

7:00 p.m. Call to Order.

Invocation.

Pledge of Allegiance.

Roll Call.

Proclamations:

1. Small Business Saturday
2. Veteran's Day 2018

A. Consent Agenda: *(To hear about items included on the Consent Agenda, please visit: www.portagemi.gov/544/Podcasts)*

1. Approval of City Council Meeting Minutes:
 - a. Regular Meeting Minutes of Tuesday, October 23 and Special Meeting Minutes of Friday, October 26, 2018.
 - b. Pre-Council Meeting of November 5, 2018.
2. Approval of the Accounts Payable Register of November 6, 2018 as presented.
3. Accept for first reading an amendment to Chapter 2, Administration, with the addition of Article 11, Prohibiting Marihuana Establishments pursuant to the Michigan Regulation and Taxation Act, Ballot Proposal 1 of 2018, and take final action on November 20, 2018.
4. Accept for first reading an amendment to Section 38-35 of Chapter 38, Historical Preservation and a Final Report from the Historic District Commission to modify the Historic District located at 2663 Mandigo Avenue, and take final action on November 20, 2018.
5. Minutes of Boards & Commissions:
 - a. Senior Citizens Advisory Board of September 19, 2018.
 - b. Planning Commission of October 18, 2018.
6. Materials Transmitted.

B. Petitions and Statements of Citizens:

C. Communications:

1. Calendar of Meetings:
 - Historic District Commission, Wednesday, November 7, 2018 at 8:15 a.m., City Hall Room #2.
 - Park Board, Wednesday, November 7, 2018 at 6:30 p.m., City Hall Room #2.
 - Zoning Board of Appeals, Monday, November 12, 2018, Council Chambers.
 - Senior Citizen Advisory Board, Wednesday, November 14, 2018 at 2:30 p.m., Portage Senior Center.
 - Environmental Board, Wednesday, November 14, 2018 at 7:00 p.m., City Hall Room #1.
 - Planning Commission, Thursday, November 15, 2018 at 7:00 p.m., Council Chambers.

D. Public Hearings:

E. Regular Business Agenda:

F. Unfinished Business:

G. Council Committee Reports:

H. New Business:

I. Statements of Citizens:

J. Statements of City Council and City Manager.

Adjournment.



CITY OF PORTAGE PROCLAMATION

Small Business Saturday

- WHEREAS,** The government of Portage, MI, celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 30.2 million small businesses in the United States, they represent 99.7 percent of all businesses with employees in the United States, are responsible for 65.9 percent of net new jobs created from 2000 to 2017; and
- WHEREAS,** Small businesses employ 47.5 percent of the employees in the private sector in the United States; and
- WHEREAS,** 90% of consumers in the United States say Small Business Saturday has had a positive impact on their community; and
- WHEREAS,** 89% of consumers who are aware of Small Business Saturday said the day encourages them to Shop Small all year long; and
- WHEREAS,** 73% of consumers who reportedly Shopped Small at independently-owned retailers and restaurants on Small Business Saturday did so with friends or family; and
- WHEREAS,** The most reported reason for consumers aware of the day to shop and dine at small, independently-owned businesses was to support their community (64%); and
- WHEREAS,** Portage, MI, supports our local businesses that create jobs, boost our local economy and preserve our communities; and
- WHEREAS,** advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, BE IT RESOLVED THAT I, Patricia M. Randall, by virtue of the authority vested in me as the Mayor of Portage, do hereby proclaim November 24, 2018, as SMALL BUSINESS SATURDAY and urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

Signed this 6th day of November, 2018.

Patricia M. Randall, Mayor



CITY OF PORTAGE PROCLAMATION

Veteran's Day 2018

WHEREAS, Veteran's Day has its origins in the November 11, 1918 armistice, which brought World War I to a conclusion, initially commemorated as Armistice Day by President Woodrow Wilson;

WHEREAS, To pay homage and recognize all who have served in our Armed Forces, President Dwight D. Eisenhower, in 1954, called upon all citizens to observe November 11 as Veteran's Day; and

WHEREAS, Congress passed a Resolution in 1926 for an annual observance of this day; and

WHEREAS, November 11th became a national holiday in 1938; and

WHEREAS, The City of Portage and the people of the United States annually celebrate Veteran's Day on November 11th by honoring its veteran residents who have served and continue to serve, both at home and abroad, during conflicts and times of peace, for their courage, honor, sacrifice and dedication to the cause of freedom and democracy; and

WHEREAS, The City of Portage and the Veteran's Organizations of Portage, in honor of all veterans, created and dedicated Veteran's Memorial Park and related memorial on November 11, 2005; and

WHEREAS, American Legion Post 207 and the City of Portage desire to support the memorial in perpetuity.

NOW, THEREFORE, BE IT RESOLVED THAT I, Patricia M. Randall, by virtue of the authority vested in me as the Mayor of Portage, do hereby proclaim November 11, 2018, as Veteran's Day in the City of Portage, and recognize, with the highest esteem, the brave men and women who have served and are currently serving our great nation, and commend observance of this day with appropriate ceremony and celebration.

NOW, THEREFORE, BE IT FURTHER RESOLVED, THAT I, Patricia M. Randall, Mayor of the City of Portage, do celebrate the transfer of care and maintenance for the Veteran's Memorial to the City of Portage and dedicate the City to preserve this memorial so that future generations of Portage residents will be able to bear witness to the dedication and sacrifice of our veterans.

Signed this 6th day of November, 2018.

Patricia M. Randall, Mayor

CITY COUNCIL MEETING MINUTES FROM OCTOBER 23, 2018

The Regular Meeting was called to order by Mayor Randall at 7:00 p.m. The following members were present: Councilmembers Chris Burns, Richard Ford, Lori Knapp, Claudette Reid, Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Patricia Randall. Also in attendance were City Manager Larry Shaffer, City Attorney Randy Brown and City Clerk Adam Herringa.

At the request of Mayor Randall, the audience observed a moment of silence to honor all religions and personal beliefs and in recognition of the lives negatively affected by drugs and alcohol in the community. Following the moment of silence, City Council and the audience recited the Pledge of Allegiance.

PROCLAMATIONS: Mayor Randall invited Ms. Pat Maye of the City of Portage Human Services Board and five students from the Kalamazoo Country Day School to assist in the reading of the Red Ribbon Week Proclamation. Following the reading, Mayor Randall issued the proclamation.

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 removed Item A.5.

Motion by Pearson, seconded by Reid, to approve the Consent Agenda, with the exception of Items A.5, 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 October 9, Board and Commission Interview Session Meeting Minutes of October 9 and Pre-Council Meeting Minutes of October 22, 2018. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF OCTOBER 23, 2018: Motion by Pearson, seconded by Reid, to approve the Accounts Payable Register of October 23, 2018. Upon a roll call vote, motion carried 7 to 0.

