordinance.

Coordinated a meeting of the Customer Service Task Force.

Continued piloting an instant messaging platform in the Customer Service Task Force.

Assisted the City Manager's Office with final planning details for the February Black History Month event slated for Portage Northern High School.

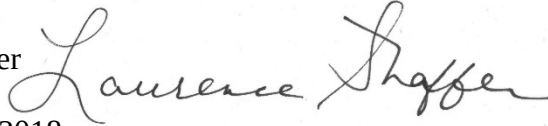
CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: 01/31/2018

FROM: Laurence Shaffer, City Manager



SUBJECT: Monthly Report – January 2018

The following summarizes some of the activities in which staff of the Office of the City Manager were involved during the month of January 2018.

1. City Council:

- Coordinated and/or prepared agenda and other materials for the following meetings:
 - City Council Regular Meetings on January 9 and 23.
 - Pre-Council meetings on January 8 and 22.
 - Board and Commission Interview on January 9.
 - City Council Retreat Session on January 12.

2. Represented the City of Portage in the following activities, among others:

- Met with Dan Roth of Pfizer on January 3.
- Met with representatives of Kalamazoo City and Kalamazoo Township regarding Medical Marihuana Strategy.
- Met with citizens Devin Loker and Kyle Barker on January 4.
- Met with Dr. Romeo Phillips of Kalamazoo College on January 5.
- Met with Councilmember Rich Ford on January 5.
- Met with citizen Tom Farrell on January 8.
- Met with Councilmember Lori Knapp on January 9.
- Attended the retirement celebration of Officer Paul Sherfield.
- Met with Councilmember Chris Burns on January 11.
- Attended the City Council Retreat and Goal Setting Session at WMU on January 12.
- Met with Joe Gesmundo of AVB on January 15.
- Met with Dan Ulsh of Schoolcraft Township on January 16.
- Met with citizen Paul Selden on January 17.
- Met with Mark Sergeant and Mark Mills regarding DNR land on January 18.

- Met with citizen Marvin Berkowitz on January 19.
- Participated in giving a tour of City Hall to a group of thirty (30) Chinese students of EACH future.
- Met with Charisse Stewart of Crossroads Mall on January 19.
- Met with Wayne Stoffer of the Planning Commission on January 22.
- Met with Bob Betzig of Pfizer on January 23.
- Met with Peter Dickow of Senator Peter's office on January 24.
- Met with Sean Welsh of PNC Bank on January 24.
- Met with Pat Crowley of the Drain Commission on January 26.

3. Projects - Completed and Ongoing:

- Continued the transition and design of the new city website through CivicPlus.
- Continued review of medical marijuana related matters with city legal counsel.
- Continued oversight of planning, design and construction for various city construction projects and developments.
- Consulted with city staff regarding Information Technology projects, as well as current Community Development, Finance, Transportation & Utility and Assessing matters.

4. Public Information and Citizen Assistance:

- Mailed the January *Portager* and coordinated production of the February *Portager* newsletter.
- Continued oversight of the *PortageAlert* system and notifications for those who registered through the portal for updates.
- Coordinated responses to citizen concerns/requests regarding a variety of matters, including snow plowing, winter parking ordinance, medical marihuana and blight concerns, etc.
- Updated and approved changes to the city website and city publications.
- Provided informational packets on Portage to citizens, realtors and businesses, as requested.
- Continued to collect and monitor Citizen Comment Card responses and submissions to the Online Customer Service Survey.
- Continued to collect and monitor SeeClickFix.com citizen concerns and questions, as well as ensure timely responses.

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: February 12, 2018

FROM: Christopher Forth, Acting Director of Community Development

SUBJECT: Monthly Customer Service Report for January 2018

Staff performed research, conducted reviews, and developed recommendations and information necessary for the efficient and effective delivery of community planning and development services, construction permitting and neighborhood programs. All areas involved considerable commitment of staff resources necessary to ensure appropriate customer service, the protection of the public health, safety and welfare and the provision of community development programs. These services were provided together with processing and responding to citizen information requests performed on a continuous basis.

PLANNING, DEVELOPMENT AND NEIGHBORHOOD SERVICES

Planning Commission

January 4, 2018 meeting:

1. Convened a public hearing and then adjourned Ordinance Amendment #17/18-A, Medical Marihuana Facilities to the January 18, 2018 meeting.

January 18, 2018 meeting:

1. Approved a Special Land Use Permit for Jungle Joes (outdoor miniature golf course), 7255 South Sprinkle Road.
2. Approved a Special Land Use Permit for Presidential Brewing Company, 129 West Centre Avenue.
3. Recommended to City Council approval of Ordinance Amendment #17/18-A, Medical Marihuana Facilities.

Zoning Board of Appeals

January 8, 2018 meeting:

1. Approved a variance to allow construction of an accessory building at 9244 Chapel Street that exceeds the ground floor living area. The Board then denied a variance to exceed the maximum height requirement.
2. Approved variance from the provision that a microbrewery/brewpub include a restaurant serving lunch and dinner with a minimum seating occupancy of 100 persons for Presidential Brewing Company at 129 West Centre Avenue.

Human Services Board:

January 4, 2018 meeting:

1. Received presentations from eight local public service organizations who have applied for Human Service funding for FY 2018-2019.

January 18, 2018 meeting:

1. Received a communication from Community Development regarding a potential increase in Human Services funding from the City of Portage general fund.
2. Reviewed and discussed individual Board members Human Services funding score sheets.
3. Received a Metro Transit Update.

OTHER BOARD ACTIVITIES

- Downtown Development Authority - The Authority did not meet in January 2018.
- Local Development Finance Authority - The Authority did not meet in January 2018.
- Economic Development Corporation/Tax Increment Finance Authority/Brownfield Redevelopment Authority - The Authority did not meet in January 2018.

Citizen Information Requests:

During the month of January 2018, a total of 125 cases/violations were inspected in response to citizen service requests or staff field observations and include: 49 sidewalk-snow; 18 debris/refuse; 17 inoperable vehicles; 10 parking; 7 housing maintenance; 6 property maintenance; 6 building maintenance; 5 zoning; 3 signs; 2 safety, sanitation & health; 1 non permitted work; and 1 unsafe structure.

BUILDING AND HOUSING SERVICES

Construction Board of Appeals:

January 18, 2018 Meeting:

1. Held a show cause hearing for a fire damaged house at 3540 Westcove Drive and issued a order requiring that a building permit be issued within 30-days and construction commence within 45-day or the house be razed.
2. Denied a request for an extension to the construction timeline for Lighthouse Autism Center, 2314 Helen Avenue.
3. Reaffirmed the requirement for a monitored fire alarm system to the owner of A'vie Salon, 1416 West Milham Avenue.

Building Construction Activity

Issued permits and conducted required building, electrical, plumbing and mechanical inspections to ensure compliance with local codes/ordinances. The following list shows major permits:

Type of Permit/Application	Number of Permits	Project Valuations
Single-family Detached	3	\$792,798
Residential Additions, Interior Remodels, Garages, Sheds, etc.	10	\$120,412
Commercial Additions, Interior Remodels, etc.	13	\$2,350,693
Permits Not on Report (i.e., demolition, electrical, plumbing, mechanical, driveway, sign, water use/sewer use, etc.).	160	N/A
Totals	186	\$3,263,903

CDBG Housing Assistance Programs

CDBG PROGRAMS				
Activity	Housing Rehabilitation	Water / Sewer	Emergency Repair	Down Payment Assistance
New Applications	0	0	0	0
Applications Approved	0	0	0	0
Loan Closings	0	0	N/A	0
Monthly Projects Completed	0	0	0	0
Projects Underway	2	0	0	0
FY YTD Projects Completed	7	0	1	3

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CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: February 21, 2018

FROM: William Furry, Director of Finance

WFF

SUBJECT: Monthly Report-January 2018

ACCOUNTING /PAYROLL

- Issued 274 accounts payable paper checks totaling \$855,441.62, and made 132 vendor payments via automated clearinghouse totaling \$760,275.00, for a total of \$1,615,716.62.
- Completed Form 1099-MISC processing, printed and mailed 165 the forms to appropriate vendors covering \$2,031,367.90 in reportable payments.
- Processed 2 payrolls, creating 497 checks and deposit advices for 247 employees, with a total monthly payroll expenditure of \$1,077,104.54.
- Processed new calendar year changes for United Way deductions and reset annual goal limits for calendar year based employee deductions.
- 437 total 2017 W-2's were mailed or distributed to employees on January 18, 2018.
- Completed entry of applicable overtime hours for annual Fair Labor Standards Act (FLSA) overtime adjustment, in preparation for final review in February.
- Completed State of Michigan Quarterly Contribution Report for Unemployment Compensation Group Account to MML for the quarter ended 12/31/17.
- Updated 18/19 Budget Form B document with current/projected positions and appropriate salary and wage adjustments as requested by individual departments.
- Mailed approximately 600 letters to vendors to communicate the new accounts payable email address and remind vendors of the proper mailing address and that City policy requires a valid purchase order number with each order.

TREASURY

- Treasury Specialist attended Customer Service meeting.
- Continued to collect 2017 winter tax bills; delinquent 2017 summer tax bills are also being collected, with appropriate penalty and interest.
- Issued 44 miscellaneous receivable statements for unpaid invoices.
- Prepared and issued the following utility billing statements:
 - 5,488 regular quarterly bills mailed and 597 bills emailed (cycle 1 and 4)
 - 112 final billing notices mailed and 18 bills emailed (various cycles)
- Prepared and issued the following utility billing delinquency notices:
 - 803 delinquent notices (cycle 3)
 - 376 disconnect notices (cycle 3)

- 34 customers were on the January 3, 2018 shut off listing for non-payment (extended from end of December due to the holidays) and 32 customers were on the January 31, 2018 for non-payment. These customers from both dates were not actually shut off but received a notice on their door that the shut off was delayed due to the frost line possibly causing issues with frozen lines.
- Mailed 32 final bill delinquent notices to utility customers.
- Mailed 25 final bill delinquent notifications to property owners.
- Sent 25 accounts for “pre-note” (account info test) related to the direct debit program.
- Processed 148 requests to initiate or terminate water/sewer services to residences and businesses in Portage. Staff averages 9 such setups per business day.
- Staff assisted customers by answering 1,018 phone calls during January 2018. Since July 1, 2017, a total of 7,605 phone calls have been handled, averaging 52 per business day.
- During January 2018, staff worked with 83 customers at the Treasury counter to whom receipts were not issued. Staff averages 5 such encounters each business day.

FINANCE/BUDGET

- Responded to numerous questions from departments regarding budget preparation for 2018/2019.
- Budget data entry into the BS&A system was completed by departments.
- Reviewed the equipment rental schedule prepared by the Department of Public Services and updated the vehicle forms and distributed to applicable department heads.
- Collected completed budget Forms C (Additional Personnel), D (Promotions & Additional Hours), F (Capital Outlay), and Vehicle forms from departments for the 2018/2019 budget, and answered related questions.
- Prepared cell phone forms and distributed to applicable departments heads.
- Analyzed and entered the Finance Department’s budget into BS&A.
- Reviewed Dues & Membership and Training Plan forms and compared to department’s entry into BS&A.
- Restricted budget entry at departmental level and commenced review of budget detail.
- Began update of payroll allocation work papers for 2018/2019 budget.
- Computed debt service requirements for the operating budget and entered in BS&A.
- Prepared revenue estimates for the 2018/2019 operating budget.
- Continued Capital Improvement Program review team meetings to prepare the 2018-2028 Capital Improvement Program.
- Gathered information and began preparation of the financial section of the utility rate study.
- Created budgets across all funds for utilities, insurance, gasoline/diesel, and telephones.
- Communicated improved accounts payable processes to departments; including the requirement that all invoices are sent directly to Finance and via the US Post or the new accounts payable email address, and a reminder on the proper use of purchase orders.
- Attended the monthly budget review meeting with Public Safety.
- Cashed in maturing investments, analyzed cash position and reinvested called bonds.
- Prepared monthly investment scorecard, input investment activity into SymPro software, generated monthly SymPro reports, and performed the JPMorgan Chase monthly risk analysis for the investment committee report.

- Reviewed and approved as appropriate accounts payable invoices prior to payment.
- Prepared and reviewed monthly bank reconciliations.
- Completed automated clearing house, wire, and transfer banking transactions and related journal entries, as needed and requested.
- Communicated with departments regarding procedural changes to strengthen accounts payable procedures.
- Worked with software provider, BS&A, on various issues.
- Prepared and posted several budget amendments.
- Prepared and approved various journal entries as needed to reconcile and maintain the general ledger.
- Responded to questions from various departments regarding purchase orders, invoices, general ledger, or budget status.

BENEFITS/COMPENSATION

- Continued to monitor, research, and implement requirements of the Affordable Care Act (ACA).
- Compiled and submitted data to comply with Employer-Provided Health Insurance Offer and Coverage reporting as required under the ACA.
- Continued to track city share of health insurance premium limits as provided for by PA-152.
- Calculated health insurance taxes and fees required under the ACA.
- Calculated and approved monthly payments for employee fringe benefit plans (medical, vision, dental, life and long-term disability insurance, flexible spending accounts, pension contributions, etc.).
- Completed 2018 Benefit Open Enrollment Period.
- Continued preparation of city-wide benefit budget for FY 2018/2019.
- Continued to administer Defined Benefit Plan, including locating and coordinating benefit payments for terminated vested participants.
- Continued process for IRS required restatement of Defined Benefit Plan.
- Continued process for upcoming life and long-term disability renewal with The Hartford.
- Administered contractual wage adjustments per applicable labor agreements.
- Administered contractual bonus payments per applicable labor agreements.
- Responded to various employment verifications for employees.

WORKERS' COMPENSATION

- Continued with aggressive case management on a number of work related injury claims. Special attention continues to be directed toward high reserve cases. Focus also directed toward lost-time cases with emphasis placed on returning employees to restricted duty assignments.
- Continued to assist supervisory personnel with employees in restricted duty assignments.
- Provided information to the city third party administrator for the processing of workers' compensation claims.
- Provided direction to third party administrator in regard to workers' compensation claims.
- Updated the OSHA 300 Log.

02/02/2018

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 01/31/2018

FUND	DESCRIPTION	2017-18 ORIGINAL BUDGET	2017-18 AMENDED BUDGET	2017-18 ACTIVITY	Percent of Amended Used
Totals for dept 1001-City Council		122,320	123,520	49,324	40%
Totals for dept 1085-City Council-Human Services		139,330	139,380	65,453	47%
Totals for dept 1501-District Court		68,250	68,250	39,271	58%
Totals for dept 1720-City Manager		600,300	600,300	260,998	43%
Totals for dept 2001-Finance Accounting		437,716	437,716	188,879	43%
Totals for dept 2002-Finance & Budget		307,283	303,333	135,381	45%
Totals for dept 2053-Finance Treasury		154,207	154,207	73,855	48%
Totals for dept 2110-MIS		847,110	867,110	460,256	53%
Totals for dept 2133-MIS Public Information		55,142	55,142	25,740	47%
Totals for dept 2209-Assessor		444,076	444,076	159,078	36%
Totals for dept 2247-Assessor Board Of Review		35,403	35,403	9,489	27%
Totals for dept 2310-Attorney		226,728	226,728	131,670	58%
Totals for dept 2415-City Clerk		140,666	140,666	68,620	49%
Totals for dept 2416-City Clerk Records Management		75,170	85,170	29,401	35%
Totals for dept 2491-City Clerk Elections		175,582	175,582	82,196	47%
Totals for dept 2610-Human Resources		475,442	475,442	197,547	42%
Totals for dept 2733-Purchasing		83,845	83,845	36,148	43%
Totals for dept 2734-Purchasing Risk Management		29,302	29,302	9,121	31%
Totals for dept 2865-Parks Maintenance		1,252,864	1,252,864	659,856	53%
Totals for dept 2876-Cemeteries		74,326	74,326	32,166	43%
Totals for dept 2877-Parks & Rec - Parks		617,260	621,750	286,884	46%
Totals for dept 2878-Parks & Rec - Kalamazoo In Bloom		10,000	10,000	0	0%
Totals for dept 2880-Parks & Rec Rec - Admin		174,720	173,720	85,150	49%
Totals for dept 2882-Parks & Rec Rec - Team Sports		64,540	64,540	27,983	43%
Totals for dept 2885-Parks & Rec - Programs		4,000	7,000	6,782	97%
Totals for dept 2886-Parks & Rec Rec - Ramona Park		93,891	93,891	42,509	45%
Totals for dept 2887-Parks & Rec Rec - Special Events		41,000	41,000	33,716	82%
Totals for dept 2888-Parks & Rec - Ice Rink		106,893	106,893	41,091	38%
Totals for dept 3005-Police Administration		837,053	874,053	350,963	40%
Totals for dept 3006-Police Youth Services		502,931	502,931	207,424	41%
Totals for dept 3007-Police Investigation		785,060	787,110	386,533	49%
Totals for dept 3010-Police Patrol		5,323,698	5,321,808	2,289,463	43%
Totals for dept 3020-Police Training		117,735	117,735	68,112	58%

FUND	DESCRIPTION	2017-18 ORIGINAL BUDGET	2017-18 AMENDED BUDGET	2017-18 ACTIVITY	Percent of Amended Used
	Totals for dept 3021-Police Training-Grant Funded	8,000	8,000	0	0%
	Totals for dept 3030-Police Public Safety Dispatch/ts	1,015,221	1,772,014	1,281,279	72%
	Totals for dept 3031-Police Emergency Sirens	23,676	17,676	6,687	38%
	Totals for dept 3035-Police 911 Cmrs PSAP	204,919	204,919	83,180	41%
	Totals for dept 3040-Police Records & PST	468,370	468,370	203,230	43%
	Totals for dept 3050-Police Drug Law Enforcement	319,101	319,101	159,592	50%
	Totals for dept 3065-Police Facility Management	101,400	101,400	57,256	56%
	Totals for dept 3310-Fire Admin	681,621	681,621	280,158	41%
	Totals for dept 3320-Fire Operations	3,994,823	3,982,741	2,002,510	50%
	Totals for dept 3330-Fire On Call Firefighters	120,037	120,037	36,205	30%
	Totals for dept 3331-Fire Emergency Operations	3,700	3,700	669	18%
	Totals for dept 3340-Fire Prevention	152,488	152,488	68,938	45%
	Totals for dept 3350-Fire Training	192,041	192,041	60,626	32%
	Totals for dept 3365-Fire Facility Management	98,400	98,400	35,373	36%
	Totals for dept 3710-Comm Dev Building Services	483,592	483,592	224,828	46%
	Totals for dept 3720-Comm Dev Planning & Development	311,937	319,837	149,278	47%
	Totals for dept 3730-Comm Dev Neighborhood Services	226,687	226,637	110,043	49%
	Totals for dept 3765-Comm Dev Building Maintenance	243,164	243,164	111,425	46%
	Totals for dept 4210-General Public Services	506,415	520,840	249,353	48%
	Totals for dept 6720-Senior Center	333,045	336,145	161,417	48%
	Totals for dept 6721-Senior Center Trips	284,777	284,777	224,538	79%
	Totals for dept 6725-Aging Mastery Program	0	1,640	64	0%
	Totals for dept 8050-Contingencies	50,000	50,000	0	0%
	Totals for dept 9610-Transfers Out	1,234,327	1,309,327	75,000	6%
	TOTAL - GENERAL FUND	25,481,584	26,393,260	12,122,708	46%

FUND	DESCRIPTION	2017-18 ORIGINAL BUDGET	2017-18 AMENDED BUDGET	2017-18 ACTIVITY	Percent of Amended Used
202	Major Street Fund	3,914,345	5,834,344	1,481,289	25%
203	Local Streets Fund	1,356,319	1,506,319	586,183	39%
204	Municipal Streets Fund	1,675,990	1,675,990	0	0%
223	Curbside Recycling Fund	691,859	698,499	304,294	44%
226	Leaf Pickup / Spring Cleanup Fund	781,801	803,301	356,829	44%
230	CDBG Program Income Fund	110,000	110,000	39,479	36%
252	West Lake Weed Mgt	32,120	32,120	4,500	14%
296	Community Development Block Grant	223,000	216,112	129,445	60%
298	Cable Television Fund	911,600	936,350	231,919	25%
400	Capital Improvement General *	11,766,000	18,169,572	3,458,881	19%
490	Capital Improvement Sewer *	710,000	3,029,317	1,202,471	40%
491	Capital Improvement Water *	2,260,000	6,185,869	1,137,426	18%
590	Sewer Fund	8,078,430	8,505,187	3,643,691	43%
591	Water Fund	6,029,920	6,070,941	3,673,851	61%
TOTAL - ALL FUNDS		64,022,968	80,167,181	28,372,966	35%

* The Capital Improvement Program uses project-length budgets, original is current fiscal year, amended includes budgets of prior year projects continued.

TO: Laurence Shaffer, City Manager**DATE:** February 6, 2018**FROM:** Shannon Hertz, Director Human Resources**SUBJECT:** Human Resources Department Monthly Report – January 2018 **RECRUITING**

The following positions were filled in January:

- Administrative Assistant for Human Resources
- Police Officer (PT)
- Radio Operators/Dispatch (January)

The following positions have candidates identified:

- On- Call Firefighter
- Police Officers (2)

The following positions are open and/or recruitment efforts are ongoing:

- Plumber and/or Mechanical Inspector
- Senior Center Building Coordinator (1)
- Administrative Assistant for Public Safety
- Administrative Assistant for Parks, Rec & Sr. Citizen Services (PT)

Employment applications, assessments and recruitment activities:

- 45 Applications received, processed and screened
- 15 Number of passive candidates (have signed up for Job Alerts)
- 75 Number of un-submitted applications (partially completed by potential candidates)
- 24 In-person and phone interviews conducted
- 25 Individuals tested with lengthy and/or multiple assessments conducted
- 0 Career fairs attended

SAFETY, TRAINING AND DEVELOPMENT

January activities to promote the education, development, training and safety of employees included the following:

- Randomly tested 3 participants for the drug testing program
- Conducted on-boarding for 3 new/returning employees
- Attended 2 department-specific Safety meetings
- Brought Police onto the EPS system – trained Police staff on the system. New A-phone system installed in HR and staff trained on how to use the system.

HEALTH MANAGEMENT PROGRAM

- Continued to administer Health Management Program (HMP) for Department Head, Non-Union, PPCOA, PPOA and UAW employee groups.

BENEFITS

- Provided benefit consultation to employees terminating, retiring and beginning employment.
- Assisted employees and retirees with various benefit matters, including claim resolution and dependent eligibility.
- Processed benefit changes as necessary, including calculation and submission of payroll deductions.
- Issued retiree health insurance invoices to 6 retirees and 2 unions.
- Monitored Flexible Spending Account (FSA) reimbursements processed by Kushner & Company for 28 participants for the 2017-2018 plan year.
- Completed enrollments for Flexible Spending Account (FSA) reimbursements processed by Kushner & Company for 19 participants for the 2018-2019 plan year
- Completed the 2018-2019 plan year annual benefits open enrollment
- Performed administrative requirements to meet legal compliance in regard to the Family Medical Leave Act (FMLA). Processed 33 notifications for employees.
- Performed administrative requirements to meet legal compliance in regards to the Consolidated Omnibus Budget Reconciliation Act (COBRA) for 1 COBRA participants.
- Documented and monitored sick leave usage.

CITY OF PORTAGE**COMMUNICATION****TO:** Laurence Shaffer, City Manager**DATE:** February 13, 2018**FROM:** Kathleen Hoyle, Director of Parks, Recreation and Senior Citizen Services**SUBJECT:** Monthly Operations Report for January 2018**PARKS & RECREATION****RENTALS** (January 2018- 1 rentals totaling \$230; January 2017- 4 rentals totaling \$690)

FACILITY	2018 RENTALS	2017 RENTALS
Celery Flats		
Hayloft	0	
Grain Elevator	0	
Gazebo	0	
Schoolhouse	0	
Amphitheater	0	
Stuart Manor	1	2
Lakeview Park		
Shelter	0	
Softball Field	0	
Westfield Park		
Shelter	0	
Softball	0	

FACILITY	2018 RENTALS	2017 RENTALS
Ramona Park		
Shelters	0	
Football Field	0	
Soccer Field	0	
Softball Field	0	
Schrier Park		
Building	0	2
Shelter	0	
South Westnedge Park		
Softball Fields	0	
Central Park		
Shelter	0	

NOTE: Only 3 facilities heated & open for rent in winter: Grain Elevator, Schrier Park and Stuart Manor.**Active Net Registration**

Online Activity 88
 Walk In Activity 26

EVENTS	2018 PARTICIPANTS	NOTES	2017 PARTICIPANTS
Mascot Skate	200		New
Painting in the Parks	18		New
Reading Rangers	10		New
Binder Park Zoo	61		New
Ski/Snowboard Lessons	36		34
Winter Family Camp	8		New
Ice Skating Lessons	23	Offered classes in Feb 2018	28
Portage Culinary Academy	12	Maximum Capacity 12	New
Winter Jamboree	Cancelled	Due to Weather	Cancelled

MILLENIUM PARK ICE RINK

FEES	FY 17/18 PARTICIPANTS	FY 17/18 REVENUE	FY 16/17 PARTICIPANTS	FY 16/17 REVENUE
Skating Admissions-Paid	1,781	\$ 7,109	1,822	\$ 7,260
Skating Admissions-Punch Card	418	0	845	0
Skating Admissions-PCC	21	0	N/A	N/A
Free Day (None)	0	0	0	0
TOTAL ADMISSIONS	2,220	\$ 7,109	2,667	\$ 7,260
Skate Rental-Paid	1,359	4,062	1,447	4,326
Skate Rental-Punch Card	300	0	664	0
Skate Sharpening-Paid	3	\$9	0	0
Skate Sharpening-Punch Card	50	0	N/A	0
Ten Punch Skate Card Purchase	167	4,175	187	4,650
Concessions	N/A	1,712	N/A	1,371
TOTAL USAGE	4,099	\$ 17,067	4,965	\$ 17,607

PARKS & RECREATION HIGHLIGHTS

- History student volunteer from WMU is working to inventory the archives and artifacts at the Portage Library to identify possible public art and exhibitions focused on telling the story of Portage history.
- Preparing to print Spring/Summer Program schedule to go in the April Portager.
- Finalizing design for Lexington Green Park with construction to begin this spring.
- Working on final draft of the 5-Year Recreation and Open Space Plan Update.
- Finalizing contracts for seven concerts for the Summer Concert Series at Overlander Bandshell.
- Working with the Arts Council of Greater Kalamazoo to enhance the Recycled Art in the Park event to include a fashion show “Trash to Couture” and “Curb Derby Mini Car Show” moved to October 6, to follow the new Portage Art Hop on Friday, October 5.
- Preparing to exhibit the winners of the Fall/Winter Photo Contest in City Hall March 1-30.
- Finalizing construction plans for the new Celery Flats Pavilion and expanded parking area.
- Completing the new Eliason shelter and restroom building at Osterhout Road, and preparing plans to extend the walking paths and boardwalk connection with funding from the Michigan DNR grant.

SENIOR CITIZEN SERVICES

ATTENDANCE AND ACTIVITIES

<u>Activity Type</u>	<u>Duplicated</u>	<u>Unduplicated</u>
Events	1,904	493
Rides	45	8
Volunteers	280	119
Trips	0	0
Total Seniors Served	2,229	497
Average served per day	80	

MEMBERSHIP STATISTICS

Total Active Memberships	Membership Renewals	New Memberships
1,432	42	20

Age Range	Count	Percent
Ages 55-59	14	2.8
Ages 60-64	29	5.8
Ages 65-69	80	16.1
Ages 70-74	104	20.9
Ages 75-79	93	18.7
Ages 80-84	87	17.5
Ages Below 55	2	.04
Age Unknown	88	17.7
Totals	497	100

City/Town	Count	Percent
In Town	332	66.8
Out of Town	165	33.2
Totals	497	100

Ethnicity	Count	Percent
African American	8	1.6
Asian American	2	.4
Caucasian	422	84.9
Hispanic	1	.2
Native American	9	1.8
Unknown	1	.2
Totals	497	100

Gender	Count	Percent
Female	350	70.4
Male	147	29.6

Totals 497 100

VOLUNTEERISM

Volunteer Service Type	Hours	Pay Equivalent	Duplicated	Unduplicated
Admin. Support	17	370.43	6	4
Board Member	3.17	69	2	2
Club/Group				
Support	1,132.83	24,684.42	230	116
Events/Programs	12	261.48	6	3
Health Services	4	87.16	2	2
Instructor	3	65.37	3	2
Kitchen	11.50	250.56	8	4
Training	1.50	32.68	1	1
Transportation	93.17	2,030.10	19	4
Travel	151	3,290.28	26	12
Totals	1,429.17	\$31,141.48	303	142

FUNDRAISING

Income for the month of January was \$11,499 and includes transportation donations, fund raising, newsletter advertisements and memberships.

OTHER SENIOR CENTER HIGHLIGHTS

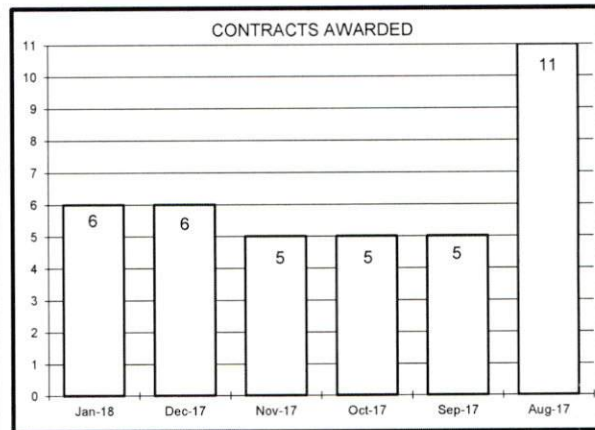
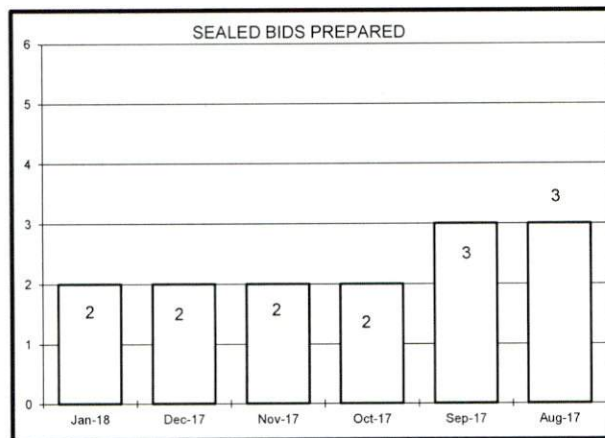
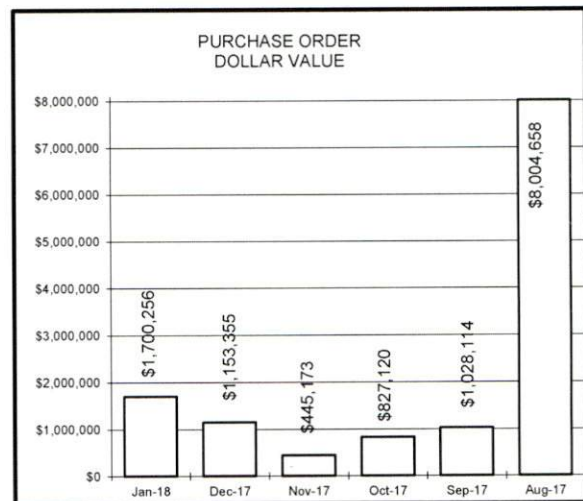
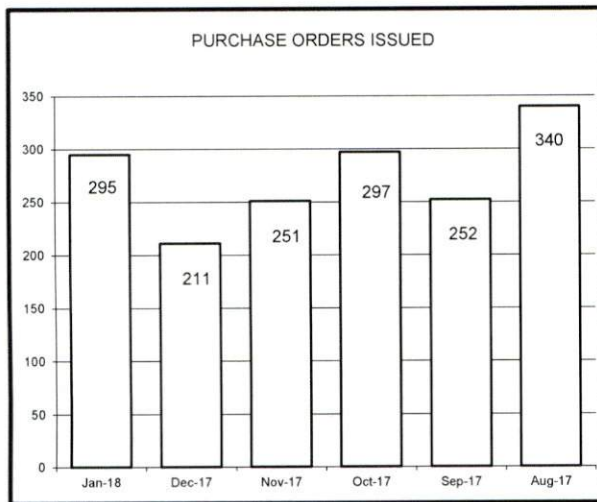
- PSC staff began scheduling appointments for AARP tax preparation appointments. Approximately 200 individuals were scheduled for appointments that will begin in February.
- A first-ever Aging Mastery Program “elective” class was offered on the top of “Aspirations and Bucket Lists.” The class was facilitated by Dan Mills, Senior Deputy Police Chief. 26 individuals participated in the class.
- A special music-related presentation called “Number One Hits of 1957-1967” was offered by guest instructor, Randall Schau. 24 individuals attended.
- Beginning in January, there was a change in how all paid classes were scheduled. All classes are now set up to run on the same 8-week cycles. This will allow an easier time with scheduling and payment processing.
- A six-week “Learning to Meditate” series started in January, with 26 individuals participating.
- “Prof Talks,” an ongoing partnership with WMU, offered a class on “Pathways to Sustainability: the Greening of U.S. Faith Communities,” by Dr. Cybelle Shattuck. 11 individuals participated.

TO: Laurence Shaffer, City Manager

DATE: February 1, 2018

FROM: Rob Boulis, Deputy City Manager

SUBJECT: Purchasing Monthly Report - January 2018



SEALED BIDS OPENED / CONTRACTS AWARDED

Stryker Way/Portage Road Traffic Signal/Intersection Improvements
 12th Street Lift Station Meter Installation Change Order
 Electronic Payroll Processing/Time & Attendance Software
 Household Hazardous Waste Center
 Small Cell Distributed Antenna System License Agreement
 Fire Station No. 2 Construction Management Services

SEALED BIDS PREPARED

Enterprise Network Firewall
 Traffic Signal Mast Arms

- Two new claims were filed with MMRMA, six claims were settled.
- Purchasing staff added 16 new vendors to the purchasing software vendor file.

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: February 16, 2018

FROM: Nicholas J. Arnold, Public Safety Director – Police/Fire Chief *AA*

SUBJECT: Monthly Report for January 2018

JANUARY STATISTICS

Police Incidents Dispatched	2,788
Fire Incidents Dispatched	473
9-1-1 Calls Received	1,570

SIGNIFICANT EVENTS

On January 1, the Fire Division responded to a mobile home fire. First arriving units encountered heavy fire and smoke conditions in the front two-thirds of the home. The home was occupied by two adults and six younger teens. A teenager alerted the family of a fire in the living room, forcing the family to escape through a bedroom window at the rear of the trailer. The fire was contained within 35 minutes of arrival. The cause of the fire is being investigated by the Portage Fire Marshal. One adult and one teenager sustained minor injuries. No smoke detectors activated.



On January 10, at approximately 8:30 a.m., police and fire units responded to the 1900 block of E. Centre Avenue for a personal injury accident. A Portage Public School bus had collided with a passenger car that was attempting to turn onto E. Centre Avenue from a private drive. The school bus was transporting children to Portage Central Elementary. A total of fourteen children complained of minor injuries; two of the children were transported to the hospital for observation. The driver of the passenger car was cited for failing to yield the right of way.

The Communications Center received a call of a suspicious vehicle and subjects at Jared Jewelry. Arriving officers found one subject in a vehicle and two subjects leaving the store. The subject in the vehicle was in possession of two handguns and a substantial amount of drugs. It is believed these subjects were part of a large scale robbery crew that targeted Jared Jewelry stores throughout the Midwest. The case was turned over to the detective bureau for coordination with federal law enforcement.

On January 31, a fire/rescue unit was dispatched to an infant having a possible seizure. A short time after the child was transported to the hospital, the police division was contacted and advised that the child was showing signs of physical abuse. It was also learned that a twin also showed signs of physical abuse. The second child was monitored at the hospital overnight and released into the custody of an aunt and uncle. The first child remained hospitalized and was not expected to recover. Detectives interviewed the mother and other residents at the house. An emergency hearing was held, and parental rights were taken from the mother; the father was not involved in the children's lives. The investigation was conducted in coordination with Children's Protective Services.

NJA:JMH;jh

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: February 16, 2018

FROM: Rod Russell, Director of Public Services



SUBJECT: Monthly Operations Report for January 2018

STREET MAINTENANCE ACTIVITIES

- Removed 535 cubic yards of brush during Quarterly Curbside Brush Collection Program
- Removed 11.4 inches of snow during Winter Maintenance Program
- Assisted 31 residents at Leaf Compost Facility for brush and Christmas Tree drop off day on January 27.
- Cleared snow from city owned sidewalks, trails and four city bridges
- Provided additional tandem wing plow training to 2 operators
- Provided additional snow plow training to 2 operators
- Repaired damaged mailboxes caused during snow removal operations
- Removed fallen trees and limbs from Oakland Drive, East Shore Drive, Harley Avenue, Concord Street and Starbrook Street
- Replaced or repaired damaged and faded traffic control signs
- Removed tree limbs blocking traffic controls signs
- Removed dead trees from city properties and along West Osterhout Avenue
- Removed brush from fence lines at city cemeteries
- Removed low hanging limbs from city owned sidewalks as well as from major and local streets that could damage snow removal equipment
- Removed litter and debris from I94 & South Westnedge Avenue, I94 & Oakland Drive, and Shaver Road
- Repaired potholes on local and major roadways
- Repaired split rail fence at Oakland Drive Park
- Cleared brush and debris from Oakland Drive Park, Liberty Park, West Fork Crossing Park, Northwest Bikeway and a city out lot on East Centre Avenue
- Cleared brush from hillside at South Westnedge Park
- Hauled junk asphalt debris from DPS grounds to asphalt facility
- Hauled scrap metal from DPS grounds to a metal recycling facility
- Completed work on new construction trailer which will be a vital asset as DPS tackles construction of Eliason Trail Head Park Pavilion, Celery Flats Visitor's Center Pavilion, modifications to DPS facility and other city projects. The trailer houses all necessary construction tools and equipment to make projects flow in a logical manner.

- Continued work at Eliason Trailhead Park including frost footings, placing underground utilities and metal structure assembly for new pavilion installation
- Began tree and stump clearing work at Celery Flats Visitor's Center in preparation for parking lot reconstruction and installation of new pavilion
- Removed trees and stumps from Eliason Trail Head Park
- Removed holiday lights from City Centre and Celery Flats Historic Area
- Transported painted snow plow to 12th Street Elementary for "Play it Safe" snow plow safety presentation for Curious Kids group of approximately 30 children
- Removed fallen light pole on Lovers Lane
- Removed old farm silo located along Eliason Nature Reserve Trail
- Supported Department of Public Safety with vehicle mishap near I94 and Vincent Drive
- Supported Department of Transportation & Utilities with water main break on Ames Drive
- Supported Department of Parks, Recreation & Senior Citizen Services by repairing beginner skater support devices
- Supported Fleet & Facilities Division with snow plow truck maintenance and removal of a garage door

Weekly Curbside Recycling Program - The following summarizes total weights of recyclable materials collected during the month of January 2018 as well as Fiscal Year-to-Date totals:

WEEKLY CURBSIDE RECYCLING PROGRAM COLLECTION SUMMARY
TOTAL WEIGHT OF RECYCLABLE MATERIALS COLLECTED

		Tier I	Total	Tier II	Dumpster	Dumpster	Dumpster
Date	Total (tons)	Carts	Carts	Carts	2 Cyd	4 Cyd	6 Cyd
Jan 2018	268.27	39	13,615	5	5	6	23
YTD Total	1,607.63	345	13,615	1,805	5	6	23

HOUSEHOLD HAZARDOUS WASTE PROGRAM – The following tables shows the number of residents that disposed items at the Kalamazoo County Household Hazardous Waste Facility at 1301 Lamont Avenue.

Household Hazardous Waste Participants
From 2008 through December 2017

PORTAGE	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Year End Total
2008	53	43	58	135	138	116	147	63	84	117	89	47	1090
2009	63	70	94	142	121	143	173	107	118	126	128	73	1358
2010	68	48	107	208	192	147	165	131	119	157	152	72	1566
2011	78	59	145	102	171	198	145	124	125	131	151	93	1522

2012	93	93	117	124	158	168	141	135	130	156	152	104	1571
2013	109	66	90	156	232	162	200	130	149	178	170	86	1728
2014	97	70	86	220	256	219	264	182	174	226	134	101	2029
2015	117	91	118	186	212	280	276	192	210	226	205	174	2287
2016	134	94	211	216	237	216	200	254	172	245	234	117	2330
2017	186	140	181	252	251	233	230	207	200	191	218	119	2408
TOTAL	998	774	1207	1741	1968	1882	1941	1525	1481	1753	1633	986	17889

PARKS MAINTENANCE ACTIVITIES

- Prepared facilities for upcoming rentals
- Removed 11.4 inches of snow from city owned properties and trails
- Removed trash and debris from parks and trail systems
- Trimmed trees and removed brush from parks, trails and city owned properties
- Power washed and painted trash receptacles which will be replaced throughout the parks
- Inspected decorative light poles throughout Celery Flats to verify they were equipped with electrical power source
- Inspected deer exclosures located in three parks
- Inspected Waylee Walk for proper maintenance
- Installed plow markers at park grounds
- Removed holiday lights from City Centre and Celery Flats Historical Area
- Removed holiday cards from Celery Flats and transported to DPS for pickup
- Placed remaining holiday cards and holiday lights in storage
- Transported two pond fountains to vendor for preventative maintenance
- Inspected wind damage sustained to ADA ramp at Ramona Park
- Cleaned DPS park maintenance supply cage, parks equipment bay and parks vehicles
- Repaired malfunctioning light fixtures throughout the parks
- Repaired broken latch at Millennium Park Ice Rink
- Install two bulletin board holders at Millennium Park Ice Rink
- Repaired fire place frame at Schrier Park
- Unburied a surveyor marker along Eliason Nature Reserve Trail
- Repaired damaged wooden bridge plank near Millennium Park Ice Rink
- Removed chain link fencing from basement of Hayloft at Celery Flats
- Repaired damaged split rail fencing
- Replace parking bumper blocks moved during snow removal operations
- Repaired floor trim in Hayloft basement
- Repaired critter holes in Schrier Park pavilion
- Removed excess trash and litter from vacant property just north of Fire Station #2 on Oakland Drive
- Repaired damaged net post at inline skate rink at South Westnedge Park
- Removed graffiti from restroom building at Lexington Green Park
- Installed storyboards at Eliason Trail Head Park and Celery Flats Visitor's Center
- Replaced faded signs along Northwest Portage Bikeway

- Removed fallen tree at Schrier Park
- Hired contractor to remove tree at Celery Flats Visitor's Center
- Hired contractor to stake underground utilities at Celery Flats Visitor's Center
- Hired contractor to inspect four pond water fountain pumps for proper operation
- Hired contractor to fabricate and install safety guard for gas operated fire pit at Millennium Park Ice Rink
- Supported three burials in city cemeteries

FLEET & FACILITIES DIVISION

The Fleet & Facilities Division generated 134 work orders for the month of January 2018. A total of \$15,867.46 was spent on billable labor hours while the parts costs were \$8,306.31. Outside contracted work was \$17,175.91.

January 2018	January 2017	
134	155	Work Orders
\$8,306.31	\$18,011.92	Parts Cost
\$15,867.46	\$14,081.69	Labor Cost
29	33	Preventative Maintenance (P.M.) Work Orders Completed
\$123.36	\$107.58	Average Cost per P.M
\$3,577.30	\$3,550.45	Total P.M. Cost
\$0.00	\$1,526.21	Contracted Repairs - Body & Paint
\$17,175.91	\$3,822.00	Contracted Repairs (not including body & paint)
\$4,819.38	\$7,098.36	Building Renovations

- Maintained snow fleet for winter operations

BUILDING MAINTENANCE

- Custodial Operations
- City Hall, Police and Senior Center facility support services
- Energy efficiency upgrades to the DPS facility continued during the month of December to include:
 - Replacement of one DPS facility overhead door
 - Continued to update all 32 watt, 4-foot fluorescent bulbs with 15 watt LED replacements

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: February 12, 2018

FROM: Kendra Gwin, Director of Transportation & Utilities 

SUBJECT: Transportation & Utilities Department Monthly Report for January 2018

The month of January 2018 was busy for both Transportation & Utilities staff and the Suez Environmental staff. In regards to the Suez Environmental operations, emphasis during the month continued to be directed at ensuring the various activities related to the utility operation were being completed professionally and in a manner to ensure that service levels committed under the Suez Environmental contract with the city are completed in a timely manner.

Major accomplishments involving the Suez operations during the month include:

1. Inspections continued on sewer lift stations and water wells. During the month of January, 640 inspections were made by Suez personnel.
2. Suez personnel received 44 customer service calls throughout January.
3. Suez personnel responded to 35 after-hour panel alarms as indicated on the SCADA control panel monitoring the city's water and sanitary sewer facilities.
4. Approximately 108 million gallons of water were produced/pumped during the month of January. Production averaged around 3.5 million gallons of water per day during the month. Five hundred ninety-nine water quality analyses were completed during the month.
5. Seven new meters were installed and four water taps were required during the month of January.
6. Miss Dig stakings were completed at 166 locations.
7. There were 9 water main breaks during the month at 330 Idaho Avenue, 9008 Ames, 1502 Applecroft Street, 9008 Portage Road (2), 5643 Downing Street, 4716 Westfield Avenue, 6464 Liteolier Street, 6834 Cameo Avenue, and 1810 Colchester Avenue.
8. Suez personnel cleaned a total of 43,318 feet of sanitary sewer and inspected and cleaned 182 manholes.

In the transportation and utility areas, the following activities in January were either completed or ongoing at month's end.

1. Review of new development plans from a transportation and utility standpoint continued during the month. Five development and building plans were reviewed.
2. The Utility Contract Administrator oversaw the Suez Environmental operations, addressing customer concerns, inspecting public and private utility construction and inspecting city-owned stormwater and utility facilities.
3. The Traffic Engineering section was active during the month of January investigating complaints/concerns regarding operation of traffic signals, performing traffic volume/accident analyses and reviewing new streetlight installations.
4. Nova Consultants was awarded a four-year contract by City Council on April 29, 2014 for a four year program to monitor groundwater levels in the city. Monthly sampling at two retention basins continues.
5. City traffic signal maintenance is performed under contract to a specialized electrical traffic signal contractor. City staff initiated a bid package for traffic maintenance with bids received July 23, 2015 with the sole bid in the amount of \$176,300 submitted by Severance Electric. City Council approved on August 11, 2015 and renewed on September 1, 2016. Recent work continues to focus on LED sign upgrades, illuminated sign replacements, and controller cleaning.
6. Completed inspections and prepared for soil erosion and sedimentation control permitting program in response to the upcoming audit scheduled for February 1, 2018.

Implementation of the Capital Improvement Construction Program was also an ongoing activity as the construction season was completed. Accomplishments during the month of January included the following:

1. Local Street Calming Program

The 2015-16 Capital Improvement Program includes a project for a Local Street Neighborhood Calming Program. A budget of \$10,000 was established for professional services and the remaining \$15,000 to be used for implementation of the program. OHM was selected based on experience and their proposed approach to developing a project plan that will best meet the City's needs. Draft Program complete with final program documents forthcoming. The first program to follow the program is Meredith Street, which is currently underway. A request was also received for Lakeview Drive and is being reviewed.

2. West Centre Avenue Intersections Improvements

The 2015-16 Capital Improvement Program includes the design and construction of new traffic signals and associated street improvements on West Centre Avenue at the intersections of Old Centre Road and Cooley Drive. Included in the project are

modifications to the existing driveways on West Centre Avenue within the influence of the Greenspire Retail Drive/Cooley Drive intersection to promote use of the new protected left-turn phase at the traffic signal and limit left turns out of driveways close to the intersection. City Council awarded contracts to Severance Electric Company on August 23, 2016 for \$446,967.80 (Cooley Drive) and \$294,965.33 (Old Centre). Old Centre was activated on June 23, 2017 and Cooley Drive was activated August 28th, 2017. Construction is 100% complete.

3. US-131 Crossing Forcemain Replacement

The 2014 – 2015 Capital Improvement Program includes a project to replace the 20” force main under US-131 from 12th Street to east of Angling Road. The force main has suffered several breakages and is nearing the end of its effective life. On March 30, 2016, an engineering contract was awarded to Prein & Newhof for design of the force main project. Under agreement with Texas Township, the township is responsible for approximately 94% of the project cost. On March 28, 2017, City Council awarded a contract to Kamminga & Roodvoets, Incorporated in the amount of \$567,323. On January 23, 2018, Change Order No. 1 was approved by City Council with Kamminga & Roodvoets for installation of the water meter at the lift station. The meter has been ordered.

4. The 2016-2017 Capital Improvement Program includes projects in the Major Street Reconstruction Programs. These streets include:

Rockford Street, Schuring Road to Romence Road

A preliminary design has been completed for Rockford Street, but due to limited funds needed for Portage Road, will be delayed until the 2017-2018 Capital Improvement Program. Evaluation underway for compliance with Complete Streets Policy and Traffic Calming. On September 26, 2017, City Council approved a budget transfer from the Major Street fund to the Capital Improvement fund.

Portage Road, Mandigo Avenue to Osterhout Avenue

Final design has been completed with bids opened May 11, 2017. Construction scheduled for summer of 2017 with complete road closure of Portage Road to facilitate construction. City Council awarded a contract to Lakeland Asphalt in the amount of \$759,181.86 on May 23, 2017. Project is 100% complete, with the exception of one driveway that will be completed in spring 2018.

Portage Road/Lakeview Drive Intersection Realignment

Preliminary design services for the intersection improvements at Portage Road and Lakeview Drive have been completed by Abonmarche Consultants. On May 23, 2017 City Council awarded an engineering contract to Abonmarche Consultants in the amount of \$48,450. A grade inspection meeting was held with MDOT on January 3, 2018 and

final submittal to MDOT is due March 16, 2018 for a June bid letting. The right-of-way must be secured for submittal and is currently being finalized.

3. The 2017-2018 Capital Improvement Program includes Major Street Reconstruction Programs. These streets include:

South Westnedge Avenue Reconstruction – Romence Road to Mall Drive

On August 8, 2017 City Council awarded an engineering contract to Abonmarche Consultants in the amount of \$182,000. Design engineering has been completed and the final bid package has been sent to MDOT for a March bid letting. Construction is scheduled for summer 2018. Project includes \$700,000 in federal funding.

West Centre Avenue Reconstruction – 12th Street to Oakland Drive

On August 22, 2017 City Council awarded an engineering contract to Wightman & Associates, Incorporated in the amount of \$156,500. Design engineering underway. The final bid package to MDOT was submitted January 19, 2018 for an April bid letting. Construction is scheduled for summer 2018. Project includes \$1,300,000 in federal funding.

Oakland Drive Reconstruction – Milham to I-94

On August 22, 2017 City Council awarded an engineering contract to Wightman & Associates, Incorporated in the amount of \$89,900. Design engineering underway. Construction is scheduled for spring/summer of 2018.

Oakland Drive/Vanderbilt Flashing Beacon

On May 23, 2017 City Council awarded an engineering contract to Abonmarche Consultants in the amount of \$13,350. Design engineering underway. A grade inspection meeting with MDOT was held January 3, 2018 for a May bid letting. Project has been awarded federal safety funding.

2017 Local Streets

The 2017-2018 Capital Improvement Project includes the reconstruction of local streets to include the milling and resurfacing of these streets, as well as implementing complete streets enhancements. On January 24, 2017 City Council awarded an engineering contract to Abonmarche Consultants in the amount of \$131,118. Design is complete. On August 8, 2017 City Council awarded construction to Michigan Paving and Materials in the amount of \$1,038,360.35. Construction in 5 neighborhoods in 2017 is complete with construction in 4 neighborhoods remaining for spring of 2018.

Wetherbee Avenue Utility Project

On October 10, 2017, City Council awarded an engineering contract to Hurley & Stewart in the amount of \$39,315. Design engineering is underway and includes the installation of sanitary sewer and water main, along with concrete curb and gutter and sidewalk on the north side. Construction is scheduled for summer 2018.

2018 Storm Drainage Improvements

On January 26, 2018 City Council awarded an engineering contract to Hurley & Stewart in the amount of \$130,546. Design engineering is underway on all divisions of the contract which include improvements in the Meadows at Constitution Plat, Winter Forest Drive, and South Westnedge Avenue. All divisions are planned for construction in summer 2018.

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: February 21, 2018

FROM: Devin Mackinder, Director of Technology Services & Community Marketing



SUBJECT: Department Monthly Report – January, 2018

The following summarizes some of the public information and technology activities for the month of January.

Cable Access

Continued administration of the Cable Communications Franchise Agreement with Charter Communications, AT&T, Comcast and the Cable Television Access Agreement with Public Media Network:

Significant Activities:

- Continued taping various special programs (HMP, PSI, Lunch & Learn, etc.)
- Emergency broadcast protocols – on hold until new PMN director is in place
- Continued working on new city marketing video materials
- Began addressing long-standing cable issues with Matt Schuster

Internet/Intranet Web Site

Continued with daily updates to city Internet and Intranet web sites as well as preparing for future updates and upgrades and compiling monthly statistics.

Significant Activities:

- Continued working on the city website rebuild.

Telecommunications

- Completed the Mobilitie DAS permit process.
- Continued working on the AT&T DAS permit process.
- Completed the AT&T Video Franchise Agreement renewal

Contract Administration

- In Process: AT&T phone services contract renewal
- In Process: CivicPlus Addendum agreement
- In Process: Microsoft license renewals
- In Process: GWAVA virus detection software renewal

Continued with several technology projects, supervising Technology Services Department staff and researching new technology opportunities that work toward city goals of providing efficient and cost-effective services.

Significant Activities:

- In Process: working with the City of Kalamazoo IT director on connecting fiber
- Continued PortageAlert mass notification system for emergency initiatives
- Continued development of new city website
- Continued investigating options for upgrading the decades-old multi-mode fiber ring
- Continued working on a Soofa Sign pilot program application
- Continued researching various new technologies
- Completed implementation of the citywide keyless entry and camera system project
- Continued working on consolidated dispatch
- Continued working on migrating old AS400 data to new platforms and consolidating data
- Continued migrating paper forms to the new electronic Seamlessgov system
- Continued working with departments on electronic document management
- Continued review of department procedures
- Continued working on GPS snow plow tracking mobile application
- Began working on replacement of the primary network firewall

Marketing Activities

- Continued oversight and management of all city marketing activities
- Continued Branding support initiatives
- Continued working on Soofa Sign branding
- Continued working on new city signage
- Completed working on Parks creative work plan for ads and other marketing efforts
- Began working on the Senior Center Case for Support document

Senior Citizen Advisory Board Goals & Updates for 2017/2018

Goal 1

Help to increase the number of Portage Senior Center memberships by 10%.

Result: From 2016 to 2017, PSC memberships increased from 1321 members to 1432 members. This is a 7% increase. However, when you include public (non-member) participation, the Portage Senior Center saw a 21% increasing, going from 1885 to 2392.

How: Efforts like the New Member Breakfast and increased customer service efforts to new and prospective members have proven to be a successful way to get new individuals engaged and involved in PSC programs and events.

Going forward: The Advisory Board will be supporting the PSC staff effort to reach out to individuals with expired/inactive memberships.

Goal 2

Help to increase funding for operational support in cooperation with the Friends of the Portage Senior Center.

Result: The Friends of the Portage Senior Center has seen an increase in the annual funds raised. The 2017 Fall Appeal raised almost \$16,000.

How: There is a correlation with the increase in membership. In addition, the PSC staff has made a concerted effort to capture the contact information of individuals participating in any PSC event and engaging them in fundraising efforts. Innovative fundraising events such as the "It's in the Bag" purse sale continue to be great ways to connect with and engage donors.

Going forward: The Advisory Board will be working with the Friends of the PSC to develop an appropriate piece to encourage bequests and memorial gifts. In addition, the Senior Citizens Advisory Board stands ready to support the Friends of the PSC, as well as the City of Portage, in whatever fundraising is necessary to move the plans for a new expanded senior center forward.

Goal 3

Continue to identify innovative programming opportunities to reach the population of seniors 50 years of age and older.

Result: You can't get more innovative than Speed Dating! After screening the documentary, the Age of Love, PSC staff offered a series of speed dating events for older adults. This created the opportunity for individuals to connect with their peers on a social level. The feedback was overwhelmingly positive. In fact, the PSC is still maintaining a waiting list of individuals looking to participate in future speed dating events. This program also got the attention of NBC's Today Show, and was featured on the show's website and Facebook page.

The PSC also offered author presentations, a food-related event in partnership with the library, a grandparent's day event along the trails, etc. One of the more popular events was two Murder Mystery dinners. The PSC also partnered with WMU to bring in a four-part series of "Prof Talks" that featured presenters from the Comparative Religion department.

Going forward: The Advisory Board would like to see a larger focus on programs and events that support caregivers. PSC staff is currently meeting with other program providers in the area to develop a comprehensive approach to meeting this need. In addition, there will be a focus on events that engage individuals on a social level. A focus will also be made on the six areas of wellness and making sure that programming is reaching individuals at all necessary levels. It is important to note that programming can be a challenge when looking to schedule events due to the limited space in the current building.

Goal 4

Advise the City Council and the Portage Senior Center management on issues and projects pertaining to seniors and the Portage Senior Center.

Result: The Senior Citizens Advisory Board receives monthly reports from local advocacy groups on issues important to seniors in the community. One of our Advisory Board members sits on the executive committee of Kalamazoo County Advocates for Senior Issues (KCASI), along with Kim Phillips, Manager. Kim was also recently appointed to the Kalamazoo County Older Adult Services Advisory Council (OASAC). In addition, citizens with concerns have been encouraged to attend Advisory Board meetings.

Going forward: One of the major issues that the Advisory Board would like to see the City of Portage address is the potential of an expanded senior center or a new senior center facility. We know that this would increase the opportunities to address the needs of older adults and provide increased programming opportunities. We, the members of the Portage Senior Center Advisory Board have already expressed our preference for a new facility, rather than an expansion of the current building, in a letter of support for this proposal to the City Council.

Goal 5

Support the implementation of the Aging Mastery Program by helping to identify resources and speakers as needed.

Result: The PSC's rollout of the Aging Mastery Program (AMP) has been overwhelmingly successful. The model implemented by staff has been recognized as a "best practice" by the National Council on Aging.

How: The Portage Senior Center partnered with other agencies in Southwest Michigan in a grant received from the Michigan Health Endowment Fund. This provided funding that allowed the PSC to offer the class at a reduced rate. PSC staff worked to engage local volunteers to help facilitate and run these classes. In addition to multiple sessions being offered at the PSC itself, AMP was also taken "on the road" and offered in Vicksburg through South County Community Services.

Going forward: Three ten-week AMP series are scheduled for 2018, and we are seeing active registrations for all three series. There is also a hope to offer more "on the road" sessions by focusing on other areas of Kalamazoo County.

Goal 6

Continue to explore opportunities for interaction and partnering with the Portage Community Center and Portage Public Schools.

Result: PSC partners with the Portage Public Schools on several levels, and has developed an increased partnership with the Portage Community Center.

How: There are two key programs that engage PSC members with the Portage Public

Schools - Partners and Pen Pals. PSC volunteers in "Partners" visit a Central Elementary classroom monthly and work on reading and writing projects with the students. "Pen Pals" organizes written correspondence between PSC members and a third grade class, with the groups exchanging written letters monthly. Both of these programs help students focus on their reading and writing skills. In 2017, we also had student volunteers from the high schools who came in for "Teen Tech Tuesdays." This paired the students with PSC members who needed basic assistance with items like cell phones, tablets, computers, etc.

The partnership with the Portage Community Center involves a Thanksgiving collection of items for food baskets, as well as facilitating a family adoption at the Holidays. The PSC has also begun running "themed" collections of items each month (such as personal care, food, etc.) that are then donated to the Portage Community Center. In addition, teen program participants at the PCC have begun using the PSC kitchen space for cooking classes.

Going forward: Community partnerships are important, and the PSC looks to continue and expand these programs. These are opportunities that allow PSC participants to be socially engaged while having an impact in the community.

TO: Honorable Mayor and City Council

FROM: Adam Herring, City Clerk



SUBJECT: Calendar of Meetings

ACTION RECOMMENDED: Information Only

The following are upcoming meetings of city advisory Boards and Commissions and/or other publicly noticed meetings of local importance.

- a. Human Services Board, Thursday, March 1, 2018 , 6:30 p.m., City Hall Room #1.
- b. Planning Commission, Thursday, March 1, 2018, 7:00 p.m., Council Chambers.
- c. Youth Advisory Committee, Monday, March 5, 2018, 6:30 p.m., City Hall Room #1.
- d. Historic District Commission, Wednesday, March 7, 2018 , 8:15 a.m., City Hall Room #2.
- e. Historic District Study Committee, Wednesday, March 7, 2018 , 9:00 a.m., City Hall Room #2.
- f. Park Board, Wednesday, March 7, 2018, 6:30 p.m., Stuart Manor.
- g. Zoning Board of Appeals, Monday, March 12, 2018, 7:00 p.m., Council Chambers.
- h. Board of Review, Monday, March 12, 2018, 9:00 a.m. (organizational meeting); Tuesday, March 13 & Wednesday, March 14, 12:00–5:00 p.m. & 6:00–7:30 p.m.; Thursday, March 15, 9:00 a.m.–12:00 p.m. & 1:00–4:00 p.m.; City Hall Rooms #1 & #2.

FUNDING: N/A

Attachments: N/A

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Medical Marihuana Facilities

SUPPORTING PERSONNEL: Chris Forth, Deputy Director of Planning, Development & Neighborhood Services

ACTION RECOMMENDED: Adopt amendments to Chapter 14, Article 12, Businesses and Chapter 42, Article 4, Zoning, for Medical Marihuana Facilities.

In November 2008, Michigan voters approved the Michigan Medical Marihuana Act (MMMA), which allows qualifying patients to obtain, possess, cultivate/grow and use marihuana for medicinal purposes. The MMMA also allows a primary caregiver to assist a qualifying patient with the medical use of marihuana, in accordance with state law. In July 2011, the City of Portage adopted a Medical Marihuana Home Occupation ordinance amendment that permits State of Michigan registered primary caregivers to possess, cultivate/grow and distribute medical marihuana in the city on behalf of a registered qualifying patient(s). In December 2016, three new laws became effective that provide a “seed-to-sale” regulatory framework for the commercialization of medical marihuana, and permits consumption of marihuana via edible marijuana-infused products:

1. **Public Act 281:** Medical Marihuana Facilities Licensing ActPublic
2. **Act 282:** Marihuana Tracking ActPublic
3. **Act 283:** Amended MMMA to recognize and provide for “marihuana-infused products”; defines “usable marihuana equivalencies”; prohibits butane resin extraction refining process in residential areas.

The Medical Marihuana Facilities Licensing Act (MMFLA) creates five types of Medical Marihuana Facilities:

1. **Grower:** Class A – 500 plants; Class B – 1000 plants; Class C – 1500 plants. A Class C grower may “stack” Class C licenses at a single facility and grow in excess of 1500 plants.
2. **Processor:** Extracts resin from plant /creates marihuana-infused products.
3. **Secure Transporter:** Transports marihuana & cash between facilities and may also store marihuana.
4. **Safety Compliance Facility:** Tests samples of marihuana for contaminants and its active ingredients.
5. **Provisioning Center:** Sells marihuana / marihuana-infused products only to registered patients and caregivers.

Emergency Rules for the implementation of these acts were adopted by the Department of Licensing and Regulatory Affairs (LARA) on December 4, 2017, and on December 15, 2017, LARA began

accepting applications for state-issued operating licenses, which are required prior to the operation of a medical marihuana facility. The MMFLA further specifies that a municipality must adopt an ordinance authorizing one or more types of marihuana facilities in order for a facility to obtain a state operating license.

SUMMARY OF PROPOSED AMENDMENT

The City Administration and City Attorney have worked extensively over the past year developing options to permit Medical Marihuana Facilities within the city, while providing adequate measures to minimize potential adverse impacts on adjacent properties and the community as a whole. As a result of these efforts, the City Administration and City Attorney propose the following: An amendment to Chapter 14, Article 12, Businesses, of the Code of Ordinances is proposed, which will require an annual business permit for medical marihuana facilities. An amendment to Chapter 42, Article 4, Zoning, is proposed, which provides land use provisions for medical marihuana facilities and updates existing ordinance provisions regarding Medical Marihuana Home Occupations. The proposed amendments to Chapters 14 and 42 provide complimentary provisions.

PUBLIC/REVIEW COMMENT

The formal process to introduce the amendments was initiated on November 30, 2017, when staff presented options for a local authorizing ordinance to City Council at a Committee of the Whole meeting. Subsequent to the release of Emergency Rules by LARA on December 4, 2017, revisions to the draft ordinance were made and on December 12, 2017, in accordance with the LARA Emergency Rules, the Council adopted a resolution of intent to adopt an authorizing ordinance and also passed an Emergency Ordinance permitting the temporary operation of existing Medical Marihuana Facilities, subject to conditions, until June 15, 2018. On December 19, 2017, a second Council Committee of the Whole meeting was held to review the major components of the draft ordinance, and on December 21, 2017 the Planning Commission held a workshop to also review the draft ordinance.

On January 4, 2018, Planning Commission convened a public hearing to consider an amendment to the Zoning Code (Chapter 14, Article 12 is not within the purview of the Commission) during which staff provided an overview of the draft amendments included in the agenda packet, as well additional revisions that were being contemplated. The Planning Commission public hearing process concluded on January 15, 2018 when the Planning Commission recommended approval of the amendment to Chapter 42, Article 4, Zoning.

On January 23, 2018, the proposed amendments were introduced to the City Council for first reading. As a result of the discussion with Councilmembers and further research by the City Administration, additional revisions were incorporated into Chapter 14, Article 12, Businesses and Chapter 42, Article 4, Zoning. These ordinance revisions are summarized below.

ORDINANCE REVISIONS/SUMMARY

Chapter 14, Article 12, Businesses Revisions

The proposed business licensing ordinance was revised as follows:

- To provide a definition of “Stacked license,” clarification that stacked licenses will not require a separate facility for each stacked license, and, clarification of procedures regarding stacked licenses in the application and renewal processes.
- Clarification of the lottery process for those applicants whose proposed facility conflicts with the spacing requirements of the zoning ordinance from another proposed facility.
- Clarification that medical marihuana facilities may request approval of changes or modifications to the facility or its operations at any time;
- To provide that issuance of an occupancy permit will be tied to final approval of a permit, and that obtaining a state license is not a requirement for the issuance of a permit. This revision was added because the emergency rules require an occupancy permit as a condition for issuance of a state license.

In addition to the above, Councilmember Ford asked for further consideration of either a first-come first-served or waiver period in lieu of a lottery system as it applies to licensing approval. After much discussion and research involving this matter, it was decided not to limit the number of initial applicants to 12 but rather allow medical marihuana facilities to locate in areas that meet specific locational criteria. This approach is still based on a first-come first served system and would prevent a potential higher concentration of these types of uses in one area of the community versus another area. The lottery system would only be used if there is a spacing conflict between two or more facilities. Rather than deny the applications of all applicants with a spacing conflict, the lottery system is an objective method to allow some of them to obtain a permit.

Mayor Randall asked for further information regarding the need for a separate HVAC system if a facility is located in a multi-tenant building. Marihuana emits a strong odor and without a separate HVAC system for just the medical marihuana tenant space, a single HVAC system serving four tenant spaces, for example, will circulate the odor into every tenant space. The system works much like the furnace/AC unit in a house. Return air for the system is drawn in from every room then redistributed throughout the house. With regard to grow facilities, the grow operator will likely require a separate HVAC system given the sensitivity of marihuana plants to airborne contaminants.

The City of Boulder, Colorado has extensive ventilation requirements. Boulder requires “A medical marihuana business shall be properly ventilated to filter the odor from marijuana so that the odor cannot be detected by a person with a normal sense of smell at the exterior of the medical marijuana business or at any adjoining use or property.”

In addition to the revisions summarized above, other provisions of Chapter 14, Article 12 are explained below:

- In addition to a state operating license, an annual business permit is required from the city;
- Business permits will be reviewed and issued by City Administration (City Clerk, Public Safety, Community Development and City Manager);
- Applicants will be required to be pre-qualified by LARA at the time of application;
- A non-refundable fee of up to \$5,000 will be required for all applications to the city. Additional site plan review and building permit fees will apply;
- The application submittal requirements for a business permit align closely with the requirements to obtain a permit from LARA;
- Applicants must meet all requirements of Chapter 14, Businesses, and Chapter 42, Zoning in

order to receive a permit;

- All five types of medical marihuana facilities will be permitted within the city;
- There are no specific limits on the number of facilities, but the spacing and separation requirements of the Zoning Code addressed below effectively limit the number of facilities;
- Minimum standards for operation of various facilities are included;
- Provisions for renewal and revocation of annual business permits are included;
- With regard to the application process, the following summarizes the proposed ordinance:
 - Step 1: applicants that meet the requirements of the City Code will be issued a provisional permit, which allows them to proceed with obtaining site plan review from the city (if required) and a state operating license from LARA. Provisional permits issued by the city are valid for a period of six months. The City Manager may issue one six month extension if warranted.
 - Step 2: applicants that received site plan approval and an occupancy permit will be issued an annual business permit by the city.
 - An initial application window will be provided for applicants that received a Temporary Operating Permit from the city prior to December 31, 2017. Applicants that meet the requirements of Chapter 14 and Chapter 42 of the City Code will be issued a provisional permit and are eligible to receive an annual business permit.
 - A second application window will be provided for all other applicants. Applicants that meet the requirements of Chapter 14 and Chapter 42 of the City Code will be issued a provisional permit and are eligible to receive an annual business permit. Applicants that do not meet the separation requirements of the Zoning Code from another proposed facility will be entered into a lottery to obtain a provisional permit. Applicants selected from the lottery that meet the separation requirements of the Zoning Code will be issued a provisional permit and are eligible to receive an annual business permit. Applicants that are not approved are eligible to re-apply in the next available application window.
 - Medical Marihuana Facilities that receive an annual business permit from the city shall reapply at the same time in each subsequent year as provided by the City Manager.

Chapter 42, Article 4, Zoning Revisions

- Library has been further defined as a “public library” and child day care facilities has been changed to “day care center” consistent with the Zoning Code definition.
- The 1,000 foot buffer area from a school, day care center, public library, park or playground, youth center or recreational facility, religious institution, public housing authority property, or substance abuse treatment facility now includes those types of facilities located in adjoining jurisdictions.
- The 250 buffer along the corporate boundary involving all five medical marihuana facilities has been removed. As a result, four properties were added for a potential provisioning center increasing the total from 66 to 70 and 23 properties were added for growers, processors, secure transporters and safety compliance facilities increasing the total from 97 to 120.
- The requirement that provisioning centers, grower and processor operations, secure transporters and safety compliance facilities not be adjacent or abutting to a residential district has been removed and replaced with a 125 foot buffer distance. This change prevents a simple lot line adjustment as a means to circumvent the requirement that these facilities not be adjacent or abut a residential district.

As a result of this change, the number of potentially available properties for provisioning centers reduced from 70 to 51 and the number of potential locations for provisioning centers reduced from 11 to 9. In an effort to retain the same number of potential locations (11), the spacing between facilities was reduced from 1,000 feet to 500 feet. The attached map shows the location of these 11 locations. The locations are similar to those that were presented to the City Council on January 23rd. Consequently, the City Administration is supportive of reducing facility separation to 500 feet as a compromise for increasing the buffer from a residential district to 125 feet since it results in a decrease in potential negative impacts on adjacent residential uses.

With regard to growers, processors, secure transporters and safety compliance facilities, the addition of the 125 foot buffer from a residential zoning district reduces the number of properties from 120 to 95, which is consistent with the number of properties (97) when the 250 corporate boundary buffer was in effect. Establishment of a 125 foot residential buffer and maintaining the 1,000 foot separation distance between growers and processors results in 15 potential locations (refer to the attached map). This number of locations (15) is the same when the preliminary ordinance language required these types of facilities not to abut or be adjacent to a residential district.

- Ordinance language has been added to indicate the 1,000 foot buffer area does not apply to religious institutions located in the B-3, general business, I-1, light industrial and I-2, heavy industrial zoning districts. Since the January 23rd meeting, four smaller religious institutions were identified in either the B-3 or I-2 zoning districts. Two of the four locations do not impact the spacing or location of medical marihuana facilities; however, the two other locations do have an impact. One of the two religious institutions is located near the intersection of East Milham Avenue and, if the 1,000 foot buffer is applied, 13 properties would be removed from consideration. The other religious institution is located near the intersection of South Sprinkle and East Kilgore Road. Application of the 1,000 foot buffer would result in the removal of three additional properties from consideration.

The majority of churches in the city are located in residential zoning districts. However, and as a result of protections afforded to religious institutions through the Religious Land Use and Institutionalized Persons Act, religious institutions are permitted in most zoning districts subject to review/approval. This type of land use right is unique to religious institutions. If a religious institution is going to locate in a commercial or industrial zoning district, there has to be an acknowledgment or acceptance of other types of nonresidential land uses that could be viewed as incompatible. Further, there is concern that religious institutions could be located in B-3, I-1, or I-2 zones for the purpose of limiting the number of properties available for medical marihuana facilities in the City.

- Growers operating in the I-1 or I-2 zoning district with a class C license are allowed stack licenses at one location, consistent with state statute.
- The home occupation provisions for a Medical Marihuana Home Occupation have been revised to permit growing marihuana outdoors subject to security and screening provisions. Allowing marihuana to be grown outdoors was the subject of a lawsuit whereby the court struck down a municipal ordinance provision that prohibited growing marihuana outdoors.

In addition to the revisions summarized above, other provisions of Chapter 42, Article 4 are explained below:

- Provisioning centers are listed as a principal permitted use within the B-3 zoning district and shall not be located within 1,000 feet from a school, child care center, library, park or playground, youth center or recreational facility, religious institution, public housing authority property, or substance abuse treatment facility;
- Separation measurements are taken from the property line of the zoning lot occupied by the provisioning center using an uninterrupted straight line without regard to intervening structures or objects;
- Buildings shall comply with all State of Michigan Construction Codes and provisioning centers shall not be located in greenhouses or similar buildings;
- No drive-through facilities are permitted;
- No marihuana or marihuana-infused products may be consumed on the premises;
- All activities shall be conducted indoors;
- Only one provisioning center shall be permitted per zoning lot and must be located in a single-tenant building, or partitioned from any other business, having a separate entrance and HVAC system;
- The business must comply with state law and regulations and the city Code of Ordinances.
- Growers and processors are listed as a principal permitted use within the I-1 and I-2 zoning districts and shall meet the same locational and operational requirements for provisioning centers noted above, with the exception of the spacing between facilities that will remain at 1,000 feet.
- Safety compliance and secure transporter facilities are also listed as a principal permitted use within the I-1 and I-2 zoning districts and shall meet all of the same requirements with the exception of separation from other medical marihuana facilities. These two types of facilities are considered less intense land uses and are therefore not required to meet the separation standards from other medical marihuana facilities.

Revisions to the home occupation provisions for a Medical Marihuana Home Occupation operated by a caregiver are as follows:

- The restriction to operate the home occupation within only the dwelling unit has been eliminated. The home occupation must still be operated within a secure facility.
- A reference to marihuana infused products has been added per amendments to the MMMA.
- The home occupation cannot separate marihuana resin from marihuana plants by butane extraction on the premises of the medical marihuana home occupation. The home occupation cannot store any chemicals such as herbicides, pesticides, and fertilizers inconsistent with the provisions of the Portage Code of Ordinances, including but not limited to the International Fire Code as adopted by the code.
- The home occupation cannot produce or generate, in any way, noise, odor, dust, fumes or smoke, glare or comparable nuisances which would cause negative effects on surrounding property.
- Language has been added that clarifies a Medical Marihuana Facility is not permitted as a home occupation.

In addition to the above, a map was prepared that shows a separation distance of 750 feet between provisioning centers, 1,000 foot buffer area from a school, day care center, public library, park or playground, youth center or recreational facility, religious institution, public housing authority property, or substance abuse treatment facility and 125 feet from a residential district (refer to the

attached map). The number of available properties remains at 51 but the number of potential locations decreases from 11 to 10.

RECOMMENDATION

Based on the above, and subject to any further comment received, it is recommended that City Council adopt the amendments to Chapter 14, article 12, Businesses and Chapter 42, Article 4, Zoning, for Medical Marihuana Facilities.

FUNDING: N/A

- Attachments:**
1. Planning Commission transmittal dated January 19, 2018
 2. Department of Community Development staff report dated January 16, 2018, including proposed ordinance amendments
 3. Ordinance to Amend Chap 14 to Add Art 12 Redline
 4. Ord to Amend Chap 14 to Add Art 12 CLEAN-V2
 5. Ordinance Amend Chap 42 Art 4 COUNCIL V2 Redline
 6. Ordinance Amend Chap 42 Art 4 CLEAN V2
 7. Medical marijuana_B-3_1000buff_125resi_500spacing
 8. Medical marijuana_B-3_1000buff_125resi_750spacing
 9. Medical marijuana_B-3_1000buff_125resi_1000spacing
 10. I-1_2_Grow Operations and Processors_1000_125_sep1000

TO: Honorable Mayor and City Council

FROM: Planning Commission

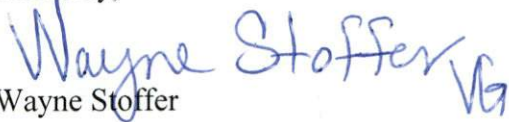
DATE: January 19, 2018

SUBJECT: Ordinance Amendment #17/18-A, Medical Marihuana Facilities

At the January 4th and 18th, 2018 meetings, the Planning Commission convened a public hearing to review and discuss Ordinance Amendment #17/18-A, Medical Marihuana Facilities. Six citizens spoke during the January 4th meeting, while three citizens spoke during the January 18th meeting. A summary of citizen comments received during these meetings is provided in the meeting minutes. Additionally, a communication dated January 18, 2018 was received from Kristin Tencza of Oasis Wellness Centers regarding the proposed ordinance amendment.

After lengthy discussions and careful consideration, a motion was made by Commissioner Schimmel, seconded by Commissioner Patterson, to recommend to City Council that Ordinance Amendment #17/18-A, Medical Marihuana Facilities, be approved. This motion was unanimously approved 7-0. While the formal recommendation from the Planning Commission did not include any specific conditions of approval, several Commissioners voiced comments and concerns that they wanted conveyed to City Council for consideration. Concerns and comments from individual Commissioners are summarized in the meeting minutes and the Commission would respectfully request that City Council closely review these concerns and comments as part of their deliberations.

Sincerely,


Wayne Stoffer
Chairman

3. Ordinance Amendment #17/18-A, Medical Marihuana Facilities. Mr. West introduced Director of Community Development, Vicki Georgeau and Assistant City Attorney, Charlie Bear and also referred the Commission to a January 18, 2018 communication received from Kristin Tencza of Oasis Wellness Centers. Ms. Georgeau summarized the staff report dated January 16, 2018 and the proposed ordinance amendments to Chapter 42 (Zoning Code) and Chapter 14 (Businesses, Medical Marihuana Facilities). Ms. Georgeau reiterated that the amendment to Chapter 14 was not subject to Planning Commission review and recommendation, however, was provided for context as the Planning Commission reviews the Zoning Code amendment. Ms. Georgeau summarized changes made to Chapter 42 (Zoning Code) since the January 4, 2018 preliminary review by the Commission and the rationale for these changes including the addition of "child care center" to the 1,000 foot setback from medical marihuana facilities (child care centers were originally intended to be included, however, were inadvertently not referenced in previous versions of the ordinance); the addition of a 250 foot setback from the corporate boundary of the city with the exception of the south, east and west sides of the airport; the addition of clarifying language that only one medical marihuana facility is permitted per zoning lot (originally intended to be included, however, not specifically referenced in previous versions of the ordinance); a reduction in the separation standard from 1,500 feet to 1,000 feet between growers and processors (for consistency with provisioning center standard); and a revision to the text that the separation requirements between medical marihuana facilities apply to like facilities (the previous version of the ordinance was determined to be overly restrictive). Ms. Georgeau then reviewed maps of eligible properties and potential locational scenarios based on the ordinance changes citing approximately 66 eligible B-3 zoned properties for provisioning centers (previously 70 properties) with 11 potential "locations", and 97 eligible I-1/I-2 zoned eligible properties for growers, processors, safety compliance and secure transporters (previously 117 properties) with 15 potential "locations" for growers and processors. Ms. Georgeau then summarized changes to Chapter 14 (Business, Medical Marihuana Facilities) and the rationale for these changes including elimination of the waiver from the separation requirement between facilities for the first year of applications and the addition of a lottery system for applicants that do not meet the separation requirements from another like applicant, and revisions to the application process which includes an initial application window for applicants that have been issued a temporary operating permit. Ms. Georgeau stated the waiver from the separation standard between facilities during the first year was contrary to the original intent of the separation standard, which is to avoid a concentration or cluster of facilities in a particular area of the city. Attorney Bear provided additional explanation regarding changes to the application process and inclusion of a lottery system, if multiple applications are received for a specific area with an overlap of the 1,000 foot separation. In addition, Attorney Bear indicated the lottery system is proposed due to concerns with a merit based evaluation, which may not withstand a legal challenge.

Chairman Stoffer asked if the Zoning Code currently has similar separation requirements for other businesses in the B-3, I-1 and/or I-2 zones. Ms. Georgeau stated the adult regulated uses section of the Zoning Code has similar separation requirements between businesses. Ms. Georgeau restated that medical marihuana facilities are a new type of land use with unknown impacts and it was best to proceed carefully and cautiously. Ms. Georgeau indicated the ordinance could be amended in the future to relax restrictions and requirements, after the city has time to evaluate the real impacts of approved facilities. Chairman Stoffer stated he was very concerned about the 1,000 foot setback from schools and future legislation that may allow for recreational marihuana in Michigan. While acknowledging the medicinal benefits, Chairman Stoffer stated he didn't want to give the wrong impression to students that widespread marihuana use was acceptable. Chairman Stoffer stated that students are very impressionable and the Portage Public Schools are a great asset to the community. Chairman Stoffer referenced the article provided by Ashley Bergeon of the Kalamazoo County Substance Abuse Task Force at the last meeting and the negative impacts of locating facilities close to schools has had on students in Colorado. Chairman Stoffer believes that the city should move cautiously on the ordinance development and believes a much larger setback (possibly one mile) from the Portage Northern High School/Middle School campus and Portage Central High School/Middle School campus should be considered. Chairman Stoffer asked staff how the inclusion of a one mile setback from these high school/middle school

campuses would impact the number of eligible properties. Ms. Georgeau stated that a one mile setback would reduce the number of eligible B-3 zoned properties from 66 to 56 (loss of 10) and the number of eligible I-1/I-2 properties from 97 to 84 (loss of 13). If the one mile setback was proposed from Loy Norrix High School in Kalamazoo, Ms. Georgeau indicated there would be a further reduction in available properties. Attorney Bear provided a brief overview of the State law and the preliminary rules that specifically state that medical marihuana can not be marketed or sold to minors and indicated Portage Public Safety intends to monitor medical marihuana facilities. Ms. Georgeau also indicated that minors are not allowed to enter a medical marihuana facility.

Commissioner Patterson also referenced the article included with the agenda materials and indicated that illegal activities associated medical marihuana, such as reselling the product to minors, was similar to illegal alcohol sales, which is an issue beyond the scope of the ordinance. Commissioner Patterson stated that he believes the 1,000 foot setback from schools is reasonable. Commissioner Patterson then asked about the currently eligible properties located on the west side of Portage Road, north of East Centre Ave, and the impact of the future trail expansion/construction that was planned along the Consumers Energy Company transmission lines. Ms. Georgeau stated that the trail was planned a couple years out in the Capital Improvement Program and if a medical marihuana facility was to locate at one of these properties prior to the trail construction and designation as a "park", the facilities would be allowed to continue at this location. Commissioner Place stated that she also believes the 1,000 foot setback from schools was a reasonable standard citing the location of an existing party store that sells alcohol and tobacco at the entrance to Portage Central High School. Commissioner Place indicated that the 250-foot buffer from the city jurisdictional boundary appears to be another restriction added to the ordinance which unnecessarily limits the location of facilities. Commissioner Place also asked for additional clarification on the 1,000-foot separation requirement between facilities and whether the addition of language to address potential odors could be added to the ordinance, thereby eliminating the need for the 1,000-foot separation requirement. Ms. Georgeau indicated that there are existing restrictions regarding odor control contained in Chapter 14 of the ordinance amendment. Ms. Georgeau indicated the intent of the 1,000-foot separation requirement was not related only to odor control, but also to address the overall number and concentration of these new land uses. As previously stated, Ms. Georgeau stated that the ordinance provides for numerous eligible properties and several potential "locations" for provisioning centers, growers and processors and that the 1,000 foot separation requirement does not apply to secure transporters and safety compliance facilities.

The public hearing was reconvened by Chairman Stoffer. Three citizens spoke regarding the proposed medical marihuana ordinance amendments: Ken Jonatzke (8318 Portage Road), Josh Cook (7185 Easling Street, Mattawan, Michigan) and Ashley Bergeon (Coordinator for the Kalamazoo County Substance Abuse Task Force, 611 Whitcomb, Kalamazoo, Michigan). Mr. Jonatzke, a resident and business owner at 8318 Portage Road since 1971, discussed the medical marihuana dispensary that illegally moved into the adjacent property approximately two years ago and the changes to the ordinance which have occurred since the last meeting which would no longer allow him to operate from his location. Mr. Jonatzke stated he didn't agree with the changes and asked that considerations be given in the ordinance to "level the playing field" between his location and the Lake Effect facility to the north. Ms. Georgeau clarified that Mr. Jonatzke has been operating a home occupation caregiver facility from his residence and he could continue to operate this business. Ms. Georgeau stated that Mr. Jonatzke did make application under the emergency ordinance adopted by City Council in December, however, his application was denied since it did not satisfy the applicable criteria. Mr. Cook indicated that he believes the buffer and separation standards are too restrictive and asked for reconsideration of these requirements to allow for more business opportunities and available properties. Mr. Cook also discussed the significant financial investment necessary to perform the necessary due diligence and receive approval for a medical marihuana facility and his concerns about the proposed "lottery" system for determination of which business could locate at a particular site. Ms. Bergeon provide a summary of a recent survey conducted in Kalamazoo County that indicated approximately 16% of minors illegally obtain marihuana through medical marihuana dispensaries. Ms. Bergeon stated that marihuana was the 3rd highest abused drug for treatment in Kalamazoo County and indicated that long-term use of marihuana had negative impacts on brain function similar to lead exposure. Ms. Bergeon cautioned the city to consider the potential

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impacts on local youth and to utilize a “harm/risk” evaluation when considering adoption of a medical marihuana ordinance. No additional citizens spoke regarding the proposed ordinance amendments. A motion was then made by Commissioner Schimmel, seconded by Commissioner Place, to close the public hearing. The motion was unanimously approved 7-0.

Commissioner Shoup stated that he agrees with both sides on this issue and supports a larger setback from schools and a lesser separation distance between medical marihuana facilities. Commissioner Corradini indicated that he concurs with both Chairman Stoffer and Commissioner Shoup regarding a larger setback from schools and a lesser separation standard between facilities. Commissioner Corradini commended city staff for their hard work and tremendous effort regarding this issue and is confident that City Council will carefully consider the comments of the Commission and do what is right for the community. Ms. Georgeau provided some clarifying comments regarding the proposed ordinance amendment and reiterated that the maps of eligible properties was intended to be informational and that each particular application would need to be closely reviewed for compliance with all the ordinance requirements. Ms. Georgeau indicated that staff was requesting a Planning Commission recommendation at tonight’s meeting and that City Council would accept the ordinance for first reading at the January 23rd meeting and set a public hearing to consider adoption of the ordinance at the February 27th meeting. Commissioner Place restated that she believes the 250-foot buffer from the city jurisdictional boundaries should be eliminated and the 1,000-foot separation between facilities should be reduced. Commissioner Place indicated that she believes the 1,000-foot setback from schools, churches, etc. was sufficient. Commissioner Schimmel stated that she believes the ordinance amendment should be forwarded to City Council and they can consider the comments from the Commission in their deliberations

A motion was then made by Commissioner Schimmel, seconded by Commissioner Patterson, to recommend to City Council that Ordinance Amendment #17/18-A, Medical Marihuana Facilities, be approved. Commissioner Harrell-Page asked if other communities are requiring growers and processors to be separated, or whether they were allowed to be located together. Ms. Georgeau stated that the draft emergency rules from the State allow for co-location of facilities, however, there is some uncertainty about the LARA Emergency Rules and the city is awaiting further clarification and finalization of these rules before they would consider co-location. Attorney Bear provided additional comments regarding this issue and stated that his recommendation at this time was to not consider co-location until the State promulgates final rules. Chairman Stoffer again restated his concerns and requested that City Council consider a one-mile setback distance from the two high school/middle school campuses. Chairman Stoffer indicated that he believes the 250-foot buffer standard from the city jurisdiction boundary was a good standard. Upon a roll call vote: Corradini (yes), Place (yes), Harrell-Page (yes), Schimmel (yes), Stoffer (yes), Shoup (yes) and Patterson (yes), the motion was unanimously approved 7-0.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS/COMMISSIONERS:

None.

PLANNING COMMISSION

January 4, 2018

The City of Portage Planning Commission meeting of January 4, 2018 was called to order by Chairman Stoffer at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Approximately 20 citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Stoffer led the Commission, staff and citizens in the Pledge of Allegiance.

IN ATTENDANCE:

Vicki Georgeau, Director of Community Development; Christopher Forth, Deputy Director of Planning, Development & Neighborhood Services; Michael West, Senior City Planner; Randy Brown, City Attorney; and Charlie Bear, Assistant City Attorney.

ROLL CALL:

Mr. Forth called the role: Patterson (yes), Shoup (yes), Stoffer (yes), Schimmel (yes), Bosch (yes); Place (yes), Joshi (yes) and Corradini (yes). A motion was made by Commissioner Schimmel, seconded by Commissioner Bosch, to approve the role excusing Commissioner Harrell-Page. The motion was unanimously approved 8-0.

APPROVAL OF MINUTES:

Chairman Stoffer referred the Commission to the December 21, 2017 regular meeting minutes contained in the agenda packet. A motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was unanimously approved 8-0.

SITE/FINAL PLANS:

None.

PUBLIC HEARING:

1. **Ordinance Amendment #17/18-A, Medical Marihuana Facilities.** Mr. Forth introduced Director of Community Development, Vicki Georgeau and Assistant City Attorney, Charlie Bear who having been working closely with City Council on development of the proposed medical marihuana ordinances. Ms. Georgeau summarized the Department of Community Development staff report dated December 29, 2017 and the proposed ordinance amendments to Chapter 42 (Zoning Code) and Chapter 14 (Businesses, Medical Marihuana Facilities). While the proposed amendment to Chapter 14 was not subject to Planning Commission review and recommendation, Ms. Georgeau indicated it was being provided for context as the Planning Commission reviews the proposed Zoning Code amendment. Ms. Georgeau provided a historical overview of medical marihuana legislation in Michigan beginning with the Michigan Medical Marihuana Act (MMMA) approved in November 2008 and subsequent legislation (three bills) approved in September 2016. Ms. Georgeau stated that PA 281 (Medical Facilities Licensing Act), PA 282 (Marihuana Tracking Act) and PA 283 (amendments to MMMA) established a "seed to sale" regulatory framework for medical marihuana in State of Michigan. Ms. Georgeau indicated that PA 281 allows for five types of medical marihuana facilities permits including: 1) Grower, 2) Processor, 3) Secure Transporter, 4) Safety Compliance Facility and 5) Provisioning Center. Ms. Georgeau stated that communities in Michigan have two options regarding medical marihuana; 1) Adopt an authorizing ordinance allowing for one or more types of facilities; or 2) Opt-Out which would not allow for medical marihuana facilities within the community. Ms. Georgeau indicated the City Administration and City Attorney have been working extensively over the past year developing options to permit medical marihuana facilities within the city, while providing adequate measures to minimize potential adverse impacts on adjacent properties and the community as a whole.

Ms. Georgeau stated the proposed zoning amendments would allow for provisioning centers as permitted uses in the B-3, general business zoning district and growers and processors as permitted uses in the I-1, light industry and I-2, heavy industry zoning districts subject to locational and operational requirements and minimum separation requirements. Ms. Georgeau indicated that secure transporters and safety compliance facilities would also be allowed as permitted uses in the I-1 and I-2 zones subject to locational and operational requirements, however, without minimum separation requirements since they are considered less intense land uses. Ms. Georgeau stated the separation requirements would not be applicable during the first year of applications, however, a maximum of 12 provisioning centers, 12 growers and 12 processors would be allowed during the first year, and no limit on the number of secure transporters and safety compliance facilities. Ms. Georgeau then presented a series of maps which identified eligible properties for provisioning centers within the B-3 district, and other permitted facilities within the I-1 and I-2 zones, and then summarized changes also proposed to the home occupation section of the Zoning Code.

Chairman Stoffer asked whether pre-qualification by the State of Michigan is currently available for everyone. Ms. Georgeau indicated the State began accepting applications for medical marihuana facilities licenses on December 15th and also stated that pre-qualification by the State was a prerequisite for applying for a provisional permit from the city. Ms. Georgeau then provided a brief overview of the provisional permit process through the city, the proposed amendment to Chapter 14 (Businesses, Medical Marihuana Facilities), and indicated the proposed city ordinance closely mirrors the State licensing requirements. Chairman Stoffer asked why the minimum separation requirement was proposed to be waived during the first year of applications. Ms. Georgeau stated the primary reason revolved around the difficulty in determining which application was submitted 1st, 2nd, etc. for purposes of establishing where the separation measurements are established. Commissioner Patterson asked for clarification on the proposed changes to the medical marihuana home occupation section of the Zoning Code and whether the amendments would allow for growing/processing within the home and the processing of infused products. Ms. Georgeau stated the proposed changes would remove the restriction that the home occupation only be conducted within the dwelling unit (modified to reference an enclosed, locked facility such as a garage) and would also allow for processing of marihuana infused products as long as it did not involve use of butane extraction. Commissioner Place asked if facilities allowed during the first year of applications would be "grandfathered" the following year for purposes of separation requirements. Ms. Georgeau stated these facilities would be "grandfathered" so long as the use was not abandoned or discontinued. Commissioner Place also asked about the rationale for the 1,000 foot setback distance for various facilities from churches, schools, child care centers, etc. and the 1,000/1,500 foot separation requirement between other medical marihuana facilities. Ms. Georgeau stated the origins were based in the federal Drug Free School Zone requirements and were intended to address the intensity of the land uses and potential impacts, and to prevent the congregation or clustering of medical marihuana facilities. Ms. Georgeau also stated the Zoning Code restricts many land uses and their proximity to residential districts and there are similar setback and/or separation distance requirements for other land uses such as cell towers, gas stations, dog kennels, group child care homes and collection/donation boxes, amongst others.

The public hearing was then opened by Chairman Stoffer. Six citizens spoke regarding the proposed medical marihuana ordinance amendments: 1) Ashley Bergeon (Coordinator for the Kalamazoo County Substance Abuse Task Force, 611 Whitcomb, Kalamazoo, Michigan), Bo Arbanas (6159 South 26th Street, Scotts, Michigan), Devin Loker (1595 West Centre Avenue), Ken Jonatzke (8318 Portage Road), Richard Santek (7537 Autumn Lane) and Tom Tarleton (307 Barberry Avenue). Ms. Bergeon expressed concerns about the ordinance and the 1,000 foot setback distance from schools and other similar facilities. Ms. Bergeon stated the 1,000 foot setback distance is not adequate and has not been applied uniformly in other states. Ms. Bergeon provided an article entitled "Under Siege – Marijuana and Colorado Schools" which discusses the increase in illegal student drug use when medical marihuana facilities are located near schools. Mr. Arbanas stated he was associated with a medical marihuana secure transporter and clarified that transporters were allowed a temporary hold on medical marihuana products for up to 48 hours. Mr. Arbanas stated that medical marihuana facilities are highly regulated and secure and questioned whether the 1,000 foot setback distance from schools, churches, etc. was necessary. Mr. Loker stated he was a local attorney who represented many

medical marihuana clients. Mr. Loker stated the requirement that provisioning centers not be located adjacent to residential properties should be eliminated since there are no similar requirements for pharmacies or places that sell alcohol. Mr. Loker also stated the 1,000 foot separation requirement between provisioning centers should also be eliminated citing easier monitoring and enforcement for the city if these facilities were concentrated. Mr. Jonatzke stated he was a business owner and natural medicine advocate that has represented agencies attempting to decriminalize the use of medical marihuana. Mr. Jonatske discussed the location of his property adjacent to Lake Effect provisioning center and believes the 1,000 foot separation requirement between provisioning centers should be eliminated to "level the playing field". Mr. Santek stated he was a 50 year resident of Portage who lives nearby to a lot of vacant property that might be considered for medical marihuana facilities. Mr. Santek expressed concerns about the impact medical marihuana facilities will have on his and others property values and advised the city to be "very careful" moving forward with the ordinances. Mr. Santek stated a 1,000 foot setback from schools, churches, etc. seems like a large distance on paper, however, is "nothing" on the ground. Mr. Tarleton stated he supports the city's efforts at developing the medical marihuana ordinances. Attorney Brown stated that potential applicants should proceed with caution in their efforts to secure property for a Medical Marihuana Facility as the ordinance and maps provided are still in draft form. No additional citizens spoke regarding the proposed ordinance amendments.

Ms. Georgeau discussed some recent comments received and changes which will likely occur to the draft ordinances and maps prior to the next Planning Commission meeting on January 18th including: 1) Inclusion of a 250 foot buffer area along jurisdictional boundaries (based on a recent meeting with adjacent community leaders); 2) Specific reference to "child care centers" in the ordinance; 3) Clarifying language that would limit the number of facilities to one per zoning lot; and 4) Clarifying language regarding the 1,000 and 1,500 foot separation requirements being from a similar medical marihuana facility. After additional conversation, a motion was made by Commissioner Bosch, seconded by Commissioner Schimmel, to adjourn the public hearing for Ordinance Amendment #17/18-A, Medical Marihuana Facilities, to the January 18, 2018 meeting. The motion was unanimously approved 8-0.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS/COMMISSIONERS:

Mr. Forth referenced an earlier email to the Planning Commission inquiring about Commissioner availability for a special meeting on February 22, 2018 to review the 2018 Recreation and Open Space Plan Update. Commissioners Patterson and Corradini indicated that they would not be available for a special meeting on February 22, 2018. Commissioner Bosch indicated that he would not be present at the February 15, 2018 regular meeting.

ADJOURNMENT:

There being no further business to come before the Commission, the regularly scheduled meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Christopher Forth, AICP
Deputy Director of Planning, Development and Neighborhood Services

JANUARY 18TH, 2018

CITY OF PORTAGE
PLANNING COMMISSION
7900 SOUTH WESTNEDGE AVENUE
PORTAGE, MICHIGAN 49002

RECEIVED
JAN 18 2018
COMMUNITY DEVELOPMENT

To the Honorable Planning Commission of the City of Portage,

I write in regard to the Public Hearing taking place this evening for the draft ordinances permitting, regulating and zoning medical marihuana facilities within the City. In particular, I write in regard to the "Ordinance to Amend the Code of Ordinances of the City of Portage, Michigan by adding Article 11 Medical Marihuana Facilities, of Chapter 14, Businesses" and I will refer specifically to section 14-253 entitled Provisional Permit, subsection (b) numbers (1)-(4) within this draft ordinance proposal.

Oasis Wellness Centers and its affiliated entities do not support the stipulation in the current aforementioned draft ordinance portion mandating a lottery system for the selection of an applicant to receive licensure issuance when two or more applicants apply at the same time and do not meet the minimum spacing requirement between facilities. The application process for a permit requires an extensive list of criterion that must be met by each entity or applicant in order to receive approval. The current draft ordinance requirements emphasize the importance of the quality of an applicant based on the merit of their application as well as their ability to demonstrate that they have the wherewithal to run and manage a successful business. Therefore, the applicant selection process (when necessary) should reflect this emphasis as well. Instead of leaving it up to chance to select an applicant for licensure Oasis Wellness Centers encourage the implementation of a well thought-out merit based selection system (when necessary) so as to ensure that only the most wholesome and qualified applicants are granted licensure within the municipality.

Beyond turning in an application complete in its entirety showcasing all of the necessary components, a highly qualified applicant is also able and willing to contribute communally. A well qualified applicant will invest within the community charitably. The applicant who is able to offer more to the community should be the applicant that is granted licensure. A lottery based system is unable to determine the most qualified applicant and will not provide ensurance that the most qualified applicants receive licensure nor will it substantiate that the applicant selected is the one best able to contribute to the community. Therefore, we encourage the implementation of a merit based applicant selection system in the event that two or more applicants apply at the same time and do not meet the minimum spacing requirements between facilities.

Sincerely,

/s/

Kristin A. Tencza
Oasis Wellness Centers

TO: Planning Commission**DATE:** January 16, 2018**FROM:** Vicki Georgeau,  Director of Community Development**SUBJECT:** Ordinance Amendment #17/18-A, Medical Marihuana Facilities

I. BACKGROUND INFORMATION

In November 2008, Michigan voters approved a statewide ballot initiative to create the Michigan Medical Marihuana Act (MMMA). The Act did not authorize the broad legalization of the cultivation, distribution or use of marihuana. Rather, the MMMA allows qualifying patients with a serious debilitating medical condition to obtain, possess, cultivate/grow and use marihuana for medicinal purposes. The MMMA also allows a primary caregiver to assist a qualifying patient with the medical use of marihuana, in accordance with state law.