AMENDMENT OF GENERAL APPROPRIATIONS ACT: Motion by Pearson, seconded by Reid, to amend the General Appropriations Act (budget) for the fiscal year ending June 30, 2019. Upon a roll call vote, motion carried 7 to 0.

CONTRACT RENEWAL WITH MIDWEST EMPLOYERS CASUALTY COMPANY: Motion by Pearson, seconded by Reid, to award a two-year contract renewal to Midwest Employers Casualty Company, with \$550,000 specific excess retention, for workers' compensation excess insurance coverage for an annual fee of \$74,355 plus payroll adjustments and authorize the City Manager to execute all documents related to this contract renewal on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

CLOSED SESSION: Motion by Pearson, seconded by Reid, to meet in Closed Session immediately following the regularly scheduled Council Meeting of Tuesday, October 23, 2018, to discuss a personnel matter. Upon a roll call vote, motion carried 7 to 0.

MINUTES OF BOARDS AND COMMISSIONS: Motion by Pearson, seconded by Reid, to receive the Youth Advisory Committee Meeting Minutes of September 17, 2018. Upon a roll call vote, motion carried 7 to 0.

STATEMENTS OF CITIZENS: Mr. Alan Loveridge, 23965 88th Avenue, Marcellus, spoke and shared an idea by which he believes the homeless in the community could benefit from assistance with transportation to a warmer climate during the cold winter months. He also shared thoughts on the establishment of a not-for-profit internet based college along with a “lecture library” that could be accessed to assist in substitute teaching.

City Attorney Randy Brown introduced new Assistant City Attorney, Matt Quardokis, to City Council and shared some information about the work he will be doing.

COMMUNICATIONS:

CALENDAR OF MEETINGS: At the request of Mayor Randall, City Clerk Herringa read the meeting schedule for the record. Motion by Reid, seconded by Ford, to receive the Calendar of Meetings. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARINGS:

REZONING APPLICATION #18/19-2: Mayor Randall asked City Manager Shaffer to begin discussion on the item. Mr. Shaffer reviewed the highlights and introduced Community Development Director Vicki Georgeau who shared details on the proposed rezoning and planned use of the property. She also explained that the rezoning was in compliance with the Comprehensive Plan and Land Use Plan. Councilmember Reid inquired if Ms. Georgeau was aware of any potential ownership changes for the impacted Michigan Department of Natural Resources boat launch property, 4211 Long Lake Drive. Ms. Georgeau responded in the negative.

Mayor Randall opened the public hearing. There being no public comments, motion by Reid, seconded by Ford, to close the public hearing. Upon a voice vote, motion carried unanimously. Motion by Burns, seconded by Reid, to approve Rezoning Application #18/19-2, changing the designation of the east half of 4211 Long Lake Drive and all of 4525 Long Lake Drive, from B-3, General Business to R-1A, one-family residential. Upon a roll call vote, motion carried 7 to 0.

REGULAR BUSINESS AGENDA:

BIKE SKILLS COURSE: Mayor Randall invited Councilmember Reid to begin discussion. Councilmember Reid stated that she has concerns that this project was not put out for bid. She stated that while a cooperative purchasing agreement was utilized, the savings of 6.8% on a \$100,000 project seems minimal. She stated her desire that the project be put out to bid to determine if a better price can be obtained. City Manager Shaffer commented that the vendor, American Ramp Company, builds a unique bike course with unique materials and does not lend itself well to the bid process. He concluded by stating that a purchasing cooperative was utilized and that such utilization is permissible by the Purchasing Ordinance and common practice for municipal governments.

Mayor Randall commented as to the support of the neighborhood for this project and the unique contributions every park makes to its surrounding neighborhood. Councilmember Reid agreed with the sentiments of Mayor Randall and stated that her concern is not with the park development but with the purchasing process. Councilmember Reid stated that the work is not scheduled to begin until next year meaning there is time to solicit bids. Councilmember Urban expressed concern with the proposed contract and proposed installation costs. Councilmember Urban inquired if the city was responsible for any site preparation and Mr. Shaffer responded that

some site preparation, such as rough grading, would be undertaken by city staff. In response to an inquiry from Councilmember Urban, Mr. Shaffer confirmed that the project was not time sensitive.

Councilmember Knapp inquired as to the use of a cooperative purchasing program. Mr. Shaffer stated that the cooperative purchasing program allows a municipality to access pricing that would likely not be obtainable through a bid process. He stated that, should this project go out to bid, the result may be a higher cost instead of a lower cost. Pricing through a consortium, he stated, provides price predictability. Councilmember Reid inquired if the City were to go out to bid, whether the consortium price would still be available. Mr. Shaffer stated that he would be speculating as to whether the price would remain the same. Mayor Pro Tem Pearson inquired if Mr. Shaffer thought the savings of 6.8% to be better or worse than expected. Mr. Shaffer stated that he is uncertain, with a unique project such as this, whether the cost reduction is normal or not. He continued by stating that the American Ramp Company is reputable and produces an excellent product.

Councilmember Burns stated that the bid process via the consortium is public information and Councilmember Ford commented that, based on a quick internet search, costs paid by other municipalities for bike courses can be easily obtained.

Councilmember Urban inquired if the city had utilized the Sourcewell Cooperative Purchasing Program before. Mr. Shaffer stated that he was uncertain as to whether the city had used Sourcewell in the past or if a fee had to be paid to join the consortium. Councilmember Urban raised a concern with how the Sourcewell consortium is financed and who is benefitting and asked for more information in this regard. Mayor Pro Tem Pearson questioned the costs in staff time to go out to bid vs. savings that might be realized.

Motion by Pearson, seconded by Knapp, to award a contract in the amount of \$103,425.74 to American Ramp Company dba Progressive Bike Ramps for fabrication and installation of a Bike Skills Course as part of the Lexington Green Park renovation, 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 5 to 2 with Councilmembers Reid and Urban voting no.

NEW BUSINESS:

RECOMMENDATION FROM THE CITY MANAGER SALARY REVIEW/EVALUATION

COMMITTEE: Following the Closed Session, Mayor Randall reconvened the Regular Meeting and shared that the purpose of the closed session was to conduct the annual performance evaluation of the City Manager. Motion by Ford, seconded by Pearson, to award the City Manager an approximate 10% salary increase to a total of \$165,000 annually effective November 19, 2018, and award the City Manager a \$7,500 bonus in recognition for certain accomplishments including presenting City Council with a balanced budget, corresponding millage reduction, funding capital projects without incurring additional debt, coordinating large industrial expansions, successfully managing water and sewer funds, handling additional issues such as communications upgrades or improvements, ordinance creations, various RFP initiatives, and supporting understaffed departments.