In response to the MMMA, the City of Portage adopted a Medical Marihuana Home Occupation ordinance amendment in July 2011 that permits State of Michigan registered primary caregivers to possess, cultivate/grow and distribute medical marihuana in the city on behalf of a registered qualifying patient(s) consistent with the MMMA.

The MMMA did not reference dispensaries or the commercial sale of medical marihuana to qualifying patients or caregivers, and there was subsequent debate about the legality of the commercial sale of medical marihuana. However, in September 2016, three bills were enacted into law addressing the commercialization of medical marihuana and “medibles” (edible marijuana-infused products).

- **Public Act 281:** Medical Marihuana Facilities Licensing Act
- **Public Act 282:** Marihuana Tracking Act
- **Public Act 283:** Amended MMMA to recognize and provide for “marihuana-infused products”; defines “usable marihuana equivalencies”; prohibits butane resin extraction refining process in residential areas.

Taken together, the statutes outline a “seed-to-sale” regulatory scheme for the commercialization of medical marihuana and permits consumption of marihuana other than by smoke inhalation. These three acts took effect December 20, 2016. Emergency Rules for the implementation of these acts were adopted by the Department of Licensing and Regulatory Affairs (LARA) on December 4, 2017, and on December 15, 2017, LARA began accepting applications for state-issued operating licenses for the various types of marihuana facilities.

Public Act 281, the Medical Marihuana Facilities Licensing Act (MMFLA) creates five types of Medical Marihuana Facilities:

- **Grower:** Class A – 500 plants; Class B – 1000 plants; Class C – 1500 plants.
- **Processor:** Extracts resin from plant /creates marihuana-infused products.
- **Secure Transporter:** Transports marihuana & cash between facilities and may also store marihuana.
- **Safety Compliance Facility:** Tests samples of marihuana for contaminants and its active ingredients.
- **Provisioning Center:** Sells marihuana / marihuana-infused products only to registered patients and caregivers.

The MMFLA specifies that a municipality must adopt an ordinance authorizing one or more types of marihuana facilities in order for a facility to obtain a state operating license. A local authorizing ordinance may:

- limit the number and location of each type of facility;
- create a local licensing process complementary to that of the State;
- set forth the responsibilities and obligations of medical marihuana facility operators;
- establish an annual nonrefundable fee of up to \$5000 to help defray administrative and enforcement costs;
- not regulate purity or pricing;
- not interfere or conflict with state regulations.

II. PUBLIC HEARING/COMMENTS:

On November 30, 2017, staff presented options for a local authorizing ordinance to City Council at a Committee of the Whole meeting. Subsequent to the release of Emergency Rules by LARA on December 4, 2017, revisions to the draft ordinance were made and on December 12, 2017, in accordance with the LARA Emergency Rules, the Council adopted a resolution of intent to adopt an authorizing ordinance and also passed an Emergency Ordinance permitting the temporary operation of existing Medical Marihuana Facilities, subject to conditions, until June 15, 2018. On December 19, 2017, a second Council Committee of the Whole meeting was held to review the major components of the draft ordinance, and on December 21, 2017 the Planning Commission held a workshop to also review the draft ordinance.

On January 4, 2018, a Planning Commission public hearing was held, during which staff provided an overview of the draft amendments included in the agenda packet, as well additional revisions that were being contemplated. Six citizens spoke regarding the proposed medical marihuana ordinance amendments: 1) Ashley Bergeon (Coordinator for the Kalamazoo County Substance Abuse Task Force, 611 Whitcomb, Kalamazoo, Michigan), Bo Arbanas (6159 South 26th Street, Scotts, Michigan), Devin Loker (1595 West Centre Avenue), Ken Jonatzke (8318 Portage Road), Richard Santek (7537 Autumn Lane) and Tom Tarleton (307 Barberry Avenue). Ms. Bergeon expressed concerns about the ordinance and the 1,000 foot setback distance from schools and other similar facilities. Ms. Bergeon provided an article which discusses the increase in illegal student drug use when medical marihuana facilities are located near schools (see attached). Mr. Arbanas, Mr. Loker, Mr. Tarleton and Mr. Jonatzke spoke in support of medical marihuana facilities and expressed concern about the proposed spacing and separation requirements. Mr. Santek expressed concerns about the impact medical marihuana facilities will have on his and others property values and advised the city to be “very careful” moving forward with the ordinances.

III. PROPOSED AMENDMENT

The City Administration and City Attorney have worked extensively over the past year developing options to permit Medical Marihuana Facilities within the city, while providing adequate measures to minimize potential adverse impacts on adjacent properties and the community as a whole. The following summarizes the amendments for the Code of Ordinance, including revisions made to subsequent to the January 4, 2018 Planning Commission public hearing:

- An amendment to Chapter 14, Article 12, Businesses, of the Code of Ordinances is proposed, which will require an annual business permit for medical marihuana facilities.
- An amendment to Chapter 42, Article 4, Zoning, is proposed, which provides land use provisions for medical marihuana facilities and updates existing ordinance provisions regarding Medical Marihuana Home Occupations.
- The proposed amendments to Chapters 14 and 42 provide complimentary provisions:
 - ✓ Business permits will be reviewed and issued by City Administration (City Clerk, Public Safety, Community Development and City Manager);
 - ✓ Applicants will be required to be pre-qualified by LARA at the time of application;
 - ✓ Medical Marihuana Facilities will be allowed as a principal permitted use in either the B-3, general business or the I-1 or I-2, industrial zoning districts.
 - ✓ If all requirements of the Businesses and Zoning ordinances are met, a provisional permit will be issued by the city. Applicants will then have six months to obtain site plan approval by the city (if required by the Zoning Code) and must receive facility license from LARA prior to opening/operating a medical marihuana facility.

The amendments to Chapter 14, Article 12, Businesses, are reviewed and approved by City Council, but are provided to the Planning Commission as information regarding the requirements for the annual business permit, which are complimentary to the Zoning Code amendments. With regard to the revisions to the Zoning Code, the following is proposed:

Section 42-262. B-3 general business district: Provisioning centers are listed as a principal permitted use within the B-3 zoning district and shall not be located:

- adjacent to a residential zoning district;
- within 1,000 feet from a school, child care center, library, park or playground, youth center or recreational facility, religious institution, public housing authority property, or substance abuse treatment facility;
- 1,000 feet from another provisioning center;
- 250 feet from the municipal boundary of the City of Portage, with the exception of the boundary east, south and west of the airport;
- The above measurements are taken from the property line of the zoning lot occupied by the provisioning center using an uninterrupted straight line without regard to intervening structures or objects;
- Buildings shall comply with all State of Michigan Construction Codes and provisioning centers shall not be located in greenhouses or similar buildings;
- No drive-through facilities are permitted;
- No marihuana or marihuana-infused products may be consumed on the premises;

- All activities shall be conducted indoors;
- Only one provisioning center shall be permitted per zoning lot and must be located in a single-tenant building, or partitioned from any other business, having a separate entrance and HVAC system;
- The business must comply with state law and regulations and the city Code of Ordinances.

Section 42-280, I-1 light industrial and 42-281, I-2 heavy industrial districts:

- Growers and processors are listed as a principal permitted use within the I-1 and I-2 zoning districts and shall not be located:
 - ✓ adjacent to a residential zoning district;
 - ✓ within 1,000 feet from a school, child care center, library, park or playground, youth center or recreational facility, religious institution, public housing authority property, or substance abuse treatment facility;
 - ✓ 1,000 feet from another grower and/or processor facility;
 - ✓ 250 feet from the municipal boundary of the City of Portage, with exception of the boundary east, south and west of the airport;
 - ✓ The above measurements are taken from the property line of the zoning lot occupied by the growers and processors using an uninterrupted straight line without regard to intervening structures or objects;
 - ✓ Buildings shall comply with all State of Michigan Construction Codes and growers and processors shall not be located in greenhouses or similar buildings;
 - ✓ No drive-through facilities are permitted;
 - ✓ No marihuana or marihuana-infused products may be consumed on the premises;
 - ✓ All activities shall be conducted indoors;
 - ✓ Only one grower or processor shall be located on a zoning lot and the grower or processor shall be located in a single-tenant building, or partitioned from any other business, having a separate entrance and HVAC system;
 - ✓ The business must comply with state law and regulations and the city Code of Ordinances.
- Safety compliance and secure transporter facilities are also listed as a principal permitted use within the I-1 and I-2 zoning districts and shall meet all of the same requirements for growers and processors, with the exception of the 1,000 foot separation requirement from other medical marihuana facilities. These two types of facilities are considered less intense land uses and are therefore not required to meet the separation standards from other medical marihuana facilities.

The initial draft amendment to Chapter 14, Businesses included a waiver of the separation requirements between medical marihuana facilities in the first year. However, after additional review of the implementation of the ordinance and review of applications, the waiver of separation requirements in the first year has been removed.

With regard to applicability of the separation requirements between facilities, applicants that meet the requirements of Chapter 14, Businesses and Chapter 42, Zoning, including the separation requirement between another like business, will be issued a provisional permit, which allows the applicant to apply to LARA for a State license. Applicants that meet all requirements of the

ordinance, except for the separation requirements from another like business, will be entered into a lottery that will determine which applicants are issued a provisional permits. Applicants that are not approved are eligible to re-apply in the next available application window.

With regard to exclusion areas from a school, child care center, library, park or playground, youth center or recreational facility, religious institution, public housing authority property, or substance abuse treatment facility for provisioning centers, attached are two maps that show the number of available locations. For provisioning centers, there are approximately 66 B-3 properties located outside of the exclusion areas. When accounting for the 1,000-foot exclusion areas and the 1,000-foot separation distance between provisioning centers, it is estimate there are up to 11 general locations in the community where provisioning centers may be permitted.

For growers, processors, secure transporters and safety compliance facilities, attached are two maps that show the number of available locations. For all four types of facilities, there are approximately 97 I-1 or I-2 properties that are located outside of the 1,000-foot exclusion areas. When accounting for both the 1,000-foot exclusion areas and the 1,000 foot separation distances for growers and processors, there are approximately 15 general locations for these types of medical marihuana facilities. As noted above, safety compliance and secure transporter facilities are not required to have a separation distance from other medical marihuana facilities.

Section 42-129, C, Medical Marihuana Home Occupations: Revisions to the home occupation provisions for a Medical Marihuana Home Occupation operated by a caregiver are as follows:

- The restriction to operate the home occupation within only the dwelling unit has been eliminated. The home occupation must still be operated within an enclosed, locked facility.
- A reference to marihuana infused products has been added per amendments to the MMMA.
- The home occupation cannot separate marihuana resin from marihuana plants by butane extraction on the premises of the medical marihuana home occupation.
- The home occupation cannot store any chemicals such as herbicides, pesticides, and fertilizers inconsistent with the provisions of the Portage Code of Ordinances, including but not limited to the International Fire Code as adopted by the code.
- The home occupation cannot produce or generate, in any way, noise, odor, dust, fumes or smoke, glare or comparable nuisances which would cause negative effects on surrounding property.
- Language has been added that clarifies a Medical Marihuana Facility is not permitted as a home occupation.

IV. RECOMMENDATION

Based on the above analysis and subject to any additional discussion/comments received during the January 18, 2018 public hearing, the Planning Commission is advised to recommend to City Council that Ordinance Amendment #17/18-A, Medical Marihuana Facilities, be approved.

Attachments: Zoning Ordinance Amendment #17/18-A, Medical Marihuana Facilities
Chapter 14, Article 12, Medical Marihuana Facilities
Maps of potential Medical Marihuana facility sites
Article entitled "Under Siege -- Marijuana and Colorado Schools"

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**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING SECTION 42-262, 42-280, and 42-
281 OF ARTICLE 4, DIVISION 4, AND SECTION 42-129 ARTICLE 4, DIVISION 3, OF
CHAPTER 42, LAND DEVELOPMENT REGULATIONS**

THE CITY OF PORTAGE ORDAINS:

That Chapter 42 shall be amended to add Section 42-262(B)(16) to Article 4, Division 4, Zoning Districts and District Regulations, as follows:

CHAPTER 42. LAND DEVELOPMENT REGULATIONS.

ARTICLE 4. ZONING.

Subdivision 6. Business Districts.

Section 42-262. B-3 general business district.

A. No change.

B. Principal permitted uses.

1 through 15 no change.

16. Medical marihuana provisioning center as defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*

a. The provisioning center shall not be located:

- i. Adjacent to or abutting a residential zoning district; and
- ii. Within 1000 feet from the real property comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university, a library, child care center, a substance abuse treatment facility, a park or a playground, public or private youth center, public swimming pool, video arcade facility, recreational facility, religious institution or housing facility owned by a public housing authority; and
- iii. Within 1000 feet of any other medical marihuana provisioning center located within the city of Portage.
- iv. Within 250 feet of the municipal boundary of the city of Portage except for the boundary in common with the east, south, and west boundaries of the Kalamazoo Battle Creek International Airport.

b. Measurements for purposes of subsection (B)(16)(a)(ii) and (iii) above shall be made from the property boundary of the zoning lot to be occupied by the medical marihuana provisioning center to the nearest point of the zoning lot occupied by any of the uses listed in (B)(16)(a)(ii), or to the nearest point of the zoning lot occupied by another provisioning center

using an uninterrupted straight line without regard to intervening structures or objects. Measurements for the purposes of subsection (B)(16)(a)(iv) above shall be made from the municipal boundary of the city of Portage to the nearest point on the zoning lot to be occupied by a provisioning center using an uninterrupted straight line without regard to intervening structures or objects. "Zoning lot" is defined in Section 42-112 of this code of ordinances.

- c. A map showing the uses and facilities permitted in subsection (B)(16)(a) above, as well as the protected areas identified in subsections (B)(16)(a)(i), (ii), (iii) and (iv), is available for review in the department of community development at the Portage City Hall and on the city's website under the department of community development.
- d. Buildings or structures for the distribution, and sale of medical marihuana and medical marihuana infused products shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical marihuana facilities shall not be located within greenhouses and similar buildings.
- e. No drive-through facilities are permitted for provisioning center facilities.
- f. No marihuana or marihuana-infused products may be used or consumed on the premises of a provisioning center.
- g. The activities and operations of the provisioning center shall be indoors within a building and out of public view.
- h. No more than one medical marihuana facility shall be allowed on a single zoning lot, and no more than one medical marihuana facility shall be allowed in a multi-tenant building. If a medical marihuana facility is located in a multi-tenant building with any other activity or business, the provisioning center shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana facility.
- i. The business and operations of all marihuana facilities shall comply at all times with applicable state law and regulations, and this code of ordinances.
- j. This amendment to Chapter 42 to add section 42-262(B)(16) to Article 4, Division 4, Zoning Districts and District Regulations shall only take effect contemporaneous with the amendment to Chapter 14 to add Article 12, "Medical Marihuana Facilities," and shall not take effect if Chapter 14 is not amended to add Article 12, "Medical Marihuana Facilities."

C. No change.

D. No change.

That Chapter 42 shall be amended to add Section 42-280(B)(21), and Section 42-280(B)(22) to Article 4, Division 4, Zoning Districts and District Regulations, as follows:

CHAPTER 42. LAND DEVELOPMENT REGULATIONS.

ARTICLE 4. ZONING.

Subdivision 7. Industrial Districts.

Section 42-280. I-1 light industrial district.

A. No change.

B. Principal permitted uses.

1 through 20 No change.

21. Medical marihuana class A, B, and C grower facilities, and medical marihuana processor facilities as those facilities are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*

a. The grower or processing facility shall not be located:

- i. Adjacent to or abutting a residential zoning district; and
- ii. Within 1000 feet from the real property comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university, a library, a child care center, a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution or housing facility owned by a public housing authority; and
- iii. Within 1000 feet of any other medical marihuana grower or processor facility located within the city of Portage..
- iv. Within 250 feet of the municipal boundary of the city of Portage except for the boundary in common with the east, south, and west boundaries of the Kalamazoo Battle Creek International Airport.

b. Measurements for purposes of subsection (B)(21)(a)(ii) and (iii) above shall be made from the property boundary of the zoning lot to be occupied by the medical marihuana grower or processor facility to the nearest point of the zoning lot occupied by any of the uses listed in (B)(21)(a)(ii), or to the nearest point on the zoning lot occupied by another grower or processor facility, using an uninterrupted straight line without regard to intervening structures or objects. Measurements for the purposes of subsection (B)(21)(a)(iv) above shall be made from the municipal boundary of the city of Portage to the nearest point on the the zoning lot to be occupied by a grower or processor facility using an uninterrupted straight line without

regard to intervening structures or objects. "Zoning lot" is defined section 42-112 of this code of ordinances.

- c. A map showing the uses and facilities permitted in subsection (B)(21)(a) above, as well as the protected areas identified in subsections (B)(21)(a)(i), (ii), (iii), and (iv), is available for review in the department of community development at the Portage City Hall and on the city's website under the department of community development.
- d. Buildings or structures for the growing, production or processing of medical marihuana shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical marihuana facilities shall not be located within greenhouses and similar buildings.
- e. No drive-through facilities are permitted for medical marihuana facilities.
- f. No marihuana or marihuana-infused products may be used or consumed on the premises of a medical marihuana facility.
- g. Medical marihuana grow and processor facilities shall conduct the activities of the marihuana facility, including, without limitation, the cultivating, growing, processing, manufacturing, or storage of marihuana and marihuana-infused products, and all materials used in connection with the cultivating, growing and processing of marihuana, indoors and out of public view.
- h. No more than one medical marihuana facility shall be allowed on a single zoning lot, and no more than one medical marihuana facility shall be allowed in a multi-tenant building. If a medical marihuana facility is located in a multi-tenant building with any other activity or business, the medical marihuana facility shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana facility.
- i. The business and operations of all marihuana facilities shall comply at all times with applicable state law and regulations, and this code of ordinances.
- j. This amendment to add section 42-280(B)(21) to Chapter 42, Article 4, Division 4, Zoning Districts and District Regulations shall only take effect contemporaneous with the amendment to Chapter 14 to add Article 12, "Medical Marihuana Facilities," and shall not take effect if Chapter 14 is not amended to add Article 12, "Medical Marihuana Facilities."

22. Medical marihuana secure transporter and medical marihuana safety compliance facilities as those facilities are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*

- a. The facility site shall not be located:
 - i. Adjacent to or abutting a residential zoning district; and

- ii. Within 1000 feet from the real property comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university, a library, a child care center, a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution or housing facility owned by a public housing authority; and
 - iii. Within 250 feet of the municipal boundary of the city of Portage except for the boundary in common with the east, south, and west boundaries of the Kalamazoo Battle Creek International Airport.
- b. Measurements for purposes of subsection (B)(22)(a) (ii) above shall be made from the property boundary of the zoning lot to be occupied by the medical marihuana secure transporter or safety compliance facility to the nearest point of the property occupied by any of the uses listed in (B)(22)(a)(ii) using an uninterrupted straight line without regard to intervening structures or objects. Measurements for the purposes of subsection (B)(22)(a)(iii) above shall be made from the municipal boundary of the city of Portage to the nearest point on the property boundary of the zoning lot to be occupied by the medical marihuana secure transporter or safety compliance facility using an uninterrupted straight line without regard to intervening structures or objects. "Zoning lot" is defined section 42-112 of this code of ordinances.
- c. A map showing the uses and facilities permitted in subsection (B)(22)(a) above, as well as the protected areas identified in subsections (B)(22)(a)(i), (ii), and (iii) , is available for review in the department of community development at the Portage City Hall and on the city's website under the department of community development.
- d. Buildings or structures in connection with the transport and storage of medical marihuana and medical marihuana infused products or for safety compliance facilities shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical marihuana facilities shall not be located within greenhouses and similar buildings.
- e. No drive-through facilities are permitted for medical marihuana facilities.
- f. No marihuana or marihuana-infused products may be used or consumed on the premises of a medical marihuana facility.

- g. No more than one medical marihuana facility shall be allowed on a single zoning lot, and no more than one medical marihuana shall be allowed in a multi-tenant building. If a medical marihuana facility is located in a multi-tenant building with any other activity or business, the medical marihuana facility shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana facility.
- h. The business and operations of all medical marihuana facilities shall comply at all times with applicable state law and regulations, and this code of ordinances.
- i. This amendment to add section 42-280(B)(22) to Chapter 42, Article 4, Division 4, Zoning Districts and District Regulations shall only take effect contemporaneous with the amendment to Chapter 14 to add Article 12, "Medical Marihuana Facilities," and shall not take effect if Chapter 14 is not amended to add Article 12, "Medical Marihuana Facilities."

C. No change.

D. No change.

That Chapter 42 shall be amended to add Section 42-281(B)(7), and Section 42-281(B)(8) to Article 4, Division 4, Zoning Districts and District Regulations, as follows:

CHAPTER 42. LAND DEVELOPMENT REGULATIONS.

ARTICLE 4. ZONING.

Subdivision 7. Industrial Districts.

Section 42-281. I-2 heavy industrial district.

A. No change.

B. Principal permitted uses.

1 through 6 No change.

7. Medical marihuana class A, B, and C growers, and medical marihuana processors as those facilities are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*

a. The facility shall not be located:

- i. Adjacent to or abutting a residential zoning district; and

- ii. Within 1000 feet from the real property comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university, a library, a child care center a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution or housing facility owned by a public housing authority; and
 - iii. Within 1000 feet of any other medical marihuana grower or processor facility located within the city of Portage.
 - iv. Within 250 feet of the municipal boundary of the city of Portage except for the boundary in common with the east, south, and west boundaries of the Kalamazoo Battle Creek International Airport.
- b. Measurements for purposes of subsection (B)(7)(a) (ii) and (iii) above shall be made from the property boundary of the zoning lot to be occupied by the medical marihuana grow or processor facility to the nearest point of the zoning lot occupied by any of the uses listed in (B)(7)(a)(ii), or to the nearest point of the zoning lot occupied by a another grower or processor facility, using an uninterrupted straight line without regard to intervening structures or objects. Measurements for the purposes of subsection (B)(7)(a)(iv) above shall be made from the municipal boundary of the city of Portage to the nearest point on the property boundary of the zoning lot to be occupied by a grower or processor facility using an uninterrupted straight line without regard to intervening structures or objects. "Zoning lot" is defined section 42-112 of this code of ordinances.
 - c. A map showing the uses and facilities listed in subsection (B)(7)(a) above, as well as the protected areas identified by subsections (B)(7)(a)(i), (ii), (iii), and (iv) above, is available for review in the department of community development at the Portage City Hall and on the city's website under the department of community development.
 - d. Buildings or structures for the growing, production or processing of medical marihuana shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical marihuana facilities shall not be located within greenhouses and similar buildings.
 - e. No drive-through facilities are permitted for medical marihuana facilities.
 - f. No marihuana or marihuana-infused products may be used or consumed on the premises of a medical marihuana facility.
 - g. Medical marihuana grow and processing facilities shall conduct the activities of the facility, including, without limitation, the cultivating, growing, processing, manufacturing, or storage of marihuana and marihuana-infused products, and all materials used in connection with the cultivating, growing and processing of marihuana, indoors and out of public view.
 - h. No more than one medical marihuana facility shall be allowed on a single zoning lot, and no more than one medical marihuana facility shall be

allowed in a multi-tenant building. If a medical marihuana facility is located in a multi-tenant building with any other activity or business, the medical marihuana facility shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana facility.

- i. The business and operations of all medical marihuana facilities shall comply at all times with applicable state law and regulations, and this code of ordinances.
 - j. This amendment to add section 42-281(B)(7) to Chapter 42, Article 4, Division 4, Zoning Districts and District Regulations shall only take effect contemporaneous with the amendment to Chapter 14 to add Article 12, "Medical Marihuana Facilities," and shall not take effect if Chapter 14 is not amended to add Article 12, "Medical Marihuana Facilities."
8. Medical Marihuana secure transporter and safety compliance facilities as those facilities are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*
- a. The facility site shall not be located:
 - i. Adjacent to or abutting a residential zoning district; and
 - ii. Within 1000 feet from the real property comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university, a library, a child care center a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution or housing facility owned by a public housing authority; and
 - iii. Within 250 feet of the municipal boundary of the city of Portage except for the boundary in common with the east, south, and west boundaries of the Kalamazoo Battle Creek International Airport.
 - b. Measurements for purposes of subsection (B)(8)(a) (ii) above shall be made from the property boundary of the zoning lot to be occupied by the medical marihuana secure transporter or safety compliance facility to the nearest point of the property occupied by any of the uses listed in (B)(8)(a)(ii) using an uninterrupted straight line without regard to intervening structures or objects. Measurements for the purposes of subsection (B)(8)(a)(iii) above shall be made from the municipal boundary of the city of Portage to the nearest point on the property boundary of the zoning lot to be occupied by the medical marihuana secure transporter or safety compliance facility using an uninterrupted straight line without regard to intervening structures or objects. "Zoning lot" is defined section 42-112 of this code of ordinances.

- c. A map showing the uses and facilities listed in subsection (B)(8)(a) above, as well as the protected areas identified in subsections (B)(8)(a)(i), (ii), and (iii) , is available for review in the department of community development at the Portage City Hall and on the city's website under the department of community development.
- d. Buildings or structures in connection with the transport and storage of medical marihuana and medical marihuana infused products or for safety compliance facilities shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical marihuana facilities shall not be located within greenhouses and similar buildings.
- e. No drive-through facilities are permitted for medical marihuana facilities.
- f. No marihuana or marihuana-infused products may be used or consumed on the premises of a medical marihuana facility.
- g. No more than one medical marihuana facility shall be allowed on a single zoning lot, and no more than one medical marihuana facility shall be allowed in a multi-tenant building. If a medical marihuana facility is located in a multi-tenant building with any other activity or business, the medical marihuana facility shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana facility.
- h. The business and operations of all medical marihuana facilities shall comply at all times with applicable state law and regulations, and this code of ordinances.
- i. This amendment to add section 42-281(B)(8) to Chapter 42, Article 4, Division 4, Zoning Districts and District Regulations shall only take effect contemporaneous with the amendment to Chapter 14 to add Article 12, "Medical Marihuana Facilities," and shall not take effect if Chapter 14 is not amended to add Article 12, "Medical Marihuana Facilities."

C. No change.

D. No change.

That Chapter 42 shall be amended as follows to amend Section 42-129(C), Article 4, Division 3, General Provisions, as follows:

CHAPTER 42. LAND DEVELOPMENT REGULATIONS.

ARTICLE 4. ZONING.

Division 3. General Provisions.

Section 42-129. Home occupations.

A. No change.

B. No change.

C. *Medical marihuana home occupation.* A primary caregiver acting in compliance with the General Rules of the Michigan Department of Licensing and Regulatory Affairs ("general rules"), the Michigan Medical Marihuana Act, MCL 333.26421 et seq., (the "Act") and the requirements of this section, may be allowed as a home occupation. The conditions and requirements contained in section 42-129(A) and (B) (passive and active home occupations) shall not be applicable to medical marihuana home occupations under this section and no permit under the Portage Zoning Code is required for a medical marihuana home occupation. The following requirements for a primary caregiver as a home occupation shall apply:

C. *Medical marihuana home occupation.* A primary caregiver acting in compliance with the General Rules of the Michigan Department of Licensing and Regulatory Affairs ("general rules"), the Michigan Medical Marihuana Act, MCL 333.26421 et seq., (the "Act") and the requirements of this section, may be allowed as a home occupation. The conditions and requirements contained in section 42-129(A) and (B) (passive and active home occupations) shall not be applicable to medical marihuana home occupations under this section and no permit under the Portage Zoning Code is required for a medical marihuana home occupation. The following requirements for a primary caregiver as a home occupation shall apply:

1. A primary caregiver shall comply at all times and in all circumstances with the Act and the general rules of the department as they may be amended from time to time.
2. The home occupation may be conducted in a dwelling unit (as defined by the Zoning Code where no more than one primary caregiver:
 - a. Cultivates up to the maximum number of marihuana plants permitted by the Act (12 for each qualifying patient);
 - b. Possesses up to the maximum amount of marihuana or marihuana-infused products permitted by the Act;
 - c. Assists no more than the maximum number of qualifying patients permitted by the Act (maximum of five) who have been issued and possess a registry identification card and who are connected with the primary caregiver through the department's registration process for the medical use of marihuana. Assistance to a qualifying patient by someone other than his or her designated primary caregiver is prohibited;

- d. Does not separate marihuana resin from marihuana plants by butane extraction on the premises of the medical marihuana home occupation; and
 - e. Does not store any chemicals such as herbicides, pesticides, and fertilizers inconsistent with the provisions of the Portage Code of Ordinances including but not limited to the International Fire Code as adopted by the code.
 - f. Does not produce or generate, in any way, noise, odor, dust, fumes, smoke, glare or comparable nuisances which would cause negative effects on surrounding property.
3. The following shall apply to a primary caregiver conducting a home occupation under this section:
- a. Considering the federal "Drug Free School Zone" requirements, the medical marihuana home occupation shall not be located:
 - i. Within 500 feet from the real property comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university, a childcare center, a playground, a housing facility owned by a public housing authority; or
 - ii. Within 100 feet of a public or private youth center, public swimming pool, or video arcade facility.
 - b. Measurements for purposes of subsection (C)(3)(a)(i) and (ii) above shall be made from the property boundary of the zoning lot occupied by the home occupation to the nearest point of the property occupied by any of the uses listed above, using an uninterrupted straight line without regard to intervening structures or objects. "Zoning lot" is defined by article 42, section 42-112, definitions, of the Portage Code of Ordinances, as amended. A map showing the uses and facilities listed in subsection (C)(3)(a) above, as well as the protected areas, is available for review in the department of community development at the Portage City Hall and on the city's website under the department of community development.
 - c. The distance provisions of this subsection do not apply to a primary caregiver whose qualifying patient(s) (up to the maximum permitted under the Act) are permanent residents of the primary caregiver's household and whose residence is shared with the primary caregiver.
4. If the primary caregiver is not an owner of the premises, nothing contained in this section shall limit an owner of the premises from prohibiting the home occupation on the premises occupied by the primary caregiver nor limit an owner's right to pursue any private right of action allowed by law.
5. All medical marihuana plants and medical marihuana-infused products shall be contained in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the primary caregiver or qualifying patient.
6. The home occupation shall be conducted consistent with the Portage Code of Ordinances including but not limited to securing all building, electrical, plumbing and mechanical permits for any portion of the residential structure in which electrical wiring, lighting, and/or watering devices are located, installed or modified that support the cultivation, growing or harvesting of marihuana, compliance with article 4, chapter 24,

noise, article 5, chapter 24, safety, sanitation and health, as well as article 14, chapter 42, Housing/Property Maintenance Code. If a room with windows is utilized as a marihuana growing location, any lighting methods that exceed usual residential use between the hours of 11:00 p.m. and 6:00 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that causes or creates a distraction or nuisance to adjacent residential properties.

7. Qualifying patients may visit the site for the purposes permitted under the Act only during the hours of 8:00 a.m. to 8:00 p.m. No more than five qualifying patients may visit the site at any one time.
8. Off street parking provided for the home occupation shall be provided on an improved driveway that fulfills the requirements of article 5, section 24-111, definitions, of the Portage Code of Ordinances, as amended. There shall be no other vehicular parking other than the off street parking facilities normally required for the residential use.
9. There shall be no sign of any nature identifying the home occupation and the use of window displays is not permitted.
10. The location and operation of a marihuana facility pursuant to the provisions of the Michigan Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, MCL 333.27101 et seq., as a home occupation is prohibited.
11. Nothing in this section, or in any companion regulatory provision adopted in any other provision of this Code is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the Act and the general rules and this section. To this end, the sale, distribution, cultivation, manufacture, possession, delivery or transfer of marihuana to treat a qualifying patient shall only be conducted as a home occupation, and shall not be permitted in any other zoning classification of this Zoning Code. Also, since federal law is not affected by the Act or the general rules, nothing in this section, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. Neither this section nor the Michigan Medical Marihuana Act protects users, caregivers or the owners of properties on which the medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.
12. Definitions. As used in this section:
 - a. *Marihuana*. This term shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106, as is referred to in Section 3(d) of the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423(d).
 - b. *Marihuana-infused product*. A topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation
 - c. *Primary caregiver*. A person who is at least 21 years old who has agreed to assist with a patient's medical use of marihuana, who has never been convicted of a felony involving illegal drugs and who has been issued and possesses a registry identification card.

- d. *Qualifying patient.* A person who has been diagnosed by a physician as having a debilitating medical condition.
- e. *Registry identification card.* A document issued by the department that identifies a person as a registered qualifying patient or a registered primary caregiver or a document or its equivalent that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows the medical use of marihuana by a visiting qualifying patient, or to allow a person to assist with a visiting qualifying patient's medical use of marihuana.

Dated: _____

Patricia M. Randall, Mayor

FIRST READING:
SECOND READING:
ORDINANCE #:
EFFECTIVE DATE:

CERTIFICATION

I, Adam Herringa, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the _____ day of _____, 2017.

Adam Herringa, City Clerk

PREPARED BY:
Charles R. Bear (P34106)
Portage City Attorney
1662 East Centre Avenue
Portage, MI 49002
(269) 323-8812

Approved as to Form:
Date: _____

City Attorney

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**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN BY ADDING ARTICLE 11, MEDICAL MARIHUANA
FACILITIES, OF CHAPTER 14, BUSINESSES**

THE CITY OF PORTAGE ORDAINS:

That Chapter 14 shall be amended to add Article 12, Medical Marihuana Facilities, as follows:

CHAPTER 14. BUSINESSES.

ARTICLE 12. MEDICAL MARIHUANA FACILITIES.

Sec. 14-245. Purpose.

(a) The purpose of this article is, pursuant to the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, to: authorize the establishment of certain types of medical marihuana facilities in the City of Portage; provide for standards and procedures for the review, issuance, renewal, or revocation of permits for such facilities; and establish fees for such permits.

(b) Nothing in this article, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for the growing, sale, consumption, use, distribution or possession of marihuana in any form or manner that is not in compliance with the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.*, the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, the Marihuana Tracking Act, MCL 333.27901 *et seq.*, and all other applicable rules promulgated by the state of Michigan.

(c) Because federal law is not affected by state law or rules, nothing in this article, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall any provision of this article or this code, be construed as granting immunity from criminal prosecution under federal law. The Act does not protect patients, users, care givers or the owners of properties on which the medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.

Sec. 14-246. Definitions.

As used in this article, the following terms shall have the meanings indicated:

(a) "Act" means the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, as amended.

(b) "Board" means the medical marihuana licensing board created in section 301 of the Act.

(c) "Building" means a combination of materials forming a structure affording a facility or shelter for use or occupancy by individuals or property. Building includes a part or parts of the building and all equipment of the building. A building shall not be construed to mean a building

incidental to the use for agricultural purposes of the land on which the building is located, or a greenhouse.

(d) "Grower" means a licensee and permittee that is a commercial entity located in this city that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

(e) "LARA" means the Michigan Department of Licensing and Regulatory Affairs.

(f) "Licensee" means a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*

(g) "Marihuana" means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

(h) "Marihuana facility" means a location at which a licensee and permittee is licensed and permitted to operate as a grower, processor, provisioning center, safety compliance facility, or secure transporter under the Act and this article.

(i) "Marihuana plant" means any plant of the species *Cannabis sativa* L.

(j) "Marihuana product" means marihuana or marihuana-infused product, or both, as those terms are defined in the act unless otherwise provided for in the rules and this article.

(k) "Marihuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation. Marihuana-infused product shall not be considered a food for purposes of the food law, 2000 PA 92, MCL 289.1101 *et seq.*

(l) "Paraphernalia" means any equipment, product, or material of any kind that is designed for or used in growing, cultivating, producing, manufacturing, compounding, converting, storing, processing, preparing, transporting, injecting, smoking, ingesting, inhaling, or otherwise introducing into the human body, marihuana.

(m) "Permittee" means a person who has been issued a medical marihuana facilities permit pursuant to this article.

(n) "Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity, as well as those persons defined as "true party of interest".

(o) "Proposed marihuana facility" means a location at which an applicant plans to operate under the Act, rules, and this article if the applicant is issued a state license, and a permit under this article.

(p) "Provisioning center" means a licensee and permittee that is a commercial entity located in this city that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial

location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the Michigan Department of Licensing and Regulatory Affairs' (LARA) marihuana registration process in accordance with the Michigan medical marihuana act is not a provisioning center for purposes of this article.

(q) "Rules" mean the emergency and general rules of the Michigan Department of Licensing and Regulatory Affairs adopted pursuant to the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, and the Marihuana Tracking Act, MCL 333.27901 *et seq.*, as may be amended from time to time.

(r) "Safety compliance facility" means a licensee and permittee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

(s) "Secure transporter" means a licensee and permittee that is a commercial entity located in this city that stores marihuana and transports marihuana between marihuana facilities for a fee.

(t) "State operating license" or "license" means a license that is issued the Act that allows the licensee to operate as 1 of the following, specified in the license:

- (i) A grower.
- (ii) A processor.
- (iii) A secure transporter.
- (iv) A provisioning center.
- (v) A safety compliance facility.

(u) "Statewide monitoring system" or, unless the context requires a different meaning, "system" means an internet-based, statewide database established, implemented, and maintained by the department under the marihuana tracking act, that is available to licensees, law enforcement agencies, and authorized state departments and agencies on a 24-hour basis for all of the following:

- (i) Tracking marihuana transfer and transportation by licensees, including transferee, date, quantity, and price.
- (ii) Verifying in commercially reasonable time that a transfer will not exceed the limit that the patient or caregiver is authorized to receive under section 4 of the Michigan medical marihuana act.

(v) "Tracking Act" means the Marihuana Tracking Act, MCL 333.27901 *et seq.*

(w) "True party of interest" means the following:

- (1) For an individual or sole proprietorship: the proprietor and spouse.
- (2) For a partnership and limited liability partnership: all partners and their spouses. For a limited partnership and limited liability limited partnership: all general and limited partners and their spouses. For a limited liability company: all members, managers, and their spouses.
- (3) For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses and all stockholders and their spouses.

(4) For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses.

(5) For a multilevel ownership enterprise: any entity or person that receives or has the right to receive a percentage of the gross or net profit from the enterprise during any full or partial calendar or fiscal year.

(6) For a nonprofit corporation: all individuals and entities with membership or shareholder rights in accordance with the articles of incorporation or the bylaws and their spouses.

"True party of interest" does not mean:

(1) A person or entity receiving reasonable payment for rent on a fixed basis under a bona fide lease or rental obligation, unless the lessor or property manager exercises control over or participates in the management of the business.

(2) A person who receives a bonus as an employee if the employee is on a fixed wage or salary and the bonus is not more than 25% of the employee's pre-bonus annual compensation or if the bonus is based on a written incentive/bonus program that is not out of the ordinary for the services rendered.

(x) Unless the context requires a different meaning, any term used in this article that is defined by the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.* shall have the definition given in that act.

(y) Unless the context requires a different meaning, any term used in this article that is defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, shall have the definition given in that act.

(z) Unless the context requires a different meaning, any term used in this article that is defined by the Marihuana Tracking Act, MCL 333.27901 *et seq.* shall have the definition given in that act.

Sec.14-247. Adoption of state rules and regulations.

All activities related to medical marihuana shall be in compliance with the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, the Marihuana Tracking Act, MCL 333.27901 *et seq.*, and all other applicable rules promulgated by the state of Michigan.

Sec. 14-248 Marihuana facilities allowed.

(a) Pursuant to Section 205(1) of the Act the city authorizes the following types of marihuana facilities to be permitted in the city without limitation as to the number of facilities: class A, B, and C growers, processors, secure transporters, provisioning centers, and safety compliance facilities.

(b) Operation of provisioning centers, processors and growers at the same location is not authorized.

Sec.14-249. Permit required.

No person shall own or operate a marihuana facility in the city without first applying for and receiving a permit from the city clerk and state operating license.

Sec. 14-250. Application for permit.

(a) Permit applications for medical marihuana facilities shall be received by the city annually during a period specifically designated by the city manager for that purpose, and at no other time. The city will initially begin receiving permit applications for marihuana facilities on a date determined by the city manager as soon after the effective date of this article as the city manager deems practicable.

(b) Except as provided in this article, the city manager shall be responsible for establishing the procedure for receiving, reviewing and processing permits, establishing the beginning and ending dates during which permits will initially be received, establishing the beginning and ending dates during which permits may be received each year, and providing public notice regarding the permitting process and of the time period within which the city will receive permits.

(c) Any person desiring to secure a permit shall make application to the city clerk upon a form provided by the city clerk. All permit applicants must be prequalified for a medical marihuana facilities license by the Michigan Department of Licensing and Regulatory Affairs (LARA) before submitting an application. A copy of all applications received shall be distributed by the city clerk to the office of the city manager, department of public safety and department of community development for review to determine that the application is complete. If an application is incomplete, the applicant shall within 10 days of the date of written notice from the city clerk that identifies the incomplete or missing information, provide all such information to the city clerk.

(d) Information requested in the application shall be provided for each true party of interest in the applicant; any other person who controls, directly or indirectly, the applicant; any other person who is controlled, directly or indirectly, by the applicant or by a person who controls, directly or indirectly, the applicant; and each stockholder or other person having a 1% or greater beneficial interest in the proposed marihuana facility. The application for a permit shall include at a minimum the information and documentation listed below under oath:

- (1) The name, business address, business telephone number, social security number, and, if applicable, federal tax identification number of the applicant.
- (2) All residential addresses of the applicant for the past 3 years.
- (3) The business, occupation or employment of the applicant for 5 years immediately preceding the date of application.
- (4) Documentation evidencing that the applicant has been prequalified for a medical marihuana facilities license by LARA.
- (5) Whether the applicant has been indicted for, charged with, arrested for, convicted of, pled guilty or nolo contendere to, or forfeited bail concerning, a felony under the laws of this state, any other state, or the United States,

or a controlled substance-related felony, within the past 10 years preceding the date of the application.

- (6) Whether the applicant has been indicted for, charged with, arrested for, convicted of, pled guilty or nolo contendere to, or forfeited bail concerning, a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or been found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state within the past five years.
- (7) Whether the applicant has previously violated this article or a substantially similar ordinance in another municipality preceding the date of the application.
- (8) A comprehensive operating plan for the marihuana facility for which the application is being submitted that includes all of the information required for the Marihuana Facilities Plan to be submitted in connection with a state license pursuant to the rules, the operational standards in sections 14-262 through 14-267 of this article, as applicable, and the following at a minimum:
 - a) A description of the type of marihuana facility applied for.
 - b) A security plan for the marihuana facility that addresses all required security measures of the rules and addresses at a minimum the ability to meet the security measures of the rules. The security plan must contain the specification details of each piece of security equipment to be utilized by the marihuana facility and comply with the provisions of article 2 and article 3 of chapter 26 of this code, sections 14-261(c) and (d), as well as any other applicable provisions of this code and the rules.
 - c) An HVAC plan for the marihuana facility describing in detail among other things the equipment or systems that will be used to prevent any odor of marihuana from leaving the premises.
 - d) A staffing plan that addresses the number of persons estimated to be employed at the facility, estimated employee salaries, and employee hiring, and an employee training manual that includes, but is not limited to, employee safety procedures, employee guidelines, security protocol, and educational training, including, but not limited to, where appropriate, marihuana product information, dosage and daily limits, or educational materials.
 - (e) A marketing plan that at a minimum:

- i. details how the marihuana facility will comply with all municipal ordinances and state law regulating signs and advertising;
 - ii. provides that marihuana products must be marketed or advertised as "medical marihuana" for use only by registered qualifying patients or registered primary caregivers;
 - iii. provides that marihuana products must not be marketed or advertised to minors aged 17 years or younger.
- (f) An inventory and record keeping plan.
- (g) A technology plan.
- (h) A scaled conceptual plan.
- (i) Written policies and procedures to timely address any concerns or complaints expressed by residents and businesses within the neighborhood surrounding the proposed location of the medical marihuana facility.
- (j) For growers, the operational plan shall also include a cultivation plan that includes but is not limited to:
 - i. the cultivation process or processes that will be used including a description of the grow medium, the equipment, and the fertilizer to be used;
 - ii. the estimated electrical and water usage and a statement of the projected daily average and peak electrical load anticipated to be used by the marihuana facility, a certification from a licensed electrician that the premises are equipped to safely accept and utilize the required or anticipated electric load for the facility, and a certification from the electrical utility supplying electricity to the facility that the anticipated electrical loads required for the facility will not exceed the capacity of the electrical supply system;
 - iii. a waste water plan that details how wastewater generated during the cultivation of marihuana shall be disposed of in compliance with applicable state and local laws and regulation;

- iv. a plant waste disposal plan that at a minimum:
 - (a) details how marihuana product waste will be destroyed, or rendered into an unusable and unrecognizable form and recorded in the statewide monitoring system. Disposal by on-site burning or via the sewer system is prohibited;
 - (b) provides that all waste that is hazardous waste shall be disposed of pursuant to MCL 324.11101 to 324.90106;
 - (c) provides that marihuana product waste shall be disposed of in a secured waste receptacle using 1 or more of the following:
 - 1) a manned and permitted solid waste landfill;
 - 2) a manned compostable materials operation or facility;
 - 3) an in-vessel digester; and
 - 4) provides disposal will be in a manner in compliance with applicable state and local laws and regulations.
- v. a mold, mildew and pest prevention plan;
- vi. an air quality plan addressing monitoring, clearance, temperate and humidity control, Co2, ozone, fumigation, and odor mitigation;
- vii. a pesticide and chemical safety plan which shall include a detailed description of all toxic, hazardous, or flammable materials, chemicals and pesticides, that will be kept or used at the marihuana facility, and a detailed plan describing where and how such materials, chemicals and pesticides will be stored in the marihuana facility, and the means of disposing of unused toxic or flammable materials, chemicals, and pesticides.
- (k) For a provisioning center, the operational plan shall also include:

i. a detailed description of the products and services to be provided;

ii. a plant waste disposal plan that at a minimum:

(a) details how marihuana product waste will be destroyed, or rendered into an unusable and unrecognizable form and recorded in the statewide monitoring system. Disposal by on-site burning or via the sewer system is prohibited;

(b) provides that all waste that is hazardous waste shall be disposed of pursuant to MCL 324.11101 to 324.90106;

(c) provides that marihuana product waste shall be disposed of in a secured waste receptacle using 1 or more of the following:

1) a manned and permitted solid waste landfill;

2) a manned compostable materials operation or facility;

3) an in-vessel digester; and

4) provides disposal will be in a manner in compliance with applicable state and local laws and regulations.

(l) For a processor, the operational plan shall also include:

i. a detailed description of the products to be produced;

ii. a waste water plan that details how wastewater generated during the processing of marihuana products shall be disposed of in compliance with applicable state and local laws and regulation;

iii. a plant waste disposal plan that at a minimum:

(a) details how marihuana product waste will be destroyed, or rendered into an unusable and unrecognizable form and recorded in the statewide monitoring system. Disposal by on-site burning or via the sewer system is prohibited;

(b) provides that all waste that is hazardous waste shall be disposed of pursuant to MCL 324.11101 to 324.90106;

(c) provides that marihuana product waste shall be disposed of in a secured waste receptacle using 1 or more of the following:

- 1) a manned and permitted solid waste landfill;
- 2) a manned compostable materials operation or facility;
- 3) an in-vessel digester; and
- 4) provides disposal will be in a manner in compliance with applicable state and local laws and regulations.

- (9) The address of the proposed marihuana facility to be operated by the applicant.
- (10) Proof that the applicant has or will have lawful possession of the premises proposed for the marihuana facility for the period during which the permit will be issued, which proof may consist of: a deed, a lease, a real estate contract contingent upon successful licensing, or letter of intent by the owner of the premises indicating an intent to lease the premises to the applicant contingent upon the applicant successfully obtaining a state operating license and local permit.
- (11) Whether the applicant holds an elective office of a governmental unit of this state, another state, or the federal government; is a member of or employed by a regulatory body of a governmental unit in this state, another state or the federal government; or is employed by a governmental unit of this state.
- (12) The address which the applicant desires to receive notification under the article.

- (13) Whether the applicant has ever applied for or has been granted any commercial license or certificate issued by LARA or any other jurisdiction concerning medical marihuana or marihuana that has been denied, restricted, suspended, revoked or not renewed, and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action.
- (14) Whether the applicant has an interest in any other marihuana facility under the Act, and if so the type of facility, name, and location of the facility the applicant has an interest in.
- (15) A statement that the applicant will not violate any of the laws of the State of Michigan or the ordinances of the City of Portage in conducting the business in which the license will be used, and that a violation on the premises may be cause for nonrenewal of a permit issued under this article, or for revocation of the permit.
- (16) A statement that the applicant understands that the issuance of a permit under this article is not intended to grant, nor shall be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana in any form or manner that is not in compliance with the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.*, the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, the Marihuana Tracking Act, MCL 333.27901 *et seq.*, and all other applicable rules promulgated by the state of Michigan, or from criminal prosecution or the seizure of property by federal authorities under the Federal Controlled Substances Act.
- (17) All marijuana facilities licensed and permitted to operate in the city shall at all times maintain in full force and effect workers compensation insurance as required by state law, and general liability insurance with minimum limits of \$1,000,000.00 per occurrence and a \$2,000,000.00 aggregate limit issued by the company licensed to do business in Michigan having an A.M. Best rating of at least A-. Applicants shall provide evidence of such insurance in the form of a certificate of insurance evidencing the existence of a valid and effective policy, or, evidence that the applicant is able to obtain such insurance and state the limits of each policy, the name of the insurer, the effective date and expiration date of each policy, policy number if known, and the names of additional insured which shall include the city of Portage, its officials, and employees.
- (18) Whether the applicant has filed, or been served with a complaint or other notice filed with any public body regarding the delinquency in the payment of or dispute over the filings concerning the payment of any tax required under federal, state, or local law, including the amount of any tax, taxing agency and time periods involved.
- (19) The city manager may from time to time establish other qualifications for licensing which shall be provided in writing to prospective applicants with the application form.

Sec. 14-251. Fees.

A nonrefundable permit fee set by resolution of city council, but not to exceed \$5,000.00, shall be submitted with the application for a permit. This fee shall be in addition to, and not in lieu of, any other fees for licensing or permitting requirements including but not limited to site plan review, zoning, or building permits.

Sec. 14-252. Acceptance or Denial of application.

(a) Applications received shall be denied by the city manager for any of the following reasons:

- (1) The applicant has not been prequalified for a marihuana facility state license by LARA.
- (2) The applicant did not pay the required application fee at the time of submission of the application.
- (3) The applicant has failed to correct any deficiencies in the application.
- (4) The applicant has not provided satisfactory proof that the applicant has or will have lawful possession of the premises proposed for the location of the marihuana facility for the period during which the permit will be issued.
- (5) The applicant's proposed location does not comply with the zoning regulations in article 4 of chapter 42 of this code. That a proposed facility is located less than the minimum spacing required by article 4 of chapter 42 of this code from another proposed facility however, will not alone be grounds for denial of an application. Where two or more applications meet all of the requirements for acceptance of the application except for the minimum spacing distance required by article 4 of chapter 24 of this code between the facilities proposed by the applications, the applications will be accepted, but only one such application will be issued a provisional permit as provided in section 14-253(b)(3). An application for a proposed facility that meets all of the requirements for acceptance of the application except for the minimum spacing distance required by article 4 of chapter 42 from an existing medical marihuana facility will be denied.
- (6) The city manager determines that the applicant has not satisfactorily complied with all of the permit requirements in section 14-250.
- (7) The applicant has previously violated this article or a substantially similar ordinance within one year preceding the date of the application.
- (8) The applicant has been granted a commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction concerning medical marihuana or marihuana that has been denied or not renewed, or is currently restricted suspended or revoked.

- (9) The city manager determines that the applicant has submitted an application containing false, misleading, or fraudulent information, or who has intentionally omitted pertinent information on the application for a medical marihuana facilities permit.
- (10) The applicant is delinquent in the payment of any taxes, fees or other charges owed to or collected by the city.
- (11) The comprehensive operating plan submitted by the applicant with the application pursuant to section 14-250(d)(8) does not comply with the requirements for a marihuana facilities plan as required by the rules, the requirements of section 14-250(d)(8), or the act.

(b) All applications that are not denied as provided in subsection (a) above, have paid the required application fee, and comply with all of the requirements for an application in section 14-250 and the zoning provisions of article 4 of chapter 42, and, as provided in subsection 5 above, applications for proposed facilities meet all of the requirements for acceptance of the application except for the minimum spacing distance between the proposed facility and another proposed facility as required by article 4 of chapter 24 of this code, shall be accepted and be stamped by the city clerk with the date the application is accepted.

Sec. 14-253. Provisional permit.

(a) Provisional permits will be issued by the city manager to applicants whose applications are accepted as provided in this section.

(b) The city manager, in connection with the initial permit application period, shall issue provisional permits to applicants whose application has been accepted applications in three phases:

- (1) In the first phase, the city manager shall issue a provisional permit to applicants whose permit has been accepted and who were issued a temporary operating permit pursuant to chapter 14, article 11 of this code.
- (2) In the second phase, the city manager will issue provisional permits to applicants whose application was accepted and whose proposed facility complies fully with the zoning regulations in article 4 of chapter 42 of this code;
- (3) The third phase will determine which applicants will receive a provisional permit from among those applicants whose applications were accepted consistent with sections 14-252(a)(5) and 14-252(b) because their applications meet all of the requirements for acceptance of the application except for the spacing between the facilities proposed by the applications is less than the minimum spacing distance required by article 4 of chapter 24 of this code. The applicants whose proposed facilities are less than the required minimum spacing from each other will be entered in a lottery with each other to determine which applicant will receive a provisional permit. The applicant that is drawn in the lottery shall be issued a provisional permit

by the city manager, and the other applicant or applicants will be denied a provisional permit. All lottery drawings shall be conducted by the city manager or the city manager's designee with all entrants in the lottery advised of the date and time of the lottery and afforded the opportunity to attend and witness the drawing. Applicants whose proposed facility is less than the minimum spacing distance from as required by article 4 of chapter 42 from an applicant issued a provisional permit in the first phase will be denied a provisional permit.

(c) The city manager, in connection with any permit application period after the initial permit application period, shall issue provisional permits to applicants whose application has been accepted in two phases:

- (1) In the first phase, the city manager will issue provisional permits to applicants whose application was accepted and whose proposed facility complies fully with the zoning regulations in article 4 of chapter 42 of this code;
- (3) The second phase will determine which applicants will receive a provisional permit from among those applicants whose applications were accepted consistent with sections 14-252(a)(5) and 14-252(b) because their applications meet all of the requirements for acceptance of the application except for the spacing between the facilities proposed by the applications is less than the minimum spacing distance required by article 4 of chapter 24 of this code. The applicants whose proposed facilities are less than the required minimum spacing from each other will be entered in a lottery with each other to determine which applicant will receive a provisional permit. The applicant that is drawn in the lottery shall be issued a provisional permit by the city manager, and the other applicant or applicants will be denied a provisional permit. All lottery drawings shall be conducted by the city manager or the city manager's designee with all entrants in the lottery advised of the date and time of the lottery and afforded the opportunity to attend and witness the drawing. Applicants whose proposed facility is less than the minimum spacing distance from as required by article 4 of chapter 42 from an applicant issued a provisional permit in the first phase will be denied a provisional permit.

(d) A provisional permit does not authorize the applicant to operate a marihuana facility without first obtaining a state operating license for the facility, and obtaining all other permits, inspections, and approvals required by this article and all other applicable provisions of this code. Upon issuance of a provisional permit the city clerk will be authorized to execute an affirmation to accompany an application for a facilities license that discloses that the city has adopted an ordinance under section 205 of the act, the limitations on the number and type of each facility if any imposed by the ordinance, a description of the city zoning regulations that apply, and any other information that may be required by the act or the rules for such an attestation.

(e) A provisional permit will lapse and be void 6 months from the date it has been issued if a state operating license, or all inspections and other permits and approvals required by city ordinance are not obtained, or if an applicant is denied a state operating license. The city manager

or his or her designee shall notify LARA of all persons whose provisional permit has lapsed or become void. A provisional permit may be extended by the city manager upon a showing of good cause, such as a delay in obtaining a state license, or other good cause that is not the fault of the applicant, for an additional period not to exceed 6 months.

Sec. 14-254 Termination, revocation, suspension, or restriction of provisional permit.

(a) A provisional permit may be terminated, revoked, suspended or restricted by the city manager for any of the following reasons:

- (1) The provisional permittee is denied a state operating license;
- (2) The proposed marihuana facility is substantially different from the comprehensive operating plan, marihuana facility plan and conceptual plan;
- (3) Officers of the city are unable to access the proposed facility for permit inspections or are denied access by the provisional permittee;
- (4) The provisional permittee fails, refuses, or becomes unable to obtain site plan approval and an occupancy permit issued by the city.
- (5) Any violation of the act, rules, or this article.

(b) If a provisional permit is terminated, revoked, suspended or restricted, the city manager or his or her designee will notify the permit holder and the Michigan Department of Regulatory Affairs of the termination, revocation, suspension, or restriction of the permit and the reasons therefore in writing.

(c) The holder of a provisional permit under this article that is terminated, revoked, suspended or restricted may appeal the termination, revocation, suspension or restriction to the city council within ten days of receipt of the notice of the termination, revocation, suspension or restriction.

Sec. 14-255. Medical marihuana facilities permit.

(a) Medical marihuana facilities permits will be issued by the city manager. In order to be issued a marihuana facilities permit an applicant who holds a valid provisional permit shall successfully complete the inspection required by subsection (c) of this section, and submit proof to the city manager of obtaining a state operating license, all other permits and approvals required by all other applicable ordinances of the city including an approved site plan, and proof of insurance required by this article in the form of a certificate of insurance evidencing the existence of a valid and effective policy, stating the limits of each policy, the name of the insurer, the effective date and expiration date of each policy, policy number, and the names of additional insureds which shall include the city of Portage, its officials, and employees. An applicant who holds a provisional permit for a secure transporter permit shall additionally show proof of auto insurance, vehicle registration and registration as a commercial motor vehicle as applicable for any transporting vehicles used to transport marihuana product in order to be issued a marihuana facilities permit by the city manager.

(b) The site plan required for issuance of a marihuana facilities permit shall be consistent with the requirements of section 42-482(A) of this code. The site plan will be reviewed administratively consistent with section 42-482(B) and in accordance with the standards of section 42-483, except that no review by the planning commission of the site plan will be made. The site plan will be approved consistent with the provisions of section 42-484 except that any appeal of a site plan approval shall be to the city manager who will have the discretion whether or not to reverse an order of the director.

(c) Before issuance of a marihuana facilities permit the city shall conduct an inspection of the proposed marihuana facility to verify that the marihuana facility is ready to open for business, the premises of facility are constructed and can be operated in accordance with the application submitted, the approved site plan, the requirements of this code and any other applicable law, rule, or regulation. No marihuana facilities permit may be issued and no marihuana facility may conduct any business or operations until the inspection is completed and it is determined that the marihuana facility is ready to open for business, the premises of facility are constructed and can be operated in accordance with the application, marihuana facilities plan, and comprehensive operating plan submitted with the application as well as the approved site plan, and the facility is in compliance with the requirements of this code and any other applicable law, rule, or regulation.

(d) The marihuana facilities permit shall be issued only in the name of the true party of interest.

(e) A marihuana facilities permit issued under this article is a revocable privilege granted by the city and is not a property right. Granting the permit does not create or vest any right, title, franchise or other property interest.

(f) Each permit is exclusive to the person who is issued the permit and that person must apply for and receive approval of the city manager pursuant to section 14-258 before a permit is transferred, sold, or purchased.

(g) The marihuana facilities permit and state operating license shall be displayed in a conspicuous public place in the business establishment.

(h) Acceptance of a marihuana facilities permit under this article shall constitute permission to any officer of the city, within the authority granted him or her by this code under which such permit was granted, to enter upon and inspect the premises of the marihuana facility at all reasonable times.

Sec. 14-256. Renewal of permit.

(a) A marihuana facilities permit shall run concurrent with the state operating license issued for the facility and shall be renewed annually unless revoked as provided by law.

(b) Renewal of marihuana facilities permit shall be made by application to the city clerk. The application for renewal must be filed before the permit expires at such time as is established by the city manager. The application for renewal shall be upon a form provided by the city clerk and shall contain the same information required for an application for a new permit, be given under oath or affirmation, and shall be reviewed and approved in the same manner.

(c) The city clerk shall notify the permittee by mail or electronic mail at the last known address on file with the city, advising of the time, and procedure for renewing the permit. Failure of the permittee to receive notice under this subsection does not relieve the permittee of the responsibility for renewing the permit.

(d) A permit renewal application will be denied by the city manager if any of the following occur:

- (1) The permit to be renewed has been terminated or revoked.
- (2) The permit is suspended or restricted.
- (3) The renewal application is not received by the city clerk on or before the expiration date of the permit to be renewed.
- (4) The applicant did not pay the required application fee at the time of submission of the application.
- (5) At the time of submission of the renewal application the applicant is delinquent in the payment of any taxes, fees or other charges owed to or collected by the city.
- (6) The city manager determines that the applicant is not in compliance with all qualifications established by section 14-250.
- (7) The applicant failed to correct any deficiencies in the application.
- (8) The applicant has previously violated this article or a substantially similar ordinance within one year preceding the date of the application.
- (9) The applicant submitted a renewal application containing false, misleading, or fraudulent information, or who has intentionally omitted pertinent information on the renewal application.
- (10) The applicant fails to provide evidence of insurance as required by section 14-250(17).
- 11) An inspection conducted by the city reveals that the medical marihuana facility to which the renewal application pertains is not in compliance with this article, this code of ordinances, the act and rules.

(e) The city manager or his or her designee shall inform the Michigan Department of Licensing and Regulatory Affairs of all permittees whose permit is renewed and if a permittee fails to renew a permit, or the permittee's renewal application is denied.

Sec. 14-257. Revocation, termination or suspension of permit.

(a) Any marihuana facilities permit shall automatically terminate and become void if the state license for the permitted use is revoked.

(b) Any marihuana facilities permit may be revoked upon the occurrence of any of the following:

- (1) Operation of the permitted use is not commenced within 1 year of the date of issuance of the marihuana facilities permit.
- (2) If the permitted use ceases or is discontinued for 90 days or more.
- (3) Any violation of the provisions of this article, this code of ordinances, the act, the tracking act, and the rules.
- (4) The conduct of business in an unlawful manner or in such a way as to constitute a public nuisance or menace to the health, safety, or general welfare of the public.

(c) A medical marihuana facilities permit will be suspended for the transfer or attempted transfer of the permit or any interest in such permit without first obtaining approval of the city manager to do so.

(d) Any marihuana facilities permit shall automatically be suspended if the state operating license for the permitted use is suspended. The terms and conditions of suspension shall correspond to the suspension of the state operating license.

(e) Any medical marihuana facilities permit shall automatically be restricted if the state license for the permitted use is restricted. The terms and conditions of the restriction shall correspond to the restriction of the state license.

(f) If a medical marihuana facilities permit is terminated, revoked, suspended or restricted, the city manager or his or her designee will notify the permit holder and the Michigan Department of Regulatory Affairs of the termination, revocation, suspension, or restriction of the permit and the reasons therefore in writing.

(g) The holder of a marihuana facilities permit under this article that is terminated, revoked, suspended or restricted may appeal the termination, revocation, suspension or restriction to the city council within ten days of receipt of the notice of the termination, revocation, suspension or restriction.

Sec. 14-258. Transfer, sale or purchase of permits or licenses.

(a) No marihuana facilities permit may be transferred, sold, or purchased without making application to and obtaining approval of the city manager.

(b) Any transferee, buyer or purchaser of a permit must meet all requirements and conditions for the issuance of a permit under this article and have a state license for the type of facility the permit was issued for before the transfer, sale or purchase of the permit will be finally approved. The transfer, sale, or purchase may be conditionally approved if the transferee, buyer

or purchaser meets the qualifications for the issuance of a permit and has obtained prequalification from LARA on the condition that the transferee, buyer or purchaser obtain a state license for the type of facility the permit was issued for within 180 days of the conditional approval.

(c) Transfer or attempted transfer of a medical marihuana facilities permit or any interest in such permit without first obtaining approval of the city manager to do so will be grounds for suspension of the permit pursuant to section 14-257(c) and a violation of this article.

Sec. 14-259. Changes to marihuana facilities.

(a) Any change or modification of a marihuana facility after it begins operation is governed by the standards and procedures of the act and rules, and the standards and procedures of this code including but not limited to standards and procedures relating to site plans, and building, plumbing, electrical, mechanical, and fire safety codes. Changes or modifications must be approved by LARA with evidence of such approval provided to the city, and all appropriate city permits must be obtained before the change or modification is commenced.

(b) Change of location of a marihuana facility requires a new permit application requiring the same information as an initial application pursuant to this article and an application fee. The permit will be submitted and approved in the same manner, and provisional and full permits issued, as the initial permit application.

Sec. 14-260. Disclosure of information.

Consistent with MCL 333.27205(4), and to the extent otherwise permitted by law, all information submitted in conjunction with an application for a marihuana facilities permit or permit renewal required under this article is exempt from disclosure under the Michigan Freedom of Information Act, MCL 15.231 *et seq.*

Sec. 14-261. Minimum operational standards for all marihuana facilities.

All marihuana facilities shall at a minimum comply with the following operational standards:

(a) Marihuana facilities shall be open for inspection upon request by the building official, the fire division, or law enforcement officials for determination of compliance with all applicable laws and rules, during the stated hours of operation/use and at such other times as anyone is present on the premises. Inspections may include inspection of the facility premises, surveillance records, camera recordings, reports, records or other materials required as a condition of a permit under this article or a state operating license. Acceptance of a marihuana facilities permit or leasing property to a marihuana facility constitutes consent to such inspections and the seizure of any surveillance records, camera recordings, reports record or other materials required as a condition of the permit under this article or a state operating license without a search warrant. The person issued a permit, or an employee or agent of the thereof shall not hinder or obstruct a law enforcement officer or employee of the city from conducting inspections pursuant to this section, and shall not refuse, fail, or neglect to cooperate with a law enforcement officer or city employee in the performance of his or her duties in enforcing this article, the act, or applicable state administrative rules.

(b) Marihuana facilities shall conduct the activities of the marihuana facility, including, without limitation, the cultivating, growing, processing, displaying, manufacturing, selling, storage of marihuana and marihuana-infused products, and storage of all materials used in connection with the cultivating, growing, processing, displaying, manufacturing, and selling of marihuana and marihuana-infused products indoors in a building and out of public view.

(c) Marihuana facilities shall install a fire alarm and a burglar alarm system. The fire alarm system shall meet the requirements of this code for a newly installed system and be monitored by a listed central station. All burglar alarm systems shall be monitored by a company that is staffed twenty-four hours a day, seven days a week.

(d) Marihuana facilities shall have a video surveillance system that complies with the rules at a minimum, and that makes, retains, and stores surveillance recordings as provided in the rules.

(e) Surveillance recordings of marihuana facilities shall be subject to inspection and review by the city upon request. All surveillance recordings shall be kept in a manner that allows the city to view and obtain copies of the recordings immediately upon request.

(f) Marihuana facilities shall utilize sufficient measures and means to prevent smoke, odor, debris, dust, fluids and other substances from exiting the premises of the facility at any time. In the event that any smoke, odor, debris, dust, fluids or other substances exit the marihuana facility in a detectable amount sufficient to interfere with the reasonable and comfortable use and enjoyment of adjacent property, or that causes damage to property, the permittee for the facility and the owner of the premises shall be jointly and severally liable for such conditions and shall be responsible for immediate, full cleanup and correction of such condition. The permittee shall properly dispose of all such materials, items and other substances in a safe, sanitary, and secure manner in compliance with all federal and state laws and regulations, and this code.

(g) Marihuana facilities shall install and maintain in operable condition a system to preclude marihuana odors from emanating from the premises of the marihuana facility in a detectable amount sufficient to interfere with the reasonable and comfortable use and enjoyment of adjacent property as determined by the objective standards of a reasonable person of normal sensitivity.

(h) Subject to the laws of this state, before hiring a prospective employee, a permittee shall conduct a background check of the prospective employee. If the background check indicates a pending charge or conviction within the past 10 years for a controlled substance-related felony, the permittee shall not hire the prospective employee without written permission of the board.

(i) Access to the marihuana facility is restricted to the permittee, employees of the permittee, and registered qualifying patients and registered primary caregivers with valid registry cards, if applicable, LARA through its investigators, agents, auditors or the state police, and, local law and code enforcement officers.

(j) All marihuana facilities must be at a fixed location. Mobile marihuana facilities and drive through operations are prohibited. Sale or transfer of marihuana product by internet or mail order, consignment, or wholesale is prohibited.

(k) All marihuana facilities shall comply with all provisions of this code, state law and administrative rules regulating signs and advertising.

(l) The business, operations, marketing and advertising of all marihuana facilities and marihuana product shall comply at all times with applicable state law and regulations, and this code.

(m) Marihuana products not identified and recorded in the statewide monitoring system pursuant to the act, the tracking act, and the rules are prohibited from being on the premises of any marihuana facility, and shall not be sold or transferred by any licensee.

(n) Any marihuana product without a batch number or identification tag pursuant to the rules is prohibited from being at or on the premises of any medical marihuana facility.

(o) Marihuana facilities shall comply with the building and fire safety provisions of the rules as are applicable to the particular type of facility at all times.

(p) Marihuana product waste will be destroyed, or rendered into an unusable and unrecognizable form in a manner that prevents its acquisition by any person who may not lawfully possess it, and recorded in the statewide monitoring system. Marihuana product waste shall be disposed of in a secured waste receptacle using 1 or more of the following:

- (1) a manned and permitted solid waste landfill;
- (2) a manned compostable materials operation or facility;
- (3) an in-vessel digester.

(q) All marihuana product waste that is hazardous waste shall be disposed of pursuant to MCL 324.11101 to 324.90106.

(r) All marihuana product waste or marihuana products that are to be destroyed, or that LARA orders to be destroyed, shall not be sold.

(s) All inventory of marihuana products must be stored in a secured limited access area or restricted access area, and identified and tracked consistent with the statewide monitoring system under the act, the tracking act, and the rules.

(t) All containers used to store marihuana products for transfer or sale between marihuana facilities shall meet the requirements of the rules for such containers.

(u) All chemicals or solvents must be stored separately from marihuana products and kept in locked storage areas.

(v) Marihuana-infused products or materials used in direct contact with such products must have separate storage areas from toxic or flammable materials.

Sec. 14-262. Minimum Operational standards applicable to provisioning centers.

All provisioning centers shall, in addition to the operational standards in Section 14-262, comply with the following operational standards at a minimum:

(a) Provisioning centers shall open no earlier than 8:00 a.m. and close no later than 8:00 p.m.

(b) No alcohol or tobacco products may be sold, used, or consumed on the premises. No marihuana or marihuana-infused products may be used or consumed on the premises.

(c) No marihuana plants shall be allowed on the premises.

(d) During times when the provisioning center is not open to the public, processed marihuana, cash and currency shall be stored in a safe that is incorporated into the building structure or securely attached to the building structure.

(e) A provisioning center shall purchase marihuana only from a grower or processor.

(f) All transfers of marihuana to a provisioning center from a separate marihuana facility shall be by means of a secure transporter.

(g) A provisioning center shall sell or transfer marihuana only to a registered qualifying patient or registered primary caregiver.

(h) A provisioning center shall transfer marihuana to or from a safety compliance facility for testing by means of a secure transporter.

(i) The sale or transfer marihuana to a registered qualifying patient or registered primary caregiver shall only occur after it has been tested and bears the label required for retail sale by the act and the rules.

(j) Before selling or transferring marihuana to a registered qualifying patient or to a registered primary caregiver on behalf of a registered qualifying patient, a provisioning center shall inquire of the statewide monitoring system to determine whether the patient and, if applicable, the caregiver hold a valid, current, unexpired, and unrevoked registry identification card and that the sale or transfer will not exceed the daily purchasing limit established by the board under The act.

(k) All transactions, current inventory, and other information of the provisioning center shall be entered into the statewide monitoring system as required by the act, rules, and the marihuana tracking act.

(l) A provisioning center shall not allow a physician to conduct a medical examination or issue a medical certification document on the premises for the purpose of obtaining a registry identification card.

(m) Marijuana and marihuana paraphernalia shall not be sold, given away, or dispensed from any outdoor location.

(n) A provisioning center shall have a separate room that is dedicated as the point of sale area for the transfer or sale of marihuana products.

(o) All marihuana products shall be kept behind a counter or other barrier to ensure a registered qualifying patient or registered primary caregiver does not have direct access to the marihuana products.

(p) A provisioning center shall comply with all packaging and labeling requirements of the rules before selling or transferring marihuana products.

Sec. 14-263. Minimum Operational standards applicable to grow facilities.

All grow facilities shall, in addition to the operational standards in Section 14-262, comply with the following operational standards at a minimum:

(a) Until December 31, 2021, the permittee or an active employee shall have, a minimum of 2 years' experience as a registered primary caregiver.

(b) While holding a permit for grower facility, no permittee shall be a registered primary caregiver and shall not employ an individual who is simultaneously a registered primary caregiver.

(c) All transactions, current inventory, and other information of the grow facility shall be entered into the statewide monitoring system as required by the act, rules, and the tracking act.

(d) All activities and operations of the grow facility, including cultivation, shall take place indoors within a building.

(e) The use of compressed gases such as carbon dioxide in multiple processes in the cultivation of marihuana shall meet the requirements of the rules for such processes.

(f) A grow facility shall not use any pesticides in the cultivation of marihuana that has not been approved by LARA for such purpose.

Section 14-264. Minimum Operational standards applicable to processor facilities.

All processor facilities shall, in addition to the operational standards in Section 14-262, comply with the following operational standards at a minimum:

(a) A processor shall purchase marihuana only from a grower and shall sell marihuana-infused products or marihuana only to a provisioning center.

(b) A processor shall transfer marihuana only by means of a secure transporter.

(c) Until December 31, 2021, the permittee or an active employee shall have, a minimum of 2 years' experience as a registered primary caregiver.

(d) While holding a permit for processor facility, no permittee shall be a registered primary caregiver and shall not employ an individual who is simultaneously a registered primary caregiver.

(e) All transactions, current inventory, and other information of the processor facility shall be entered into the statewide monitoring system as required by the act, rules, and the marihuana tracking act.

(f) Processes that extract oil from marihuana plants and marihuana products using flammable gas, flammable liquid, or compressed gases of varying materials including, but not limited to, butane, propane, and carbon dioxide shall meet the requirements of the rules for such processes.

Sec. 14-265. Minimum standards applicable to secure transporters.

All secure transporter facilities shall, in addition to the operational standards in Section 14-262, comply with the following operational standards at a minimum:

(a) May take physical custody of marihuana or money but legal custody belongs to the transferor or transferee.

(b) May not sell or purchase marihuana products.

(c) May store and transport marihuana and money associated with the purchase or sale of marihuana between marihuana facilities for a fee.

(d) Marihuana may not be transported to a registered qualifying patient or registered primary caregiver.

(e) Marihuana product may only be transported in a locked, secured, sealed container that is not accessible while in transit. Money associated with the purchase or sale of marihuana product between facilities shall be locked in a sealed container kept separate from the marihuana product and only accessible to the secure transporter licensee/permittee and its employees.

(f) Each driver transporting marihuana must have a chauffeur's license issued by this state.

(g) Each employee who has custody of marihuana or money that is related to a marihuana transaction shall not have been convicted of or released from incarceration for a felony under the laws of this state, any other state, or the United States within the past 5 years or have been convicted of a misdemeanor involving a controlled substance within the past 5 years.

(h) Each vehicle shall be operated with a 2-person crew with at least 1 individual remaining with the vehicle at all times during the transportation of marihuana.

(i) A route plan and manifest shall be entered into the statewide monitoring system, and a copy shall be carried in the transporting vehicle and presented to a law enforcement officer upon request.

(j) A secure transporting vehicle shall not bear markings or other indication that it is carrying marihuana or a marihuana-infused product.

(k) A secure transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of marihuana to determine compliance with the act and this article.

(l) All transactions, current inventory, and other information of the secure transporter shall be entered into the statewide monitoring system as required by the act, rules, and the tracking act.

Sec. 14-266. Minimum standards applicable to safety compliance facilities.

All safety compliance facilities shall, in addition to the operational standards in Section 14-262, comply with the following operational standards at a minimum:

(a) A safety compliance facility is authorized to only receive marihuana from, test marihuana for, and return marihuana to a marihuana facility.

(b) A safety compliance facility must be accredited by an entity approved by the board by 1 year after the date the license is issued or have previously provided drug testing services to this state or this state's court system and be a vendor in good standing in regard to those services unless a variance from this requirement is granted by the board as provided by the act.

(c) A safety compliance facility shall:

- (1) Perform tests to certify that marihuana is reasonably free of chemical residues such as fungicides and insecticides.
- (2) Use validated test methods to determine tetrahydrocannabinol, tetrahydrocannabinol acid, cannabidiol, and cannabidiol acid levels.
- (3) Perform tests that determine whether marihuana complies with the standards the board establishes for microbial and mycotoxin contents.
- (4) Perform other tests necessary to determine compliance with any other good manufacturing practices as prescribed in rules.
- (5) Enter all transactions, current inventory, and other information into the statewide monitoring system as required in this act, rules, and the marihuana tracking act.
- (6) Have a secured laboratory space that cannot be accessed by the general public.
- (7) Retain and employ at least 1 staff member with a relevant advanced degree in a medical or laboratory science.

- (8) Comply with all provisions of the rules regarding the testing, retesting, and sampling of marihuana and marihuana products.
- (9) Establish an adequate chain of custody and instructions for sample and storage requirements.

Sec. 14-267. Conflicts, Future laws and regulations.

In the event of any conflict between the provisions of this article and the provisions of the act or the rules, the conflicting provisions of this article will be preempted and the provisions of the act or the rules will control. Should the State of Michigan in the future adopt additional or stricter laws or regulations governing the production, processing, transporting, testing, sale and distribution of marihuana, the additional or stricter laws and regulations shall control the establishment or operation of any marihuana facility in the city, as well as the issuance, denial, suspension, or revocation of any permit under this article.

Sec. 14-268. Penalty and remedies.

(a) Any violation of this article is a municipal civil infraction subject to penalties imposed on municipal civil infractions by section 1-7(e) of this code and state law.

(b) In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of the provisions of this code, or any ordinance, shall be deemed a new and separate offense for each day that such condition continues to exist.

(c) In addition to the penalties in this section, any violation of this article, the act, or the rules may result in the denial of a permit, or the revocation, suspension, or non-renewal of a permit issued under this article.

(d) Nothing in this article shall prevent the city from pursuing any other remedy provided by law and equity, including an injunction, in conjunction with or in lieu of prosecuting persons under this section for violation of this article.

Sec. 14-269. Effective date.

This amendment to Chapter 14 to add Article 12, "Medical Marihuana Facilities" shall only take effect contemporaneous with the amendments Chapter 42 to add section 42-262(B)(16), section 42-280(B)(21), section 42-280(B)(22), section 42-281(B)(7), and section 42-821(B)(8) to Article 4, Division 4, Zoning Districts and District Regulations, and shall not take effect if Chapter 42 is not amended to add section 42-262(B)(16), section 42-280(B)(21), section 42-280(B)(22), section 42-281(B)(7), and section 42-821(B)(8).

Dated: _____

Patricia M. Randall, Mayor

FIRST READING:
SECOND READING:
ORDINANCE #:

EFFECTIVE DATE:

CERTIFICATION

I, Adam Herringa, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the _____ day of _____, 201_.

Adam Herringa, City Clerk

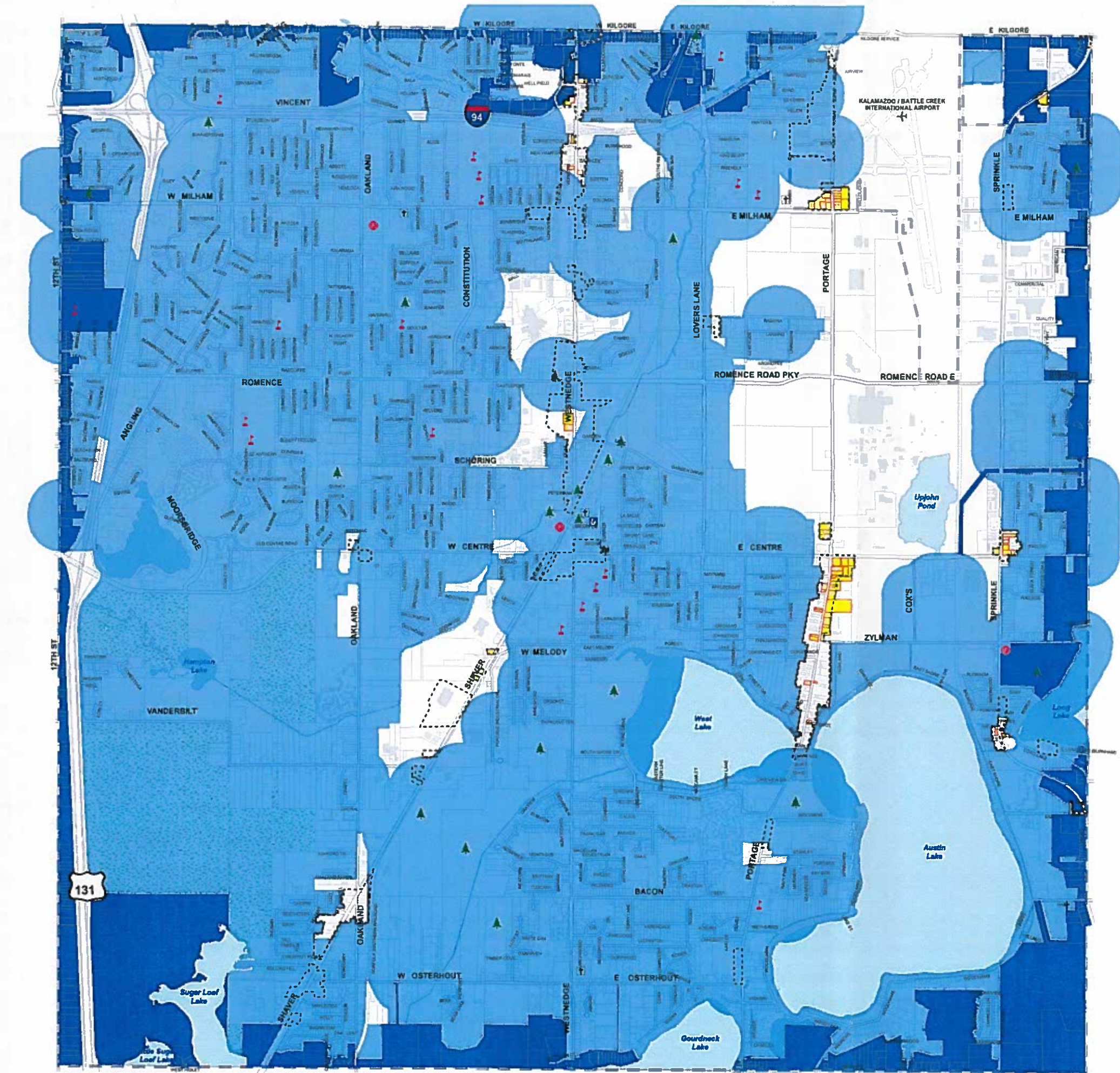
PREPARED BY:
Charles R. Bear (P34107)
Portage Assistant City Attorney
1662 East Centre Avenue
Portage, MI 49002
(269) 323-8812

Approved as to Form:

Date: _____

City Attorney

Z:\jody\portage\medical marihuana 2017\Ord to Amend Chap 14 to Add Art 12.clean.011618.dox



Proposed Medical Marihuana Provisioning Centers 1000 & 250 Foot Exclusion Areas for B-3

PARCEL ID	ADDRESS	PROPERTY CLASS	USE
000010500	5324 MEREDITH ST	201	RETAIL-01
000041150	5600 S WESTNEDGE AVE	702	CITY VACANT
000130800	7940 S SPRINKLE RD	201	AUTO SALES
000140858	7842 PORTAGE RD	201	OFFICE-01
000140908	7840 PORTAGE RD	201	RETAIL-WINDOWS
000140950	7812 PORTAGE RD	201	OFFICE
000160500	7206 S WESTNEDGE AVE	201	ARCADE/MINI GOL
00016225F	7262 S WESTNEDGE AVE	201	RESTAURANT
000212410	8720 SHAVER RD	201	RETAIL-01
000212450	8650 SHAVER RD	201	AUTO SERVICE
000212650	8542 SHAVER RD	202	VACANT
00023040R	8071 PORTAGE RD	001	VACANT
00023045A	8037 PORTAGE RD	201	OFFICE-01
000230550	8111 PORTAGE RD	201	LAUNDRY
000230650	8127 PORTAGE RD	201	RETAIL-01
000230750	8131 PORTAGE RD	401	RESIDENTIAL
000230800	8139 PORTAGE RD	201	RETAIL-01
00023100A	8211 PORTAGE RD	201	RESTAURANT
00023115C	8387 PORTAGE RD	201	CAR WASH
00023115D	8379 PORTAGE RD	201	GAS STATION
000231200	8405 PORTAGE RD	201	WAREHOUSE
000231250	8415 PORTAGE RD	202	VACANT
000231300	8435 PORTAGE RD	201	RETAIL-01
000231350	8441 PORTAGE RD	201	AUTO SERVICE
000231950	8136 PORTAGE RD	201	RESTAURANT
000233400	8715 PORTAGE RD	202	RETAIL-01
000233600	8969 PORTAGE RD	201	VACANT
000235010	8015 PORTAGE RD	202	VACANT
000235020	2610 E CENTRE AVE	202	VACANT
000235030	2700 E CENTRE AVE	202	VACANT
000235040	8043 PORTAGE RD	202	VACANT
000235050	8061 PORTAGE RD	202	VACANT
002800100	4203 E CENTRE AVE	201	RETAIL STORE
002800110	4123 E CENTRE AVE	201	RETAIL-01
002800120	7939 S SPRINKLE RD	202	VACANT
002800130	7925 S SPRINKLE RD	202	VACANT
00280015A	7907 S SPRINKLE RD	201	RETAIL-01
002800160	7849 S SPRINKLE RD	201	FLEX SPACE - 2
002800170	7837 S SPRINKLE RD	201	RETAIL-01
00340099A	8724 PORTAGE RD	201	AUTO SERVICE
003401200	8444 PORTAGE RD	202	VACANT
003401220	8434 PORTAGE RD	301	CONSUMERS
003401350	8314 PORTAGE RD	201	RETAIL-02
003401360	8312 PORTAGE RD	201	RETAIL-01
016100010	5747 S WESTNEDGE AVE	201	RETAIL-02
01900001A	5231 S WESTNEDGE AVE	201	GAS STATION
019000568	5342 S WESTNEDGE AVE	201	GAS/REST DDA
067800260	8204 PORTAGE RD	201	RESTAURANT
079800060	4017 WELLS ST	201	RESTAURANT
079800080	9017 S SPRINKLE RD	201	RETAIL-01
090670218	5730 S WESTNEDGE AVE	201	RETAIL-01
000230600	8119 PORTAGE RD	202	VACANT
000231100	8229 PORTAGE RD	201	VACANT
000020550	2229 E MILHAM AVE	201	AUTO SERVICE
00002060A	5900 PORTAGE RD	201	OFFICE-01
00002060B	2401 E MILHAM AVE	201	OFFICE-01
000020610	5974 PORTAGE RD	201	GAS STATION
000020620	5950 PORTAGE RD	201	OFFICE-01
00002063A	2375 E MILHAM AVE	201	WAREHOUSE
092400040	5845 PORTAGE RD	401	RESIDENTIAL
092400050	5905 PORTAGE RD	401	RESIDENTIAL
092400060	5911 PORTAGE RD	401	RESIDENTIAL
092400070	5919 PORTAGE RD	201	RETAIL-01
092400080	5929 PORTAGE RD	201	OFFICE-01
092400090	5977 PORTAGE RD	201	RETAIL-01/STORA
092400100	2603 E MILHAM AVE	202	VACANT

66 Available properties using 1000' Exclusion Area and 250' non-airport border Exclusion Area

Eligible properties

Exclusion Areas 1000 feet (250')

B-3 Zoning

City Boundary

State Game Area

1 inch = 3,200 feet
Date: 1/15/2018

Potential locations must be B-3 zoned, and not adjacent to a residential zone and more than 1000' from churches, schools, day cares, libraries, treatment facilities, parks and public and/or private recreation areas and at least 250' from city limits.

Proposed Medical Marihuana Provisioning Centers 1000' (250') Distance Provisions for B-3 11 Potential Locations with 1000' Separation

List of properties with 1000' distance provision. Also 250' distance provision from City Limits excluding airport properties.

NAME	ADDRESS	TYPE	DATE	ADDRESS	TYPE
7 POINT HOLDINGS, LLC	8151 MERCHANT PL	INDOOR SOCCER	CLAF LLC	3027 PORTAGE INDUSTRIAL DR	KIDS GYM
BDN ASSOCIATES, LLC	8105 VALLEYWOOD LN	DAY CARE	CDMM PROPERTY DEVELOPMENT CO, LLC	4295 BISHOP AVE	DAYCARE
CITY KALAMAZOO - MILHAM PARK		PARK	COOK, HARLEY J & R H	7732 SHAVER RD	CITY PARK
CITY KALAMAZOO - AGHAM PARK GOLF		PARK	CRANKSHAW, GARY K & K E	810 E CENTRE AVE	DAY CARE
CITY OF PORTAGE	9016 S WESTNEDGE AV	CITY PARK	DARA REALTY, L.L.C.	6091 CONSTITUTION BL	BEAUTY SCHOOL
CITY OF PORTAGE	7810 SHAVER RD	CITY PARK	SPRING ARBOR UNIVERSITY	950 TRADE CENTRE WAY	UNIVERSITY
CITY OF PORTAGE	280 ROMENCE RD	CITY PARK	FETZER BROADCASTING CO	7801 S WESTNEDGE AV	CITY PARK
CITY OF PORTAGE	6377 HAMPTON ST	CITY PARK	FIRST CHURCH OF NAZARENE	5603 OAKLAND DR	DAY CARE
CITY OF PORTAGE	6371 HAMPTON ST	CITY PARK	FOUNDATION FOR BEHAVIORAL RES	6325 OAKLAND DR	SCHOOL
CITY OF PORTAGE	3458 SUMMERSONG PA	CITY PARK	FOUNDATION FOR BEHAVIORAL RES	6303 OAKLAND DR	SCHOOL
CITY OF PORTAGE	7700 SHAVER RD	CITY PARK	GILLEN WOODS REAL ESTATE	1518 E CENTRE AVE	DAY CARE
CITY OF PORTAGE	7723 S WESTNEDGE AV	CITY PARK	ST MONICAS	KALAMAZOO	SCHOOL
CITY OF PORTAGE	424 E KILGORE RD	CITY PARK	HACKETT CATHOLIC	KALAMAZOO	SCHOOL
CITY OF PORTAGE	5420 LOVERS LN	CITY PARK	KAL VALLEY INTER SCHOOL DIST	1501 E MILHAM AV	SCHOOL KRESA
CITY OF PORTAGE	9105 S WESTNEDGE AV	CITY PARK	KAL VALLEY INTER SCHOOL DIST	5821 LOVERS LN	SCHOOL
CITY OF PORTAGE	9400 S WESTNEDGE AV	CITY PARK	KALAMAZOO ACADEMY, INC	4221 E MILHAM AV	SCHOOL
CITY OF PORTAGE	3458 SUMMERSONG PA	CITY PARK	KEGLER, INC	5630 PORTAGE RD	AIRWAY LANES
CITY OF PORTAGE	6377 HAMPTON ST	CITY PARK	KEGLER, INC	5626 PORTAGE RD	BOWLING ALLEY
CITY OF PORTAGE	9016 S WESTNEDGE AV	CITY PARK	KPS - LLOYD NORRIS	KALAMAZOO	SCHOOL
CITY OF PORTAGE	9010 S WESTNEDGE AV	CITY PARK	LET'S PLAY SPORTS, INC	7187 S SPRINKLE RD	SOCCER CLUB
CITY OF PORTAGE	9900 S WESTNEDGE AV	CITY PARK	MATHEU PROPERTY MANAGEMENT, LLC	1422 E CENTRE AVE	DAYCARE
CITY OF PORTAGE	9900 S WESTNEDGE AV	CITY PARK	MICHIGAN INVESTMENT GROUP, INC	6500 CONSTITUTION BLVD	DAY CARE
CITY OF PORTAGE	7750 CURRIER DR	CITY PARK	PARAGON STORAGE CENTERS, LLC	7453 OAKLAND DR	DAY CARE
CITY OF PORTAGE	5506 LOVERS LN	CITY PARK	PHARMACIA & UPJOHN COMPANY	6510 LOVERS LN	CITY PARK
CITY OF PORTAGE	6932 LOVERS LN	CITY PARK	PHARMACIA & UPJOHN COMPANY	8201 COX'S DR	OUTDOOR SOCCER
CITY OF PORTAGE	6979 S WESTNEDGE AV	CITY PARK	PHIL SIMON ENTERPRISES, INC.	6235 S WESTNEDGE AV	ADULT ED SCHOOL
CITY OF PORTAGE	7647 S WESTNEDGE AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	8260 S WESTNEDGE AV	SCHOOL
CITY OF PORTAGE	7585 S WESTNEDGE AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	8240 S WESTNEDGE AV	SCHOOL
CITY OF PORTAGE	280 ROMENCE RD	CITY PARK	PORTAGE PUBLIC SCHOOLS	8107 MUSTANG DR	SCHOOL
CITY OF PORTAGE	9501 SHAVER RD	CITY PARK	PORTAGE PUBLIC SCHOOLS	8111 S WESTNEDGE AV	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	9345 PORTAGE RD	CITY PARK	PORTAGE PUBLIC SCHOOLS	10011 PORTAGE RD	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	9001 S WESTNEDGE AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	8423 S WESTNEDGE AV	SCHOOL VACANT
CITY OF PORTAGE BLDG AUTHORITY	8643 WARUF AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	1429 WOODLAND DR	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	850 W OSTERHOUT AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	1411 WOODLAND DR	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	7530 OAKLAND DR	CITY PARK	PORTAGE PUBLIC SCHOOLS	1401 WOODLAND DR	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	7335 GARDEN LN	CITY PARK	PORTAGE PUBLIC SCHOOLS	1409 WOODLAND DR	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	910 E MILHAM AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	745 MOORSBRIDGE RD	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	4500 W MILHAM AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	1780 HAVERHILL AV	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	4770 BERWICK AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	1710 HAVERHILL AV	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	4750 PITTSFORD AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	6637 AMBERLY ST	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	7800 SHAVER RD	CITY PARK	PORTAGE PUBLIC SCHOOLS	6501 S 12TH ST	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	4750 PITTSFORD AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	5727 MONTICELLO AV	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	4770 BERWICK AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	600 IDAHO AV	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	7336 GARDEN LN	CITY PARK	PORTAGE PUBLIC SCHOOLS	620 IDAHO AV	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	7550 OAKLAND DR	CITY PARK	PORTAGE PUBLIC SCHOOLS	700 IDAHO AV	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	8651 S WESTNEDGE AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	1010 W MILHAM AV	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	9345 PORTAGE RD	CITY PARK	PORTAGE PUBLIC SCHOOLS	5340 ANGLING RD	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	8651 S WESTNEDGE AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	9999 PORTAGE RD	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	4500 W MILHAM AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	9999 PORTAGE RD	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	8501 S WESTNEDGE AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	9999 PORTAGE RD	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	8501 S WESTNEDGE AV	CITY PARK	PORTAGE SOCCER CLUB	4422 BISHOP AVE	SOCCER FIELDS
CITY OF PORTAGE BLDG AUTHORITY	8501 S WESTNEDGE AV	CITY PARK	QUINN, MICHAEL D & Y I	7508 OAKLAND DR	DAY CARE
CITY OF PORTAGE BLDG AUTHORITY	8651 S WESTNEDGE AV	CITY PARK	ROZE VALLEY PROPERTIES, LLC	7255 S SPRINKLE RD	JUNGLE JOES
CITY OF PORTAGE BLDG AUTHORITY	8651 S WESTNEDGE AV	CITY PARK	S-GROW INC	7365 S SPRINKLE RD	COURTHOUSE
CITY OF PORTAGE BLDG AUTHORITY	7401 GARDEN LN	CITY PARK	SOUTH PORTAGE LL	4801 E CENTRE AVE	SOUTH PORTAGE LL
CITY OF PORTAGE BLDG AUTHORITY	7335 GARDEN LN	CITY PARK	ST MICHAEL LUTHERAN CHURCH	7211 OAKLAND DR	DAY CARE
CITY OF PORTAGE BLDG AUTHORITY	7451 GARDEN LN	CITY PARK	TEXAS TWP - DAYCARE	5902 S 12TH ST	DAY CARE
CITY OF PORTAGE BLDG AUTHORITY	8643 WARUF AV	CITY PARK	YMCA	2800 W CENTRE AVE	YMCA
CITY OF PORTAGE BLDG AUTHORITY	6610 LOVERS LN	CITY PARK	GREAT SKATE	10496 PORTAGE RD	SKATE RINK
CITY OF PORTAGE BLDG AUTHORITY	910 E MILHAM AV	CITY PARK	LONG LAKE SKATING RINK	4525 LONG LAKE DR	SKATE RINK
CITY OF PORTAGE	1614 W OSTERHOUT AV	CITY PARK	ST MICHAEL LUTHERAN CHURCH	7211 OAKLAND DR	CHURCH
CHERRY CREEK COMMUNITY CHURCH	10641 SHAVER RD	CHURCH	FAITH REFORMED CHURCH OF KAL	7198 ANGLING RD	CHURCH
UNITARIAN UNIVERSALIST COMM CHURCH	10441 SHAVER RD	CHURCH	CHRIST APOSTOLIC CHURCH OF KALAMAZO	1819 ROMENCE RD	CHURCH
AMAZING GRACE BAPT FELLOWSH	10010 PORTAGE RD	CHURCH	CHAPEL HILL UNITED METH CHURCH	7028 OAKLAND DR	CHURCH
LAKE CENTER BIBLE CHURCH	805 E OSTERHOUT AV	CHURCH	ST JAMES EVANGELICAL LUTHERA	2381 ROMENCE RD	CHURCH
LORD OF LIFE LUTHERAN CHURCH	9430 PORTAGE RD	CHURCH	INDO-AM CULTURAL CTR & TEMPLE	2002 RAMONA AV	PARSONAGE
PRAIRIE EDGE CHURCH	9316 OAKLAND DR	CHURCH	PORTAGE CHURCH OF CHRIST	6327 S 12TH ST	CHURCH
PORTAGE 1ST METHODIST CHURCH	6740 S WESTNEDGE AV	CHURCH	THE NEW APOSTOLIC CHURCH OF NORTH AM	2601 KALARAMA AV	CHURCH
PORTAGE FR METHODIST CH	3715 W CENTRE AV	CHURCH	CHURCH & GARAG PRINCE OF PEACE LUTHERAN CHURCH	1747 W MILHAM AV	CHURCH
FIRST CHURCH OF GOD OF PORTAGE	1917 E CENTRE AV	CHURCH	PORTAGE UNITED CHURCH OF CHRIST	2731 W MILHAM AV	CHURCH
FIRST BAPTIST CHURCH OF PTG	1133 E CENTRE AV	CHURCH	VICTORY BAPTIST CH OF PORTAGE	308 W MILHAM AV	CHURCH
ST BARNABAS EPISCOPAL CHURCH	929 E CENTRE AV	CHURCH	GURDWARA SINGH SABHA KALAMAZOO	5828 CHESHIRE ST	CHURCH
THE FIRST REFORMED CHURCH OF PORTAGE	7905 S WESTNEDGE AV	CHURCH	THREADS CHURCH, INC.	3600 W MILHAM AV	CHURCH
ST CATHERINE OF SIENA	1150 W CENTRE AV	CHURCH	GREATER FAITH MINISTRY	5811 OAKLAND DR	CHURCH
MICH DIST ASSEMBLIES OF GOD	7837 LOVERS LN	CHURCH	FIRST ASSEMBLY OF GOD CHURCH	5550 OAKLAND DR	CHURCH
BEREAN BAPTIST CH OF PORTAGE	7815 S 12TH ST	CHURCH	MICHIGAN PRESBYTERIAN	1701 ECKENBER DR	CHURCH
KALAMAZOO VALLEY FAMILY CHURCH	995 ROMENCE RD	CHURCH	FULL GOSPEL COMMUNITY CHURCH	5529 CHAMBERLIN ST	CHURCH
FIRST CHURCH OF NAZARENE	5603 OAKLAND DR	CHURCH	MICHIGAN PRESBYTERIAN BOARD	1515 HELEN AV	CHURCH
JEHOVAH'S WITNESSES	7415 OAKLAND DR	CHURCH	KALAMAZOO VALLEY FAMILY CHURCH	2500 VINCENT AV	CHURCH
OAKLAND DR CHURCH OF CHRIST	7331 OAKLAND DR	CHURCH	PORTAGE DISTRICT LIBRARY	LIBRARY LN	LIBRARY
TOUCH OF HOME DAY CARE	400 GLADYS AV	DAY CARE			

- B-3 Zoning
- Eligible properties
- 1000' distance provision (1000')
- 250' distance provision from City Limits
- State Game Area
- Residential zoned abutting property
- City Boundary
- Potential Locations



1 inch = 3,200 feet
Date: 1/15/2018

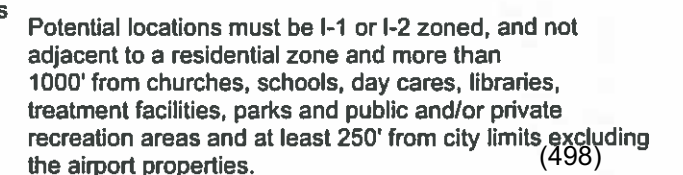
Potential locations must be B-3 zoned, and not adjacent to a residential zone and more than 1000' from churches, schools, day cares, libraries, treatment facilities, parks and public and/or private recreation areas and more than 250' from city limits excluding the airport properties. (497)



97 Available properties using 1000' and 250' non-airport City Limit exclusion areas.

1 inch = 3,200 feet

Date: 1/15/2018



-  I-1 or I-2 Zoning
 Exclusion Areas 250' from City Limits
 Exclusion Areas 1000'
 Eligible Properties (97)
 City Boundary

Proposed Medical Marihuana Grow Operations and Processors 1000' (250') Distance Provisions for I-1, I-2 15 Potential Locations with 1000' Separation

List of properties with 1000' distance provision. Also 250' distance provision from City Limits excluding airport properties.