Councilmember Reid stated that she would like to acknowledge that this has been a challenging year for the city citing issues such as the creation of a medical marijuana ordinance and difficult personnel issues. Ms. Reid commented that she is uncomfortable with increasing the base salary of the City Manager and would prefer to see a larger bonus. She then proposed a salary increase of 7.5% and a bonus of \$10,000 and pointed out it results in a similar financial package as what is being proposed.

Councilmember Burns commented that the two proposed compensation options for the City Manager were equivalent in total amount. He continued by stating his support for the \$165,000 level given the experience and leadership Mr. Shaffer provides. He stated his belief that the amount

is affordable and competitive based on city manager compensation in other communities. Councilmember Knapp echoed the comments of Councilmember Burns. Upon a roll call vote, motion carried 5 to 2 with Councilmember Reid and Urban voting no. Mayor Randall thanked the City Manager for his efforts and commented that, in the past year, the city has paved more roads than ever before, repaved Westnedge Avenue and the City Manager has assisted new Councilmembers in their first year of service, offered guidance on the medical marihuana ordinance and shared that she is looking forward to another great year.

COUNCIL COMMITTEE REPORTS: Councilmember Knapp reported that the “Communications Committee” of the City Council, composed of herself and Councilmembers Burns and Ford, met recently. Ms. Knapp stated that an update to the Communication Strategy is being worked on and that members of the Committee had been working with the new Communications Manager, Mary Beth Block, regarding city communications, the website, design of the *Portager*, and ways in which the city can reach out to the community. She stated that social media and an electronic version of the *Portager* were also discussed.

Councilmember Knapp next shared that she participated in a meeting of the Senior Center Subcommittee which is composed of herself, Mayor Randall and Mayor Pro Tem Pearson. She stated that meetings of this committee would be occurring with more frequency as they work with a Steering Committee to build fundraising efforts for a new facility. Ms. Knapp thanked residents Sarah Baker and Jim Stephanak who will be leading the Steering Committee. Finally, Ms. Knapp shared that city staff and the Community/Senior Center Committee would be meeting with representatives of the AARP regarding being an “age-ready” and “age-friendly” community.

Next, Councilmember Knapp shared that she attended a meeting of the Kalamazoo County Public Arts Commission at the new Health and Community Services Department building. She stated that the building, which used to be used for manufacturing envelopes, would be home to public art displays.

Mayor Pro Tem Pearson shared that he attended a meeting of the Kalamazoo County Consolidated Dispatch Authority (KCCDA) Finance Committee. He reviewed the financial health of the KCCDA along with funding sources and liabilities. He concluded by sharing that the KCCDA is in good financial health and would finish the year with a \$2.3 million surplus.

Councilmember Ford shared that he attended a meeting of Discover Kalamazoo at which sports programming was the focus. He stated that Discover Kalamazoo is looking to expand and boost the number of sporting events in the area and that such action would benefit the region.

Councilmember Reid shared that she attended a meeting of the Environmental Health Advisory Council (EHAC) which was held in the new Health and Community Services Department building. She stated that the primary topic of discussion included efforts in the County related to PFAS. She stated that the focus now is on sustainable services and long-term remediation. The other issue that was discussed was related to groundwater levels in the County. Mayor Pro Tem Pearson shared that at the conclusion of EHAC meetings officials discuss what is happening in their communities. He shared that the representative of the Kalamazoo County Road Commission commented on a number of unfinished road projects due to the work stoppage. Mayor Pro Tem Pearson complimented the Mayor, City Manager and staff on taking quick action to get the work on South Westnedge Avenue completed.

Motion by Reid, seconded by Burns, to receive the Council Committee Reports as presented. Upon a voice vote, motion carried 7 to 0.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Reid shared that she attended the grand opening of the Kalamazoo County Consolidated Dispatch Facility and commented

that it was great to see various entities in the County come together to create such an entity and state-of-the-art facility. Ms. Reid also pointed out that a large number of former City of Portage employees now work for the KCCDA and expressed optimism as to the ability and effectiveness of the new dispatch center. Next, Councilmember Reid shared that Blaine's Farm and Fleet held a grand opening at the same time as the KCCDA event and welcomed Blaine's Farm and Fleet to Portage.

Councilmember Knapp welcomed new Assistant City Attorney Matt Quardokis.

Councilmember Burns thanked Blaine's Farm and Fleet for hosting members of the City Council at their grand opening. He also pointed out that this is the last City Council Meeting prior to Election Day. Mr. Burns encouraged everyone to vote and reminded everyone that straight ticket voting is no longer an option on the ballot and voters may experience longer lines as a result.

Councilmember Ford echoed the comments of Councilmember Burns and encouraged voters to be patient at the polls but to make sure everyone exercises their right to vote.

Mayor Pro Tem Pearson shared that, as indicated by Councilmember Reid, the new KCCDA employs a number of former Portage employees in supervisory positions along with dispatchers.

Mayor Randall stated that the total number of Portage employees now working for the KCCDA is thirteen and highlighted the goals of the KCCDA. Mayor Randall shared that she stopped by the opening of Blaine's Farm and Fleet and thanked Councilmember Burns for speaking at the ribbon cutting ceremony. Mayor Randall next shared that she attended the inauguration of the new Kalamazoo Valley Community College (KVCC) President, Dr. L. Marshall Washington. She commented that KVCC plays a vital role in the community and that 26% of the 2017 graduating class of Portage Public Schools attended KVCC last year. She commented that major employers in Portage will be hiring and that KVCC will be key to helping develop the talent needed to support these businesses.

ADJOURNMENT: Mayor Randall adjourned the meeting at 8:50 p.m.

Adam Herringa, City Clerk

**MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF THE
PORTAGE CITY COUNCIL
OF OCTOBER 26, 2018**

Mayor Patricia Randall called the meeting to order at 12:02 p.m. The following Councilmembers were present: Councilmembers Chris Burns, Richard Ford, Lori Knapp, Claudette Reid, 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 Randall Brown, City Clerk Adam Herringa, Finance Director William Furry, Parks and Recreation Director Kathleen Hoyle and Senior Citizens Services Manager Kim Phillips.