NAME	ADDRESS	TYPE	NAME	ADDRESS	TYPE
7 POINT HOLDINGS, LLC	8151 MERCHANT PL	INDOOR SOCCER	CLAF LLC	9027 PORTAGE INDUSTRIAL DR	KIDS GYM
80N ASSOCIATES, LLC	8105 VALLEYWOOD LN	DAY CARE	COMM PROPERTY DEVELOPMENT CO, LLC	4295 BISHOP AVE	DAYCARE
QTY KALAMAZOO - MUHAM PARK		PARK	COOK, HARLEY J & R H	7732 SHAYER DR	CITY PARK
QTY KALAMAZOO - MUHAM PARK GOLF		PARK	CRANKSHAW, GARY E & K E	810 E CENTRE AVE	DAY CARE
CITY OF PORTAGE	9016 S WESTNEDGE AV	CITY PARK	DARA REALTY, LLC	0091 CONSTITUTION BL	BEAUTY SCHOOL
CITY OF PORTAGE	7810 SHAYER DR	CITY PARK	SPRING ARBOR UNIVERSITY	950 TRADE CENTRE WAY	UNIVERSITY
CITY OF PORTAGE	280 ROMENCE RD	CITY PARK	FETZER BROADCASTING CO	7803 S WESTNEDGE AV	CITY PARK
CITY OF PORTAGE	6577 HAMPTON ST	CITY PARK	FIRST CHURCH OF NAZARENE	5603 OAKLAND DR	DAY CARE
CITY OF PORTAGE	6571 HAMPTON ST	CITY PARK	FOUNDATION FOR BEHAVIOR RESEARCH	6303 OAKLAND DR	SCHOOL
CITY OF PORTAGE	3458 SUMMERSONG PA	CITY PARK	FOUNDATION FOR BEHAVIORAL RES	151 E CENTRE AVE	DAY CARE
CITY OF PORTAGE	7700 SHAYER DR	CITY PARK	GILDEN WOODS REAL ESTATE	KALAMAZOO	SCHOOL
CITY OF PORTAGE	7722 S WESTNEDGE AV	CITY PARK	ST MONICA'S	KALAMAZOO	SCHOOL
CITY OF PORTAGE	424 E KILGORE RD	CITY PARK	HACKETT CATHOLIC	1501 E MUHAM AV	SCHOOL KRESA
CITY OF PORTAGE	5420 LOVERS LN	CITY PARK	KAL VALLEY INTER SCHOOL DIST	5821 LOVERS LN	SCHOOL
CITY OF PORTAGE	9150 S WESTNEDGE AV	CITY PARK	KAL VALLEY INTER SCHOOL DIST	4221 E MUHAM AV	SCHOOL
CITY OF PORTAGE	9400 S WESTNEDGE AV	CITY PARK	KALAMAZOO ACADEMY, INC	5650 PORTAGE RD	AIRWAY LANES
CITY OF PORTAGE	3458 SUMMERSONG PA	CITY PARK	KEGLER, INC	5626 PORTAGE RD	BOWLING ALLEY
CITY OF PORTAGE	6577 HAMPTON ST	CITY PARK	KEGLER, INC	KALAMAZOO	SCHOOL
CITY OF PORTAGE	9016 S WESTNEDGE AV	CITY PARK	KPS - LLOYD NORRIS	7187 S SPRINKLE RD	SOCCER CLUB
CITY OF PORTAGE	9010 S WESTNEDGE AV	CITY PARK	LET'S PLAY SPORTS, INC	1422 E CENTRE AVE	DAYCARE
CITY OF PORTAGE	9500 S WESTNEDGE AV	CITY PARK	MATHEU PROPERTY MANAGEMENT, LLC	6500 CONSTITUTION BLVD	DAY CARE
CITY OF PORTAGE	9920 S WESTNEDGE AV	CITY PARK	MICHIGAN INVESTMENT GROUP, INC	7455 OAKLAND DR	DAY CARE
CITY OF PORTAGE	7750 CURRIER DR	CITY PARK	PARAGON STORAGE CENTERS, LLC	6530 LOVERS LN	OUTDOOR SOCCER
CITY OF PORTAGE	5506 LOVERS LN	CITY PARK	PHARMACIA & UPJOHN COMPANY	8201 COX'S DR	ADULT ED SCHOOL
CITY OF PORTAGE	6932 LOVERS LN	CITY PARK	PHIL SIMON ENTERPRISES, INC	6235 S WESTNEDGE AV	SCHOOL
CITY OF PORTAGE	6979 S WESTNEDGE AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	8240 S WESTNEDGE AV	SCHOOL
CITY OF PORTAGE	7647 S WESTNEDGE AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	8107 MUSTANG DR	SCHOOL
CITY OF PORTAGE	7545 S WESTNEDGE AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	8111 S WESTNEDGE AV	SCHOOL
CITY OF PORTAGE	280 ROMENCE RD	CITY PARK	PORTAGE PUBLIC SCHOOLS	10011 PORTAGE RD	SCHOOL
CITY OF PORTAGE	9501 SHAYER DR	CITY PARK	PORTAGE PUBLIC SCHOOLS	8422 S WESTNEDGE AV	SCHOOL VACANT
CITY OF PORTAGE BLDG AUTHORITY	9345 PORTAGE RD	CITY PARK	PORTAGE PUBLIC SCHOOLS	1429 WOODLAND DR	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	9001 S WESTNEDGE AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	1411 WOODLAND DR	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	8643 WARUF AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	1401 WOODLAND DR	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	850 W OSTERHOUT AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	1409 WOODLAND DR	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	7355 GARDEN LN	CITY PARK	PORTAGE PUBLIC SCHOOLS	7345 MOORSBRIDGE RD	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	910 E MUHAM AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	1720 HAVERHILL AV	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	4500 W MUHAM AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	1710 HAVERHILL AV	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	4770 BERWICK AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	6637 AMBERLY ST	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	4750 PITTSFORD AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	6501 S 12TH ST	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	7800 SHAYER DR	CITY PARK	PORTAGE PUBLIC SCHOOLS	5737 MONTICELLO AV	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	4750 PITTSFORD AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	600 IDAHO AV	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	4770 BERWICK AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	620 IDAHO AV	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	7336 GARDEN LN	CITY PARK	PORTAGE PUBLIC SCHOOLS	700 IDAHO AV	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	7550 OAKLAND DR	CITY PARK	PORTAGE PUBLIC SCHOOLS	1010 W MUHAM AV	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	8631 S WESTNEDGE AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	3340 ANGLING RD	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	9345 PORTAGE RD	CITY PARK	PORTAGE PUBLIC SCHOOLS	9999 PORTAGE RD	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	4500 W MUHAM AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	9999 PORTAGE RD	SCHOOL
CITY OF PORTAGE BLDG AUTHORITY	8631 S WESTNEDGE AV	CITY PARK	PORTAGE PUBLIC SCHOOLS	4423 BISHOP AVE	SOCCER FIELDS
CITY OF PORTAGE BLDG AUTHORITY	9001 S WESTNEDGE AV	CITY PARK	PORTAGE SOCCER CLUB	7508 OAKLAND DR	DAY CARE
CITY OF PORTAGE BLDG AUTHORITY	850 W OSTERHOUT AV	CITY PARK	QUINN, MICHAEL D & Y I	7255 S SPRINKLE RD	JUNGLE JOES
CITY OF PORTAGE BLDG AUTHORITY	8631 S WESTNEDGE AV	CITY PARK	ROZE VALLEY PROPERTIES, LLC	7365 S SPRINKLE RD	COURTHOUSE
CITY OF PORTAGE BLDG AUTHORITY	7401 GARDEN LN	CITY PARK	S-GROW INC	4803 E CENTRE AVE	SOUTH PORTAGE LL
CITY OF PORTAGE BLDG AUTHORITY	7335 GARDEN LN	CITY PARK	SOUTH PORTAGE LL	7211 OAKLAND DR	DAY CARE
CITY OF PORTAGE BLDG AUTHORITY	7451 GARDEN LN	CITY PARK	ST MICHAEL LUTHERAN CHURCH	5902 S 12TH ST	DAY CARE
CITY OF PORTAGE BLDG AUTHORITY	8643 WARUF AV	CITY PARK	TEXAS TWP - DAYCARE	2900 W CENTRE AVE	YMCA
CITY OF PORTAGE BLDG AUTHORITY	6810 LOVERS LN	CITY PARK	YMCA	10496 PORTAGE RD	SKATE RINK
CITY OF PORTAGE BLDG AUTHORITY	910 E MUHAM AV	CITY PARK	GREAT SKATE	4525 LONG LAKE DR	SKATE RINK
CITY OF PORTAGE	1614 W OSTERHOUT AV	CITY PARK	LONG LAKE SKATING RINK	7211 OAKLAND DR	CHURCH
CHERRY CREEK COMMUNITY CHURCH	10641 SHAYER DR	CHURCH	ST MICHAEL LUTHERAN CHURCH	7198 ANGLING RD	CHURCH
UNITARIAN UNIVERSALIST COMM CHURCH	10441 SHAYER DR	CHURCH	FAITH REFORMED CHURCH OF KAL	1819 ROMENCE RD	CHURCH
AMAZING GRACE BAPT FELLOWSH	10020 PORTAGE RD	CHURCH	CHRIST APOSTOLIC CHURCH OF KALAMAZOO	7028 OAKLAND DR	CHURCH
LAKE CENTER BIBLE CHURCH	805 E OSTERHOUT AV	CHURCH	CHAPEL HILL UNITED METH CHURCH	2381 ROMENCE RD	CHURCH
LORD OF LIFE LUTHERAN CHURCH	9420 PORTAGE RD	CHURCH	ST JAMES EVANGELICAL LUTHERA	2002 RAMONA AV	CHURCH PARKING
PRAIRIE EDGE CHURCH	9316 OAKLAND DR	CHURCH	INDO-AM CULTURAL CTR & TEMPLE	6327 S 12TH ST	CHURCH
PORTAGE 1ST METHODIST CHURCH	8740 S WESTNEDGE AV	CHURCH	PORTAGE CHURCH OF CHRIST	THE NEW APOSTOLIC CHURCH OF NORTH AM	2601 KALARAMA AV
PORTAGE FR METHODIST CH	1715 W CENTRE AV	CHURCH	CHURCH & GARAG	PRINCE OF PEACE LUTHERAN CHURCH	1747 W MUHAM AV
FIRST CHURCH OF GOD OF PORTAGE	1917 E CENTRE AV	CHURCH	PORTAGE UNITED CHURCH OF CHRIST	2731 W MUHAM AV	CHURCH
FIRST BAPTIST CHURCH OF PTG	1133 E CENTRE AV	CHURCH	VICTORY BAPTIST CH OF PORTAGE	308 W MUHAM AV	CHURCH
ST BARNABAS EPISCOPAL CHURCH	929 E CENTRE AV	CHURCH	GURDWARA SINGH SABHA KALAMAZOO	5628 CHESHIRE ST	CHURCH
THE FIRST REFORMED CHURCH OF PORTAGE	7905 S WESTNEDGE AV	CHURCH	THREADS CHURCH, INC	3600 W MUHAM AV	CHURCH
ST CATHERINE OF SIENA	1150 W CENTRE AV	CHURCH	GREATER FAITH MINISTRY	5811 OAKLAND DR	CHURCH
MICH DIST ASSEMBLIES OF GOD	7837 LOVERS LN	CHURCH	FIRST ASSEMBLY OF GOD CHURCH	5550 OAKLAND DR	CHURCH
BEAREAN BAPTIST CH OF PORTAGE	7813 S 12TH ST	CHURCH	MICHIGAN PRESBYTERIAN	1701 ECKENR DR	CHURCH
KALAMAZOO VALLEY FAMILY CHURCH	995 ROMENCE RD	CHURCH	FULL GOSPEL COMMUNITY CHURCH	5329 CHAMBERLIN ST	CHURCH
FIRST CHURCH OF NAZARENE	5603 OAKLAND DR	CHURCH	MICHIGAN PRESBYTERIAN BOARD	1515 HELEN AV	CHURCH
JEHOVAH'S WITNESSES	7415 OAKLAND DR	CHURCH	KALAMAZOO VALLEY FAMILY CHURCH	2500 VINCENT AV	CHURCH
OAKLAND DR CHURCH OF CHRIST	7331 OAKLAND DR	CHURCH	PORTAGE DISTRICT LIBRARY	LIBRARY LN	LIBRARY
TOUCH OF HOME DAY CARE	400 GLADYS AV	DAY CARE			

- Eligible I-1, I-2 zoned Parcels
- Residential zoned Parcels
- 250' distance provision from City Limits
- 1000' distance provision
- City Boundary
- State Game Area
- Potential Locations (1000')



1 inch = 3,200 feet
Date: 1/15/2018

Potential locations must be I-1 or I-2 zoned, and not adjacent to a residential zone and more than 1000' from churches, schools, day cares, libraries, treatment facilities, parks and public and/or private recreation areas and 250' from city limits excluding airport

Rocky Mountain PBS News

FEB
04
2012

Under Siege: Marijuana and Colorado Schools

Last Updated by **Katie Kerwin McCrimmon, Nancy Mitchell** on Oct 12, 2016 at 10:32 pm



SIEGE: Marijuana and Colorado Schools



A handful of students from Denver's East High School recently spent a warm January lunch period huddled against a brick home two blocks from the school, passing a joint and discussing the merits of medical marijuana.

It smells better than what you get on the street, they say, and is more potent. The buds are whole, not ground up like oregano.

"I get top shelf," boasts a 16-year-old boy. "My cousin works at a dispensary. So he brings maybe two zips (plastic bags) a day that they're just going to throw out."

Across the street is a medical marijuana dispensary that advertises "a trip to the moon" for customers. It is exactly 753 feet from East, according to the school's former principal, who has measured it several times. Another dispensary is 1,010 feet away.

"This is not in any sense healthy for our young people," said John Youngquist, the former principal who has pleaded for years for help in protecting schools from the proliferation of dispensaries.

Federal prosecutors echoed those concerns in January when they targeted medical marijuana dispensaries within 1,000 feet of schools for their first crackdown since hundreds of shops with names like "Dr. Reefer" and "Ganja Gourmet" began spreading across the state in 2009.

U.S. Attorney John Walsh cited a "dramatic increase in student abuse of marijuana" in warning 23 dispensary operators to move within 45 days or face criminal action and seizure of their property. That deadline expires Feb. 27.

Scores of other dispensaries can expect shutdown notices soon. In all, Walsh now says he plans to target over 100 Colorado dispensaries located within 1,000 feet of a school, relying on federal law that creates stiffer penalties for any drug use near schools, playgrounds and places where young people gather.

The federal Drug-Free Schools Act applies to public and private schools from grades 1-12, along with both public and private colleges and universities. For now, Walsh says he is committed only to cracking down on dispensaries near public and private schools and higher education campuses, and not other gathering places.

An investigation by Education News Colorado, Solutions and the I-News Network shows the number of drug violations reported by Colorado's K-12 schools have increased 45 percent in the past four years, even as the combined number of all other violations has fallen.

The statewide data do not distinguish between marijuana and other drugs but interviews with school and district officials, health care workers and students across Colorado depict marijuana as the overwhelming cause of the increase.

Some school officials used descriptions such as "drowning" and "under siege" to portray their battle with the increase in drug violations and what they view as a seismic shift in student attitudes about marijuana.

"When I grew up, it was horrible if you got caught with pot," said East teacher Matt Murphy. "Now there are little green medical signs everywhere. It seems healthy. We're at the front lines of this huge shift where kids think it's OK."

Among other findings of the investigation:

- Suspensions for drug violations in Colorado schools rose 45 percent between 2007-08 and 2010-11 while expulsions for drug violations increased 35 percent and referrals to police increased 17 percent. In contrast, the overall suspension rate for all other violations was down 11 percent while expulsions and police referrals for other violations dropped 25 percent.
- In Denver, the increase in referrals to law enforcement for drug violations was particularly high, spiking 71 percent in four years. Denver police in 2010 began listing marijuana arrests at city schools separately from other drug incidents, their records show 179 arrests for marijuana possession or sale at 43 Denver Public Schools between Aug. 1, 2010 and June 30, 2011, with a third of those arrests occurring at elementary, middle and K-8 schools.

- Suburban and rural areas are not immune. Grand Junction schools saw a 55 percent increase in drug violations in four years while they've doubled in the St. Vrain Valley district. Thornton High School in Adams 12 Five Star reported three drug violations per 100 students in 2007-08 and eight violations per 100 students in 2010-11 while Cherry Creek's Overland High School saw its rate per 100 students rise from two to more than five in four years.
- Up to 53 medical marijuana dispensaries are within 1,000 feet of Colorado public schools. Statewide, 95 elementary schools are within a half-mile of a dispensary while 27 middle schools and 23 high schools are that close.

Located along downtown Denver's busy Colfax Avenue, a hotspot for marijuana businesses, East is among the schools statewide surrounded by multiple dispensaries. But East is far from alone.

A young man walks along Colfax Avenue past a sign advertising "premium medical marijuana" at nearby Serenity Moon Wellness Center in Denver on Jan. 20, 2012. East High School's former principal says Serenity Moon is exactly 753 feet from the school and its proximity along with a handful of other medical marijuana dispensary's "is not in any sense healthy for our young people." News Network

 A young man walks along Colfax Avenue past a sign advertising "premium medical marijuana" at nearby Serenity Moon Wellness Center in Denver on Jan. 20, 2012. East High School's former principal says Serenity Moon is exactly 753 feet from the school and its proximity along with a handful of other medical marijuana dispensary's "is not in any sense healthy for our young people."

Disagreement on effect of dispensaries near schools

The investigation found some of the schools with the biggest increases in drug violations have multiple medical marijuana dispensaries within a mile or closer.

East, seen by many as Denver's premier public high school, has had up to five medical marijuana dispensaries within a three-block radius of its campus. The number of drug violations at the school has tripled since 2009.

Palmer High School in downtown Colorado Springs is within a mile of as many as eight dispensaries. The school reported one or two drug violations in 2007-08 and 2008-09, then 75 violations in 2009-10 and 45 violations in 2010-11.

But not all schools with nearby dispensaries saw an increase in drug violations and some reported their numbers of drug-related incidents declined.

Brian Vincente, director of Sensible Colorado, an advocacy group pushing for the legalization of marijuana for adults, said dispensaries are not to blame for increases in student drug violations.

"There's never been a recorded case of dispensaries selling marijuana to high school kids," he said. "That is not the problem. Dispensaries are a highly regulated industry."

Vincente says students are getting marijuana the same way they've gotten it for the past 50 years illegally.

Others see a clear link between the dispensaries and increased student use of the drug.

"Of course there's a correlation," said Rebecca Hea, executive director of the Denver Children's Home, which provides a drug and alcohol counselor at East.

"It's a lot easier to get access to marijuana," she said, noting the number of referrals to the East counselor "is growing so astronomically, she's unable to meet the need."

"There is a perception that if it's medically sanctioned, it can't be that bad," Hea added.

"It seems condoned because the name medical is in front of it."

Nicole Veltze, principal at Denver's North High School, which also has a number of dispensaries nearby, said the actual location of the dispensaries doesn't matter as much as the fact they're widespread.

"The kids aren't going to the dispensaries," she said. "The kids have access to other people who have access to dispensaries. So whether you live near or far from a dispensary, if you have a friend, you can get it."

Veltze is particularly concerned about long-term repercussions for kids.

"When marijuana is found on students, we have to call law enforcement," she said. "Due to the rise in availability of marijuana, we're making more and more calls to law enforcement for this, and so we're contributing to the criminalization of our kids."

Denver Public Schools John Youngquist talks to educators at a meeting at West Denver Prep at Lake Campus charter school in Denver on Jan. 24, 2012. Youngquist, the principal at East for five years until getting a promotion in December, is convinced that dispensaries near schools increase use. News Network

 Denver Public Schools John Youngquist talks to educators at a meeting at West Denver Prep at Lake Campus charter school in Denver on Jan. 24, 2012. Youngquist, the principal at East for five years until getting a promotion in December, is convinced that dispensaries near schools increase use.

Students say medical marijuana cheaper, easier to obtain

Youngquist, who was principal at East for five years until getting a promotion in December, is convinced that dispensaries near schools increase use.

"They create a context for students that is all about marijuana, a context that says this is healthy," he said. "There's just a very, very large amount of marijuana present in our community and there's easy access for young people."

The school has taken a proactive stance, with administrators frequently patrolling nearby Colfax Avenue during lunch. It's then, and driving to and from the school, that Youngquist noticed students hovering near some dispensaries.

"It's as easy as standing outside," he said. "If you keep your eyes open and drive by, kids will be out front waiting for the possibility" to buy.

Some East students have a term for it. They call it "shoulder-tapping."

"You stand there and when someone goes in, you say, 'Hey, will you get me some weed in there?'" explained a 17-year-old boy.

Some older students, older siblings and recent graduates have medical marijuana cards, the boy said. There are even coupons to sweeten the transaction.

"Buying through dispensaries is cheaper than buying on the streets," he said. "You call people who have a card. There are buy-one, get-one free deals."

Managers of dispensaries near East did not return calls for comment.

East students are divided over whether nearby dispensaries are fueling an increase in marijuana use.

"The fact that they're close by makes it easier for it to happen at school," said one 16-year-old girl, but she added, "If kids really want to do it at school, they'll find a way to do it."

Another boy, 16, said he thinks the sheer number of dispensaries may make the drug more attractive.

"That's probably the effect that dispensaries have," he said. "It's like Starbucks. You think what's so good about Starbucks? And you're going to go try some."

More than a dozen students interviewed said they see a growing number of their classmates using marijuana.

"It's become more of a thing to do at school, to rebel or if you don't like a class," a 16-year-old girl said. "It's a way to not skip class, but not be there in a way."

Medical Marijuana Facts

Quick facts: Medical marijuana patients and dispensaries

Who can buy? Patients with certain "debilitating" conditions, which are listed in the ballot measure approved by voters in 2000, can apply for a medical marijuana card. These include cancer, glaucoma and HIV/AIDS.

Age limits: People under 18 must have parental consent to obtain a card.

Number of minors with cards: 41

Security: Employees at medical marijuana dispensaries who check patient IDs and registry cards are required to pass criminal background checks. Dispensaries are required to have locked doors and extensive camera systems, and to follow other measures set out in a 72-page list of regulations.

Card cost: \$35 per year

Quantity: Patients can buy up to two ounces per day.

Cost of medical marijuana: Approximately \$25 per 1/8 ounce and \$175 per ounce for basic medical marijuana.

Number of card applicants: 161,483

Current card holders: 80,558

Medical reasons: 94 percent cite severe pain, one of the "debilitating" conditions. The second most common complaint is muscle spasms.

Gender of card holders: 69 percent male; 31 percent female

Average age of card holders: 42

Location: 55 percent of patients live in the Denver metro area

Source: Research by EdNews, Solutions and the I-News Network; Colorado Department of Public Health and Environment supplied figures, current as of November 2011. Regulations come from the Colorado Department of Revenue's Medical Marijuana Enforcement Division. Dispensary owners provided average costs and quantity information.

Some communities ban dispensaries, others disregard school buffer

Schools are singled out in contradictory local, state and federal regulations governing the use of marijuana.

While Colorado voters have approved the use of marijuana for medicinal purposes, and voters will consider an initiative this fall to legalize it altogether in this state, federal law still views it as illegal.

State laws regulate medical marijuana businesses to some extent, including creating a 1,000-foot buffer around schools, but they also allow leeway for local authorities. So while 85 municipalities have banned dispensaries altogether, others have allowed them as close as 400 feet to schools.

In Denver, City Councilwoman Jeanne Robb said city officials acted only after the dispensaries began proliferating, so they compromised in allowing dispensaries already less than 1,000 feet from a school to continue operating.

Robb supports the federal crackdown but isn't sure it will make a difference.

"Once medical marijuana was accepted in the dispensary form, it can be 1,000 feet from a school or 1,005 feet from a school. The youth who are inclined to find it will find it," she said.

"Our society has said it's medicine. I'm afraid it removes the idea that it's still a drug. Now the question is how do we deal with the fallout on our youth? I'm not sure we can really go back."

Denver City Councilman Charlie Brown, a key sponsor of city's medical marijuana regulations, said he was "shocked and disappointed" by the increase in drug violations in schools.

"We need to get the people out of the business who shouldn't be in the business," he said. "Our job is to clamp down and make sure they don't abuse it and if they are, we're going to close them down."

The federal action is likely to shut down only one dispensary near East. But for Youngquist, that's a start.

For years, he said he felt nobody was listening as his staff struggled to respond to the growth in medical marijuana dispensaries around the school.

"I've gone and spoken with members of city council and state legislators and asked the question regarding the impact on youth," Youngquist said. "They told me, 'It's not something we thought about.'"

"I'm disappointed that young people weren't considered when our government decided to implement a law and make medical marijuana legal."

"The stakes are a lot higher than you think."

The call came last fall while the young single dad was at his construction job.

"It was the hardest day of my life," he said.

The man's son, an East High School freshman, had been busted with baggies of marijuana at a Colfax Avenue parking garage adjacent to the school.

His arrest was one of 18 at East for marijuana possession last year and among the 179 arrests for marijuana possession or sale at 43 Denver schools during 2010-11, according to Denver police records.

The boy said he purchased the marijuana from a senior at school. He was naïve enough to divide it into smaller bags and write friends' names on them.

"His whole intention was to sell it and make some money. There are quite a few kids there with a lot of money. He was trying to fit in and make some money," the boy's dad said.

The names of the father and son are being withheld because the boy is still a juvenile.

While Colorado schools report an increase in drug-related incidents and both national and state surveys show a rise in marijuana use among young people, this father has a message to other parents and kids.

"The stakes are a lot higher than you think," the dad said. "You're doing something illegal and you're playing with fire. Sooner or later, you're going to get burned."

He believes young people are confused by mixed messages that bombard them. On the one hand, medical marijuana dispensaries are located near schools and advertise their products as "healthy" on storefronts, online and on radio stations with young audiences.

On the other hand, East officials are taking a proactive stance against the use of marijuana by students and federal law enforcement officials in January announced a crackdown on medical marijuana shops within 1,000 feet of schools.

The 36-year-old father said he never had a strong opinion on the marijuana debate before, but now thinks medical marijuana dispensaries should be illegal.

"Nobody thought about the kids," the dad said. "How do you tell your kids this is wrong when you've got a guy with a sign dancing around and saying, 'Come get this?'"

On the day the boy was caught, school resource officers hauled the 15-year-old back to East, arrested him, and charged him with two felonies: attempted distribution and attempted distribution to a minor.

The dad couldn't bear to watch as the officers loaded his son into the police car and drove him to the Gilliam Youth Detention Center.

Because of a holiday, the boy ended up spending four days locked up before a judge in Denver's juvenile court could hear his case. He experienced some bullying that led to a fight and some minor injuries.

Ultimately, he was confined to house arrest for two weeks, expelled from East and later harassed online for being a snitch. He had rocks thrown at his car and had to miss weeks of practice for his elite club sports team.

"It's been devastating for him," the dad said.

The boy transferred to another Denver high school and his grades plummeted.

"He had never been in trouble before. He had great grades. He went from a 4.0 to a 2.5" grade point average, the father said.

The boy is now on probation. If he can stay clean for two years, the felonies will be expunged from his record. He returned to East this year and is doing well again in school.

"I don't want to see other kids go through that," the dad said. "You don't realize how this impacts the rest of your life. It impacts him getting into college and getting jobs. This has affected both of us pretty heavily."

Timeline: Evolution of medical marijuana in Colorado

- 2000 – A majority of Colorado voters, 54 percent, approve Amendment 20 allowing caregivers to provide medical marijuana to patients who suffer from specific conditions. Patients must have recommendations from a doctor and register with the state.
- 2009 – Medical marijuana dispensaries proliferate across the state after a new U.S. attorney general signals the federal government will not prosecute medical marijuana in states that allow it and the state health board considers but declines to limit the number of patients a caregiver can serve. With no state law in place to regulate dispensaries, some municipalities begin approving their own regulations.
- 2010 – Local authorities continue their own efforts to govern medical marijuana dispensaries. Some, including Denver, approve a 1,000-foot buffer around schools but allow those already there to continue operating. State lawmakers enact legislation, effective July 1, to regulate and tax medical marijuana businesses. It includes a 1,000-foot buffer around schools but allows local officials to make exemptions.
- 2012 – Federal prosecutors on Jan. 13 notify 23 dispensaries operating within 1,000 feet of schools that they have 45 days to move or face criminal prosecution. The deadline is Feb. 27. Federal law, which continues to see marijuana as an illegal drug, carries enhanced penalties

for drug possession or distribution near schools. State records show more than 700 dispensaries located throughout Colorado.

Source: Research by EdNews, Solutions and the I-News Network

Katie Kerwin McCrimmon is a reporter for Solutions. This report is part of a collaborative investigation by three nonprofit news organizations: Solutions, Education News Colorado and the I-News Network.

Burt Hubbard, of I-News, and Rebecca Jones, of Education News Colorado, contributed to this story, which was a collaboration of three Colorado-based nonprofit news organizations: Education News Colorado, Health Policy Solutions and the I-News Network.

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**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN BY ADDING ARTICLE 11, MEDICAL MARIHUANA
FACILITIES, OF CHAPTER 14, BUSINESSES**

THE CITY OF PORTAGE ORDAINS:

That Chapter 14 shall be amended to add Article 12, Medical Marihuana Facilities, as follows:

CHAPTER 14. BUSINESSES.

ARTICLE 12. MEDICAL MARIHUANA FACILITIES.

Sec. 14-245. Purpose.

(a) The purpose of this article is, pursuant to the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, to: authorize the establishment of certain types of medical marihuana facilities in the City of Portage; provide for standards and procedures for the review, issuance, renewal, or revocation of permits for such facilities; and establish fees for such permits.

(b) Nothing in this article, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for the growing, sale, consumption, use, distribution or possession of marihuana in any form or manner that is not in compliance with the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.*, the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, the Marihuana Tracking Act, MCL 333.27901 *et seq.*, and all other applicable rules promulgated by the state of Michigan.

(c) Because federal law is not affected by state law or rules, nothing in this article, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall any provision of this article or this code, be construed as granting immunity from criminal prosecution under federal law. The Act does not protect patients, users, care givers, licensees, or the owners or occupants of properties on which the medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.

Sec. 14-246. Definitions.

As used in this article, the following terms shall have the meanings indicated:

(a) "Act" means the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, as amended.

(b) "Board" means the medical marihuana licensing board created in section 301 of the Act.

(c) "Building" means a combination of materials forming a structure affording a facility or shelter for use or occupancy by individuals or property. Building includes a part or parts of the building and all equipment of the building. A building shall not be construed to mean a building

incidental to the use for agricultural purposes of the land on which the building is located, or a greenhouse.

(d) “Grower” means a licensee and permittee that is a commercial entity located in this city that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

(e) “LARA” means the Michigan Department of Licensing and Regulatory Affairs.

(f) “Licensee” means a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*

(g) “Marihuana” means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

(h) “Marihuana facility” means a location at which a licensee and permittee is licensed and permitted to operate as a grower, processor, provisioning center, safety compliance facility, or secure transporter under the Act and this article.

(i) “Marihuana plant” means any plant of the species *Cannabis sativa* L.

(j) “Marihuana product” means marihuana or marihuana-infused product, or both, as those terms are defined in the act unless otherwise provided for in the rules and this article.

(k) “Marihuana-infused product” means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation. Marihuana-infused product shall not be considered a food for purposes of the food law, 2000 PA 92, MCL 289.1101 *et seq.*

(l) “Paraphernalia” means any equipment, product, or material of any kind that is designed for or used in growing, cultivating, producing, manufacturing, compounding, converting, storing, processing, preparing, transporting, injecting, smoking, ingesting, inhaling, or otherwise introducing into the human body, marihuana.

(m) “Permittee” means a person who has been issued a medical marihuana facilities permit pursuant to this article.

(n) “Person” means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity, as well as those persons defined as “true party of interest”.

(o) “Proposed marihuana facility” means a location at which an applicant plans to operate under the Act, rules, and this article if the applicant is issued a state license, and a permit under this article.

(p) “Provisioning center” means a licensee and permittee that is a commercial entity located in this city that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver

through the Michigan Department of Licensing and Regulatory Affairs' (LARA) marihuana registration process in accordance with the Michigan medical marihuana act is not a provisioning center for purposes of this article.

(q) "Rules" mean the emergency and general rules of the Michigan Department of Licensing and Regulatory Affairs adopted pursuant to the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, and the Marihuana Tracking Act, MCL 333.27901 *et seq.*, as may be amended from time to time.

(r) "Safety compliance facility" means a licensee and permittee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

(s) "Secure transporter" means a licensee and permittee that is a commercial entity located in this city that stores marihuana and transports marihuana between marihuana facilities for a fee.

(t) "Stacked license" means more than one state operating license issued to a single licensee to operate as a grower of class C (1,500 plants) as specified in each license at a marihuana facility.

(tu) "State operating license" or "license" means a license that is issued the Act that allows the licensee to operate as 1 of the following, specified in the license:

- (i) A grower.
- (ii) A processor.
- (iii) A secure transporter.
- (iv) A provisioning center.
- (v) A safety compliance facility.

(uv) "Statewide monitoring system" or, unless the context requires a different meaning, "system" means an internet-based, statewide database established, implemented, and maintained by the department under the marihuana tracking act, that is available to licensees, law enforcement agencies, and authorized state departments and agencies on a 24-hour basis for all of the following:

- (i) Tracking marihuana transfer and transportation by licensees, including transferee, date, quantity, and price.
- (ii) Verifying in commercially reasonable time that a transfer will not exceed the limit that the patient or caregiver is authorized to receive under section 4 of the Michigan medical marihuana act.

(vw) "Tracking Act" means the Marihuana Tracking Act, MCL 333.27901 *et seq.*

(wx) "True party of interest" means the following:

- (1) For an individual or sole proprietorship: the proprietor and spouse.
- (2) For a partnership and limited liability partnership: all partners and their spouses. For a limited partnership and limited liability limited partnership: all general and limited partners and their spouses. For a limited liability company: all members, managers, and their spouses.

(3) For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses and all stockholders and their spouses.

(4) For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses.

(5) For a multilevel ownership enterprise: any entity or person that receives or has the right to receive a percentage of the gross or net profit from the enterprise during any full or partial calendar or fiscal year.

(6) For a nonprofit corporation: all individuals and entities with membership or shareholder rights in accordance with the articles of incorporation or the bylaws and their spouses.

“True party of interest” does not mean:

(1) A person or entity receiving reasonable payment for rent on a fixed basis under a bona fide lease or rental obligation, unless the lessor or property manager exercises control over or participates in the management of the business.

(2) A person who receives a bonus as an employee if the employee is on a fixed wage or salary and the bonus is not more than 25% of the employee's pre-bonus annual compensation or if the bonus is based on a written incentive/bonus program that is not out of the ordinary for the services rendered.

(~~xy~~) Unless the context requires a different meaning, any term used in this article that is defined by the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.* shall have the definition given in that act.

(~~yz~~) Unless the context requires a different meaning, any term used in this article that is defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, shall have the definition given in that act.

(~~zaa~~) Unless the context requires a different meaning, any term used in this article that is defined by the Marihuana Tracking Act, MCL 333.27901 *et seq.* shall have the definition given in that act.

Sec.14-247. Adoption of state rules and regulations.

All activities related to medical marihuana shall be in compliance with the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, the Marihuana Tracking Act, MCL 333.27901*et seq.*, and all other applicable rules promulgated by the state of Michigan.

Sec. 14-248 Marihuana facilities allowed.

(a) Pursuant to Section 205(1) of the Act the city authorizes the following types of marihuana facilities to be permitted in the city without limitation as to the number of facilities: class A, B, and C growers, processors, secure transporters, provisioning centers, and safety compliance facilities.

(b) Operation of provisioning centers, processors and growers at the same location is not authorized.

Sec.14-249. Permit required.

No person shall own or operate a marihuana facility in the city without first applying for and receiving a permit from the city clerk and state operating license. No person who has received a city permit and state license to operate a class C grower facility shall grow more than 1,500 plants at the facility without first applying for and receiving a permit from the city manager for each additional class C license the person desires to stack with its original state operating license, and a stacked class C state operating license or licenses.

Sec. 14-250. Application for permit.

(a) Permit applications for medical marihuana facilities and applications for stacked class C grower licenses at an existing class C grower facility, shall be received by the city annually during a period specifically designated by the city manager for that purpose, and at no other time. The city will initially begin receiving permit applications for marihuana facilities on a date determined by the city manager as soon after the effective date of this article as the city manager deems practicable.

(b) Except as provided in this article, the city manager shall be responsible for establishing the procedure for receiving, reviewing and processing permits, establishing the beginning and ending dates during which permits will initially be received, establishing the beginning and ending dates during which permits may be received each year, and providing public notice regarding the permitting process and of the time period within which the city will receive permits.

(c) Any person desiring to secure a permit shall make application to the city clerk upon a form provided by the city clerk. All permit applicants, except applicants with regard to a stacked class C grower license or licenses, must be prequalified for a medical marihuana facilities license by the Michigan Department of Licensing and Regulatory Affairs (LARA) before submitting an application. A copy of all applications received shall be distributed by the city clerk to the office of the city manager, department of public safety and department of community development for review to determine that the application is complete. If an application is incomplete or missing information the city clerk shall notify the applicant of the incomplete or missing information in writing by mail or electronic mail sent to the address provided by the applicant in the application or notification. The applicant shall have 10 days of the date of mailing of the written notice to provide the incomplete or missing information to the city clerk.

(d) Information requested in the application shall be provided for each true party of interest in the applicant; any other person who controls, directly or indirectly, the applicant; any other person who is controlled, directly or indirectly, by the applicant or by a person who controls, directly or indirectly, the applicant; and each stockholder or other person having a 1% or greater beneficial interest in the proposed marihuana facility. The application for a permit shall include at a minimum the information and documentation listed below under oath:

- (1) The name, business address, business telephone number, social security number, and, if applicable, federal tax identification number of the applicant.
- (2) All residential addresses of the applicant for the past 3 years.

- (3) The business, occupation or employment of the applicant for 5 years immediately preceding the date of application.
- (4) Documentation evidencing that the applicant has been prequalified for a medical marihuana facilities license by LARA.
- (5) Whether the applicant has been indicted for, charged with, arrested for, convicted of, pled guilty or nolo contendere to, or forfeited bail concerning, a felony under the laws of this state, any other state, or the United States, or a controlled substance-related felony, within the past 10 years preceding the date of the application.
- (6) Whether the applicant has been indicted for, charged with, arrested for, convicted of, pled guilty or nolo contendere to, or forfeited bail concerning, a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or been found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state within the past five years.
- (7) Whether the applicant has previously violated this article or a substantially similar ordinance in another municipality preceding the date of the application.
- (8) A comprehensive operating plan for the marihuana facility for which the application is being submitted that includes all of the information required for the Marihuana Facilities Plan to be submitted in connection with a state license pursuant to the rules, the operational standards in sections 14-261 through 14-266 of this article, as applicable, and the following at a minimum:
 - a) A description of the type of marihuana facility applied for.
 - b) A security plan for the marihuana facility that addresses all required security measures of the rules and addresses at a minimum the ability to meet the security measures of the rules. The security plan must contain the specification details of each piece of security equipment to be utilized by the marihuana facility and comply with the provisions of article 2 and article 3 of chapter 26 of this code, sections 14-261(c) and (d), as well as any other applicable provisions of this code and the rules.
 - c) An HVAC plan for the marihuana facility describing in detail among other things the equipment or systems that will be used to prevent any odor of marihuana from leaving the premises.
 - d) A staffing plan that addresses the number of persons estimated to be employed at the facility, estimated

employee salaries, and employee hiring, and an employee training manual that includes, but is not limited to, employee safety procedures, employee guidelines, security protocol, and educational training, including, but not limited to, where appropriate, marihuana product information, dosage and daily limits, or educational materials.

- (e) A marketing plan that at a minimum:
 - i. details how the marihuana facility will comply with all municipal ordinances and state law regulating signs and advertising;
 - ii. provides that marihuana products must be marketed or advertised as “medical marihuana” for use only by registered qualifying patients or registered primary caregivers;
 - iii. provides that marihuana products must not be marketed or advertised to minors aged 17 years or younger.
- (f) An inventory and record keeping plan.
- (g) A technology plan.
- (h) A scaled conceptual plan.
- (i) Written policies and procedures to timely address any concerns or complaints expressed by residents and businesses within the neighborhood surrounding the proposed location of the medical marihuana facility.
- (j) For growers, the operational plan shall also include a cultivation plan that includes but is not limited to:
 - i. the cultivation process or processes that will be used including a description of the grow medium, the equipment, and the fertilizer to be used;
 - ii. the estimated electrical and water usage and a statement of the projected daily average and peak electrical load anticipated to be used by the marihuana facility, a certification from a licensed electrician that the premises are equipped to safely accept and utilize the required or anticipated electric load for the facility, and a certification from the electrical utility supplying electricity to the facility that the anticipated electrical loads required for the facility will not exceed the capacity of the electrical supply system;

- iii. a waste water plan that details how wastewater generated during the cultivation of marihuana shall be disposed of in compliance with applicable state and local laws and regulation;
- iv. a plant waste disposal plan that at a minimum:
 - (a) details how marihuana product waste will be destroyed, or rendered into an unusable and unrecognizable form and recorded in the statewide monitoring system. Disposal by on-site burning or via the sewer system is prohibited;
 - (b) provides that all waste that is hazardous waste shall be disposed of pursuant to MCL 324.11101 to 324.90106;
 - (c) provides that marihuana product waste shall be disposed of in a secured waste receptacle using 1 or more of the following:
 - 1) a manned and permitted solid waste landfill;
 - 2) a manned compostable materials operation or facility;
 - 3) an in-vessel digester; and
 - 4) provides disposal will be in a manner in compliance with applicable state and local laws and regulations.
- v. a mold, mildew and pest prevention plan;
- vi. an air quality plan addressing monitoring, clearance, temperate and humidity control, Co2, ozone, fumigation, and odor mitigation;
- vii. a pesticide and chemical safety plan which shall include a detailed description of all toxic, hazardous, or flammable materials, chemicals and pesticides, that will be kept or used at the marihuana facility, and a detailed plan describing where and how such materials, chemicals and pesticides will be stored in the marihuana facility, and the means of

disposing of unused toxic or flammable materials, chemicals, and pesticides.

(k) For a provisioning center, the operational plan shall also include:

- i. a detailed description of the products and services to be provided;
- ii. a plant waste disposal plan that at a minimum:

(a) details how marihuana product waste will be destroyed, or rendered into an unusable and unrecognizable form and recorded in the statewide monitoring system. Disposal by on-site burning or via the sewer system is prohibited;

(b) provides that all waste that is hazardous waste shall be disposed of pursuant to MCL 324.11101 to 324.90106;

(c) provides that marihuana product waste shall be disposed of in a secured waste receptacle using 1 or more of the following:

- 1) a manned and permitted solid waste landfill;
- 2) a manned compostable materials operation or facility;
- 3) an in-vessel digester; and
- 4) provides disposal will be in a manner in compliance with applicable state and local laws and regulations.

(l) For a processor, the operational plan shall also include:

- i. a detailed description of the products to be produced;
- ii. a waste water plan that details how wastewater generated during the processing of marihuana

products shall be disposed of in compliance with applicable state and local laws and regulation;

iii. a plant waste disposal plan that at a minimum:

(a) details how marihuana product waste will be destroyed, or rendered into an unusable and unrecognizable form and recorded in the statewide monitoring system. Disposal by on-site burning or via the sewer system is prohibited;

(b) provides that all waste that is hazardous waste shall be disposed of pursuant to MCL 324.11101 to 324.90106;

(c) provides that marihuana product waste shall be disposed of in a secured waste receptacle using 1 or more of the following:

- 1) a manned and permitted solid waste landfill;
- 2) a manned compostable materials operation or facility;
- 3) an in-vessel digester; and
- 4) provides disposal will be in a manner in compliance with applicable state and local laws and regulations.

(9) The address of the proposed marihuana facility to be operated by the applicant.

(10) Proof that the applicant has or will have lawful possession of the premises proposed for the marihuana facility for the period during which the permit will be issued, which proof may consist of: a deed, a lease, a real estate contract contingent upon successful licensing, or letter of intent by the owner of the premises indicating an intent to lease the premises to the applicant contingent upon the applicant successfully obtaining a state operating license and local permit.

(11) Whether the applicant holds an elective office of a governmental unit of this state, another state, or the federal government; is a member of or employed by a regulatory body of a governmental unit in this state, another state or the federal government; or is employed by a governmental unit of this state.

- (12) The mailing address and electronic address at which the applicant desires to receive notification under the article, and phone numbers at which the applicant desires to be contacted.
- (13) Whether the applicant has ever applied for or has been granted any commercial license or certificate issued by LARA or any other jurisdiction concerning medical marihuana or marihuana that has been denied, restricted, suspended, revoked or not renewed, and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action.
- (14) Whether the applicant has an interest in any other marihuana facility under the Act, and if so the type of facility, name, and location of the facility the applicant has an interest in.
- (15) A statement that the applicant will not violate any of the laws of the State of Michigan or the ordinances of the City of Portage in conducting the business in which the license will be used, and that a violation on the premises may be cause for nonrenewal of a permit issued under this article, or for revocation of the permit.
- (16) A statement that the applicant understands that the issuance of a permit under this article is not intended to grant, nor shall be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana in any form or manner that is not in compliance with the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.*, the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, the Marihuana Tracking Act, MCL 333.27901 *et seq.*, and all other applicable rules promulgated by the state of Michigan, or from criminal prosecution or the seizure of property by federal authorities under the Federal Controlled Substances Act.
- (17) All marijuana facilities licensed and permitted to operate in the city shall at all times maintain in full force and effect workers compensation insurance as required by state law, and general liability insurance with minimum limits of \$1,000,000.00 per occurrence and a \$2,000,000.00 aggregate limit issued by the company licensed to do business in Michigan having an A.M. Best rating of at least A-. Applicants shall provide evidence of such insurance in the form of a certificate of insurance evidencing the existence of a valid and effective policy, or, evidence that the applicant is able to obtain such insurance and state the limits of each policy, the name of the insurer, the effective date and expiration date of each policy, policy number if known, and the names of additional insured which shall include the city of Portage, its officials, and employees.
- (18) Whether the applicant has filed, or been served with a complaint or other notice filed with any public body regarding the delinquency in the payment of or dispute over the filings concerning the payment of any tax required under federal, state, or local law, including the amount of any tax, taxing agency and time periods involved.

- (19) Applicants have a continuing duty to provide the city with up-to-date contact information and shall notify the city clerk in writing of any changes to its mailing address, phone numbers, electronic mail address or other contact information the applicant provides to the city.
- (20) The city manager may from time to time establish other qualifications for the application and permit which shall be provided in writing to prospective applicants with the application form.

Sec. 14-251. Fees.

A nonrefundable permit fee set by resolution of city council, but not to exceed \$5,000.00, shall be submitted with the application for a permit. This fee shall be in addition to, and not in lieu of, any other fees for licensing or permitting requirements including but not limited to site plan review, zoning, or building permits.

Sec. 14-252. Acceptance or Denial of application.

(a) Applications received may be denied by the city manager if the applicant, upon written notice, fails to provide missing or incomplete information within the time specified in section 14-250(c) of this article. The city manager shall deny an application for any of the following reasons:

- (1) The applicant has not been prequalified for a marihuana facility state license by LARA.
- (2) The applicant did not pay the required application fee at the time of submission of the application.
- (3) The applicant has not provided satisfactory proof that the applicant has or will have lawful possession of the premises proposed for the location of the marihuana facility for the period during which the permit will be issued.
- (4) The applicant's proposed location does not comply with the zoning regulations in article 4 of chapter 42 of this code. That a proposed facility is located less than the minimum spacing required by article 4 of chapter 42 of this code from another proposed facility however, will not alone be grounds for denial of an application. ~~Where two or more~~ Any applications ~~that~~ meets all of the requirements for acceptance of the application except for the minimum spacing distance required by article 4 of chapter 24 of this code between the medical marihuana facility proposed by that applicant and the facilities-medical marihuana facility proposed by the-any other applications applicant, the applications will be accepted, but only one such application will be issued a provisional permit entered in a lottery as provided in section 14-253(b)(3) to determine which of those applications will be accepted and issued a provisional permit and which applications will not. After the initial application period, Aan application for a proposed facility that meets all of the requirements for acceptance of the application except for the minimum spacing distance required by article 4 of chapter 42 from an existing medical marihuana facility will be denied.

- (5) The city manager determines that the applicant has not satisfactorily complied with all of the permit requirements in section 14-250 of this article.
- (6) The applicant has been granted a commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction concerning medical marihuana or marihuana that has been denied or not renewed, or is currently restricted suspended or revoked.
- (7) The city manager determines that the applicant has submitted an application containing false, misleading, or fraudulent information, or who has intentionally omitted pertinent information on the application for a medical marihuana facilities permit.
- (8) The applicant is delinquent in the payment of any taxes, fees or other charges owed to or collected by the city.
- (9) The comprehensive operating plan submitted by the applicant with the application pursuant to section 14-250(d)(8) does not comply with the requirements for a marihuana facilities plan as required by the rules, the requirements of section 14-250(d)(8), or the act.
- (10) Notice of denial of an application shall be sent to the applicant in writing by mail or electronic mail to the last known address of the applicant on file with the city. An applicant whose application is denied may appeal denial to the city council in writing stating the basis for the appeal within ten days of receipt of the notice of denial.

(b) All applications that are not denied as provided in subsection (a) above, and comply with all of the requirements for an application in section 14-250 of this article and the zoning provisions of article 4 of chapter 42 of this code shall be accepted by the city clerk. All applications that meet the application requirements of section 14-250 and the zoning requirements of article 4 of chapter 42 of this code except the minimum spacing requirements from another proposed medical marihuana facility will be entered in a lottery as provided in section 14-253(b)(3) to determine which of those applications will be accepted and issued a provisional permit.

Sec. 14-253. Provisional permit.

(a) Provisional permits will be issued by the city manager to applicants whose applications are accepted as provided in this section.

(b) The city manager, in connection with the initial permit application period, shall issue provisional permits ~~to applicants whose application has been accepted applications~~ in three phases:

- (1) In the first phase, the city manager shall issue a provisional permit to applicants whose permit has been accepted and who were issued a temporary operating permit pursuant to chapter 14, article 11 of this code entitled Temporary Operation of Medical Marihuana Facilities.

- (2) In the second phase, the city manager shall issue provisional permits to applicants whose application was accepted and whose proposed facility complies fully with the zoning regulations in article 4 of chapter 42 of this code;
- (3) The third phase will determine which applicants will receive a provisional permit from among those applicants whose ~~applications were accepted consistent with sections 14-252(a)(5) and 14-252(b) because their applications meet all of the requirements for acceptance of the application except for the spacing between the facilities proposed by the applications proposed medical marihuana facility~~ is less than the minimum spacing distance required by article 4 of chapter 42 of this code ~~from another proposed medical marihuana facility~~. All such applicants ~~The applicants whose proposed facilities are less than the required minimum spacing from each other~~ will be entered in a lottery ~~with each other~~ to determine which applicant will receive a provisional permit. The name of each such applicant will be drawn individually in sequence, with each applicant being assigned a number corresponding to the order in which their name was drawn. The lottery will continue until the names of all such applicants are drawn and assigned a number. The location of the medical marihuana facility proposed by the applicant whose name that is drawn first in the lottery shall then be reviewed to determine if the proposed location of the applicant will comply with the applicable spacing requirements of article 4 of chapter 42 for the proposed facility with respect to any proposed facility be issued for which it has previously been determined will be issued a provisional permit by the city manager. If the proposed facility will comply with the spacing requirements with respect to any proposed facility for which it has previously been determined will be issued a provisional permit by the city manager, the applicant will be issued a provisional permit. Otherwise, the applicant will be denied a provisional permit. The location of the facility proposed by each of the other applicants will then be evaluated in the same manner and in the order their name was drawn to determine compliance with the applicable spacing requirements of article 4 of chapter 42, and will be issued a provisional permit if the location will comply with the spacing requirements with respect to any proposed facility for which it has previously been determined will be issued a provisional permit by the city manager, and denied a provisional permit if it will not. and the other applicant or applicants will be denied a provisional permit. All lottery drawings shall be conducted by the city manager or the city manager's designee with all entrants in the lottery advised of the date and time of the lottery and afforded the opportunity to attend and witness the drawing. ~~Applicants whose proposed facility is less than the minimum spacing distance from as required by article 4 of chapter 42 from an applicant issued a provisional permit in the first phase will be denied a provisional permit.~~

(c) The city manager, in connection with any permit application period after the initial permit application period, shall issue provisional permits to applicants whose application has been accepted in two phases:

- (1) In the first phase, the city manager shall issue provisional permits to applicants whose application was accepted and whose proposed facility

complies fully with the zoning regulations in article 4 of chapter 42 of this code. Applicants whose proposed facility is less than the minimum spacing distance required by article 4, chapter 42 of this code from an existing medical marihuana facility shall be denied a provisional permit;

- (32) The second phase shall determine which applicants will receive a provisional permit if the applicant's proposed medical marihuana facility complies with the minimum spacing distance required by article 4 of chapter 42 of this code from an existing facility, but is less than the minimum spacing distance required by article 4, chapter 42 from another proposed medical marihuana facility. Such applicants will be entered in a lottery conducted in the same manner as in phase 3 in section 14-253(b), above to determine which of them will receive a provisional permit. from among those applicants whose applications were accepted consistent with sections 14-252(a)(5) and 14-252(b) because their applications meet all of the requirements for acceptance of the application except for the spacing between the facilities proposed by the applications is less than the minimum spacing distance required by article 4 of chapter 24 of this code. The applicants whose proposed facilities are less than the required minimum spacing from each other will be entered in a lottery with each other to determine which applicant will receive a provisional permit. The applicant that is drawn in the lottery shall be issued a provisional permit by the city manager, and the other applicant or applicants will be denied a provisional permit. All lottery drawings shall be conducted by the city manager or the city manager's designee with all entrants in the lottery advised of the date and time of the lottery and afforded the opportunity to attend and witness the drawing. Applicants whose proposed facility is less than the minimum spacing distance from as required by article 4 of chapter 42 from an applicant issued a provisional permit in the first phase will be denied a provisional permit. All lottery drawings shall be conducted by the city manager or the city manager's designee with all entrants in the lottery advised of the date and time of the lottery and afforded the opportunity to attend and witness the drawing.

(d) A provisional permit does not authorize the applicant to operate a marihuana facility without first obtaining a state operating license for the facility, and obtaining all other permits, inspections, and approvals required by this article and all other applicable provisions of this code. Upon issuance of a provisional permit the city clerk will be authorized to execute an affirmation to accompany an application for a facilities license that discloses that the city has adopted an ordinance under section 205 of the act, the limitations on the number and type of each facility if any imposed by the ordinance, a description of the city zoning regulations that apply, and any other information that may be required by the act or the rules for such an attestation.

(e) A provisional permit will lapse and be void 6 months from the date it has been issued if a state operating license, or all inspections and other permits and approvals required by city ordinance are not obtained, or if an applicant is denied a state operating license. The city manager or his or her designee shall notify LARA of all persons whose provisional permit has lapsed or become void. A provisional permit may be extended by the city manager upon a showing of good cause, such as a delay in obtaining a state license, or other good cause that is not the fault of the applicant, for an additional period not to exceed 6 months.

(f) A provisional permittee has a continuing duty to provide the city with up-to-date contact information and shall notify the city clerk in writing of any changes to its mailing address, phone numbers, electronic mail address or other contact information the provisional permittee provides to the city.

Sec. 14-254 Termination, revocation, suspension, or restriction of provisional permit.

(a) A provisional permit may be terminated, revoked, suspended or restricted by the city manager in writing for any of the following reasons:

- (1) The provisional permittee is denied a state operating license;
- (2) The marihuana facility is substantially different from the comprehensive operating plan, marihuana facility plan, conceptual plan or other representations;
- (3) Officers of the city are unable to access the proposed facility for permit inspections or are denied access by the provisional permittee;
- (4) The provisional permittee fails, refuses, or becomes unable to obtain site plan approval and an occupancy permit issued by the city.
- (5) Any violation of the act, rules, or this article.

(b) If a provisional permit is terminated, revoked, suspended or restricted, the city manager or his or her designee will notify in writing by mail or electronic mail both the permit holder, at the last known address on file with the city for notification of the applicant, and the Michigan Department of Regulatory Affairs of the termination, revocation, suspension, or restriction of the permit and the reasons therefore in writing.

(c) The holder of a provisional permit under this article that is terminated, revoked, suspended or restricted may appeal the termination, revocation, suspension or restriction to the city council in writing stating the basis for the appeal within ten days of receipt of the notice of the termination, revocation, suspension or restriction.

Sec. 14-255. Medical marihuana facilities permit.

(a) Medical marihuana facilities permits will be issued by the city manager. In order to be issued a marihuana facilities permit an applicant who holds a valid provisional permit shall: successfully complete the inspection required by subsection (c) of this section, ~~and~~ submit proof to the city manager of obtaining ~~a state operating license~~, all other permits and approvals required by all applicable ordinances of the city including but not limited to an approved site plan and occupancy permit; and, proof of insurance required by this article in the form of a certificate of insurance evidencing the existence of a valid and effective policy, stating the limits of each policy, the name of the insurer, the effective date and expiration date of each policy, policy number, and the names of additional insureds which shall include the city of Portage, its officials, and employees. An applicant who holds a provisional permit for a secure transporter permit shall additionally show proof of auto insurance, vehicle registration and registration as a commercial motor vehicle as applicable for any transporting vehicles used to transport marihuana product in order to be issued a marihuana facilities permit by the city manager.

(b) The site plan required for issuance of a marihuana facilities permit shall be consistent with the requirements of section 42-482(A) of this code. The site plan will be reviewed administratively consistent with section 42-482(B) and in accordance with the standards of section 42-483, except that no review by the planning commission of the site plan will be made. The site plan will be approved consistent with the provisions of section 42-484 except that any appeal of a site plan approval shall be to the city manager who will have the discretion whether or not to reverse an order of the director.

(c) Before issuance of a marihuana facilities permit the city shall conduct an inspection of the proposed marihuana facility to verify that the marihuana facility is ready to open for business, the premises of facility are constructed and can be operated in accordance with the application submitted, the approved site plan, the requirements of this code and any other applicable law, rule, or regulation. No marihuana facilities permit may be issued and no marihuana facility may conduct any business or operations until the inspection is completed and it is determined that the marihuana facility is ready to open for business, the premises of facility are constructed and can be operated in accordance with the application, marihuana facilities plan, and comprehensive operating plan submitted with the application as well as the approved site plan, and the facility is in compliance with the requirements of this code and any other applicable law, rule, or regulation.

(d) The marihuana facilities permit shall be issued only in the name of the true party of interest.

(e) A marihuana facilities permit issued under this article is a revocable privilege granted by the city and is not a property right. Granting the permit does not create or vest any right, title, franchise or other property interest.

(f) Each permit is exclusive to the person who is issued the permit and that person must apply for and receive approval of the city manager pursuant to section 14-258 of this article before a permit is transferred, sold, or purchased.

(g) The marihuana facilities permit and state operating license shall be displayed in a conspicuous public place in the business establishment.

(h) Acceptance of a marihuana facilities permit under this article shall constitute permission to any officer of the city, within the authority granted him or her by this code under which such permit was granted, to enter upon and inspect the premises of the marihuana facility at all reasonable times.

(i) A permittee has a continuing duty to provide the city with up-to-date contact information and shall notify the city clerk in writing of any changes to its mailing address, phone numbers, electronic mail address or other contact information the permittee provides to the city.

Sec. 14-256. Renewal of permit.

(a) A marihuana facilities permit shall run concurrent with the state operating license issued for the facility and shall be renewed annually unless revoked as provided by law.

(b) Renewal of marihuana facilities permit shall be made by application to the city clerk. The application for renewal must be filed before the permit expires at such time as is established by the city manager, but in no event less than 30 days before the expiration of the permit. The application for renewal shall be upon a form provided by the city clerk and shall contain the same

information required for an application for a new permit, be given under oath or affirmation, and shall be reviewed and approved in the same manner. Renewal of permits issued in connection with class C grower stacked licenses will require only a single application form for the original class C grower permit and all stacked license permits issued to the applicant. The renewal application shall indicate that the application is for the renewal of permits issued in connection with class C grower stacked licenses and the permit or permits the applicant is seeking to renew.

(c) The city clerk shall notify the permittee by mail or electronic mail at the last known address on file with the city for notification of the permittee, advising of the time, and procedure for renewing the permit. Failure of the permittee to receive notice under this subsection does not relieve the permittee of the responsibility for renewing the permit.

(d) A permit renewal application may be denied by the city manager if the permit renewal application is not received by the city clerk on or before the expiration date of the permit to be renewed. The city manager shall deny a permit renewal application if any of the following occur:

- (1) The permit to be renewed has been terminated or revoked.
- (2) The permit is suspended or restricted.
- (3) The applicant did not pay the required application fee at the time of submission of the renewal application.
- (4) At the time of submission of the renewal application the applicant is delinquent in the payment of any taxes, fees or other charges owed to or collected by the city.
- (5) The city manager determines that the applicant is not in compliance with all qualifications established by section 14-250 of this article, the act or the rules.
- (6) The applicant failed to correct any deficiencies in the renewal application.
- (9) The city manager determines that applicant submitted a renewal application containing false, misleading, or fraudulent information, or intentionally omitted pertinent information on the renewal application.
- (10) The applicant fails to provide evidence of insurance as required by section 14-250(17).
- (11) An inspection conducted by the city reveals that the medical marijuana facility to which the renewal application pertains is not in compliance with this article, this code of ordinances, the act and rules.

(e) Notice of denial of a renewal application shall be sent to the applicant in writing by mail or electronic mail to the last known address of the applicant on file with the city for notification of the applicant. An applicant whose renewal application is denied may appeal denial to the city council in writing stating the basis for the appeal within ten days of receipt of the notice of denial.

(f) The city manager or his or her designee shall inform in writing by mail or electronic mail the Michigan Department of Licensing and Regulatory Affairs of all permittees whose permit is renewed and if a permittee fails to renew a permit, or the permittee's renewal application is denied.

(g) The city manager may grant relief to any renewal applicant from the provisions of this section upon a showing of good cause .

Sec. 14-257. Revocation, termination or suspension of permit.

(a) Any marihuana facilities permit shall automatically terminate and become void if the state license for the permitted use is revoked, terminates or becomes void.

(b) Any marihuana facilities permit may be revoked upon the occurrence of any of the following:

- (1) Operation of the permitted use is not commenced within 1 year of the date of issuance of the marihuana facilities permit.
- (2) If the permitted use ceases or is discontinued for 90 days or more.

(c) Any marihuana facilities permit may be revoked or suspended in the discretion of the city manager upon the occurrence of any of the following:

- (1) Any violation of the provisions of this article, this code of ordinances, the act, the tracking act, and the rules.
- (2) The conduct of business in an unlawful manner or in such a way as to constitute a public nuisance or negatively impacts the health, safety, or general welfare of surrounding property or city residents.

(d) A medical marihuana facilities permit will be suspended for the transfer or attempted transfer of the permit or any interest in such permit without first obtaining approval of the city manager to do so.

(e) Any marihuana facilities permit shall automatically be suspended if the state operating license for the permitted use is suspended. The terms and conditions of suspension shall correspond to the suspension of the state operating license.

(f) Any medical marihuana facilities permit shall automatically be restricted if the state license for the permitted use is restricted. The terms and conditions of the restriction shall correspond to the restriction of the state license.

(g) If a medical marihuana facilities permit is terminated, revoked, suspended or restricted, the city manager will notify the permittee, at the permittee's last known address on file with the city for notification of the permittee, and the Michigan Department of Regulatory Affairs of the termination, revocation, suspension, or restriction of the permit and the reasons therefore in writing by mail or electronic mail.

(h) The holder of a marihuana facilities permit under this article that is terminated, revoked, suspended or restricted may appeal the termination, revocation, suspension or

restriction to the city council within ten days of receipt of the notice of the termination, revocation, suspension or restriction.

Sec. 14-258. Transfer, sale or purchase of permits or licenses.

(a) No marihuana facilities permit may be transferred, sold, or purchased without making application to and obtaining approval of the city manager.

(b) Any transferee, buyer or purchaser of a permit must meet all requirements and conditions for the issuance of a permit under this article for the type of facility the permit was issued for before the transfer, sale or purchase of the permit will be finally approved. The transfer, sale, or purchase will be conditioned upon the transferee, buyer or purchaser obtaining a state license for the type of facility the permit was issued for within 180 days of the approval of the transfer, sale, or purchase.

(c) Transfer or attempted transfer of a medical marihuana facilities permit or any interest in such permit without first obtaining approval of the city manager to do so will be grounds for suspension of the permit pursuant to section 14-257(c) and a violation of this article.

Sec. 14-259. Changes to marihuana facilities.

(a) Any change or modification of a marihuana facility after it receives a state license, and a permit under this article is governed by the standards and procedures of the act and rules, and the standards, and standards and procedures of this code including but not limited to standards and procedures relating to site plans, and, building, plumbing, electrical, mechanical, and fire safety codes. Changes or modifications to a marihuana facility may, however, be made at any time, but must be approved by LARA and the city prior to any changes or modifications to a marihuana facility being made. The permittee must provide evidence of the approval of LARA for any change or modification to a medical marihuana facility to the city, and obtain all required city permits before the change or modification is commenced.

(b) Change of location of a marihuana facility requires a permit application that includes the same information listed in section 14-250 of this article for a permit application and an application fee. The change of location permit will be submitted and approved or denied in the same manner as an application for a medical marihuana facility permit, and provisional and full permits for the change of location will be issued in the same manner as for a medical marihuana facilities permit application. Applications for a change of location may be made at any time.

(c) Failure to obtain prior approval of a change or modification of a marihuana facility from LARA and the city or to obtain all necessary permits for the change or modification, and, failure to obtain approval of a change of location of a medical marihuana facility are violations of the provisions of this article for which a medical marihuana facilities permit may be revoked or suspended pursuant to section 14-257 of this article.

Sec. 14-260. Disclosure of information.

Consistent with MCL 333.27205(4), and to the extent otherwise permitted by law, all information submitted in conjunction with an application for a marihuana facilities permit or permit renewal required under this article is exempt from disclosure under the Michigan Freedom of Information Act, MCL 15.231 *et seq.*

Sec. 14-261. Minimum operational standards for all marihuana facilities.

All marihuana facilities shall at a minimum comply with the following operational standards:

(a) Marihuana facilities shall be open for inspection upon request by the building official, the fire division, or law enforcement officials for determination of compliance with all applicable laws and rules, during the stated hours of operation/use and at such other times as anyone is present on the premises. Inspections may include inspection of the facility premises, surveillance records, camera recordings, reports, records or other materials required as a condition of a permit under this article or a state operating license. Acceptance of a marihuana facilities permit or leasing property to a marihuana facility constitutes consent to such inspections and the seizure of any surveillance records, camera recordings, reports record or other materials required as a condition of the permit under this article or a state operating license without a search warrant. The person issued a permit, or an employee or agent of the thereof shall not hinder or obstruct a law enforcement officer or employee of the city from conducting inspections pursuant to this section, and shall not refuse, fail, or neglect to cooperate with a law enforcement officer or city employee in the performance of his or her duties in enforcing this article, the act, or applicable state administrative rules.

(b) Marihuana facilities shall conduct the activities of the marihuana facility, including, without limitation, the cultivating, growing, processing, displaying, manufacturing, selling, storage of marihuana and marihuana-infused products, and storage of all materials used in connection with the cultivating, growing, processing, displaying, manufacturing, and selling of marihuana and marihuana-infused products indoors in a building and out of public view.

(c) Marihuana facilities shall install a fire alarm and a burglar alarm system. The fire alarm system shall meet the requirements of this code for a newly installed system and be monitored by a listed central station. All burglar alarm systems shall be monitored by a company that is staffed twenty-four hours a day, seven days a week.

(d) Marihuana facilities shall have a video surveillance system that complies with the rules at a minimum, and that makes, retains, and stores surveillance recordings as provided in the rules.

(e) Surveillance recordings of marihuana facilities shall be subject to inspection and review by the city upon request. All surveillance recordings shall be kept in a manner that allows the city to view and obtain copies of the recordings immediately upon request.

(f) Marihuana facilities shall utilize sufficient measures and means to prevent smoke, odor, debris, dust, fluids and other substances from exiting the premises of the facility at any time. In the event that any smoke, odor, debris, dust, fluids or other substances exit the marihuana facility in a detectable amount sufficient to interfere with the reasonable and comfortable use and enjoyment of adjacent property, or that causes damage to property, the permittee for the facility and the owner of the premises shall be jointly and severally liable for such conditions and shall be responsible for immediate, full cleanup and correction of such condition. The permittee shall properly dispose of all such materials, items and other substances in a safe, sanitary, and secure manner in compliance with all federal and state laws and regulations, and this code.

(g) Marihuana facilities shall install and maintain in operable condition a system to preclude marihuana odors from emanating from the premises of the marihuana facility in a detectable amount sufficient to interfere with the reasonable and comfortable use and enjoyment

of adjacent property as determined by the objective standards of a reasonable person of normal sensitivity.

(h) Subject to the laws of this state, before hiring a prospective employee, a permittee shall conduct a background check of the prospective employee. If the background check indicates a pending charge or conviction within the past 10 years for a controlled substance-related felony, the permittee shall not hire the prospective employee without written permission of the board.

(i) Access to the marihuana facility is restricted to the permittee, employees of the permittee, and registered qualifying patients and registered primary caregivers with valid registry cards, if applicable, LARA through its investigators, agents, auditors or the state police, and, local law and code enforcement officers.

(j) All marihuana facilities must be at a fixed location. Mobile marihuana facilities and drive through operations are prohibited. Sale or transfer of marihuana product by internet or mail order, consignment, or wholesale is prohibited.

(k) All marihuana facilities shall comply with all provisions of this code, state law and administrative rules regulating signs and advertising.

(l) The business, operations, marketing and advertising of all marihuana facilities and marihuana product shall comply at all times with applicable state law and regulations, and this code.

(m) Marihuana products not identified and recorded in the statewide monitoring system pursuant to the act, the tracking act, and the rules are prohibited from being on the premises of any marihuana facility, and shall not be sold or transferred by any licensee.

(n) Any marihuana product without a batch number or identification tag pursuant to the rules is prohibited from being at or on the premises of any medical marihuana facility.

(o) Marihuana facilities shall comply with the building and fire safety provisions of the rules as are applicable to the particular type of facility at all times.

(p) Marihuana product waste will be destroyed, or rendered into an unusable and unrecognizable form in a manner that prevents its acquisition by any person who may not lawfully possess it, and recorded in the statewide monitoring system. Marihuana product waste shall be disposed of in a secured waste receptacle using 1 or more of the following:

- (1) a manned and permitted solid waste landfill;
- (2) a manned compostable materials operation or facility;
- (3) an in-vessel digester.

(q) All marihuana product waste that is hazardous waste shall be disposed of pursuant to MCL 324.11101 to 324.90106.

(r) All marihuana product waste or marihuana products that are to be destroyed, or that LARA orders to be destroyed, shall not be sold.

(s) All inventory of marihuana products must be stored in a secured limited access area or restricted access area, and identified and tracked consistent with the statewide monitoring system under the act, the tracking act, and the rules.

(t) All containers used to store marihuana products for transfer or sale between marihuana facilities shall meet the requirements of the rules for such containers.

(u) All chemicals or solvents must be stored separately from marihuana products and kept in locked storage areas.

(v) Marihuana-infused products or materials used in direct contact with such products must have separate storage areas from toxic or flammable materials.

Sec. 14-262. Minimum Operational standards applicable to provisioning centers.

All provisioning centers shall, in addition to the operational standards in Section 14-261, comply with the following operational standards at a minimum:

(a) Provisioning centers shall open no earlier than 8:00 a.m. and close no later than 8:00 p.m.

(b) No alcohol or tobacco products may be sold, used, or consumed on the premises. No marihuana or marihuana-infused products may be used or consumed on the premises.

(c) No marihuana plants shall be allowed on the premises.

(d) During times when the provisioning center is not open to the public, processed marihuana, marihuana products, cash and currency shall be stored in a safe or security vault that is incorporated into the building structure or securely attached to the building structure or a safe room with a security vault or other secure door.

(e) A provisioning center shall purchase marihuana only from a grower or processor.

(f) All transfers of marihuana to a provisioning center from a separate marihuana facility shall be by means of a secure transporter.

(g) A provisioning center shall sell or transfer marihuana only to a registered qualifying patient or registered primary caregiver.

(h) A provisioning center shall transfer marihuana to or from a safety compliance facility for testing by means of a secure transporter.

(i) The sale or transfer marihuana to a registered qualifying patient or registered primary caregiver shall only occur after it has been tested and bears the label required for retail sale by the act and the rules.

(j) Before selling or transferring marihuana to a registered qualifying patient or to a registered primary caregiver on behalf of a registered qualifying patient, a provisioning center shall inquire of the statewide monitoring system to determine whether the patient and, if applicable, the caregiver hold a valid, current, unexpired, and unrevoked registry identification

card and that the sale or transfer will not exceed the daily purchasing limit established by the board under the act.

(k) All transactions, current inventory, and other information of the provisioning center shall be entered into the statewide monitoring system as required by the act, rules, and the marihuana tracking act.

(l) A provisioning center shall not allow a physician to conduct a medical examination or issue a medical certification document on the premises for the purpose of obtaining a registry identification card.

(m) Marijuana and marihuana paraphernalia shall not be sold, given away, or dispensed from any outdoor location.

(n) A provisioning center shall have a separate room that is dedicated as the point of sale area for the transfer or sale of marihuana products.

(o) All marihuana products shall be kept behind a counter or other barrier to ensure a registered qualifying patient or registered primary caregiver does not have direct access to the marihuana products.

(p) A provisioning center shall comply with all packaging and labeling requirements of the rules before selling or transferring marihuana products.

Sec. 14-263. Minimum Operational standards applicable to grow facilities.

All grow facilities shall, in addition to the operational standards in Section 14-261, comply with the following operational standards at a minimum:

(a) Until December 31, 2021, the permittee or an active employee shall have, a minimum of 2 years' experience as a registered primary caregiver.

(b) While holding a permit for grower facility, no permittee shall be a registered primary caregiver and shall not employ an individual who is simultaneously a registered primary caregiver.

(c) All transactions, current inventory, and other information of the grow facility shall be entered into the statewide monitoring system as required by the act, rules, and the tracking act.

(d) All activities and operations of the grow facility, including cultivation, shall take place indoors within a building.

(e) The use of compressed gases such as carbon dioxide in multiple processes in the cultivation of marihuana shall meet the requirements of the rules for such processes.

(f) A grow facility shall not use any pesticides in the cultivation of marihuana that has not been approved by LARA for such purpose.

Section 14-264. Minimum Operational standards applicable to processor facilities.

All processor facilities shall, in addition to the operational standards in Section 14-261, comply with the following operational standards at a minimum:

- (a) A processor shall purchase marihuana only from a grower and shall sell marihuana-infused products or marihuana only to a provisioning center.
- (b) A processor shall transfer marihuana only by means of a secure transporter.
- (c) Until December 31, 2021, the permittee or an active employee shall have, a minimum of 2 years' experience as a registered primary caregiver.
- (d) While holding a permit for processor facility, no permittee shall be a registered primary caregiver and shall not employ an individual who is simultaneously a registered primary caregiver.
- (e) All transactions, current inventory, and other information of the processor facility shall be entered into the statewide monitoring system as required by the act, rules, and the marihuana tracking act.
- (f) Processes that extract oil from marihuana plants and marihuana products using flammable gas, flammable liquid, or compressed gases of varying materials including, but not limited to, butane, propane, and carbon dioxide shall meet the requirements of the rules for such processes.

Sec. 14-265. Minimum standards applicable to secure transporters.

All secure transporter facilities shall, in addition to the operational standards in Section 14-261, comply with the following operational standards at a minimum:

- (a) May take physical custody of marihuana or money but legal custody belongs to the transferor or transferee.
- (b) May not sell or purchase marihuana products.
- (c) May store and transport marihuana and money associated with the purchase or sale of marihuana between marihuana facilities for a fee.
- (d) Marihuana may not be transported to a registered qualifying patient or registered primary caregiver.
- (e) Marihuana product may only be transported in a locked, secured, sealed container that is not accessible while in transit. Money associated with the purchase or sale of marihuana product between facilities shall be locked in a sealed container kept separate from the marihuana product and only accessible to the secure transporter licensee/permittee and its employees.
- (f) Each driver transporting marihuana must have a chauffeur's license issued by this state.
- (g) Each employee who has custody of marihuana or money that is related to a marihuana transaction shall not have been convicted of or released from incarceration for a felony

under the laws of this state, any other state, or the United States within the past 5 years or have been convicted of a misdemeanor involving a controlled substance within the past 5 years.

(h) Each vehicle shall be operated with a 2-person crew with at least 1 individual remaining with the vehicle at all times during the transportation of marihuana.

(i) A route plan and manifest shall be entered into the statewide monitoring system, and a copy shall be carried in the transporting vehicle and presented to a law enforcement officer upon request.

(j) A secure transporting vehicle shall not bear markings or other indication that it is carrying marihuana or a marihuana-infused product.

(k) A secure transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of marihuana to determine compliance with the act and this article.

(l) All transactions, current inventory, and other information of the secure transporter shall be entered into the statewide monitoring system as required by the act, rules, and the tracking act.

Sec. 14-266. Minimum standards applicable to safety compliance facilities.

All safety compliance facilities shall, in addition to the operational standards in Section 14-261, comply with the following operational standards at a minimum:

(a) A safety compliance facility is authorized to only receive marihuana from, test marihuana for, and return marihuana to a marihuana facility.

(b) A safety compliance facility must be accredited by an entity approved by the board by 1 year after the date the license is issued or have previously provided drug testing services to this state or this state's court system and be a vendor in good standing in regard to those services unless a variance from this requirement is granted by the board as provided by the act.

(c) A safety compliance facility shall:

- (1) Perform tests to certify that marihuana is reasonably free of chemical residues such as fungicides and insecticides.
- (2) Use validated test methods to determine tetrahydrocannabinol, tetrahydrocannabinol acid, cannabidiol, and cannabidiol acid levels.
- (3) Perform tests that determine whether marihuana complies with the standards the board establishes for microbial and mycotoxin contents.
- (4) Perform other tests necessary to determine compliance with any other good manufacturing practices as prescribed in rules.
- (5) Enter all transactions, current inventory, and other information into the statewide monitoring system as required in this act, rules, and the marihuana tracking act.

- (6) Have a secured laboratory space that cannot be accessed by the general public.
- (7) Retain and employ at least 1 staff member with a relevant advanced degree in a medical or laboratory science.
- (8) Comply with all provisions of the rules regarding the testing, retesting, and sampling of marihuana and marihuana products.
- (9) Establish an adequate chain of custody and instructions for sample and storage requirements.

Sec. 14-267. Conflicts, Future laws and regulations.

In the event of any conflict between the provisions of this article and the provisions of the act or the rules, the conflicting provisions of this article will be preempted and the provisions of the act or the rules will control. Should the State of Michigan in the future adopt additional or stricter laws or regulations governing the production, processing, transporting, testing, sale and distribution of marihuana, the additional or stricter laws and regulations shall control the establishment or operation of any marihuana facility in the city, as well as the issuance, denial, suspension, or revocation of any permit under this article.

Sec. 14-268. Penalty and remedies.

(a) Any violation of this article is a municipal civil infraction subject to penalties imposed on municipal civil infractions by section 1-7(e) of this code and state law.

(b) In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of the provisions of this code, or any ordinance, shall be deemed a new and separate offense for each day that such condition continues to exist.

(c) In addition to the penalties in this section, any violation of this article, the act, or the rules may result in the denial of a permit, or the revocation, suspension, or non-renewal of a permit issued under this article.

(d) Nothing in this article shall prevent the city from pursuing any other remedy provided by law and equity, including an injunction, in conjunction with or in lieu of prosecuting persons under this section for violation of this article.

Sec. 14-269. Effect tie-barred.

This amendment to Chapter 14 to add Article 12, "Medical Marihuana Facilities" shall only take effect if Chapter 42 is amended to add section 42-262(B)(16), section 42-280(B)(21), section 42-280(B)(22), section 42-281(B)(7), and section 42-821(B)(8).

Dated: _____

Patricia M. Randall, Mayor

FIRST READING:
SECOND READING:

ORDINANCE #:
EFFECTIVE DATE:

CERTIFICATION

I, Adam Herringa, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the _____ day of _____, 201__.

Adam Herringa, City Clerk

PREPARED BY:
Charles R. Bear (P34107)
Portage Assistant City Attorney
1662 East Centre Avenue
Portage, MI 49002
(269) 323-8812

Approved as to Form:

Date: _____

City Attorney

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**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN BY ADDING ARTICLE 12, MEDICAL MARIHUANA
FACILITIES, OF CHAPTER 14, BUSINESSES**

THE CITY OF PORTAGE ORDAINS:

That Chapter 14 shall be amended to add Article 12, Medical Marihuana Facilities, as follows:

CHAPTER 14. BUSINESSES.

ARTICLE 12. MEDICAL MARIHUANA FACILITIES.

Sec. 14-245. Purpose.

(a) The purpose of this article is, pursuant to the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, to: authorize the establishment of certain types of medical marihuana facilities in the City of Portage; provide for standards and procedures for the review, issuance, renewal, or revocation of permits for such facilities; and establish fees for such permits.

(b) Nothing in this article, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for the growing, sale, consumption, use, distribution or possession of marihuana in any form or manner that is not in compliance with the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.*, the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, the Marihuana Tracking Act, MCL 333.27901 *et seq.*, and all other applicable rules promulgated by the state of Michigan.

(c) Because federal law is not affected by state law or rules, nothing in this article, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall any provision of this article or this code, be construed as granting immunity from criminal prosecution under federal law. The Act does not protect patients, users, care givers, licensees, or the owners or occupants of properties on which the medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.

Sec. 14-246. Definitions.

As used in this article, the following terms shall have the meanings indicated:

(a) "Act" means the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, as amended.

(b) "Board" means the medical marihuana licensing board created in section 301 of the Act.

(c) "Building" means a combination of materials forming a structure affording a facility or shelter for use or occupancy by individuals or property. Building includes a part or parts of the building and all equipment of the building. A building shall not be construed to mean a building

incidental to the use for agricultural purposes of the land on which the building is located, or a greenhouse.

(d) “Grower” means a licensee and permittee that is a commercial entity located in this city that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

(e) “LARA” means the Michigan Department of Licensing and Regulatory Affairs.

(f) “Licensee” means a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*

(g) “Marihuana” means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

(h) “Marihuana facility” means a location at which a licensee and permittee is licensed and permitted to operate as a grower, processor, provisioning center, safety compliance facility, or secure transporter under the Act and this article.

(i) “Marihuana plant” means any plant of the species *Cannabis sativa* L.

(j) “Marihuana product” means marihuana or marihuana-infused product, or both, as those terms are defined in the act unless otherwise provided for in the rules and this article.

(k) “Marihuana-infused product” means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation. Marihuana-infused product shall not be considered a food for purposes of the food law, 2000 PA 92, MCL 289.1101 *et seq.*

(l) “Paraphernalia” means any equipment, product, or material of any kind that is designed for or used in growing, cultivating, producing, manufacturing, compounding, converting, storing, processing, preparing, transporting, injecting, smoking, ingesting, inhaling, or otherwise introducing into the human body, marihuana.

(m) “Permittee” means a person who has been issued a medical marihuana facilities permit pursuant to this article.

(n) “Person” means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity, as well as those persons defined as “true party of interest”.

(o) “Proposed marihuana facility” means a location at which an applicant plans to operate under the Act, rules, and this article if the applicant is issued a state license, and a permit under this article.

(p) “Provisioning center” means a licensee and permittee that is a commercial entity located in this city that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial

location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the Michigan Department of Licensing and Regulatory Affairs' (LARA) marihuana registration process in accordance with the Michigan medical marihuana act is not a provisioning center for purposes of this article.

(q) "Rules" mean the emergency and general rules of the Michigan Department of Licensing and Regulatory Affairs adopted pursuant to the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, and the Marihuana Tracking Act, MCL 333.27901 *et seq.*, as may be amended from time to time.

(r) "Safety compliance facility" means a licensee and permittee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

(s) "Secure transporter" means a licensee and permittee that is a commercial entity located in this city that stores marihuana and transports marihuana between marihuana facilities for a fee.

(t) "Stacked license" means more than one state operating license issued to a single licensee to operate as a grower of class C (1,500 plants) as specified in each license at a marihuana facility.

(u) "State operating license" or "license" means a license that is issued the Act that allows the licensee to operate as 1 of the following, specified in the license:

- (i) A grower.
- (ii) A processor.
- (iii) A secure transporter.
- (iv) A provisioning center.
- (v) A safety compliance facility.

(v) "Statewide monitoring system" or, unless the context requires a different meaning, "system" means an internet-based, statewide database established, implemented, and maintained by the department under the marihuana tracking act, that is available to licensees, law enforcement agencies, and authorized state departments and agencies on a 24-hour basis for all of the following:

- (i) Tracking marihuana transfer and transportation by licensees, including transferee, date, quantity, and price.
- (ii) Verifying in commercially reasonable time that a transfer will not exceed the limit that the patient or caregiver is authorized to receive under section 4 of the Michigan medical marihuana act.

(w) "Tracking Act" means the Marihuana Tracking Act, MCL 333.27901 *et seq.*

(x) "True party of interest" means the following:

- (1) For an individual or sole proprietorship: the proprietor and spouse.
- (2) For a partnership and limited liability partnership: all partners and their spouses. For a limited partnership and limited liability limited partnership: all general and limited partners and their spouses. For a limited liability company: all members, managers, and their spouses.

(3) For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses and all stockholders and their spouses.

(4) For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses.

(5) For a multilevel ownership enterprise: any entity or person that receives or has the right to receive a percentage of the gross or net profit from the enterprise during any full or partial calendar or fiscal year.

(6) For a nonprofit corporation: all individuals and entities with membership or shareholder rights in accordance with the articles of incorporation or the bylaws and their spouses.

“True party of interest” does not mean:

(1) A person or entity receiving reasonable payment for rent on a fixed basis under a bona fide lease or rental obligation, unless the lessor or property manager exercises control over or participates in the management of the business.

(2) A person who receives a bonus as an employee if the employee is on a fixed wage or salary and the bonus is not more than 25% of the employee's pre-bonus annual compensation or if the bonus is based on a written incentive/bonus program that is not out of the ordinary for the services rendered.

(y) Unless the context requires a different meaning, any term used in this article that is defined by the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.* shall have the definition given in that act.

(z) Unless the context requires a different meaning, any term used in this article that is defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, shall have the definition given in that act.

(aa) Unless the context requires a different meaning, any term used in this article that is defined by the Marihuana Tracking Act, MCL 333.27901 *et seq.* shall have the definition given in that act.

Sec.14-247. Adoption of state rules and regulations.

All activities related to medical marihuana shall be in compliance with the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, the Marihuana Tracking Act, MCL 333.27901*et seq.*, and all other applicable rules promulgated by the state of Michigan.

Sec. 14-248 Marihuana facilities allowed.

(a) Pursuant to Section 205(1) of the Act the city authorizes the following types of marihuana facilities to be permitted in the city without limitation as to the number of facilities: class A, B, and C growers, processors, secure transporters, provisioning centers, and safety compliance facilities.

(b) Operation of provisioning centers, processors and growers at the same location is not authorized.

Sec.14-249. Permit required.

No person shall own or operate a marihuana facility in the city without first applying for and receiving a permit from the city clerk and state operating license. No person who has received a city permit and state license to operate a class C grower facility shall grow more than 1,500 plants at the facility without first applying for and receiving a permit from the city manager for each additional class C license the person desires to stack with its original state operating license, and a stacked class C state operating license or licenses.

Sec. 14-250. Application for permit.

(a) Permit applications for medical marihuana facilities and applications for stacked class C grower licenses at an existing class C grower facility, shall be received by the city annually during a period specifically designated by the city manager for that purpose, and at no other time. The city will initially begin receiving permit applications for marihuana facilities on a date determined by the city manager as soon after the effective date of this article as the city manager deems practicable.

(b) Except as provided in this article, the city manager shall be responsible for establishing the procedure for receiving, reviewing and processing permits, establishing the beginning and ending dates during which permits will initially be received, establishing the beginning and ending dates during which permits may be received each year, and providing public notice regarding the permitting process and of the time period within which the city will receive permits.

(c) Any person desiring to secure a permit shall make application to the city clerk upon a form provided by the city clerk. All permit applicants, except applicants with regard to a stacked class C grower license or licenses, must be prequalified for a medical marihuana facilities license by the Michigan Department of Licensing and Regulatory Affairs (LARA) before submitting an application. A copy of all applications received shall be distributed by the city clerk to the office of the city manager, department of public safety and department of community development for review to determine that the application is complete. If an application is incomplete or missing information the city clerk shall notify the applicant of the incomplete or missing information in writing by mail or electronic mail sent to the address provided by the applicant in the application or notification. The applicant shall have 10 days of the date of mailing of the written notice to provide the incomplete or missing information to the city clerk.

(d) Information requested in the application shall be provided for each true party of interest in the applicant; any other person who controls, directly or indirectly, the applicant; any other person who is controlled, directly or indirectly, by the applicant or by a person who controls, directly or indirectly, the applicant; and each stockholder or other person having a 1% or greater beneficial interest in the proposed marihuana facility. The application for a permit shall include at a minimum the information and documentation listed below under oath:

- (1) The name, business address, business telephone number, social security number, and, if applicable, federal tax identification number of the applicant.
- (2) All residential addresses of the applicant for the past 3 years.

- (3) The business, occupation or employment of the applicant for 5 years immediately preceding the date of application.
- (4) Documentation evidencing that the applicant has been prequalified for a medical marihuana facilities license by LARA.
- (5) Whether the applicant has been indicted for, charged with, arrested for, convicted of, pled guilty or nolo contendere to, or forfeited bail concerning, a felony under the laws of this state, any other state, or the United States, or a controlled substance-related felony, within the past 10 years preceding the date of the application.
- (6) Whether the applicant has been indicted for, charged with, arrested for, convicted of, pled guilty or nolo contendere to, or forfeited bail concerning, a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or been found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state within the past five years.
- (7) Whether the applicant has previously violated this article or a substantially similar ordinance in another municipality preceding the date of the application.
- (8) A comprehensive operating plan for the marihuana facility for which the application is being submitted that includes all of the information required for the Marihuana Facilities Plan to be submitted in connection with a state license pursuant to the rules, the operational standards in sections 14-261 through 14-266 of this article, as applicable, and the following at a minimum:
 - a) A description of the type of marihuana facility applied for.
 - b) A security plan for the marihuana facility that addresses all required security measures of the rules and addresses at a minimum the ability to meet the security measures of the rules. The security plan must contain the specification details of each piece of security equipment to be utilized by the marihuana facility and comply with the provisions of article 2 and article 3 of chapter 26 of this code, sections 14-261(c) and (d), as well as any other applicable provisions of this code and the rules.
 - c) An HVAC plan for the marihuana facility describing in detail among other things the equipment or systems that will be used to prevent any odor of marihuana from leaving the premises.

- d) A staffing plan that addresses the number of persons estimated to be employed at the facility, estimated employee salaries, and employee hiring, and an employee training manual that includes, but is not limited to, employee safety procedures, employee guidelines, security protocol, and educational training, including, but not limited to, where appropriate, marihuana product information, dosage and daily limits, or educational materials.
- (e) A marketing plan that at a minimum:
 - i. details how the marihuana facility will comply with all municipal ordinances and state law regulating signs and advertising;
 - ii. provides that marihuana products must be marketed or advertised as “medical marihuana” for use only by registered qualifying patients or registered primary caregivers;
 - iii. provides that marihuana products must not be marketed or advertised to minors aged 17 years or younger.
- (f) An inventory and record keeping plan.
- (g) A technology plan.
- (h) A scaled conceptual plan.
- (i) Written policies and procedures to timely address any concerns or complaints expressed by residents and businesses within the neighborhood surrounding the proposed location of the medical marihuana facility.
- (j) For growers, the operational plan shall also include a cultivation plan that includes but is not limited to:
 - i. the cultivation process or processes that will be used including a description of the grow medium, the equipment, and the fertilizer to be used;
 - ii. the estimated electrical and water usage and a statement of the projected daily average and peak electrical load anticipated to be used by the marihuana facility, a certification from a licensed electrician that the premises are equipped to safely accept and utilize the required or anticipated electric load for the facility, and a certification from the electrical utility supplying electricity to the facility that

the anticipated electrical loads required for the facility will not exceed the capacity of the electrical supply system;

iii. a waste water plan that details how wastewater generated during the cultivation of marihuana shall be disposed of in compliance with applicable state and local laws and regulation;

iv. a plant waste disposal plan that at a minimum:

(a) details how marihuana product waste will be destroyed, or rendered into an unusable and unrecognizable form and recorded in the statewide monitoring system. Disposal by on-site burning or via the sewer system is prohibited;

(b) provides that all waste that is hazardous waste shall be disposed of pursuant to MCL 324.11101 to 324.90106;

(c) provides that marihuana product waste shall be disposed of in a secured waste receptacle using 1 or more of the following:

1) a manned and permitted solid waste landfill;

2) a manned compostable materials operation or facility;

3) an in-vessel digester; and

4) provides disposal will be in a manner in compliance with applicable state and local laws and regulations.

v. a mold, mildew and pest prevention plan;

vi. an air quality plan addressing monitoring, clearance, temperate and humidity control, Co2, ozone, fumigation, and odor mitigation;

vii. a pesticide and chemical safety plan which shall include a detailed description of all toxic, hazardous, or flammable materials, chemicals and pesticides, that will be kept or used at the marihuana

facility, and a detailed plan describing where and how such materials, chemicals and pesticides will be stored in the marihuana facility, and the means of disposing of unused toxic or flammable materials, chemicals, and pesticides.

(k) For a provisioning center, the operational plan shall also include:

i. a detailed description of the products and services to be provided;

ii. a plant waste disposal plan that at a minimum:

(a) details how marihuana product waste will be destroyed, or rendered into an unusable and unrecognizable form and recorded in the statewide monitoring system. Disposal by on-site burning or via the sewer system is prohibited;

(b) provides that all waste that is hazardous waste shall be disposed of pursuant to MCL 324.11101 to 324.90106;

(c) provides that marihuana product waste shall be disposed of in a secured waste receptacle using 1 or more of the following:

1) a manned and permitted solid waste landfill;

2) a manned compostable materials operation or facility;

3) an in-vessel digester; and

4) provides disposal will be in a manner in compliance with applicable state and local laws and regulations.

(l) For a processor, the operational plan shall also include:

i. a detailed description of the products to be produced;

- ii. a waste water plan that details how wastewater generated during the processing of marihuana products shall be disposed of in compliance with applicable state and local laws and regulation;
 - iii. a plant waste disposal plan that at a minimum:
 - (a) details how marihuana product waste will be destroyed, or rendered into an unusable and unrecognizable form and recorded in the statewide monitoring system. Disposal by on-site burning or via the sewer system is prohibited;
 - (b) provides that all waste that is hazardous waste shall be disposed of pursuant to MCL 324.11101 to 324.90106;
 - (c) provides that marihuana product waste shall be disposed of in a secured waste receptacle using 1 or more of the following:
 - 1) a manned and permitted solid waste landfill;
 - 2) a manned compostable materials operation or facility;
 - 3) an in-vessel digester; and
 - 4) provides disposal will be in a manner in compliance with applicable state and local laws and regulations.
- (9) The address of the proposed marihuana facility to be operated by the applicant.
- (10) Proof that the applicant has or will have lawful possession of the premises proposed for the marihuana facility for the period during which the permit will be issued, which proof may consist of: a deed, a lease, a real estate contract contingent upon successful licensing, or letter of intent by the owner of the premises indicating an intent to lease the premises to the applicant contingent upon the applicant successfully obtaining a state operating license and local permit.
- (11) Whether the applicant holds an elective office of a governmental unit of this state, another state, or the federal government; is a member of or employed

by a regulatory body of a governmental unit in this state, another state or the federal government; or is employed by a governmental unit of this state.

- (12) The mailing address and electronic address at which the applicant desires to receive notification under the article, and phone numbers at which the applicant desires to be contacted.
- (13) Whether the applicant has ever applied for or has been granted any commercial license or certificate issued by LARA or any other jurisdiction concerning medical marihuana or marihuana that has been denied, restricted, suspended, revoked or not renewed, and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action.
- (14) Whether the applicant has an interest in any other marihuana facility under the Act, and if so the type of facility, name, and location of the facility the applicant has an interest in.
- (15) A statement that the applicant will not violate any of the laws of the State of Michigan or the ordinances of the City of Portage in conducting the business in which the license will be used, and that a violation on the premises may be cause for nonrenewal of a permit issued under this article, or for revocation of the permit.
- (16) A statement that the applicant understands that the issuance of a permit under this article is not intended to grant, nor shall be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana in any form or manner that is not in compliance with the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.*, the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, the Marihuana Tracking Act, MCL 333.27901 *et seq.*, and all other applicable rules promulgated by the state of Michigan, or from criminal prosecution or the seizure of property by federal authorities under the Federal Controlled Substances Act.
- (17) All marijuana facilities licensed and permitted to operate in the city shall at all times maintain in full force and effect workers compensation insurance as required by state law, and general liability insurance with minimum limits of \$1,000,000.00 per occurrence and a \$2,000,000.00 aggregate limit issued by the company licensed to do business in Michigan having an A.M. Best rating of at least A-. Applicants shall provide evidence of such insurance in the form of a certificate of insurance evidencing the existence of a valid and effective policy, or, evidence that the applicant is able to obtain such insurance and state the limits of each policy, the name of the insurer, the effective date and expiration date of each policy, policy number if known, and the names of additional insured which shall include the city of Portage, its officials, and employees.
- 18) Whether the applicant has filed, or been served with a complaint or other notice filed with any public body regarding the delinquency in the payment

of or dispute over the filings concerning the payment of any tax required under federal, state, or local law, including the amount of any tax, taxing agency and time periods involved.

- (19) Applicants have a continuing duty to provide the city with up-to-date contact information and shall notify the city clerk in writing of any changes to its mailing address, phone numbers, electronic mail address or other contact information the applicant provides to the city.
- (20) The city manager may from time to time establish other qualifications for the application and permit which shall be provided in writing to prospective applicants with the application form.

Sec. 14-251. Fees.

A nonrefundable permit fee set by resolution of city council, but not to exceed \$5,000.00, shall be submitted with the application for a permit. This fee shall be in addition to, and not in lieu of, any other fees for licensing or permitting requirements including but not limited to site plan review, zoning, or building permits.

Sec. 14-252. Acceptance or Denial of application.

(a) Applications received may be denied by the city manager if the applicant, upon written notice, fails to provide missing or incomplete information within the time specified in section 14-250(c) of this article. The city manager shall deny an application for any of the following reasons:

- (1) The applicant has not been prequalified for a marihuana facility state license by LARA.
- (2) The applicant did not pay the required application fee at the time of submission of the application.
- (3) The applicant has not provided satisfactory proof that the applicant has or will have lawful possession of the premises proposed for the location of the marihuana facility for the period during which the permit will be issued.
- (4) The applicant's proposed location does not comply with the zoning regulations in article 4 of chapter 42 of this code. That a proposed facility is located less than the minimum spacing required by article 4 of chapter 42 of this code from another proposed facility however, will not alone be grounds for denial of an application. Any application that meets all of the requirements for acceptance of the application except for the minimum spacing distance required by article 4 of chapter 24 of this code between the medical marihuana facility proposed by that applicant and the medical marihuana facility proposed by any other applicant, will be entered in a lottery as provided in section 14-253(b)(3) to determine which of those applications will be accepted and issued a provisional permit and which applications will not. After the initial application period, an application for a proposed facility that meets all of the requirements for acceptance of the application except for the minimum spacing distance required by article 4

of chapter 42 from an existing medical marihuana facility will be denied.(5)

The city manager determines that the applicant has not satisfactorily complied with all of the permit requirements in section 14-250 of this article.

- (6) The applicant has been granted a commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction concerning medical marihuana or marihuana that has been denied or not renewed, or is currently restricted suspended or revoked.
- (7) The city manager determines that the applicant has submitted an application containing false, misleading, or fraudulent information, or who has intentionally omitted pertinent information on the application for a medical marihuana facilities permit.
- (8) The applicant is delinquent in the payment of any taxes, fees or other charges owed to or collected by the city.
- (9) The comprehensive operating plan submitted by the applicant with the application pursuant to section 14-250(d)(8) does not comply with the requirements for a marihuana facilities plan as required by the rules, the requirements of section 14-250(d)(8), or the act.
- (10) Notice of denial of an application shall be sent to the applicant in writing by mail or electronic mail to the last known address of the applicant on file with the city. An applicant whose application is denied may appeal denial to the city council in writing stating the basis for the appeal within ten days of receipt of the notice of denial.