Mayor Randall shared that this Special Meeting was called to discuss the proposed Community Senior Center and funding. City Manager Shaffer thanked the Mayor for calling the meeting and City Council for taking the time to attend. He explained that the anticipated cost of the proposed facility was closer to \$10 million instead of the original estimate of \$5.5 million. He explained that this was due, in large part, to construction costs and a miscalculation on the square footage (approximately 24,000 square feet to 32,000 square feet) by the architectural company Byce and Associates. Mr. Shaffer reviewed the recent history of the project and explained that, for fundraising purposes, it is important that any potential funder know the extent of the city's commitment to the project. He explained that fundraising up to \$10 million is, according to the expert consultant hired to assist in fund development, optimistic. Mr. Shaffer recommended that the City of Portage commitment to funding up to \$5.5 million on a dollar-for-dollar match with a sunset clause of June 30, 2021.

Mr. Shaffer continued by stating that several major donors have been contacted and the city will know the result of these contacts within the next few months. He pointed out that City Council has made a strong push in the area of debt reduction and reviewed how the city could fund the \$5.5 million without significantly impacting debt for the long-term. He then indicated that he is requesting that City Council commit to appropriating the funding at this time – not to actual expenditures. Mr. Shaffer asked Finance Director William Furry to share his thoughts on how this project could be funded and its impact on debt. Mr. Furry reviewed the city's debt situation and how the Capital Improvement Program (CIP) is funded. He explained that debt could rise in the next several years but would quickly return to present levels.

Mayor Pro Tem Pearson commented that the city currently uses excess resources to help fund street improvement efforts. He inquired as to the impact of redirecting surplus funding to this project. Mr. Shaffer explained that next year would be the busiest year for roadwork in the history of the city and the city does not have the resources to handle any additional roadwork. Unappropriated fund balance, he stated, could be redirected to the Community Senior Center project. Mr. Shaffer then reviewed the proposed timing of the building project and how cash reserves could be utilized to get the project started.

Mayor Randall commented that the city has proposed the worst-case scenario and inquired how this compared with the actual financial outlook especially given recent major developments in the city and the potential sale of the current Senior Center. Mr. Furry confirmed that he used the worst-case scenario and was uncertain as to how any sale of the current Senior Center would impact funding the proposed Community Senior Center.

Councilmember Knapp inquired if any funding was freed up due to the \$3.2 million the city received in state funding for roadwork. Mr. Shaffer stated that when the CIP is created it presumes the funding will come from additional debt. The city not paying for these road projects, he indicated, simply reduces the debt load in the CIP and does not free up any actual dollars. To

help clarify, Councilmember Urban stated that the city had projected borrowing money to pave these roads. Councilmember Knapp inquired if the new fire station was still included in the CIP. Mr. Shaffer spoke in the affirmative.

Councilmember Burns commented on the ability to raise between \$5.5 and \$10 million and Mr. Shaffer stated that the consultant, Keith Hopkins, anticipates the city being able to raise around \$4 million. Mr. Shaffer continued by stating that one major donor is considering a donation of up to \$1 million. Mr. Burns inquired if consideration had been given to raising the CIP millage and Mr. Shaffer stated that the CIP millage had reached its maximum.

Councilmember Ford inquired if the city could utilize other funds to support the project. Mr. Shaffer stated that the city would love to be able to borrow from itself and pointed to the health of the water and sewer funds as an example. He stated that some short-term financing may be permissible but that any long-term financing would prove problematic.

Councilmember Reid expressed concern with the increased cost estimate and questioned whether any changes to the proposed facility had occurred. Mr. Shaffer commented that the square footage was estimated to be 24,400 but it was actually 31,639. He stated that this was the largest reason for the increase but the remainder, in response to a query from Councilmember Reid, was due to increased estimates in construction costs and inflation. Mayor Randall pointed out that the original estimate also made some incorrect assumptions citing the cost of having a commercial kitchen v. what was originally included in the estimate. Director of Parks and Recreation Kathleen Hoyle confirmed that estimates for the kitchen, parking lots, furnishing, etc. were low. Mr. Shaffer shared that the city sent the building plans to American Village Builders (AVB) to get a second opinion on the cost. He stated that AVB affirmed that the proposed cost is reasonable.

Councilmember Reid questioned whether it made sense to sell the current Senior Center. Mr. Shaffer stated that the plan for the current building is yet to be determined but affirmed his understanding of its location in the City Center. He stated that any future use would most likely be public or not-for-profit in nature.

Mayor Pro Tem Pearson pointed out that construction costs have increased annually in a range of up to 8%. An increase between the year of the original estimate and now could help explain over 30% of the revised cost estimate. Mr. Pearson inquired if any projects were removed or delayed in the CIP to accommodate this project. Mr. Shaffer stated that no projects were altered.

Councilmember Urban questioned whether it made sense for Portage to construct a new \$10 million facility focused on seniors. He pointed out that support for prior millage requests to create such a structure were lacking. Mr. Urban expressed his lack of confidence in Byce and Associates and raised the possibility of taking another look at the proposed design. Mr. Urban questioned whether the current Senior Center could be utilized to support senior activities while, in addition, building a smaller new facility. Finally, Mr. Urban questioned the amount of parking included in the plans stating his belief that it is significantly insufficient. Mr. Shaffer commented on the parking and stated that approximately 2 acres will be needed and that conversations with the First Reformed Church have been held regarding purchase, use, or lease of their current parking lot and possibly adjacent property. Councilmember Knapp inquired if the cost of the project would be reduced if the city built the parking lot and Mr. Shaffer stated his preference not to speculate at this time. Deputy City Manager Rob Boulis, in response to Councilmember Urban's concerns about Byce, stated that the city was required to go out to bid for architectural services.

Councilmember Reid commented that compensating an architect a percentage based on the cost of the building could result in a more expensive building design. She questioned whether the proposed building is more than is necessary and if a functional building could be

constructed at a lower cost. Councilmember Ford commented that paying an architectural firm an hourly rate could also prove costly. He then inquired if there was sufficient demand for a building that is four times larger than the current Senior Center. Ms. Phillips responded in the affirmative and reviewed a list of programs and opportunities that could be offered at a larger facility. Ms. Phillips also mentioned that the current design was the result of stakeholder input. Councilmember Ford inquired if steps could be taken to reduce costs and Deputy City Manager Boulis assured Mr. Ford that steps could be taken in the area of value-engineering to help limit or reduce expenses.

Councilmember Urban asked Senior Citizens Services Manager Kim Phillips and Parks Director Kathleen Hoyle for their thoughts on keeping the current building in addition to building a new facility that is smaller than current projections. Ms. Hoyle raised the issue of staffing and maintaining two separate facilities. Councilmember Urban commented that what helped to derail prior Senior Center expansion efforts was a desire for separate program areas for teens and seniors.