(b) All applications that are not denied as provided in subsection (a) above, and comply with all of the requirements for an application in section 14-250 of this article and the zoning provisions of article 4 of chapter 42 of this code shall be accepted by the city clerk. All applications that meet the application requirements of section 14-250 and the zoning requirements of article 4 of chapter 42 of this code except the minimum spacing requirements from another proposed medical marihuana facility will be entered in a lottery as provided in section 14-253(b)(3) to determine which of those applications will be accepted and issued a provisional permit.

Sec. 14-253. Provisional permit.

(a) Provisional permits will be issued by the city manager to applicants whose applications are accepted as provided in this section.

(b) The city manager, in connection with the initial permit application period, shall issue provisional permits in three phases:

- (1) In the first phase, the city manager shall issue a provisional permit to applicants whose permit has been accepted and who were issued a temporary operating permit pursuant to chapter 14, article 11 of this code entitled Temporary Operation of Medical Marihuana Facilities.

- (2) In the second phase, the city manager shall issue provisional permits to applicants whose application was accepted and whose proposed facility complies fully with the zoning regulations in article 4 of chapter 42 of this code;
- (3) The third phase will determine which applicants will receive a provisional permit from among those applicants whose proposed medical marihuana facility is less than the minimum spacing distance required by article 4 of chapter 42 of this code from another proposed medical marihuana facility. All such applicants will be entered in a lottery to determine which applicant will receive a provisional permit. The name of each such applicant will be drawn individually in sequence, with each applicant being assigned a number corresponding to the order in which their name was drawn. The lottery will continue until the names of all such applicants are drawn and assigned a number. The location of the medical marihuana facility proposed by the applicant whose name is drawn first in the lottery shall then be reviewed to determine if the proposed location of the applicant will comply with the applicable spacing requirements of article 4 of chapter 42 for the proposed facility with respect to any proposed facility for which it has previously been determined will be issued a provisional permit by the city manager. If the proposed facility will comply with the spacing requirements with respect to any proposed facility for which it has previously been determined will be issued a provisional permit by the city manager, the applicant will be issued a provisional permit. Otherwise, the applicant will be denied a provisional permit. The location of the facility proposed by each of the other applicants will then be evaluated in the same manner and in the order their name was drawn to determine compliance with the applicable spacing requirements of article 4 of chapter 42, and will be issued a provisional permit if the location will comply with the spacing requirements with respect to any proposed facility for which it has previously been determined will be issued a provisional permit by the city manager, and denied a provisional permit if it will not. All lottery drawings shall be conducted by the city manager or the city manager's designee with all entrants in the lottery advised of the date and time of the lottery and afforded the opportunity to attend and witness the drawing.

(c) The city manager, in connection with any permit application period after the initial permit application period, shall issue provisional permits to applicants whose application has been accepted in two phases:

- (1) In the first phase, the city manager shall issue provisional permits to applicants whose application was accepted and whose proposed facility complies fully with the zoning regulations in article 4 of chapter 42 of this code. Applicants whose proposed facility is less than the minimum spacing distance required by article 4, chapter 42 of this code from an existing medical marihuana facility shall be denied a provisional permit;
- (2) The second phase shall determine which applicants will receive a provisional permit if the applicant's proposed medical marihuana facility complies with the minimum spacing distance required by article 4 of chapter 42 of this code from an existing facility, but is less than the

minimum spacing distance required by article 4, chapter 42 from another proposed medical marihuana facility. Such applicants will be entered in a lottery conducted in the same manner as in phase 3 in section 14-253(b), above to determine which of them will receive a provisional permit. All lottery drawings shall be conducted by the city manager or the city manager's designee with all entrants in the lottery advised of the date and time of the lottery and afforded the opportunity to attend and witness the drawing.

(d) A provisional permit does not authorize the applicant to operate a marihuana facility without first obtaining a state operating license for the facility, and obtaining all other permits, inspections, and approvals required by this article and all other applicable provisions of this code. Upon issuance of a provisional permit the city clerk will be authorized to execute an affirmation to accompany an application for a facilities license that discloses that the city has adopted an ordinance under section 205 of the act, the limitations on the number and type of each facility if any imposed by the ordinance, a description of the city zoning regulations that apply, and any other information that may be required by the act or the rules for such an attestation.

(e) A provisional permit will lapse and be void 6 months from the date it has been issued if a state operating license, or all inspections and other permits and approvals required by city ordinance are not obtained, or if an applicant is denied a state operating license. The city manager or his or her designee shall notify LARA of all persons whose provisional permit has lapsed or become void. A provisional permit may be extended by the city manager upon a showing of good cause, such as a delay in obtaining a state license, or other good cause that is not the fault of the applicant, for an additional period not to exceed 6 months.

(f) A provisional permittee has a continuing duty to provide the city with up-to-date contact information and shall notify the city clerk in writing of any changes to its mailing address, phone numbers, electronic mail address or other contact information the provisional permittee provides to the city.

Sec. 14-254 Termination, revocation, suspension, or restriction of provisional permit.

(a) A provisional permit may be terminated, revoked, suspended or restricted by the city manager in writing for any of the following reasons:

- (1) The provisional permittee is denied a state operating license;
- (2) The marihuana facility is substantially different from the comprehensive operating plan, marihuana facility plan, conceptual plan or other representations;
- (3) Officers of the city are unable to access the proposed facility for permit inspections or are denied access by the provisional permittee;
- (4) The provisional permittee fails, refuses, or becomes unable to obtain site plan approval and an occupancy permit issued by the city.
- (5) Any violation of the act, rules, or this article.

(b) If a provisional permit is terminated, revoked, suspended or restricted, the city manager or his or her designee will notify in writing by mail or electronic mail both the permit holder, at the last known address on file with the city for notification of the applicant, and the Michigan Department of Regulatory Affairs of the termination, revocation, suspension, or restriction of the permit and the reasons therefore in writing.

(c) The holder of a provisional permit under this article that is terminated, revoked, suspended or restricted may appeal the termination, revocation, suspension or restriction to the city council in writing stating the basis for the appeal within ten days of receipt of the notice of the termination, revocation, suspension or restriction.

Sec. 14-255. Medical marihuana facilities permit.

(a) Medical marihuana facilities permits will be issued by the city manager. In order to be issued a marihuana facilities permit an applicant who holds a valid provisional permit shall: successfully complete the inspection required by subsection (c) of this section; submit proof to the city manager of obtaining all permits and approvals required by all applicable ordinances of the city including but not limited to an approved site plan and occupancy permit; and, proof of insurance required by this article in the form of a certificate of insurance evidencing the existence of a valid and effective policy, stating the limits of each policy, the name of the insurer, the effective date and expiration date of each policy, policy number, and the names of additional insureds which shall include the city of Portage, its officials, and employees. An applicant who holds a provisional permit for a secure transporter permit shall additionally show proof of auto insurance, vehicle registration and registration as a commercial motor vehicle as applicable for any transporting vehicles used to transport marihuana product in order to be issued a marihuana facilities permit by the city manager.

(b) The site plan required for issuance of a marihuana facilities permit shall be consistent with the requirements of section 42-482(A) of this code. The site plan will be reviewed administratively consistent with section 42-482(B) and in accordance with the standards of section 42-483, except that no review by the planning commission of the site plan will be made. The site plan will be approved consistent with the provisions of section 42-484 except that any appeal of a site plan approval shall be to the city manager who will have the discretion whether or not to reverse an order of the director.

(c) Before issuance of a marihuana facilities permit the city shall conduct an inspection of the proposed marihuana facility to verify that the marihuana facility is ready to open for business, the premises of facility are constructed and can be operated in accordance with the application submitted, the approved site plan, the requirements of this code and any other applicable law, rule, or regulation. No marihuana facilities permit may be issued and no marihuana facility may conduct any business or operations until the inspection is completed and it is determined that the marihuana facility is ready to open for business, the premises of facility are constructed and can be operated in accordance with the application, marihuana facilities plan, and comprehensive operating plan submitted with the application as well as the approved site plan, and the facility is in compliance with the requirements of this code and any other applicable law, rule, or regulation.

(d) The marihuana facilities permit shall be issued only in the name of the true party of interest.

(e) A marihuana facilities permit issued under this article is a revocable privilege granted by the city and is not a property right. Granting the permit does not create or vest any right, title, franchise or other property interest.

(f) Each permit is exclusive to the person who is issued the permit and that person must apply for and receive approval of the city manager pursuant to section 14-258 of this article before a permit is transferred, sold, or purchased.

(g) The marihuana facilities permit and state operating license shall be displayed in a conspicuous public place in the business establishment.

(h) Acceptance of a marihuana facilities permit under this article shall constitute permission to any officer of the city, within the authority granted him or her by this code under which such permit was granted, to enter upon and inspect the premises of the marihuana facility at all reasonable times.

(i) A permittee has a continuing duty to provide the city with up-to-date contact information and shall notify the city clerk in writing of any changes to its mailing address, phone numbers, electronic mail address or other contact information the permittee provides to the city.

Sec. 14-256. Renewal of permit.

(a) A marihuana facilities permit shall run concurrent with the state operating license issued for the facility and shall be renewed annually unless revoked as provided by law.

(b) Renewal of marihuana facilities permit shall be made by application to the city clerk. The application for renewal must be filed before the permit expires at such time as is established by the city manager, but in no event less than 30 days before the expiration of the permit. The application for renewal shall be upon a form provided by the city clerk and shall contain the same information required for an application for a new permit, be given under oath or affirmation, and shall be reviewed and approved in the same manner. Renewal of permits issued in connection with class C grower stacked licenses will require only a single application form for the original class C grower permit and all stacked license permits issued to the applicant. The renewal application shall indicate that the application is for the renewal of permits issued in connection with class C grower stacked licenses and the permit or permits the applicant is seeking to renew.

(c) The city clerk shall notify the permittee by mail or electronic mail at the last known address on file with the city for notification of the permittee, advising of the time, and procedure for renewing the permit. Failure of the permittee to receive notice under this subsection does not relieve the permittee of the responsibility for renewing the permit.

(d) A permit renewal application may be denied by the city manager if the permit renewal application is not received by the city clerk on or before the expiration date of the permit to be renewed. The city manager shall deny a permit renewal application if any of the following occur:

- (1) The permit to be renewed has been terminated or revoked.
- (2) The permit is suspended or restricted.

- (3) The applicant did not pay the required application fee at the time of submission of the renewal application.
- (4) At the time of submission of the renewal application the applicant is delinquent in the payment of any taxes, fees or other charges owed to or collected by the city.
- (5) The city manager determines that the applicant is not in compliance with all qualifications established by section 14-250 of this article, the act or the rules.
- (6) The applicant failed to correct any deficiencies in the renewal application.
- (9) The city manager determines that applicant submitted a renewal application containing false, misleading, or fraudulent information, or intentionally omitted pertinent information on the renewal application.
- (10) The applicant fails to provide evidence of insurance as required by section 14-250(17).
- (11) An inspection conducted by the city reveals that the medical marihuana facility to which the renewal application pertains is not in compliance with this article, this code of ordinances, the act and rules.

(e) Notice of denial of a renewal application shall be sent to the applicant in writing by mail or electronic mail to the last known address of the applicant on file with the city for notification of the applicant. An applicant whose renewal application is denied may appeal denial to the city council in writing stating the basis for the appeal within ten days of receipt of the notice of denial.

(f) The city manager or his or her designee shall inform in writing by mail or electronic mail the Michigan Department of Licensing and Regulatory Affairs of all permittees whose permit is renewed and if a permittee fails to renew a permit, or the permittee's renewal application is denied.

(g) The city manager may grant relief to any renewal applicant from the provisions of this section upon a showing of good cause .

Sec. 14-257. Revocation, termination or suspension of permit.

(a) Any marihuana facilities permit shall automatically terminate and become void if the state license for the permitted use is revoked, terminates or becomes void.

(b) Any marihuana facilities permit may be revoked upon the occurrence of any of the following:

- (1) Operation of the permitted use is not commenced within 1 year of the date of issuance of the marihuana facilities permit.
- (2) If the permitted use ceases or is discontinued for 90 days or more.

(c) Any marihuana facilities permit may be revoked or suspended in the discretion of the city manager upon the occurrence of any of the following:

- (1) Any violation of the provisions of this article, this code of ordinances, the act, the tracking act, and the rules.
- (2) The conduct of business in an unlawful manner or in such a way as to constitute a public nuisance or negatively impacts the health, safety, or general welfare of surrounding property or city residents.

(d) A medical marihuana facilities permit will be suspended for the transfer or attempted transfer of the permit or any interest in such permit without first obtaining approval of the city manager to do so.

(e) Any marihuana facilities permit shall automatically be suspended if the state operating license for the permitted use is suspended. The terms and conditions of suspension shall correspond to the suspension of the state operating license.

(f) Any medical marihuana facilities permit shall automatically be restricted if the state license for the permitted use is restricted. The terms and conditions of the restriction shall correspond to the restriction of the state license.

(g) If a medical marihuana facilities permit is terminated, revoked, suspended or restricted, the city manager will notify the permittee, at the permittee's last known address on file with the city for notification of the permittee, and the Michigan Department of Regulatory Affairs of the termination, revocation, suspension, or restriction of the permit and the reasons therefore in writing by mail or electronic mail.

(h) The holder of a marihuana facilities permit under this article that is terminated, revoked, suspended or restricted may appeal the termination, revocation, suspension or restriction to the city council within ten days of receipt of the notice of the termination, revocation, suspension or restriction.

Sec. 14-258. Transfer, sale or purchase of permits or licenses.

(a) No marihuana facilities permit may be transferred, sold, or purchased without making application to and obtaining approval of the city manager.

(b) Any transferee, buyer or purchaser of a permit must meet all requirements and conditions for the issuance of a permit under this article for the type of facility the permit was issued for before the transfer, sale or purchase of the permit will be finally approved. The transfer, sale, or purchase will be conditioned upon the transferee, buyer or purchaser obtaining a state license for the type of facility the permit was issued for within 180 days of the approval of the transfer, sale, or purchase.

(c) Transfer or attempted transfer of a medical marihuana facilities permit or any interest in such permit without first obtaining approval of the city manager to do so will be grounds for suspension of the permit pursuant to section 14-257(c) and a violation of this article.

Sec. 14-259. Changes to marihuana facilities.

(a) Any change or modification of a marihuana facility after it receives a state license, and a permit under this article is governed by the standards and procedures of the act and rules, and the standards, and standards and procedures of this code including but not limited to standards and procedures relating to site plans, and, building, plumbing, electrical, mechanical, and fire safety codes. Changes or modifications to a marihuana facility may, however, be made at any time, but must be approved by LARA and the city prior to any changes or modifications to a marihuana facility being made. The permittee must provide evidence of the approval of LARA for any change or modification to a medical marihuana facility to the city, and obtain all required city permits before the change or modification is commenced.

(b) Change of location of a marihuana facility requires a permit application that includes the same information listed in section 14-250 of this article for a permit application and an application fee. The change of location permit will be submitted and approved or denied in the same manner as an application for a medical marihuana facility permit, and provisional and full permits for the change of location will be issued in the same manner as for a medical marihuana facilities permit application. Applications for a change of location may be made at any time.

(c) Failure to obtain prior approval of a change or modification of a marihuana facility from LARA and the city or to obtain all necessary permits for the change or modification, and, failure to obtain approval of a change of location of a medical marihuana facility are violations of the provisions of this article for which a medical marihuana facilities permit may be revoked or suspended pursuant to section 14-257 of this article.

Sec. 14-260. Disclosure of information.

Consistent with MCL 333.27205(4), and to the extent otherwise permitted by law, all information submitted in conjunction with an application for a marihuana facilities permit or permit renewal required under this article is exempt from disclosure under the Michigan Freedom of Information Act, MCL 15.231 *et seq.*

Sec. 14-261. Minimum operational standards for all marihuana facilities.

All marihuana facilities shall at a minimum comply with the following operational standards:

(a) Marihuana facilities shall be open for inspection upon request by the building official, the fire division, or law enforcement officials for determination of compliance with all applicable laws and rules, during the stated hours of operation/use and at such other times as anyone is present on the premises. Inspections may include inspection of the facility premises, surveillance records, camera recordings, reports, records or other materials required as a condition of a permit under this article or a state operating license. Acceptance of a marihuana facilities permit or leasing property to a marihuana facility constitutes consent to such inspections and the seizure of any surveillance records, camera recordings, reports record or other materials required as a condition of the permit under this article or a state operating license without a search warrant. The person issued a permit, or an employee or agent of the thereof shall not hinder or obstruct a law enforcement officer or employee of the city from conducting inspections pursuant to this section, and shall not refuse, fail, or neglect to cooperate with a law enforcement officer or city employee in the performance of his or her duties in enforcing this article, the act, or applicable state administrative rules.

(b) Marihuana facilities shall conduct the activities of the marihuana facility, including, without limitation, the cultivating, growing, processing, displaying, manufacturing, selling, storage of marihuana and marihuana-infused products, and storage of all materials used in connection with the cultivating, growing, processing, displaying, manufacturing, and selling of marihuana and marihuana-infused products indoors in a building and out of public view.

(c) Marihuana facilities shall install a fire alarm and a burglar alarm system. The fire alarm system shall meet the requirements of this code for a newly installed system and be monitored by a listed central station. All burglar alarm systems shall be monitored by a company that is staffed twenty-four hours a day, seven days a week.

(d) Marihuana facilities shall have a video surveillance system that complies with the rules at a minimum, and that makes, retains, and stores surveillance recordings as provided in the rules.

(e) Surveillance recordings of marihuana facilities shall be subject to inspection and review by the city upon request. All surveillance recordings shall be kept in a manner that allows the city to view and obtain copies of the recordings immediately upon request.

(f) Marihuana facilities shall utilize sufficient measures and means to prevent smoke, odor, debris, dust, fluids and other substances from exiting the premises of the facility at any time. In the event that any smoke, odor, debris, dust, fluids or other substances exit the marihuana facility in a detectable amount sufficient to interfere with the reasonable and comfortable use and enjoyment of adjacent property, or that causes damage to property, the permittee for the facility and the owner of the premises shall be jointly and severally liable for such conditions and shall be responsible for immediate, full cleanup and correction of such condition. The permittee shall properly dispose of all such materials, items and other substances in a safe, sanitary, and secure manner in compliance with all federal and state laws and regulations, and this code.

(g) Marihuana facilities shall install and maintain in operable condition a system to preclude marihuana odors from emanating from the premises of the marihuana facility in a detectable amount sufficient to interfere with the reasonable and comfortable use and enjoyment of adjacent property as determined by the objective standards of a reasonable person of normal sensitivity.

(h) Subject to the laws of this state, before hiring a prospective employee, a permittee shall conduct a background check of the prospective employee. If the background check indicates a pending charge or conviction within the past 10 years for a controlled substance-related felony, the permittee shall not hire the prospective employee without written permission of the board.

(i) Access to the marihuana facility is restricted to the permittee, employees of the permittee, and registered qualifying patients and registered primary caregivers with valid registry cards, if applicable, LARA through its investigators, agents, auditors or the state police, and, local law and code enforcement officers.

(j) All marihuana facilities must be at a fixed location. Mobile marihuana facilities and drive through operations are prohibited. Sale or transfer of marihuana product by internet or mail order, consignment, or wholesale is prohibited.

(k) All marihuana facilities shall comply with all provisions of this code, state law and administrative rules regulating signs and advertising.

(l) The business, operations, marketing and advertising of all marihuana facilities and marihuana product shall comply at all times with applicable state law and regulations, and this code.

(m) Marihuana products not identified and recorded in the statewide monitoring system pursuant to the act, the tracking act, and the rules are prohibited from being on the premises of any marihuana facility, and shall not be sold or transferred by any licensee.

(n) Any marihuana product without a batch number or identification tag pursuant to the rules is prohibited from being at or on the premises of any medical marihuana facility.

(o) Marihuana facilities shall comply with the building and fire safety provisions of the rules as are applicable to the particular type of facility at all times.

(p) Marihuana product waste will be destroyed, or rendered into an unusable and unrecognizable form in a manner that prevents its acquisition by any person who may not lawfully possess it, and recorded in the statewide monitoring system. Marihuana product waste shall be disposed of in a secured waste receptacle using 1 or more of the following:

- (1) a manned and permitted solid waste landfill;
- (2) a manned compostable materials operation or facility;
- (3) an in-vessel digester.

(q) All marihuana product waste that is hazardous waste shall be disposed of pursuant to MCL 324.11101 to 324.90106.

(r) All marihuana product waste or marihuana products that are to be destroyed, or that LARA orders to be destroyed, shall not be sold.

(s) All inventory of marihuana products must be stored in a secured limited access area or restricted access area, and identified and tracked consistent with the statewide monitoring system under the act, the tracking act, and the rules.

(t) All containers used to store marihuana products for transfer or sale between marihuana facilities shall meet the requirements of the rules for such containers.

(u) All chemicals or solvents must be stored separately from marihuana products and kept in locked storage areas.

(v) Marihuana-infused products or materials used in direct contact with such products must have separate storage areas from toxic or flammable materials.

Sec. 14-262. Minimum Operational standards applicable to provisioning centers.

All provisioning centers shall, in addition to the operational standards in Section 14-261, comply with the following operational standards at a minimum:

- (a) Provisioning centers shall open no earlier than 8:00 a.m. and close no later than 8:00 p.m.
- (b) No alcohol or tobacco products may be sold, used, or consumed on the premises. No marihuana or marihuana-infused products may be used or consumed on the premises.
- (c) No marihuana plants shall be allowed on the premises.
- (d) During times when the provisioning center is not open to the public, processed marihuana, marihuana products, cash and currency shall be stored in a safe or security vault that is incorporated into the building structure or securely attached to the building structure or a safe room with a security vault or other secure door.
- (e) A provisioning center shall purchase marihuana only from a grower or processor.
- (f) All transfers of marihuana to a provisioning center from a separate marihuana facility shall be by means of a secure transporter.
- (g) A provisioning center shall sell or transfer marihuana only to a registered qualifying patient or registered primary caregiver.
- (h) A provisioning center shall transfer marihuana to or from a safety compliance facility for testing by means of a secure transporter.
- (i) The sale or transfer marihuana to a registered qualifying patient or registered primary caregiver shall only occur after it has been tested and bears the label required for retail sale by the act and the rules.
- (j) Before selling or transferring marihuana to a registered qualifying patient or to a registered primary caregiver on behalf of a registered qualifying patient, a provisioning center shall inquire of the statewide monitoring system to determine whether the patient and, if applicable, the caregiver hold a valid, current, unexpired, and unrevoked registry identification card and that the sale or transfer will not exceed the daily purchasing limit established by the board under the act.
- (k) All transactions, current inventory, and other information of the provisioning center shall be entered into the statewide monitoring system as required by the act, rules, and the marihuana tracking act.
- (l) A provisioning center shall not allow a physician to conduct a medical examination or issue a medical certification document on the premises for the purpose of obtaining a registry identification card.
- (m) Marijuana and marihuana paraphernalia shall not be sold, given away, or dispensed from any outdoor location.

(n) A provisioning center shall have a separate room that is dedicated as the point of sale area for the transfer or sale of marihuana products.

(o) All marihuana products shall be kept behind a counter or other barrier to ensure a registered qualifying patient or registered primary caregiver does not have direct access to the marihuana products.

(p) A provisioning center shall comply with all packaging and labeling requirements of the rules before selling or transferring marihuana products.

Sec. 14-263. Minimum Operational standards applicable to grow facilities.

All grow facilities shall, in addition to the operational standards in Section 14-261, comply with the following operational standards at a minimum:

(a) Until December 31, 2021, the permittee or an active employee shall have, a minimum of 2 years' experience as a registered primary caregiver.

(b) While holding a permit for grower facility, no permittee shall be a registered primary caregiver and shall not employ an individual who is simultaneously a registered primary caregiver.

(c) All transactions, current inventory, and other information of the grow facility shall be entered into the statewide monitoring system as required by the act, rules, and the tracking act.

(d) All activities and operations of the grow facility, including cultivation, shall take place indoors within a building.

(e) The use of compressed gases such as carbon dioxide in multiple processes in the cultivation of marihuana shall meet the requirements of the rules for such processes.

(f) A grow facility shall not use any pesticides in the cultivation of marihuana that has not been approved by LARA for such purpose.

Section 14-264. Minimum Operational standards applicable to processor facilities.

All processor facilities shall, in addition to the operational standards in Section 14-261, comply with the following operational standards at a minimum:

(a) A processor shall purchase marihuana only from a grower and shall sell marihuana-infused products or marihuana only to a provisioning center.

(b) A processor shall transfer marihuana only by means of a secure transporter.

(c) Until December 31, 2021, the permittee or an active employee shall have, a minimum of 2 years' experience as a registered primary caregiver.

(d) While holding a permit for processor facility, no permittee shall be a registered primary caregiver and shall not employ an individual who is simultaneously a registered primary caregiver.

(e) All transactions, current inventory, and other information of the processor facility shall be entered into the statewide monitoring system as required by the act, rules, and the marihuana tracking act.

(f) Processes that extract oil from marihuana plants and marihuana products using flammable gas, flammable liquid, or compressed gases of varying materials including, but not limited to, butane, propane, and carbon dioxide shall meet the requirements of the rules for such processes.

Sec. 14-265. Minimum standards applicable to secure transporters.

All secure transporter facilities shall, in addition to the operational standards in Section 14-261, comply with the following operational standards at a minimum:

(a) May take physical custody of marihuana or money but legal custody belongs to the transferor or transferee.

(b) May not sell or purchase marihuana products.

(c) May store and transport marihuana and money associated with the purchase or sale of marihuana between marihuana facilities for a fee.

(d) Marihuana may not be transported to a registered qualifying patient or registered primary caregiver.

(e) Marihuana product may only be transported in a locked, secured, sealed container that is not accessible while in transit. Money associated with the purchase or sale of marihuana product between facilities shall be locked in a sealed container kept separate from the marihuana product and only accessible to the secure transporter licensee/permittee and its employees.

(f) Each driver transporting marihuana must have a chauffeur's license issued by this state.

(g) Each employee who has custody of marihuana or money that is related to a marihuana transaction shall not have been convicted of or released from incarceration for a felony under the laws of this state, any other state, or the United States within the past 5 years or have been convicted of a misdemeanor involving a controlled substance within the past 5 years.

(h) Each vehicle shall be operated with a 2-person crew with at least 1 individual remaining with the vehicle at all times during the transportation of marihuana.

(i) A route plan and manifest shall be entered into the statewide monitoring system, and a copy shall be carried in the transporting vehicle and presented to a law enforcement officer upon request.

(j) A secure transporting vehicle shall not bear markings or other indication that it is carrying marihuana or a marihuana-infused product.

(k) A secure transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of marihuana to determine compliance with the act and this article.

(l) All transactions, current inventory, and other information of the secure transporter shall be entered into the statewide monitoring system as required by the act, rules, and the tracking act.

Sec. 14-266. Minimum standards applicable to safety compliance facilities.

All safety compliance facilities shall, in addition to the operational standards in Section 14-261, comply with the following operational standards at a minimum:

(a) A safety compliance facility is authorized to only receive marihuana from, test marihuana for, and return marihuana to a marihuana facility.

(b) A safety compliance facility must be accredited by an entity approved by the board by 1 year after the date the license is issued or have previously provided drug testing services to this state or this state's court system and be a vendor in good standing in regard to those services unless a variance from this requirement is granted by the board as provided by the act.

(c) A safety compliance facility shall:

- (1) Perform tests to certify that marihuana is reasonably free of chemical residues such as fungicides and insecticides.
- (2) Use validated test methods to determine tetrahydrocannabinol, tetrahydrocannabinol acid, cannabidiol, and cannabidiol acid levels.
- (3) Perform tests that determine whether marihuana complies with the standards the board establishes for microbial and mycotoxin contents.
- (4) Perform other tests necessary to determine compliance with any other good manufacturing practices as prescribed in rules.
- (5) Enter all transactions, current inventory, and other information into the statewide monitoring system as required in this act, rules, and the marihuana tracking act.
- (6) Have a secured laboratory space that cannot be accessed by the general public.
- (7) Retain and employ at least 1 staff member with a relevant advanced degree in a medical or laboratory science.
- (8) Comply with all provisions of the rules regarding the testing, retesting, and sampling of marihuana and marihuana products.
- (9) Establish an adequate chain of custody and instructions for sample and storage requirements.

Sec. 14-267. Conflicts, Future laws and regulations.

In the event of any conflict between the provisions of this article and the provisions of the act or the rules, the conflicting provisions of this article will be preempted and the provisions of the act or the rules will control. Should the State of Michigan in the future adopt additional or stricter laws or regulations governing the production, processing, transporting, testing, sale and distribution of marihuana, the additional or stricter laws and regulations shall control the establishment or operation of any marihuana facility in the city, as well as the issuance, denial, suspension, or revocation of any permit under this article.

Sec. 14-268. Penalty and remedies.

(a) Any violation of this article is a municipal civil infraction subject to penalties imposed on municipal civil infractions by section 1-7(e) of this code and state law.

(b) In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of the provisions of this code, or any ordinance, shall be deemed a new and separate offense for each day that such condition continues to exist.

(c) In addition to the penalties in this section, any violation of this article, the act, or the rules may result in the denial of a permit, or the revocation, suspension, or non-renewal of a permit issued under this article.

(d) Nothing in this article shall prevent the city from pursuing any other remedy provided by law and equity, including an injunction, in conjunction with or in lieu of prosecuting persons under this section for violation of this article.

Sec. 14-269. Effect tie-barred.

This amendment to Chapter 14 to add Article 12, "Medical Marihuana Facilities" shall only take effect if Chapter 42 is amended to add section 42-262(B)(16), section 42-280(B)(21), section 42-280(B)(22), section 42-281(B)(7), and section 42-821(B)(8).

Dated: _____

Patricia M. Randall, Mayor

FIRST READING:

SECOND READING:

ORDINANCE #:

EFFECTIVE DATE:

CERTIFICATION

I, Adam Herringa, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the _____ day of _____, 201__.

Adam Herringa, City Clerk

PREPARED BY:

Approved as to Form:

Charles R. Bear (P34107)
Portage Assistant City Attorney
1662 East Centre Avenue
Portage, MI 49002
(269) 323-8812

Date: _____

City Attorney

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**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING SECTION 42-262, 42-280, and 42-
281 OF ARTICLE 4, DIVISION 4, AND SECTION 42-129 ARTICLE 4, DIVISION 3, OF
CHAPTER 42, LAND DEVELOPMENT REGULATIONS**

THE CITY OF PORTAGE ORDAINS:

That Chapter 42 shall be amended to add Section 42-262(B)(16) to Article 4, Division 4, Zoning Districts and District Regulations, as follows:

CHAPTER 42. LAND DEVELOPMENT REGULATIONS.

ARTICLE 4. ZONING.

Subdivision 6. Business Districts.

Section 42-262. B-3 general business district.

A. No change.

B. Principal permitted uses.

1 through 15 no change.

16. Medical marihuana provisioning center as defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*

a. The provisioning center shall not be located:

- i. Adjacent to or abutting a residential zoning district; and
- ii. Within 1000 feet from the real property, located either in the city of Portage or an adjacent municipality, comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university, a public library, child day care center, a substance abuse treatment facility, a park or a playground, public or private youth center, public swimming pool, video arcade facility, recreational facility, religious institution (with the exception of religious institutions located in a B-3, I-1, or I-2 zoning district) or housing facility owned by a public housing authority; and
- iii. Within 1000 feet of any other medical marihuana provisioning center located within the city of Portage.
- ~~iv. Within 250 feet of the municipal boundary of the city of Portage except for the boundary in common with the east, south, and west boundaries of the Kalamazoo Battle Creek International Airport.~~

b. Measurements for purposes of subsections (B)(16)(a)(ii) and (iii) above shall be made from the property boundary of the zoning lot to be occupied

by the medical marihuana provisioning center to the nearest point of the zoning lot occupied by any of the uses listed in (B)(16)(a)(ii), or to the nearest point of the zoning lot occupied by another provisioning center using an uninterrupted straight line without regard to intervening structures or objects. ~~Measurements for the purposes of subsection (B)(16)(a)(iv) above shall be made from the municipal boundary of the city of Portage to the nearest point on the zoning lot to be occupied by a provisioning center using an uninterrupted straight line without regard to intervening structures or objects.~~ "Zoning lot" is defined in Section 42-112 of this code of ordinances.

- c. A map showing the uses and facilities permitted in this section as well as the protected areas identified in subsections (B)(16)(a)(i), (ii), (iii) and (iv), is available for review in the department of community development at the Portage City Hall and on the city's website under the department of community development.
- d. Buildings or structures for the distribution, and sale of medical marihuana and medical marihuana infused products shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical marihuana facilities shall not be located within greenhouses and similar buildings.
- e. No drive-through facilities are permitted for provisioning center facilities.
- f. No marihuana or marihuana-infused products may be used or consumed on the premises of a provisioning center.
- g. The activities and operations of the provisioning center shall be indoors within a building and out of public view.
- h. No more than one medical marihuana facility shall be allowed on a single zoning lot or at the same location, and no more than one medical marihuana facility shall be allowed in a multi-tenant building. If a medical marihuana facility is located in a multi-tenant building with any other activity or business, the provisioning center shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana facility.
- i. The business and operations of all marihuana facilities shall comply at all times with applicable state law and regulations, and this code of ordinances.
- j. This amendment to Chapter 42 to add section 42-262(B)(16) to Article 4, Division 4, Zoning Districts and District Regulations shall only take if Chapter 14 is amended to add Article 12, "Medical Marihuana Facilities."

C. No change.

D. No change.

That Chapter 42 shall be amended to add Section 42-280(B)(21), and Section 42-280(B)(22) to Article 4, Division 4, Zoning Districts and District Regulations, as follows:

CHAPTER 42. LAND DEVELOPMENT REGULATIONS.

ARTICLE 4. ZONING.

Subdivision 7. Industrial Districts.

Section 42-280. I-1 light industrial district.

A. No change.

B. Principal permitted uses.

1 through 20 No change.

21. Medical marihuana class A, B, and C grower facilities, and medical marihuana processor facilities as those facilities are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*

a. The grower or processing facility shall not be located:

- i. Adjacent to or abutting a residential zoning district; and
- ii. Within 1000 feet from the real property, located either in the city of Portage or an adjacent municipality, comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university, a public library, a child day care center, a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution (with the exception of religious institutions located in a B-3, I-1, or I-2 zoning district) or housing facility owned by a public housing authority; and
- iii. Within 1000 feet of any other medical marihuana grower or processor facility located within the city of Portage.

~~iv. Within 250 feet of the municipal boundary of the city of Portage except for the boundary in common with the east, south, and west boundaries of the Kalamazoo Battle Creek International Airport.~~

b. Measurements for purposes of subsection (B)(21)(a)(ii) and (iii) above shall be made from the property boundary of the zoning lot to be occupied by the medical marihuana grower or processor facility to the nearest point of the zoning lot occupied by any of the uses listed in (B)(21)(a)(ii), or to the nearest point on the zoning lot occupied by another grower or processor facility, using an uninterrupted straight line without regard to intervening structures or objects. ~~Measurements for the purposes of subsection~~

~~(B)(21)(a)(iv) above shall be made from the municipal boundary of the city of Portage to the nearest point on the the zoning lot to be occupied by a grower or processor facility using an uninterrupted straight line without regard to intervening structures or objects. "Zoning lot" is defined section 42-112 of this code of ordinances.~~

- c. A map showing the uses and facilities permitted in this section, as well as the protected areas identified in subsections (B)(21)(a)(i), (ii), and (iii), and ~~(iv)~~, is available for review in the department of community development at the Portage City Hall and on the city's website under the department of community development.
 - d. Buildings or structures for the growing, production or processing of medical marihuana shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical marihuana facilities shall not be located within greenhouses and similar buildings.
 - e. No drive-through facilities are permitted for medical marihuana facilities.
 - f. No marihuana or marihuana-infused products may be used or consumed on the premises of a medical marihuana facility.
 - g. Medical marihuana grow and processor facilities shall conduct the activities of the marihuana facility, including, without limitation, the cultivating, growing, processing, manufacturing, or storage of marihuana and marihuana-infused products, and all materials used in connection with the cultivating, growing and processing of marihuana, indoors and out of public view.
 - h. No more than one medical marihuana facility shall be allowed on a single zoning lot or at the same location (a stacked license as defined in section 14-246(t) of this code shall not be considered a separate facility for the purposes of this section), and no more than one medical marihuana facility shall be allowed in a multi-tenant building. If a medical marihuana facility is located in a multi-tenant building with any other activity or business, the medical marihuana facility shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana facility.
 - i. The business and operations of all marihuana facilities shall comply at all times with applicable state law and regulations, and this code of ordinances.
 - j. This amendment to add section 42-280(B)(21) to Chapter 42, Article 4, Division 4, Zoning Districts and District Regulations shall only take effect if Chapter 14 is amended to add Article 12, "Medical Marihuana Facilities."
22. Medical marihuana secure transporter and medical marihuana safety compliance facilities as those facilities are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*

- a. The facility site shall not be located:
- i. Adjacent to or abutting a residential zoning district; and
 - ii. Within 1000 feet from the real property, located either in the city of Portage or an adjacent municipality, comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university, a public library, a child day care center, a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution (with the exception of a religious institution in a B-3, I-1, or I-2 zoning district) or housing facility owned by a public housing authority; and
 - ~~iii. Within 250 feet of the municipal boundary of the city of Portage except for the boundary in common with the east, south, and west boundaries of the Kalamazoo-Battle Creek International Airport.~~
- b. Measurements for purposes of ~~this section~~subsection (B)(22)(a)(ii) above shall be made from the ~~property~~ boundary of the zoning lot to be occupied by the medical marihuana secure transporter or safety compliance facility to the nearest point of the zoning lot occupied by any of the uses listed in (B)(22)(a)(ii) using an uninterrupted straight line without regard to intervening structures or objects. ~~Measurements for the purposes of subsection (B)(22)(a)(iii) above shall be made from the municipal boundary of the city of Portage to the nearest point on the property boundary of the zoning lot to be occupied by the medical marihuana secure transporter or safety compliance facility using an uninterrupted straight line without regard to intervening structures or objects.~~ "Zoning lot" is defined section 42-112 of this code of ordinances.
- c. A map showing the uses and facilities permitted in this section, as well as the protected areas identified in subsections (B)(22)(a)(i), and (ii), ~~and (iii)~~, is available for review in the department of community development at the Portage City Hall and on the city's website under the department of community development.
- d. Buildings or structures in connection with the transport and storage of medical marihuana and medical marihuana infused products or for safety compliance facilities shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical marihuana facilities shall not be located within greenhouses and similar buildings.

- e. No drive-through facilities are permitted for medical marihuana facilities.
- f. No marihuana or marihuana-infused products may be used or consumed on the premises of a medical marihuana facility.
- g. No more than one medical marihuana facility shall be allowed on a single zoning lot or at the same location, and no more than one medical marihuana shall be allowed in a multi-tenant building. If a medical marihuana facility is located in a multi-tenant building with any other activity or business, the medical marihuana facility shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana facility.
- h. The business and operations of all medical marihuana facilities shall comply at all times with applicable state law and regulations, and this code of ordinances.
- i. This amendment to add section 42-280(B)(22) to Chapter 42, Article 4, Division 4, Zoning Districts and District Regulations shall only take effect if Chapter 14 is amended to add Article 12, "Medical Marihuana Facilities."

C. No change.

D. No change.

That Chapter 42 shall be amended to add Section 42-281(B)(7), and Section 42-281(B)(8) to Article 4, Division 4, Zoning Districts and District Regulations, as follows:

CHAPTER 42. LAND DEVELOPMENT REGULATIONS.

ARTICLE 4. ZONING.

Subdivision 7. Industrial Districts.

Section 42-281. I-2 heavy industrial district.

A. No change.

B. Principal permitted uses.

1 through 6 No change.

- 7. Medical marihuana class A, B, and C growers, and medical marihuana processors as those facilities are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*

- a. The facility shall not be located:
- i. Adjacent to or abutting a residential zoning district; and
 - ii. Within 1000 feet from the real property, located either in the city of Portage or an adjacent municipality, comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university, a public library, a child day care center a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution (with the exception of a religious institution in a B-3, I-1, or I-2 zoning district) or housing facility owned by a public housing authority; and
 - iii. Within 1000 feet of any other medical marihuana grower or processor facility located within the city of Portage.
 - ~~iv. Within 250 feet of the municipal boundary of the city of Portage except for the boundary in common with the east, south, and west boundaries of the Kalamazoo Battle Creek International Airport.~~
- b. Measurements for purposes of subsection (B)(7)(a) (ii) and (iii) above shall be made from the ~~property~~ boundary of the zoning lot to be occupied by the medical marihuana grow or processor facility to the nearest point of the zoning lot occupied by any of the uses listed in (B)(7)(a)(ii), or to the nearest point of the zoning lot occupied by a another grower or processor facility, using an uninterrupted straight line without regard to intervening structures or objects. ~~Measurements for the purposes of subsection (B)(7)(a)(iv) above shall be made from the municipal boundary of the city of Portage to the nearest point on the property boundary of the zoning lot to be occupied by a grower or processor facility using an uninterrupted straight line without regard to intervening structures or objects.~~ "Zoning lot" is defined section 42-112 of this code of ordinances.
- c. A map showing the uses and facilities listed in subsection (B)(7)(a) above, as well as the protected areas identified by subsections (B)(7)(a)(i), (ii), (iii), ~~and (iv)~~ above, is available for review in the department of community development at the Portage City Hall and on the city's website under the department of community development.
- d. Buildings or structures for the growing, production or processing of medical marihuana shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical marihuana facilities shall not be located within greenhouses and similar buildings.
- e. No drive-through facilities are permitted for medical marihuana facilities.
- f. No marihuana or marihuana-infused products may be used or consumed on the premises of a medical marihuana facility.

- g. Medical marihuana grow and processing facilities shall conduct the activities of the facility, including, without limitation, the cultivating, growing, processing, manufacturing, or storage of marihuana and marihuana-infused products, and all materials used in connection with the cultivating, growing and processing of marihuana, indoors and out of public view.
 - h. No more than one medical marihuana facility shall be allowed on a single zoning lot or at the same location (a stacked license as defined in section 14-246(t) of this code shall not be considered a separate facility for the purposes of this section), and no more than one medical marihuana facility shall be allowed in a multi-tenant building. If a medical marihuana facility is located in a multi-tenant building with any other activity or business, the medical marihuana facility shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana facility.
 - i. The business and operations of all medical marihuana facilities shall comply at all times with applicable state law and regulations, and this code of ordinances.
 - j. This amendment to add section 42-281(B)(7) to Chapter 42, Article 4, Division 4, Zoning Districts and District Regulations shall only take effect if Chapter 14 is amended to add Article 12, "Medical Marihuana Facilities."
- 8. Medical Marihuana secure transporter and safety compliance facilities as those facilities are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*
 - a. The facility site shall not be located:
 - i. Adjacent to or abutting a residential zoning district; and
 - ii. Within 1000 feet from the real property, located either in the city of Portage or an adjacent municipality, comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university, a public library, a child day care center a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution (with the exception of a religious institution in a B-3, I-1, or I-2 zoning district) or housing facility owned by a public housing authority; and
 - ~~iii. Within 250 feet of the municipal boundary of the city of Portage except for the boundary in common with the east, south, and west boundaries of the Kalamazoo Battle Creek International Airport.~~
 - b. Measurements for purposes of subsection (B)(8)(a) (ii) above shall be made from the ~~property~~ boundary of the zoning lot to be occupied by the medical marihuana secure transporter or safety compliance facility to the nearest point of the zoning lot occupied by any of the uses listed in (B)(8)(a)(ii) using an uninterrupted straight line without regard to

intervening structures or objects. ~~Measurements for the purposes of subsection (B)(8)(a)(iii) above shall be made from the municipal boundary of the city of Portage to the nearest point on the property boundary of the zoning lot to be occupied by the medical marihuana secure transporter or safety compliance facility using an uninterrupted straight line without regard to intervening structures or objects.~~ "Zoning lot" is defined section 42-112 of this code of ordinances.

- c. A map showing the uses and facilities listed in subsection (B)(8)(a) above, as well as the protected areas identified in subsections (B)(8)(a)(i), ~~and (ii), and (iii)~~, is available for review in the department of community development at the Portage City Hall and on the city's website under the department of community development.
- d. Buildings or structures in connection with the transport and storage of medical marihuana and medical marihuana infused products or for safety compliance facilities shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical marihuana facilities shall not be located within greenhouses and similar buildings.
- e. No drive-through facilities are permitted for medical marihuana facilities.
- f. No marihuana or marihuana-infused products may be used or consumed on the premises of a medical marihuana facility.
- g. No more than one medical marihuana facility shall be allowed on a single zoning lot ~~or at the same location~~, and no more than one medical marihuana facility shall be allowed in a multi-tenant building. If a medical marihuana facility is located in a multi-tenant building with any other activity or business, the medical marihuana facility shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana facility.
- h. The business and operations of all medical marihuana facilities shall comply at all times with applicable state law and regulations, and this code of ordinances.
- i. This amendment to add section 42-281(B)(8) to Chapter 42, Article 4, Division 4, Zoning Districts and District Regulations shall only take effect if Chapter 14 is amended to add Article 12, "Medical Marihuana Facilities."

C. No change.

D. No change.

That Chapter 42 shall be amended as follows to amend Section 42-129(C), Article 4, Division 3, General Provisions, as follows:

CHAPTER 42. LAND DEVELOPMENT REGULATIONS.

ARTICLE 4. ZONING.

Division 3. General Provisions.

Section 42-129. Home occupations.

A. No change.

B. No change.

C. *Medical marihuana home occupation.* A primary caregiver acting in compliance with the General Rules of the Michigan Department of Licensing and Regulatory Affairs ("general rules"), the Michigan Medical Marihuana Act, MCL 333.26421 et seq., (the "Act") and the requirements of this section, may be allowed as a home occupation. The conditions and requirements contained in section 42-129(A) and (B) (passive and active home occupations) shall not be applicable to medical marihuana home occupations under this section and no permit under the Portage Zoning Code is required for a medical marihuana home occupation. The following requirements for a primary caregiver as a home occupation shall apply:

C. *Medical marihuana home occupation.* A primary caregiver acting in compliance with the General Rules of the Michigan Department of Licensing and Regulatory Affairs ("general rules"), the Michigan Medical Marihuana Act, MCL 333.26421 et seq., (the "Act") and the requirements of this section, may be allowed as a home occupation. The conditions and requirements contained in section 42-129(A) and (B) (passive and active home occupations) shall not be applicable to medical marihuana home occupations under this section and no permit under the Portage Zoning Code is required for a medical marihuana home occupation. The following requirements for a primary caregiver as a home occupation shall apply:

1. A primary caregiver shall comply at all times and in all circumstances with the Act and the general rules of the department as they may be amended from time to time.
2. The home occupation may be conducted in a dwelling unit (as defined by the Zoning Code), in an accessory building, or outdoors, where no more than one primary caregiver:
 - a. Cultivates up to the maximum number of marihuana plants permitted by the Act (12 for each qualifying patient);
 - b. Possesses up to the maximum amount of marihuana or marihuana-infused products permitted by the Act;
 - c. Assists no more than the maximum number of qualifying patients permitted by the Act (maximum of five) who have been issued and possess a registry identification card and who are connected with the primary caregiver through the department's registration process for the medical use of marihuana. Assistance to a qualifying patient by someone other than his or her designated primary caregiver is prohibited;

- d. Does not separate marihuana resin from marihuana plants by butane extraction on the premises of the medical marihuana home occupation; and
 - e. Does not store any chemicals such as herbicides, pesticides, and fertilizers inconsistent with the provisions of the Portage Code of Ordinances including but not limited to the International Fire Code as adopted by the code.
 - f. Does not produce or generate, in any way, noise, odor, dust, fumes, smoke, glare or comparable nuisances which would cause negative effects on surrounding property.
3. The following shall apply to a primary caregiver conducting a home occupation under this section:
- a. Considering the federal "Drug Free School Zone" requirements, the medical marihuana home occupation shall not be located:
 - i. Within 500 feet from the real property comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university, a childcare center, a playground, a housing facility owned by a public housing authority; or
 - ii. Within 100 feet of a public or private youth center, public swimming pool, or video arcade facility.
 - b. Measurements for purposes of subsection (C)(3)(a)(i) and (ii) above shall be made from the property boundary of the zoning lot occupied by the home occupation to the nearest point of the property occupied by any of the uses listed above, using an uninterrupted straight line without regard to intervening structures or objects. "Zoning lot" is defined by article 42, section 42-112, definitions, of the Portage Code of Ordinances, as amended. A map showing the uses and facilities listed in subsection (C)(3)(a) above, as well as the protected areas, is available for review in the department of community development at the Portage City Hall and on the city's website under the department of community development.
 - c. The distance provisions of this subsection do not apply to a primary caregiver whose qualifying patient(s) (up to the maximum permitted under the Act) are permanent residents of the primary caregiver's household and whose residence is shared with the primary caregiver.
4. If the primary caregiver is not an owner of the premises, nothing contained in this section shall limit an owner of the premises from prohibiting the home occupation on the premises occupied by the primary caregiver nor limit an owner's right to pursue any private right of action allowed by law.
5. All medical marihuana plants and medical marihuana-infused products shall be contained in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the primary caregiver or qualifying patient. Marihuana plants grown outdoors are considered to be in an enclosed, locked facility if they are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure and are grown within a stationary structure that is enclosed on all sides, except for the base, by chain-link fencing, wooden slats, or a similar material that prevents access by the general public and that is anchored, attached, or affixed to the ground; located on land that is owned, leased, or rented by either a registered qualifying patient or the primary caregiver

for the registered qualifying patient or patients for whom the marihuana plants are grown; and equipped with functioning locks or other security devices that restrict access to only the registered qualifying patient or the registered primary caregiver who owns, leases, or rents the property on which the structure is located.

6. The home occupation shall be conducted consistent with the Portage Code of Ordinances including but not limited to securing all building, electrical, plumbing and mechanical permits for any portion of the residential structure in which electrical wiring, lighting, and/or watering devices are located, installed or modified that support the cultivation, growing or harvesting of marihuana, compliance with article 4, chapter 24, noise, article 5, chapter 24, safety, sanitation and health, as well as article 14, chapter 42, Housing/Property Maintenance Code. If a room with windows is utilized as a marihuana growing location, any lighting methods that exceed usual residential use between the hours of 11:00 p.m. and 6:00 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that causes or creates a distraction or nuisance to adjacent residential properties.
7. Qualifying patients may visit the site for the purposes permitted under the Act only during the hours of 8:00 a.m. to 8:00 p.m. No more than five qualifying patients may visit the site at any one time.
8. Off street parking provided for the home occupation shall be provided on an improved driveway that fulfills the requirements of article 5, section 24-111, definitions, of the Portage Code of Ordinances, as amended. There shall be no other vehicular parking other than the off street parking facilities normally required for the residential use.
9. There shall be no sign of any nature identifying the home occupation and the use of window displays is not permitted.
10. The location and operation of a marihuana facility pursuant to the provisions of the Michigan Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, MCL 333.27101 et seq., as a home occupation is prohibited.
11. Nothing in this section, or in any companion regulatory provision adopted in any other provision of this Code is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the Act and the general rules and this section. To this end, the sale, distribution, cultivation, manufacture, possession, delivery or transfer of marihuana to treat a qualifying patient shall only be conducted as a home occupation, and shall not be permitted in any other zoning classification of this Zoning Code. Also, since federal law is not affected by the Act or the general rules, nothing in this section, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. Neither this section nor the Michigan Medical Marihuana Act protects users, caregivers or the owners of properties on which the medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.
12. Definitions. As used in this section:
 - a. *Marihuana*. This term shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106, as is referred to in

Section 3(d) of the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423(d).