Mayor Randall shared that there is a sense of urgency on whether to pledge to commit city funding and pointed to an upcoming stakeholder meeting. She shared that a stakeholders group has been formed, chairs identified, a fundraising consultant hired and marketing materials are in development. She expressed concern that failure to act at this meeting could result in losing key community support for the project. Mayor Randall asked for City Council to support the dollar-for-dollar match and demonstrate commitment to the project and faith that it will be brought to fruition.

Mayor Pro Tem Pearson inquired as to the potential revenue such a facility might bring along with estimated staffing. Ms. Phillips stated that she is reluctant to provide a figure but offered assurances that many uses would be revenue producing and shared some examples. Ms. Phillips also estimated that a total of approximately 8 employees is being considered. She also assured Mr. Pearson that additional volunteers would be utilized to help support the facility. City Manager Shaffer commented that the current Senior Center is subsidized at 30% and speculated that this subsidy would likely be reduced with the new facility due to greater revenue opportunities. Mayor Pro Tem Pearson inquired more specifically about revenue possibilities and Ms. Phillips replied that consideration is being given to increasing membership rates and rental possibilities. Mr. Shaffer stated that staff would be conducting an analysis regarding projected revenues and expenditures.

Councilmember Reid emphasized that the message to stakeholders should be that the city is committing to appropriate tax dollars, not City Council. She continued by pointing out that the Senior Center serves 2% of the population and that even with a 50% increase only 3% will be served. She emphasized the importance that this is a Community Senior Center and that programming for the community at large should occur. Councilmember Reid concluded by suggesting additional potential funding sources.

Councilmember Ford pointed out the rarity of the city being able to leverage funding on a dollar-for-dollar basis. Councilmember Ford then confirmed with Mr. Shaffer that the vote being requested does not commit the city to making an expenditure at this time. Mr. Shaffer assured Mr. Ford that the actual expenditure will be brought back to City Council for a decision and that the action requested is simply to commit to appropriate funding. Councilmember Urban and Mayor Pro Tem Pearson discussed the number of users of tax-supported programs such as schools, the library, Senior Center, etc. and the expenditure of tax dollars for services that are not utilized by many residents.

Councilmember Knapp encouraged City Council to be bold and support the proposed Community Senior Center. She stated her hope that the project will be a cornerstone for the City Center area for years to come.

Motion by Pearson, seconded by Ford, to Commit to appropriate up to \$5,500,000 as a match, on a dollar to dollar basis, to the amount generated by a capital campaign effort for the construction of a new Community Senior Center, said commitment being effective until the appropriation of the funds required for

the construction of the new Community Senior Center or June 30, 2021, whichever comes first. Upon a roll call vote, motion carried 7 to 0.

Mayor Randall adjourned the meeting at 1:27 p.m.

Adam Herringa, City Clerk

DRAFT

**MINUTES FROM THE PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF NOVEMBER 5, 2018**

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

Mayor Pro Tem Pearson opened the meeting and inquired if there were any questions or concerns regarding items on the proposed November 6th Regular Meeting Agenda.

With regard to Item A.3, Prohibiting Marihuana Establishments – Other than Medical Marihuana, Councilmember Burns asked for clarification regarding how the proposed ordinance prohibiting recreational marihuana will function, should the November 6th General Election ballot proposal regarding marihuana pass. He wanted to confirm that the proposed ordinance simply provides the city with time to wait and see what the Michigan Department of Licensing and Regulatory Affairs (LARA) says about administering the potentially new state guidelines. In the interim, Portage will not allow any new recreational facilities until LARA publishes its official rules. Then, the city will have the ability to make its own ordinances regarding recreational marihuana.

City Manager Shaffer responded in affirmation, that the proposed ordinance is viewed as transitory in nature. He relayed that the city hopes to have the opportunity to: 1) gauge how Portage voters feel about recreational marihuana at the polls on November 6th; 2) determine what the state's potentially new rules and regulations will be; and finally, 3) allow the City Administration the ability to produce a follow-up report at a later date as provided for in the proposed ordinance. City Manager Shaffer further noted that the City Administration had considered implementing a sunset clause while drafting the proposed ordinance, but did not pursue due to concerns with stringency. City Manager Shaffer ultimately noted that the proposed ordinance provides the city time to proceed unimpeded while the statewide position is clarified.

Councilmember Burns also asked to confirm that the proposed ordinance will not affect the city's existing Medical Marihuana ordinance which the City Manager confirmed.

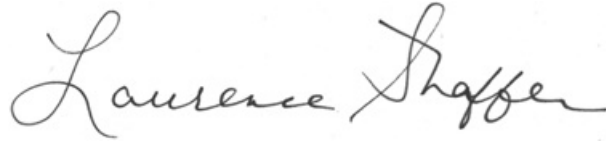
Mayor Pro Tem Pearson relayed his prior comment to the City Manager that, should the November 6th ballot proposal pass, the language allows homeowners to grow up to 12 plants. He noted that this is separate from opening a recreational marihuana store and should be examined.

ADJOURNMENT: As there were no additional questions on the November 6, 2018 Agenda, Mayor Pro Tem Pearson adjourned the meeting at 8:03 a.m.

Erica L. Eklov, Deputy 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: Approval of the Accounts Payable Register of November 6, 2018 as presented.

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 October 14, 2018 through October 28, 2018 and notes \$1,112,177.27 in automated clearing house payments, \$895,832.09 in paper checks and \$39,614.86 in auto-pay payments for a grand total of \$2,047,624.22.

FUNDING: N/A

Attachments: 1. Accounts Payable Register of 11-6-18

ACCOUNTS PAYABLE REGISTER

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Check Dates From: 10/14/2018 To: 10/28/2018

Check Type: ACH Transaction

Check Date	Check	Vendor Name	Description	Amount
10/19/2018	9750(A)	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES	35,004.62
10/19/2018	9751(A)	ACCESS EMPLOYER STAFFING SERVICES	ELECTION ASSISTANCE	1,374.51
10/19/2018	9752(A)	ALL CITY MANAGEMENT SERVICES, INC.	SCHOOL CROSSING GUARDS	3,250.80
10/19/2018	9753(A)	ALL-PHASE ELECTRIC SUPPLY CO.	POLE LIGHT ASSEMBLY	2,319.57
10/19/2018	9754(A)	ANIMAL REMOVAL SERVICE, LLC	ANIMAL REMOVAL	2,055.00
10/19/2018	9755(A)	APPROVED PROTECTION SYSTEMS	FIRE EXTINGUISHER	407.80
10/19/2018	9756(A)	AUMACK, MICHAEL	UMPIRE PAYROLL	375.00
10/19/2018	9757(A)	BCHS-HELPNET	EMPLOYEE ASSISTANCE	1,684.59
10/19/2018	9758(A)	BEEBE, RONALD E.	UMPIRE PAYROLL	346.00
10/19/2018	9759(A)	BLUE CARE NETWORK-GREAT LAKES	HEALTH INSURANCE	132,389.86
10/19/2018	9760(A)	C D W GOVERNMENT, INC.	PANASONIC BWC MOUNT	2,817.00
10/19/2018	9761(A)	C T S TELECOM, INC.	MONTHLY FIBER SERVICE	718.90
10/19/2018	9762(A)	CHARTER COMMUNICATIONS	CABLE TV	103.35
10/19/2018	9763(A)	COMPLETE LANDSCAPING SOLUTIONS	CONTRACT MOWING	120.36
10/19/2018	9764(A)	CONSUMERS CONCRETE CORP.	CELERY FLATS PROJECT	2,619.84
10/19/2018	9765(A)	CPS HR CONSULTING	TRAINING DIV CHIEF	700.70
10/19/2018	9766(A)	DATA CONSTRUCTS LLC	WEBSITE HOSTING SERV	293.85
10/19/2018	9767(A)	DEER CONTRACTING & LANDSCAPE	CURB AND GUTTER	34,932.00
10/19/2018	9768(A)	DELTA DENTAL PLAN OF MICHIGAN	DENTAL INSURANCE	17,520.46
10/19/2018	9769(A)	EDWARDS, HENRY	UMPIRE PAYROLL	46.00
10/19/2018	9770(A)	ENGINEERED PROTECTION SYSTEMS, INC.	FIRE FACILITY MAINT	480.00
10/19/2018	9771(A)	ESCAPE FIRE & SAFETY SERVICES, INC.	FABRICATION SERVICES	3,821.40
10/19/2018	9772(A)	FERGUSON WATERWORKS #3386	CELERY FLATS PROJECT	2,505.55
10/19/2018	9773(A)	FORSHEE, MARK	UMPIRE PAYROLL	344.00
10/19/2018	9774(A)	GORDON WATER SYSTEMS	WATER SERVICES	340.15
10/19/2018	9775(A)	GRIFFIN PEST SOLUTIONS, INC.	PEST CONTROL	174.00
10/19/2018	9776(A)	HARTMAN, CHARLES	UMPIRE PAYROLL	48.00
10/19/2018	9777(A)	IRISH AYRES ENTERPRISES, LLC	MOWING/LANDSCAPING	7,025.00
10/19/2018	9778(A)	J & J LAWN SERVICE, INC.	LANDSCAPE MAINTENANCE	12,030.00
10/19/2018	9779(A)	J. ALLEN & CO. INC.	DPS PARKING LOT OVERLAY	1,849.20

ACCOUNTS PAYABLE REGISTER

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Check Dates From: 10/14/2018 To: 10/28/2018

Check Date	Check	Vendor Name	Description	Amount
10/19/2018	9780(A)	JONS TO GO PORTABLE RESTROOM	PORTABLE RESTROOM	70.00
10/19/2018	9781(A)	KALAMAZOO ELECTRIC MOTORS	PUMP REPAIR	135.50
10/19/2018	9782(A)	LAKE MICHIGAN MAILERS, INC.	METER PLUS MONTHLY	260.00
10/19/2018	9783(A)	LOUTHAN, WILLIAM F	UMPIRE PAYROLL	48.00
10/19/2018	9784(A)	LOWE'S HOME CENTER	FIRE FACILITY MAINT	121.57
10/19/2018	9785(A)	MAICO INDUSTRIES, INC.	TRAFFIC SIGNAL POLES	155,421.00
10/19/2018	9786(A)	MAIL MANAGEMENT, INC.	SURE SEAL FOR COMM	35.85
10/19/2018	9787(A)	MCCULLIN, LARRY W.	UMPIRE PAYROLL	296.00
10/19/2018	9788(A)	MEEKHOF TIRE SALES & SERVICE INC.	TIRES AND SERVICES	396.90
10/19/2018	9789(A)	MEJEUR ELECTRIC LLC	ELECTRICAL WORK	3,214.00
10/19/2018	9790(A)	MULDERS LANDSCAPE SUPPLIES INC	TOP SOIL	450.00
10/19/2018	9791(A)	NEW FRESH CLEANING SERVICE	JANITORIAL SERVICES	1,475.00
10/19/2018	9792(A)	ONSTAFF USA INC	TEMPORARY EMPLOYEES	7,731.73
10/19/2018	9793(A)	PCM SALES, INC.	MONTHLY IT OUTSOURCING	40,960.00
10/19/2018	9794(A)	PERCEPTIVE CONTROLS, INC.	SCADA MAINTENANCE	2,179.16
10/19/2018	9795(A)	PLM LAKE & LAND MANAGEMENT	AQUATIC WEED MGMT	230.00
10/19/2018	9796(A)	PREIN & NEWHOF	ENGINEERING SERVICES	658.05
10/19/2018	9797(A)	R W LAPINE INC.	HVAC ON-CALL SERVICE	805.76
10/19/2018	9798(A)	REPUBLIC SERVICES OF WEST MICHIGAN	WASTE DISPOSAL SERVICE	1,019.34
10/19/2018	9799(A)	RHODES, KEVIN	UMPIRE PAYROLL	248.00
10/19/2018	9800(A)	RIDGE AUTO NAPA	FIRE APPARATUS MAINT	6.42
10/19/2018	9801(A)	RIETH-RILEY CONSTRUCTION CO., INC	OAKLAND DR RECONSTRUCTION	256,567.26
10/19/2018	9802(A)	ROAD EQUIPMENT PARTS CENTER	MAINTENANCE SUPPLIES	54.94
10/19/2018	9803(A)	SEVERANCE ELECTRIC COMPANY, INC	TRAFFIC SIGNAL REPAIRS	4,403.00
10/19/2018	9804(A)	SHULTS EQUIPMENT, INC.	PLOW BLADES	17,931.00
10/19/2018	9805(A)	SUEZ WATER ENVIRONMENTAL SERVICES	WATER SYSTEM CHEMICALS	185,483.32
10/19/2018	9806(A)	TOO CLEAN JANITORIAL	CLEANING MAINTENANCE	5,000.00
10/19/2018	9807(A)	VANPORTFLIET, DEREK	PARTIAL REFUND	2.99
10/19/2018	9808(A)	W W GRAINGER INC	RANGER UNIFORMS	1,300.00
10/19/2018	9809(A)	WENTWORTH, JORDAN	NAPCH K9 WKSHP	38.00
10/19/2018	9810(A)	WEST SHORE FIRE, INC.	FIRE APPARATUS MAINT	10,499.84
10/19/2018	9811(A)	WOLFE, MATTHEW	STAFF & COMMAND REIMB	471.19