- b. *Marihuana-infused product.* A topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation
- c. *Primary caregiver.* A person who is at least 21 years old who has agreed to assist with a patient's medical use of marihuana, who has never been convicted of a felony involving illegal drugs and who has been issued and possesses a registry identification card.
- d. *Qualifying patient.* A person who has been diagnosed by a physician as having a debilitating medical condition.
- e. *Registry identification card.* A document issued by the department that identifies a person as a registered qualifying patient or a registered primary caregiver or a document or its equivalent that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows the medical use of marihuana by a visiting qualifying patient, or to allow a person to assist with a visiting qualifying patient's medical use of marihuana.

Dated: _____

Patricia M. Randall, Mayor

FIRST READING:
SECOND READING:
ORDINANCE #:
EFFECTIVE DATE:

CERTIFICATION

I, Adam Herringa, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the _____ day of _____, 2017.

Adam Herringa, City Clerk

PREPARED BY:
Charles R. Bear (P34106)
Portage City Attorney
1662 East Centre Avenue
Portage, MI 49002
(269) 323-8812

Approved as to Form:
Date: _____

City Attorney

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**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING SECTION 42-262, 42-280, and 42-
281 OF ARTICLE 4, DIVISION 4, AND SECTION 42-129 ARTICLE 4, DIVISION 3, OF
CHAPTER 42, LAND DEVELOPMENT REGULATIONS**

THE CITY OF PORTAGE ORDAINS:

That Chapter 42 shall be amended to add Section 42-262(B)(16) to Article 4, Division 4, Zoning Districts and District Regulations, as follows:

CHAPTER 42. LAND DEVELOPMENT REGULATIONS.

ARTICLE 4. ZONING.

Subdivision 6. Business Districts.

Section 42-262. B-3 general business district.

A. No change.

B. Principal permitted uses.

1 through 15 no change.

16. Medical marihuana provisioning center as defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*

a. The provisioning center shall not be located:

- i. Adjacent to or abutting a residential zoning district; and
- ii. Within 1000 feet from the real property, located either in the city of Portage or an adjacent municipality, comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university, a public library, child day care center, a substance abuse treatment facility, a park or a playground, public or private youth center, public swimming pool, video arcade facility, recreational facility, religious institution (with the exception of religious institutions located in a B-3, I-1, or I-2 zoning district) or housing facility owned by a public housing authority; and
- iii. Within 1000 feet of any other medical marihuana provisioning center located within the city of Portage.

b. Measurements for purposes of subsections (B)(16)(a)(ii) and (iii) above shall be made from the boundary of the zoning lot to be occupied by the medical marihuana provisioning center to the nearest point of the zoning lot occupied by any of the uses listed in (B)(16)(a)(ii), or to the nearest point of the zoning lot occupied by another provisioning center using an

uninterrupted straight line without regard to intervening structures or objects. "Zoning lot" is defined in Section 42-112 of this code of ordinances.

- c. A map showing the uses and facilities permitted in this section as well as the protected areas identified in subsections (B)(16)(a)(i), (ii), (iii) and (iv), is available for review in the department of community development at the Portage City Hall and on the city's website under the department of community development.
- d. Buildings or structures for the distribution, and sale of medical marihuana and medical marihuana infused products shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical marihuana facilities shall not be located within greenhouses and similar buildings.
- e. No drive-through facilities are permitted for provisioning center facilities.
- f. No marihuana or marihuana-infused products may be used or consumed on the premises of a provisioning center.
- g. The activities and operations of the provisioning center shall be indoors within a building and out of public view.
- h. No more than one medical marihuana facility shall be allowed on a single zoning lot or at the same location, and no more than one medical marihuana facility shall be allowed in a multi-tenant building. If a medical marihuana facility is located in a multi-tenant building with any other activity or business, the provisioning center shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana facility.
- i. The business and operations of all marihuana facilities shall comply at all times with applicable state law and regulations, and this code of ordinances.
- j. This amendment to Chapter 42 to add section 42-262(B)(16) to Article 4, Division 4, Zoning Districts and District Regulations shall only take if Chapter 14 is amended to add Article 12, "Medical Marihuana Facilities."

C. No change.

D. No change.

That Chapter 42 shall be amended to add Section 42-280(B)(21), and Section 42-280(B)(22) to Article 4, Division 4, Zoning Districts and District Regulations, as follows:

CHAPTER 42. LAND DEVELOPMENT REGULATIONS.

ARTICLE 4. ZONING.

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REVISED 2/27/2018

Subdivision 7. Industrial Districts.

Section 42-280. I-1 light industrial district.

A. No change.

B. Principal permitted uses.

1 through 20 No change.

21. Medical marihuana class A, B, and C grower facilities, and medical marihuana processor facilities as those facilities are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*

a. The grower or processing facility shall not be located:

- i. Adjacent to or abutting a residential zoning district; and
- ii. Within 1000 feet from the real property, located either in the city of Portage or an adjacent municipality, comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university, a public library, a child day care center, a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution (with the exception of religious institutions located in a B-3, I-1, or I-2 zoning district) or housing facility owned by a public housing authority; and
- iii. Within 1000 feet of any other medical marihuana grower or processor facility located within the city of Portage.

b. Measurements for purposes of subsection (B)(21)(a)(ii) and (iii) above shall be made from the property boundary of the zoning lot to be occupied by the medical marihuana grower or processor facility to the nearest point of the zoning lot occupied by any of the uses listed in (B)(21)(a)(ii), or to the nearest point on the zoning lot occupied by another grower or processor facility, using an uninterrupted straight line without regard to intervening structures or objects. "Zoning lot" is defined section 42-112 of this code of ordinances. c. A map showing the uses and facilities permitted in this section, as well as the protected areas identified in subsections (B)(21)(a)(i), (ii), and (iii), is available for review in the department of community development at the Portage City Hall and on the city's website under the department of community development.

d. Buildings or structures for the growing, production or processing of medical marihuana shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical

marihuana facilities shall not be located within greenhouses and similar buildings.

- e. No drive-through facilities are permitted for medical marihuana facilities.
 - f. No marihuana or marihuana-infused products may be used or consumed on the premises of a medical marihuana facility.
 - g. Medical marihuana grow and processor facilities shall conduct the activities of the marihuana facility, including, without limitation, the cultivating, growing, processing, manufacturing, or storage of marihuana and marihuana-infused products, and all materials used in connection with the cultivating, growing and processing of marihuana, indoors and out of public view.
 - h. No more than one medical marihuana facility shall be allowed on a single zoning lot or at the same location (a stacked license as defined in section 14-246(t) of this code shall not be considered a separate facility for the purposes of this section), and no more than one medical marihuana facility shall be allowed in a multi-tenant building. If a medical marihuana facility is located in a multi-tenant building with any other activity or business, the medical marihuana facility shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana facility.
 - i. The business and operations of all marihuana facilities shall comply at all times with applicable state law and regulations, and this code of ordinances.
 - j. This amendment to add section 42-280(B)(21) to Chapter 42, Article 4, Division 4, Zoning Districts and District Regulations shall only take effect if Chapter 14 is amended to add Article 12, "Medical Marihuana Facilities."
22. Medical marihuana secure transporter and medical marihuana safety compliance facilities as those facilities are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*
- a. The facility site shall not be located:
 - i. Adjacent to or abutting a residential zoning district; and
 - ii. Within 1000 feet from the real property, located either in the city of Portage or an adjacent municipality, comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university, a public library, a child day care center, a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution (with the exception of a religious institution in a B-3, I-1, or I-2 zoning district) or housing facility owned by a public housing authority; and

- b. Measurements for purposes of subsection (B)(22)(a)(ii) above shall be made from the boundary of the zoning lot to be occupied by the medical marihuana secure transporter or safety compliance facility to the nearest point of the zoning lot occupied by any of the uses listed in (B)(22)(a)(ii) using an uninterrupted straight line without regard to intervening structures or objects. "Zoning lot" is defined section 42-112 of this code of ordinances.
- c. A map showing the uses and facilities permitted in this section, as well as the protected areas identified in subsections (B)(22)(a)(i), and (ii), is available for review in the department of community development at the Portage City Hall and on the city's website under the department of community development.
- d. Buildings or structures in connection with the transport and storage of medical marihuana and medical marihuana infused products or for safety compliance facilities shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical marihuana facilities shall not be located within greenhouses and similar buildings.
- e. No drive-through facilities are permitted for medical marihuana facilities.
- f. No marihuana or marihuana-infused products may be used or consumed on the premises of a medical marihuana facility.
- g. No more than one medical marihuana facility shall be allowed on a single zoning lot or at the same location, and no more than one medical marihuana shall be allowed in a multi-tenant building. If a medical marihuana facility is located in a multi-tenant building with any other activity or business, the medical marihuana facility shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana facility.
- h. The business and operations of all medical marihuana facilities shall comply at all times with applicable state law and regulations, and this code of ordinances.
- i. This amendment to add section 42-280(B)(22) to Chapter 42, Article 4, Division 4, Zoning Districts and District Regulations shall only take effect if Chapter 14 is amended to add Article 12, "Medical Marihuana Facilities."

C. No change.

D. No change.

That Chapter 42 shall be amended to add Section 42-281(B)(7), and Section 42-281(B)(8) to Article 4, Division 4, Zoning Districts and District Regulations, as follows:

CHAPTER 42. LAND DEVELOPMENT REGULATIONS.

ARTICLE 4. ZONING.

Subdivision 7. Industrial Districts.

Section 42-281. I-2 heavy industrial district.

A. No change.

B. Principal permitted uses.

1 through 6 No change.

7. Medical marihuana class A, B, and C growers, and medical marihuana processors as those facilities are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*

a. The facility shall not be located:

- i. Adjacent to or abutting a residential zoning district; and
- ii. Within 1000 feet from the real property, located either in the city of Portage or an adjacent municipality, comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university, a public library, a child day care center a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution (with the exception of a religious institution in a B-3, I-1, or I-2 zoning district) or housing facility owned by a public housing authority; and
- iii. Within 1000 feet of any other medical marihuana grower or processor facility located within the city of Portage.

b. Measurements for purposes of subsection (B)(7)(a) (ii) and (iii) above shall be made from the boundary of the zoning lot to be occupied by the medical marihuana grow or processor facility to the nearest point of the zoning lot occupied by any of the uses listed in (B)(7)(a)(ii), or to the nearest point of the zoning lot occupied by a another grower or processor facility, using an uninterrupted straight line without regard to intervening structures or objects. "Zoning lot" is defined section 42-112 of this code of ordinances.

- c. A map showing the uses and facilities listed in subsection (B)(7)(a) above, as well as the protected areas identified by subsections (B)(7)(a)(i), (ii), (iii), above, is available for review in the department of community development at the Portage City Hall and on the city's website under the department of community development.
 - d. Buildings or structures for the growing, production or processing of medical marihuana shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical marihuana facilities shall not be located within greenhouses and similar buildings.
 - e. No drive-through facilities are permitted for medical marihuana facilities.
 - f. No marihuana or marihuana-infused products may be used or consumed on the premises of a medical marihuana facility.
 - g. Medical marihuana grow and processing facilities shall conduct the activities of the facility, including, without limitation, the cultivating, growing, processing, manufacturing, or storage of marihuana and marihuana-infused products, and all materials used in connection with the cultivating, growing and processing of marihuana, indoors and out of public view.
 - h. No more than one medical marihuana facility shall be allowed on a single zoning lot or at the same location (a stacked license as defined in section 14-246(t) of this code shall not be considered a separate facility for the purposes of this section), and no more than one medical marihuana facility shall be allowed in a multi-tenant building. If a medical marihuana facility is located in a multi-tenant building with any other activity or business, the medical marihuana facility shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana facility.
 - i. The business and operations of all medical marihuana facilities shall comply at all times with applicable state law and regulations, and this code of ordinances.
 - j. This amendment to add section 42-281(B)(7) to Chapter 42, Article 4, Division 4, Zoning Districts and District Regulations shall only take effect if Chapter 14 is amended to add Article 12, "Medical Marihuana Facilities."
8. Medical Marihuana secure transporter and safety compliance facilities as those facilities are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*
- a. The facility site shall not be located:
 - i. Adjacent to or abutting a residential zoning district; and
 - ii. Within 1000 feet from the real property, located either in the city of Portage or an adjacent municipality, comprising a public or private elementary, vocational or secondary school or a public or private

college, junior college or university, a public library, a child day care center a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution (with the exception of a religious institution in a B-3, I-1, or I-2 zoning district) or housing facility owned by a public housing authority;

- b. Measurements for purposes of subsection (B)(8)(a) (ii) above shall be made from the boundary of the zoning lot to be occupied by the medical marihuana secure transporter or safety compliance facility to the nearest point of the zoning lot occupied by any of the uses listed in (B)(8)(a)(ii) using an uninterrupted straight line without regard to intervening structures or objects. "Zoning lot" is defined section 42-112 of this code of ordinances.
- c. A map showing the uses and facilities listed in subsection (B)(8)(a) above, as well as the protected areas identified in subsections (B)(8)(a)(i), and (ii) is available for review in the department of community development at the Portage City Hall and on the city's website under the department of community development.
- d. Buildings or structures in connection with the transport and storage of medical marihuana and medical marihuana infused products or for safety compliance facilities shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical marihuana facilities shall not be located within greenhouses and similar buildings.
- e. No drive-through facilities are permitted for medical marihuana facilities.
- f. No marihuana or marihuana-infused products may be used or consumed on the premises of a medical marihuana facility.
- g. No more than one medical marihuana facility shall be allowed on a single zoning lot or at the same location, and no more than one medical marihuana facility shall be allowed in a multi-tenant building. If a medical marihuana facility is located in a multi-tenant building with any other activity or business, the medical marihuana facility shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana facility.
- h. The business and operations of all medical marihuana facilities shall comply at all times with applicable state law and regulations, and this code of ordinances.
- i. This amendment to add section 42-281(B)(8) to Chapter 42, Article 4, Division 4, Zoning Districts and District Regulations shall only take effect if Chapter 14 is amended to add Article 12, "Medical Marihuana Facilities."

C. No change.

D. No change.

That Chapter 42 shall be amended as follows to amend Section 42-129(C), Article 4, Division 3, General Provisions, as follows:

CHAPTER 42. LAND DEVELOPMENT REGULATIONS.

ARTICLE 4. ZONING.

Division 3. General Provisions.

Section 42-129. Home occupations.

A. No change.

B. No change.

C. *Medical marihuana home occupation.* A primary caregiver acting in compliance with the General Rules of the Michigan Department of Licensing and Regulatory Affairs ("general rules"), the Michigan Medical Marihuana Act, MCL 333.26421 et seq., (the "Act") and the requirements of this section, may be allowed as a home occupation. The conditions and requirements contained in section 42-129(A) and (B) (passive and active home occupations) shall not be applicable to medical marihuana home occupations under this section and no permit under the Portage Zoning Code is required for a medical marihuana home occupation. The following requirements for a primary caregiver as a home occupation shall apply:

C. *Medical marihuana home occupation.* A primary caregiver acting in compliance with the General Rules of the Michigan Department of Licensing and Regulatory Affairs ("general rules"), the Michigan Medical Marihuana Act, MCL 333.26421 et seq., (the "Act") and the requirements of this section, may be allowed as a home occupation. The conditions and requirements contained in section 42-129(A) and (B) (passive and active home occupations) shall not be applicable to medical marihuana home occupations under this section and no permit under the Portage Zoning Code is required for a medical marihuana home occupation. The following requirements for a primary caregiver as a home occupation shall apply:

1. A primary caregiver shall comply at all times and in all circumstances with the Act and the general rules of the department as they may be amended from time to time.
2. The home occupation may be conducted in a dwelling unit (as defined by the Zoning Code), in an accessory building, or outdoors, where no more than one primary caregiver:
 - a. Cultivates up to the maximum number of marihuana plants permitted by the Act (12 for each qualifying patient);

- b. Possesses up to the maximum amount of marihuana or marihuana-infused products permitted by the Act;
 - c. Assists no more than the maximum number of qualifying patients permitted by the Act (maximum of five) who have been issued and possess a registry identification card and who are connected with the primary caregiver through the department's registration process for the medical use of marihuana. Assistance to a qualifying patient by someone other than his or her designated primary caregiver is prohibited;
 - d. Does not separate marihuana resin from marihuana plants by butane extraction on the premises of the medical marihuana home occupation; and
 - e. Does not store any chemicals such as herbicides, pesticides, and fertilizers inconsistent with the provisions of the Portage Code of Ordinances including but not limited to the International Fire Code as adopted by the code.
 - f. Does not produce or generate, in any way, noise, odor, dust, fumes, smoke, glare or comparable nuisances which would cause negative effects on surrounding property.
3. The following shall apply to a primary caregiver conducting a home occupation under this section:
- a. Considering the federal "Drug Free School Zone" requirements, the medical marihuana home occupation shall not be located:
 - i. Within 500 feet from the real property comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university, a childcare center, a playground, a housing facility owned by a public housing authority; or
 - ii. Within 100 feet of a public or private youth center, public swimming pool, or video arcade facility.
 - b. Measurements for purposes of subsection (C)(3)(a)(i) and (ii) above shall be made from the property boundary of the zoning lot occupied by the home occupation to the nearest point of the property occupied by any of the uses listed above, using an uninterrupted straight line without regard to intervening structures or objects. "Zoning lot" is defined by article 42, section 42-112, definitions, of the Portage Code of Ordinances, as amended. A map showing the uses and facilities listed in subsection (C)(3)(a) above, as well as the protected areas, is available for review in the department of community development at the Portage City Hall and on the city's website under the department of community development.
 - c. The distance provisions of this subsection do not apply to a primary caregiver whose qualifying patient(s) (up to the maximum permitted under the Act) are permanent residents of the primary caregiver's household and whose residence is shared with the primary caregiver.
4. If the primary caregiver is not an owner of the premises, nothing contained in this section shall limit an owner of the premises from prohibiting the home occupation on the premises occupied by the primary caregiver nor limit an owner's right to pursue any private right of action allowed by law.
5. All medical marihuana plants and medical marihuana-infused products shall be contained in an enclosed, locked facility inaccessible on all sides and equipped with

locks or other security devices that permit access only by the primary caregiver or qualifying patient. Marihuana plants grown outdoors are considered to be in an enclosed, locked facility if they are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure and are grown within a stationary structure that is enclosed on all sides, except for the base, by chain-link fencing, wooden slats, or a similar material that prevents access by the general public and that is anchored, attached, or affixed to the ground; located on land that is owned, leased, or rented by either a registered qualifying patient or the primary caregiver for the registered qualifying patient or patients for whom the marihuana plants are grown; and equipped with functioning locks or other security devices that restrict access to only the registered qualifying patient or the registered primary caregiver who owns, leases, or rents the property on which the structure is located.

6. The home occupation shall be conducted consistent with the Portage Code of Ordinances including but not limited to securing all building, electrical, plumbing and mechanical permits for any portion of the residential structure in which electrical wiring, lighting, and/or watering devices are located, installed or modified that support the cultivation, growing or harvesting of marihuana, compliance with article 4, chapter 24, noise, article 5, chapter 24, safety, sanitation and health, as well as article 14, chapter 42, Housing/Property Maintenance Code. If a room with windows is utilized as a marihuana growing location, any lighting methods that exceed usual residential use between the hours of 11:00 p.m. and 6:00 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that causes or creates a distraction or nuisance to adjacent residential properties.
7. Qualifying patients may visit the site for the purposes permitted under the Act only during the hours of 8:00 a.m. to 8:00 p.m. No more than five qualifying patients may visit the site at any one time.
8. Off street parking provided for the home occupation shall be provided on an improved driveway that fulfills the requirements of article 5, section 24-111, definitions, of the Portage Code of Ordinances, as amended. There shall be no other vehicular parking other than the off street parking facilities normally required for the residential use.
9. There shall be no sign of any nature identifying the home occupation and the use of window displays is not permitted.
10. The location and operation of a marihuana facility pursuant to the provisions of the Michigan Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, MCL 333.27101 et seq., as a home occupation is prohibited.
11. Nothing in this section, or in any companion regulatory provision adopted in any other provision of this Code is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the Act and the general rules and this section. To this end, the sale, distribution, cultivation, manufacture, possession, delivery or transfer of marihuana to treat a qualifying patient shall only be conducted as a home occupation, and shall not be permitted in any other zoning classification of this Zoning Code. Also, since federal law is not affected by the Act or the general rules, nothing in this section, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. Neither this section nor the

Michigan Medical Marihuana Act protects users, caregivers or the owners of properties on which the medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.

12. Definitions. As used in this section:

- a. *Marihuana*. This term shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106, as is referred to in Section 3(d) of the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423(d).
- b. *Marihuana-infused product*. A topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation
- c. *Primary caregiver*. A person who is at least 21 years old who has agreed to assist with a patient's medical use of marihuana, who has never been convicted of a felony involving illegal drugs and who has been issued and possesses a registry identification card.
- d. *Qualifying patient*. A person who has been diagnosed by a physician as having a debilitating medical condition.
- e. *Registry identification card*. A document issued by the department that identifies a person as a registered qualifying patient or a registered primary caregiver or a document or its equivalent that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows the medical use of marihuana by a visiting qualifying patient, or to allow a person to assist with a visiting qualifying patient's medical use of marihuana.

Dated: _____

Patricia M. Randall, Mayor

FIRST READING:
SECOND READING:
ORDINANCE #:
EFFECTIVE DATE:

CERTIFICATION

I, Adam Herringa, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the ____ day of _____, 2017.

Adam Herringa, City Clerk

PREPARED BY:

Approved as to Form:

PAGE 12,

REVISED 2/27/2018

Charles R. Bear (P34106)
Portage City Attorney
1662 East Centre Avenue
Portage, MI 49002
(269) 323-8812

Date: _____

City Attorney

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Proposed Medical Marihuana Provisioning Centers in B-3 1000' Distance Provisions 125' Distance from Residential Zoning 11 Potential Locations with 500' Separation

51 Potential Properties

NAME	ADDRESS	CLASS	USE
DEALS UNLIMITED, INC	8715 PORTAGE RD	202	RETAIL-01
POUCHER, DAVID TRUST	8720 SHAVER RD	201	RETAIL-01
PRESTON PROPERTIES, LLC	8650 SHAVER RD	201	AUTO SERVICE
TEAGUE, HELEN I	8542 SHAVER RD	202	VACANT
KENDALL AUTO REPAIR, INC	8441 PORTAGE RD	201	AUTO SERVICE
CONSUMERS ENERGY CO	8434 PORTAGE RD	301	CONSUMERS
BAKER, CHRISTINE M	8435 PORTAGE RD	201	RETAIL-01
COMPLETE DRYWALL COMPANY	8415 PORTAGE RD	202	VACANT
COMPLETE DRYWALL COMPANY	8405 PORTAGE RD	201	WAREHOUSE
SPEEDWAY LLC	8379 PORTAGE RD	201	GAS STATION
CRYSTAL CAR WASH 2, LLC	8387 PORTAGE RD	201	CAR WASH
LEGC, LLC	8314 PORTAGE RD	201	RETAIL-02
ADAMS OUTDOOR ADV LTD PTNSP	8229 PORTAGE RD	201	VACANT
CAIN RESTAURANT CO	8211 PORTAGE RD	201	RESTAURANT
8131 PORTAGE PROPERTIES, LLC	8131 PORTAGE RD	401	RESIDENTIAL
RKW HOLDINGS LLC	8139 PORTAGE RD	201	RETAIL-01
JOHNSON REAL ESTATE COMPANY LLC	8127 PORTAGE RD	201	RETAIL-01
WINTERBURN, JOHN K & S M	8119 PORTAGE RD	202	VACANT
WINTERBURN, JOHN K & S M	8111 PORTAGE RD	201	LAUNDRY
TREYSTAR HOLDINGS, LLC	8043 PORTAGE RD	202	VACANT
TREYSTAR HOLDINGS, LLC	8061 PORTAGE RD	202	VACANT
VCA ANIMAL HOSPITALS, INC.	8037 PORTAGE RD	201	OFFICE-01
TREYSTAR HOLDINGS, LLC	2700 E CENTRE AVE	202	VACANT
FIFTH THIRD BANK	2610 E CENTRE AVE	202	VACANT
TREYSTAR HOLDINGS, LLC	8071 PORTAGE RD	001	VACANT
TREYSTAR HOLDINGS, LLC	8015 PORTAGE RD	202	VACANT
MURPHY, JAMES L & D A	7940 S SPRINKLE RD	201	AUTO SALES
PORTAGE BREWING COMPANY, LLC	7842 PORTAGE RD	201	RESTAURANT
THE DEEP WATERS LLC	7840 PORTAGE RD	201	RETAIL-WINDOWS
WAGNER, SHARON	7812 PORTAGE RD	201	OFFICE
RCL HOLDINGS, LLC	7262 S WESTNEDGE AVE	201	RESTAURANT
BAKER 7206 REALTY LLC	7206 S WESTNEDGE AVE	201	ARCADE/MINI GOL
WEDEL, JAMES C & V A	5977 PORTAGE RD	201	RETAIL-01/STORA
EMRO MARKETING CO	5974 PORTAGE RD	201	GAS STATION
ROSSI, THOMAS E & CONSTANCE N TRUS	5929 PORTAGE RD	201	OFFICE-01
K & L PARTNERSHIP	2401 E MILHAM AVE	201	OFFICE-01
ELZINGA PROPERTIES, LLC	2229 E MILHAM AVE	201	AUTO SERVICE
GIMMLER, NORBERT & UTE	2603 E MILHAM AVE	202	VACANT
HENDERSON, G & D & WREGE, R & L	5919 PORTAGE RD	201	RETAIL-01
KAL COUNTY FARM BUREAU INC	5950 PORTAGE RD	201	OFFICE-01
STEWART, CHARLES D	5911 PORTAGE RD	401	RESIDENTIAL
BIBLES FOR MISSIONS THRIFT CENTERS	2375 E MILHAM AVE	701	RETAIL
RANDLES, ESTHER M	5905 PORTAGE RD	401	RESIDENTIAL
ROGA	5900 PORTAGE RD	201	OFFICE-01
RANDLES, ESTHER MARIE	5845 PORTAGE RD	401	RESIDENTIAL
DLC PROPERTIES LLC	5730 S WESTNEDGE AVE	201	RETAIL-01
TEMPEST VENTURES, INC	5342 S WESTNEDGE AVE	201	GAS/REST DDA
ESAN LLC	5230 S WESTNEDGE AVE	201	RETAIL-01 DDA
DEJAMS LLC	5050 S SPRINKLE RD	201	FLEX-02
HOVENKAMP, BERT - TRUST	5000 S SPRINKLE RD	201	RESTAURANT
LIFE CHANGING MINISTRIES	3932 E KILGORE RD	701	FLEX -02

- Exclusion Areas (1000' & 125' distance provisions)
- B-3 Zoning
- Eligible Properties
- State Game Area
- City Boundary
- Potential locations (500' separation radius)



1 inch = 3,200 feet

Date: 2/26/2018

Potential locations must be B-3 zoned, and not within 125' of a residential zone and more than 1000' from churches, day cares, libraries, parks and public and/or private recreation areas. This listing is considered approximate and all properties must be individually evaluated.

Proposed Medical Marihuana
Provisioning Centers in B-3
1000' Distance Provisions
125' Distance from Residential Zoning
10 Potential Locations with 750' Separation

51 Potential Properties

NAME	ADDRESS	CLASS	USE
DEALS UNLIMITED, INC	8715 PORTAGE RD	202	RETAIL-01
POUCHER, DAVID TRUST	8720 SHAVER RD	201	RETAIL-01
PRESTON PROPERTIES, LLC	8650 SHAVER RD	201	AUTO SERVICE
TEAGUE, HELEN I	8542 SHAVER RD	202	VACANT
KENDALL AUTO REPAIR, INC	8441 PORTAGE RD	201	AUTO SERVICE
CONSUMERS ENERGY CO	8434 PORTAGE RD	301	CONSUMERS
BAKER, CHRISTINE M	8435 PORTAGE RD	201	RETAIL-01
COMPLETE DRYWALL COMPANY	8415 PORTAGE RD	202	VACANT
COMPLETE DRYWALL COMPANY	8405 PORTAGE RD	201	WAREHOUSE
SPEEDWAY LLC	8379 PORTAGE RD	201	GAS STATION
CRYSTAL CAR WASH 2, LLC	8387 PORTAGE RD	201	CAR WASH
LEGC, LLC	8314 PORTAGE RD	201	RETAIL-02
ADAMS OUTDOOR ADV LTD PTNSP	8229 PORTAGE RD	201	VACANT
CAIN RESTAURANT CO	8211 PORTAGE RD	201	RESTAURANT
8131 PORTAGE PROPERTIES, LLC	8131 PORTAGE RD	401	RESIDENTIAL
RKW HOLDINGS LLC	8139 PORTAGE RD	201	RETAIL-01
JOHNSON REAL ESTATE COMPANY LLC	8127 PORTAGE RD	201	RETAIL-01
WINTERBURN, JOHN K & S M	8119 PORTAGE RD	202	VACANT
WINTERBURN, JOHN K & S M	8111 PORTAGE RD	201	LAUNDRY
TREYSTAR HOLDINGS, LLC	8043 PORTAGE RD	202	VACANT
TREYSTAR HOLDINGS, LLC	8061 PORTAGE RD	202	VACANT
VCA ANIMAL HOSPITALS, INC.	8037 PORTAGE RD	201	OFFICE-01
TREYSTAR HOLDINGS, LLC	2700 E CENTRE AVE	202	VACANT
FIFTH THIRD BANK	2610 E CENTRE AVE	202	VACANT
TREYSTAR HOLDINGS, LLC	8071 PORTAGE RD	001	VACANT
TREYSTAR HOLDINGS, LLC	8015 PORTAGE RD	202	VACANT
MURPHY, JAMES L & D A	7940 S SPRINKLE RD	201	AUTO SALES
PORTAGE BREWING COMPANY, LLC	7842 PORTAGE RD	201	RESTAURANT
THE DEEP WATERS LLC	7840 PORTAGE RD	201	RETAIL-WINDOWS
WAGNER, SHARON	7812 PORTAGE RD	201	OFFICE
RCL HOLDINGS, LLC	7262 S WESTNEDGE AVE	201	RESTAURANT
BAKER 7206 REALTY LLC	7206 S WESTNEDGE AVE	201	ARCADE/MINI GOL
WEDEL, JAMES C & V A	5977 PORTAGE RD	201	RETAIL-01/STORA
EMRO MARKETING CO	5974 PORTAGE RD	201	GAS STATION
ROSSI, THOMAS E & CONSTANCE N TRUS	5929 PORTAGE RD	201	OFFICE-01
K & L PARTNERSHIP	2401 E MILHAM AVE	201	OFFICE-01
ELZINGA PROPERTIES, LLC	2229 E MILHAM AVE	201	AUTO SERVICE
GIMMLER, NORBERT & UTE	2603 E MILHAM AVE	202	VACANT
HENDERSON, G & D & WREGE, R & L	5919 PORTAGE RD	201	RETAIL-01
KAL COUNTY FARM BUREAU INC	5950 PORTAGE RD	201	OFFICE-01
STEWART, CHARLES D	5911 PORTAGE RD	401	RESIDENTIAL
BIBLES FOR MISSIONS THRIFT CENTERS	2375 E MILHAM AVE	701	RETAIL
RANGLES, ESTHER M	5905 PORTAGE RD	401	RESIDENTIAL
ROGA	5900 PORTAGE RD	201	OFFICE-01
RANGLES, ESTHER MARIE	5845 PORTAGE RD	401	RESIDENTIAL
DLC PROPERTIES LLC	5730 S WESTNEDGE AVE	201	RETAIL-01
TEMPEST VENTURES, INC	5342 S WESTNEDGE AVE	201	GAS/REST DDA
ESAN LLC	5230 S WESTNEDGE AVE	201	RETAIL-01 DDA
DEJAMS LLC	5050 S SPRINKLE RD	201	FLEX-02
HOVENKAMP, BERT - TRUST	5000 S SPRINKLE RD	201	RESTAURANT
LIFE CHANGING MINISTRIES	3932 E KILGORE RD	701	FLEX -02

 B-3 Zoning
 Eligible Properties
 Exclusion Areas (1000' & 125' distance provisions)
 State Game Area
 City Boundary
 Potential locations
(750' separation radius)



1 inch = 3,200 feet

Date: 2/26/2018

Potential locations must be B-3 zoned,
and not within 125' of a residential zone and more
than 1000' from churches, day cares, libraries,
parks and public and/or private recreation areas.
This listing is considered approximate and all
properties must be individually evaluated.

Proposed Medical Marihuana Provisioning Centers in B-3 1000' Distance Provisions 125' Distance from Residential Zoning 9 Potential Locations with 1000' Separation

51 Potential Properties

NAME	ADDRESS	CLASS	USE
DEALS UNLIMITED, INC	8715 PORTAGE RD	202	RETAIL-01
POUCHER, DAVID TRUST	8720 SHAVER RD	201	RETAIL-01
PRESTON PROPERTIES, LLC	8650 SHAVER RD	201	AUTO SERVICE
TEAGUE, HELEN I	8542 SHAVER RD	202	VACANT
KENDALL AUTO REPAIR, INC	8441 PORTAGE RD	201	AUTO SERVICE
CONSUMERS ENERGY CO	8434 PORTAGE RD	301	CONSUMERS
BAKER, CHRISTINE M	8435 PORTAGE RD	201	RETAIL-01
COMPLETE DRYWALL COMPANY	8415 PORTAGE RD	202	VACANT
COMPLETE DRYWALL COMPANY	8405 PORTAGE RD	201	WAREHOUSE
SPEEDWAY LLC	8379 PORTAGE RD	201	GAS STATION
CRYSTAL CAR WASH 2, LLC	8387 PORTAGE RD	201	CAR WASH
LEGC, LLC	8314 PORTAGE RD	201	RETAIL-02
ADAMS OUTDOOR ADV LTD PTNSP	8229 PORTAGE RD	201	VACANT
CAIN RESTAURANT CO	8211 PORTAGE RD	201	RESTAURANT
8131 PORTAGE PROPERTIES, LLC	8131 PORTAGE RD	401	RESIDENTIAL
RKW HOLDINGS LLC	8139 PORTAGE RD	201	RETAIL-01
JOHNSON REAL ESTATE COMPANY LLC	8127 PORTAGE RD	201	RETAIL-01
WINTERBURN, JOHN K & S M	8119 PORTAGE RD	202	VACANT
WINTERBURN, JOHN K & S M	8111 PORTAGE RD	201	LAUNDRY
TREYSTAR HOLDINGS, LLC	8043 PORTAGE RD	202	VACANT
TREYSTAR HOLDINGS, LLC	8061 PORTAGE RD	202	VACANT
VCA ANIMAL HOSPITALS, INC.	8037 PORTAGE RD	201	OFFICE-01
TREYSTAR HOLDINGS, LLC	2700 E CENTRE AVE	202	VACANT
FIFTH THIRD BANK	2610 E CENTRE AVE	202	VACANT
TREYSTAR HOLDINGS, LLC	8071 PORTAGE RD	001	VACANT
TREYSTAR HOLDINGS, LLC	8015 PORTAGE RD	202	VACANT
MURPHY, JAMES L & D A	7940 S SPRINKLE RD	201	AUTO SALES
PORTAGE BREWING COMPANY, LLC	7842 PORTAGE RD	201	RESTAURANT
THE DEEP WATERS LLC	7840 PORTAGE RD	201	RETAIL-WINDOWS
WAGNER, SHARON	7812 PORTAGE RD	201	OFFICE
RCL HOLDINGS, LLC	7262 S WESTNEDGE AVE	201	RESTAURANT
BAKER 7206 REALTY LLC	7206 S WESTNEDGE AVE	201	ARCADE/MINI GOL
WEDEL, JAMES C & V A	5977 PORTAGE RD	201	RETAIL-01/STORA
EMRO MARKETING CO	5974 PORTAGE RD	201	GAS STATION
ROSSI, THOMAS E & CONSTANCE N TRUS	5929 PORTAGE RD	201	OFFICE-01
K & L PARTNERSHIP	2401 E MILHAM AVE	201	OFFICE-01
ELZINGA PROPERTIES, LLC	2229 E MILHAM AVE	201	AUTO SERVICE
GIMMLER, NORBERT & UTE	2603 E MILHAM AVE	202	VACANT
HENDERSON, G & D & WREGE, R & L	5919 PORTAGE RD	201	RETAIL-01
KAL COUNTY FARM BUREAU INC	5950 PORTAGE RD	201	OFFICE-01
STEWART, CHARLES D	5911 PORTAGE RD	401	RESIDENTIAL
BIBLES FOR MISSIONS THRIFT CENTERS	2375 E MILHAM AVE	701	RETAIL
RANDLES, ESTHER M	5905 PORTAGE RD	401	RESIDENTIAL
ROGA	5900 PORTAGE RD	201	OFFICE-01
RANDLES, ESTHER MARIE	5845 PORTAGE RD	401	RESIDENTIAL
DLC PROPERTIES LLC	5730 S WESTNEDGE AVE	201	RETAIL-01
TEMPEST VENTURES, INC	5342 S WESTNEDGE AVE	201	GAS/REST DDA
ESAN LLC	5230 S WESTNEDGE AVE	201	RETAIL-01 DDA
DEJAMS LLC	5050 S SPRINKLE RD	201	FLEX-02
HOVENKAMP, BERT - TRUST	5000 S SPRINKLE RD	201	RESTAURANT
LIFE CHANGING MINISTRIES	3932 E KILGORE RD	701	FLEX - 02

- Exclusion Areas (1000' & 125' distance provisions)
- B-3 Zoning
- Eligible Properties
- State Game Area
- City Boundary
- Potential locations (1000' separation radius)



1 inch = 3,200 feet

Date: 2/26/2018

Potential locations must be B-3 zoned, and not within 125' of a residential zone and more than 1000' from churches, day cares, libraries, parks and public and/or private recreation areas. This listing is considered approximate and all properties must be individually evaluated.



Proposed Medical Marihuana Grow Operations and Processors Safety Compliance & Secure Transporters 1000' & 125' Exclusion Areas for I-1, I-2

94 Available properties available.

ONERNAME1	PCOMBINED	PRTYCLASS	UHAINDEX1
JACKSON, ROGEE	5065 S SPRINKLE RD	201	FLEX-02
9090 SPRINKLE, LLC	5000 S SPRINKLE RD	201	FLEX-02
5110 SPRINKLE RD, LLC	5110 S SPRINKLE RD	201	FLEX-02
PISIPATI, BHASKAR	5120 S SPRINKLE RD	201	FLEX-04
ROBBINS, WILLIAM C & E A	5240 S SPRINKLE RD	202	VACANT
ROBBINS, WILLIAM C & E A	5220 S SPRINKLE RD	202	VACANT
ROBBINS, WILLIAM C & E A	5160 S SPRINKLE RD	201	FLEX-04
HUMPHREY PRODUCTS COMPANY	5079 S SPRINKLE RD	302	VACANT LAND
KENDALL ELECTRIC, INC	5101 S SPRINKLE RD	302	VACANT LAND
SYHAN, LLC	3750 E KILGORE RD	201	NIGHT CLUB
MAIN STREET ASSOCIATES	5113 MEREDITH ST	201	TRUCK TERMINAL
KC REAL ESTATE, LLC	5041 MEREDITH ST	302	VACANT LAND
BEA-UNREAL, LLC	3700 KILGORE RD	301	MANUFACTURING
KC REAL ESTATE, LLC	3620 E KILGORE RD	201	SVC GAR/OFFICE
VANTUNEN, JAMES L & MARY J TRUST	3602 E KILGORE RD	401	SINGLE FAMILY
VANTUNEN, JAMES L & MARY J TRUST	5035 MEREDITH ST	201	OFFICE/STG
CALLIN, GERALD G & GENEVA A	5040 MEREDITH ST	201	RETAIL-01
PRESSURE WASHING SPECIALISTS	3550 E KILGORE RD	201	WAREHOUSE
SUMMIT POLYMERS INC	3000 E KILGORE RD	302	VACANT LAND
DOMESTIQUE REALTY, LLC	3737 E MILHAM AVE	201	RETAIL
COUNTY OF KALAMAZOO	3100 E MILHAM AVE	702	COUNTY
KALAMAZOO AVIATION HISTORY MUSEUM	6551 PORTAGE RD	701	NON-PROFIT/MUSEUM
NORMAN/PORTAGE, LLC	6901 PORTAGE RD	201	OFFICE-01
PHARMACIA & UPJOHN COMPANY	3101 ROMENCE RD EAST	302	VACANT LAND
JKI REAL ESTATE, LLC	6501 PORTAGE RD	301	MANUFACTURING
COUNTY OF KALAMAZOO	6555 PORTAGE RD	702	VACANT LAND
SCANNELL PROPERTIES #192, LLC	6701 PORTAGE RD	302	VACANT LAND
STRYKER CORPORATION	6000 PORTAGE RD	302	VACANT LAND
STRYKER CORPORATION	6100 PORTAGE RD	302	VACANT LAND
CITY OF PORTAGE	6401 CORPORATE AVE	702	CITY SEWER
COLONIAL ENGINEERING INC	6400 CORPORATE AVE	301	WAREHOUSE
MDOT	6345 AMERICAN AVE	701	WAREHOUSE
SUMMIT POLYMERS PROPERTIES LTD	4750 EXECUTIVE DR	301	PLASTIC INJECTION MOLDING
3700 MILHAM, LLC	3700 E MILHAM AVE	301	MANUFACTURING
SUPERIOR BUSINESS FORMS INC	6500 S SPRINKLE RD	302	VACANT LAND
CITY OF PORTAGE	6600 S SPRINKLE RD	702	CITY VACANT
MANN-HUMMEL USA, INC	6700 S SPRINKLE RD	301	REFRIGERATION MFG
MANN-HUMMEL USA, INC	6400 S SPRINKLE RD	301	PLASTIC INJECTION MOLDING
SUPERIOR BUSINESS FORMS	6490 S SPRINKLE RD	201	OFFICE
CONSUMERS ENERGY CO	6210 S SPRINKLE RD	301	CONSUMERS-SUB STATION
HUSKER HOLDINGS LLC	6700 QUALITY WAY	301	TOOL & DIE MFG
KC EAGER LLC	6710 QUALITY WAY	301	MANUFACTURING
DSL ENTERPRISES INC	4550 QUALITY CT	302	VACANT LAND
SPRINKLE ENGINEERING BUILDING, LLC	6515 S SPRINKLE RD	301	PLASTIC INJECTION MOLDING
BOWERS MANUFACTURING CO	6565 S SPRINKLE RD	301	ALUMINUM EXTRUSION
STEPHENS PROPERTIES LLC	6701 QUALITY WAY	201	MANUFACTURING
PIENTA, ANTHONY & BONITA	3901 E CENTRE AVE	302	VACANT LAND
PIENTA, ANTHONY J & BONITA J TRUST	7926 S SPRINKLE RD	201	RETAIL-01
K PAUL PROPERTIES, LLC	3921 E CENTRE AVE	301	MANUFACTURING
PIENTA, ANTHONY J & BONITA J TRUST	7910 S SPRINKLE RD	201	AUTO SERVICE
PIENTA, ANTHONY J & BONITA J TRUST	7881 S SPRINKLE RD	201	RETAIL-01
ZOETIS, LLC	7725 PORTAGE RD	301	MANUFACTURING
PHARMACIA & UPJOHN COMPANY	7000 PORTAGE RD	301	VACANT LAND
PHARMACIA & UPJOHN COMPANY	7726 PORTAGE RD	302	VACANT LAND
CONSUMERS ENERGY CO	2915 E CENTRE AVE	302	CONSUMERS
CUBIC, MICHAEL	516 SCHURING RD	401	SINGLE FAMILY
JOHN SCHURING JR, COMPANY	510 SCHURING RD	401	SINGLE FAMILY
TULLMA, JAY H & ROVERLY	428 SCHURING RD	401	SINGLE FAMILY
CHOPPER, ROBERT D	408 SCHURING RD	401	SINGLE FAMILY
D & D VENTURES, LLC	8722 PORTAGE INDUSTRIAL DR	081	OFFICE-01
PIP PARTNERS, LLC	8750 PORTAGE INDUSTRIAL DR	081	OFFICE
WINTERBURN, JOHN K & S M	8119 PORTAGE RD	202	VACANT
CORNELL JR, WILLIAM D & SHELLY L	8145 PORTAGE RD	302	VACANT LAND
RKW HOLDINGS LLC	8141 PORTAGE RD	302	VACANT LAND
ITANI, OUSSAMA	8209 PORTAGE RD	302	VACANT LAND
ADAMS OUTDOOR ADV LTD PTNSP	8229 PORTAGE RD	201	VACANT
DEJAMS, LLC	9702 PORTAGE RD	201	REST/MANUF
NICHOLS, ANDREW D	9741 PORTAGE RD	401	SINGLE FAMILY
CITY OF PORTAGE	9102 SHAVER RD	702	CITY HOUSE
KUIPER BROTHERS LAND, LLC	9040 SHAVER RD	201	VACANT LAND
FEMA CORPORATION	1728 VANDERBILT AVE	302	VACANT LAND
CC 10 LLC	4176 COMMERCIAL AVE	201	OFFICE-01/WARE
COMMERCIAL PROPERTIES PARTNERS, LLC	4169 COMMERCIAL AVE	301	MANUFACTURING
4311 COMMERCIAL AVE, LLC	4311 COMMERCIAL AVE	201	DISTRIBUTOR
M R S REALTY CORP	4385 COMMERCIAL AVE	201	TRUCK TERMINAL
TODD UNIFORM INC	4384 COMMERCIAL AVE	201	MANUFACTURING
IPTV-B-C-31, LLC	4250 COMMERCIAL AVE	201	WAREHOUSE
RF HOLDING LLC	4460 COMMERCIAL AVE	301	WAREHOUSE
SAMEO LAND KALAMAZOO, LLC	4510 COMMERCIAL AVE	201	WAREHOUSE
4570 COMMERCIAL AVE, LLC	4570 COMMERCIAL AVE	201	WAREHOUSE-M
BICKINGS, TIMOTHY P & D A	4481 COMMERCIAL AVE	301	MANUFACTURING
ST PROPERTIES, LLC	6292 AMERICAN AVE	301	MANUFACTURING
ST PROPERTIES, LLC	6256 AMERICAN AVE	301	MANUFACTURING
CONFORMANCE FASTENERS INC	6239 AMERICAN AVE	301	WAREHOUSE
ST PROPERTIES, LLC &	6287 AMERICAN AVE	201	LAB/SHOP
PHARMACIA & UPJOHN COMPANY	7238 PORTAGE RD	301	WELL SITES
PHARMACIA & UPJOHN COMPANY	7400 PORTAGE RD	302	VACANT LAND
RAI AZO, LLC	5825 WILLOUGHBY DR	201	BRWNFLD WILLOUGHBY
RAI AZO, LLC	5901 WILLOUGHBY DR	202	BRWNFLD WILLOUGHBY
TELL LEASING CO	5909 WILLOUGHBY DR	201	GARAGE
SHORT, ANGELA	5913 WILLOUGHBY DR	401	SINGLE FAMILY
FRAZIER, HARLIE & GRIMM, CORA	5921 WILLOUGHBY DR	401	SINGLE FAMILY
ISAACS, LAURA	2711 E MILHAM AVE	401	SINGLE FAMILY
MUNNS CORP	2725 E MILHAM AVE	201	OFFICE-01

- I-1 or I-2 Zoning
- Exclusion Areas (1000' and residential 125')
- Eligible Properties (94)
- City Boundary

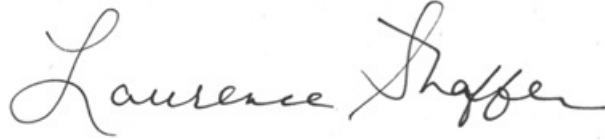


1 inch = 3,200 feet
Date: 2/26/2018

Potential locations must be I-1 or I-2 zoned, and not within 125' of a residential zone and more than 1000' from churches, schools, day cares, libraries, treatment facilities, parks and public and/or private. This listing is considered approximate and all properties must be individually evaluated. (594)

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Property Acquisition - 9125 Portage Road

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Approve the purchase of property addressed as 9125 Portage Road in the amount not to exceed \$220,000 and authorize the City Manager to execute all documents on behalf of the city.

The Fiscal Year 2017-2018 Capital Improvement Program budget includes funds for the replacement of the Emily Drive Lift Station located at the corner of Emily Drive and Portage Road, adjacent to 9125 Portage Road. The “can” style lift station was built in the mid 1970s and has reached the end of its useful life. Due to the width of the roadway on Portage Road, the limited right-of-way on Emily Drive and the building located at 9113 Portage Road (H&B Market) being nonconforming to current ordinances for building set back, reconstruction of the Emily Street Lift Station in an alternate location is required.

Recently, the property addressed as 9125 Portage Road, adjacent to the lift station, became available for sale and has been appraised at \$222,000. The owner has offered to sell the property to the city for \$220,000. Purchase of the property would allow the city to design and construct a lift station that better serves the public in an optimal location. In addition, with the city ownership of 9125 Portage Road, improvements can be made to Emily Drive.

The Sewer Fund has sufficient resources to cover the purchase of the property, and the expenditure will not impact operations in any way. Prior to final purchase of the property, the city would proceed with due diligence activities (e.g. completion of a survey Phase 1 environmental assessment, title insurance, etc.).

As requested by City Council, the closure of Emily Drive and locating the lift station on the current roadway was evaluated but does not appear to be a viable option. Although City Council could choose to close or vacate Emily Drive by resolution, the property lying under the roadway would vest to the respective property owners abutting the roadway, not to the City. Once vacated, purchasing the property from both of the owners could prove difficult and costly. If the purchase of the 9125 Portage Road is approved, efforts will be made to locate the lift station on the property in such a manner that will enable the remaining property to be sold and put back on the tax role.

Therefore, it is recommended that City Council approve the purchase of property addressed as 9125 Portage Road in the amount not to exceed \$220,000 and authorize the City Manager to execute all documents on behalf of the city.

FUNDING: The Sewer Fund has an unrestricted balance of \$12 million.

Attachments:

1. Map - 9125 Portage Road
2. Emily Drive Image