ACCOUNTS PAYABLE REGISTER

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Check Dates From: 10/14/2018 To: 10/28/2018

Check Date	Check	Vendor Name	Description	Amount
10/26/2018	9812(A)	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES	73,366.74
10/26/2018	9813(A)	APOLLO FIRE EQUIPMENT COMPANY	FIRE OPS SUPPLIES	329.45
10/26/2018	9814(A)	ARMOLD, NICHOLAS	IACP CONF 2018 REIMB	1,926.88
10/26/2018	9815(A)	C D W GOVERNMENT, INC.	FIRE APPARATUS MAINT	583.50
10/26/2018	9816(A)	DIGITAL HIGHWAY WIRELESS SOLUTIONS	MODEM W/WARR	931.07
10/26/2018	9817(A)	GAIL ANDRUS TRAVEL	TRIP VENDOR PAYMENT	3,680.00
10/26/2018	9818(A)	GORDON WATER SYSTEMS	GORDON WATER BLANKET	31.75
10/26/2018	9819(A)	GREATER KALAMAZOO UNITED WAY	CONTRIBUTIONS OCT 2018	534.00
10/26/2018	9820(A)	GRIFFIN PEST SOLUTIONS, INC.	PEST CONTROL - RAMONA	108.00
10/26/2018	9821(A)	LANDS END	UNIFORMS FOR RECORDS	415.92
10/26/2018	9822(A)	LEXISNEXIS RISK SOLUTIONS	IYETEK MAINTENANCE	2,718.90
10/26/2018	9823(A)	M & M CUSTOM FABRICATING INC.	NAME PLATES	35.16
10/26/2018	9824(A)	MEJEUR ELECTRIC LLC	FIRE FACILITY MAINT	128.00
10/26/2018	9825(A)	MIDWEST ENERGY & COMMUNICATIONS	STREETLIGHT ENERGY	285.40
10/26/2018	9826(A)	ONSTAFF USA INC	TEMPORARY EMPLOYEES	3,992.76
10/26/2018	9827(A)	PCM SALES, INC.	VEEAM RENEWAL	9,752.00
10/26/2018	9828(A)	PETERS CONSTRUCTION CO.	CATCH BASIN REPAIRS	3,959.66
10/26/2018	9829(A)	PORTAGE FIREFIGHTERS	OCT 2018 DUES	1,726.08
10/26/2018	9830(A)	PORTAGE ON-CALL FIREFIGHTERS	OCT 2018 DUES	50.00
10/26/2018	9831(A)	PORTAGE POLICE OFFICERS ASSOC	OCT 2018 DUES	707.00
10/26/2018	9832(A)	R W LAPINE INC.	SRVR MAINTENANCE	3,430.45
10/26/2018	9833(A)	RIDDERMAN & SONS OIL CO. INC.	GASOLINE	28,106.38
10/26/2018	9834(A)	UNITED AUTO. IMPLEMENT WORKERS 2290	OCT 2018 DUES	398.42
10/26/2018	9835(A)	VANDENBRINK, BRIAN	TRAINING ADVANCE	100.00
10/26/2018	9836(A)	W W GRAINGER INC	METAL DETECTOR	173.08
10/26/2018	9837(A)	WARNER NORCROSS & JUDD LLP	DEFINED BENEFIT	8,995.34
10/26/2018	9838(A)	WIGHTMAN & ASSOCIATES, INC.	ENGINEERING SERVICES	500.00
			Total ACH Transactions:	1,112,177.27

Check Type: Paper Check

10/16/2018	307825	MERCANTILE BANK OF MI	INVESTMENT CD	250,000.00
10/19/2018	307826	36TH CIRCUIT COURT	BAIL BOND	500.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 10/14/2018 To: 10/28/2018

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Check Date	Check	Vendor Name	Description	Amount
10/19/2018	307827	A M LEONARD	LEAF RAKES	331.79
10/19/2018	307828	A T & T	TELEPHONE SERVICE	6,268.83
10/19/2018	307829	ABIGAIL VLIETSTRA	AWARD PRIZE	75.00
10/19/2018	307830	ACE PARKING LOT STRIPING, INC.	PARKING LOT STRIPING	300.00
10/19/2018	307831	ACE-TEX ENTERPRISES, INC.	BOX OF CLEANING RAGS	148.26
10/19/2018	307832	ADP, INC.	BI-WEEKLY PAYROLL	4,265.59
10/19/2018	307833	ALLEGRA PRINT & IMAGING	BROCHURES	326.00
10/19/2018	307834	AMERICAN SCREEN PRINTING	MISC HATS/SHIRTS	1,001.00
10/19/2018	307835	AREVALO, GRACIELA	GRAIN ELV REFUND	150.00
10/19/2018	307836	ASCENSION MICH OCCUPATIONAL HEALTH	POST OFFER PHYSICALS	1,221.00
10/19/2018	307837	BEATTY, JOHN & GLORIA	TRIP REFUND	152.00
10/19/2018	307838	BELDEN BRICK AND SUPPLY	CFVC PAVILION STONE	11,401.60
10/19/2018	307839	BILL HUGUELET	REFUND	50.00
10/19/2018	307840	BILL HUGUELET	REFUND	5.00
10/19/2018	307841	BINDER PARK ZOOLOGICAL SOCIETY, INC	ZOOMOBILE PROGRAMS	350.00
10/19/2018	307842	BLOOM SLUGGETT MORGAN, PC	LEGAL SERVICES	900.00
10/19/2018	307843	BRIAN METZGER	AWARD PRIZE	25.00
10/19/2018	307844	BRINKMAN, SALLY	TRIP EXPENSE	145.56
10/19/2018	307845	BRONSON HEALTHCARE GROUP	LEGAL BLOOD DRAWS	100.00
10/19/2018	307846	BRUCE'S TRUCK & AUTO ACCESSORIES	BUMPER STEPS	1,100.00
10/19/2018	307847	BYCE & ASSOCIATES, INC.	DESIGN DEVELOPMENT	750.00
10/19/2018	307848	C. STODDARD & SONS INC.	USED OIL REMOVAL	125.00
10/19/2018	307849	CAMPBELL AUTO SUPPLY	MISC AUTO SUPPLIES	16.61
10/19/2018	307850	CARRIE THOMPSON	EMPLOYEE TRAINING	788.32
10/19/2018	307851	CARTRIDGE WORLD	PRINTER SERVICES	1,802.73
10/19/2018	307852	CENTRAL TILE & TERRAZZO CO.	ELIASON PROJECT	7,954.00
10/19/2018	307853	CINTAS CORP.	UNIFORM RENTAL	507.94
10/19/2018	307854	CITY OF KALAMAZOO TREASURER	WATER SERVICE	17.40
10/19/2018	307855	CLASSIC GLASS, INC.	WINDOW REPLACEMENT	577.85
10/19/2018	307856	CLEAN HARBORS ENVIRONMENTAL SERVICE	BLOCK STATION MAINT	1,692.50
10/19/2018	307857	CLEAR CHANNEL AIRPORTS	AIRPORT ADVERTISING	888.00
10/19/2018	307858	CUNICO, BETTY JANE	TRIP REFUND	81.00

ACCOUNTS PAYABLE REGISTER

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Check Dates From: 10/14/2018 To: 10/28/2018

Check Date	Check	Vendor Name	Description	Amount
10/19/2018	307859	D L GALLIVAN INC.	CONTRACT FOR PRINTER	153.45
10/19/2018	307860	DAVE'S CONCRETE PRODUCTS, INC.	CELERY FLATS PROJECT	11,225.50
10/19/2018	307861	DEBORAH MORRIS	80% OF SNOW WHITE	299.20
10/19/2018	307862	DENOOYER OPERATING, LLC	POLICE VEHICLE REPAIRS	25.79
10/19/2018	307863	DETROIT SALT CO.	ICE CONTROL SALT	96,881.80
10/19/2018	307864	DEVON TITLE AGENCY	TITLE INSURANCE	1,021.00
10/19/2018	307865	ED & TED'S EXCELLENT ADVENTURES	TRIP VENDOR PAYMENT	1,619.00
10/19/2018	307866	EMERGENCY VEHICLE PRODUCTS	FIRE APPARATUS MAINT	2,092.00
10/19/2018	307867	FINESSE FASTPITCH	SOFTBALL TOURNAMENT	100.00
10/19/2018	307868	FIRE EQUIPMENT ASSOCIATES INC.	FIRE THERMAL CAMERAS	11,648.00
10/19/2018	307869	HANING, KEELY	GRAIN ELV REFUND	150.00
10/19/2018	307870	HOBBY LOBBY STORES, INC.	CITY PRECINCT MAPS	342.00
10/19/2018	307871	HOME DEPOT	SUPPLIES - PARKS DIV	988.23
10/19/2018	307872	HOPKINS FUNDRAISING CONSULTING	SENIOR CENTER CAMPAIGN	6,250.00
10/19/2018	307873	INDIAN RUN GOLF CLUB	COOKING CLASS 80% OF REV	240.00
10/19/2018	307874	JASON VEEDER	MONSTER MASH 2018	800.00
10/19/2018	307875	JENNA VLIETSTRA	PRIZE AWARD	35.00
10/19/2018	307876	KALAMAZOO COUNTY TREASURER	OAKBROOK - OCT 2018	320.00
10/19/2018	307877	KALAMAZOO LANDSCAPE SUPPLIES	TOP SOIL	226.50
10/19/2018	307878	KALAMAZOO NATURE CENTER, INC.	FALL FAMILY CAMPFIRE	165.00
10/19/2018	307879	KENT COMPANIES, INC.	FLOOR POLISHING	2,900.00
10/19/2018	307880	KENT COUNTY DPW	RED MED/DRUG/WASTE	90.00
10/19/2018	307881	LANGUAGE LINE, INC	LANGUAGE LINE USAGE	48.57
10/19/2018	307882	LIZ LUTZ	PRIZE AWARD	35.00
10/19/2018	307883	LKF MARKETING	EXPO DISPLAY BOOTH	691.00
10/19/2018	307884	LOVETT, MARIANN	HAYLOFT REFUND	150.00
10/19/2018	307885	MCCRACKEN, DARLENE	TRIP REFUND	40.00
10/19/2018	307886	MCDONALD'S TOWING & RESCUE, INC.	TOWING SERVICES	189.00
10/19/2018	307887	MDEQ	SOIL EROSION	95.00
10/19/2018	307888	MICH MUNICIPAL POLICE & FIRE REPAIR	VEHICLE REPAIRS	75.00
10/19/2018	307889	MIDWEST CUSTOM EMBROIDERY COMPANY	UNIFORMS	85.00
10/19/2018	307890	MISTY JORGENSEN	PRIZE AWARD	60.00

ACCOUNTS PAYABLE REGISTER

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Check Dates From: 10/14/2018 To: 10/28/2018

Check Date	Check	Vendor Name	Description	Amount
10/19/2018	307891	MLIVE MEDIA GROUP	SEPTEMBER ADS	1,097.15
10/19/2018	307892	NETWORKFLEET, INC.	GPS SERVICES	628.35
10/19/2018	307893	NIBLOCK EXCAVATING INC.	PAVING SERVICES	318,867.98
10/19/2018	307894	O'CONNOR, TERRY	TRIP REFUND	51.00
10/19/2018	307895	OFFICE DEPOT, INC.	OFFICE SUPPLIES	915.30
10/19/2018	307897	PAW PAW VETERINARY CLINIC, P.C.	CANINE PET CARE	317.96
10/19/2018	307898	PETERMAN CONCRETE CO.	CELERY FLATS PROJECT	1,404.19
10/19/2018	307899	PETTY CASH-BARBARA GARLOW	REPLENISHMENT CHECK	479.51
10/19/2018	307900	PETTY CASH-JANET GATES	REPLENISHMENT CHECK	715.81
10/19/2018	307901	PHILLIPS, KIMBERLY	MILEAGE REIMBURSEMENT	32.70
10/19/2018	307902	PRICE, JILL	TRIP REFUND	115.00
10/19/2018	307903	PROJECT LIFESAVER INC	MISC SUPPLIES	187.49
10/19/2018	307904	RATHCO SAFETY SUPPLY, INC.	TRAFFIC CONTROL SERV	220.00
10/19/2018	307905	RENEWED EARTH, INC.	LEAF/BRUSH REMOVAL	9,083.33
10/19/2018	307906	ROAD COMMISSION OF KALAMAZOO COUNTY	LIQUID TAR EMULSION	2,273.56
10/19/2018	307907	RONALD WORMBRAND	PRIZE AWARD	125.00
10/19/2018	307908	ROPES THAT RESCUE, LTD	FIRE OPS TRAINING	395.79
10/19/2018	307909	ROWLEY BROTHERS, INC.	OIL AND HYDRAULIC OIL	1,734.08
10/19/2018	307910	STAP BROS LAWN & LANDSCAPE, INC	LANDSCAPE BED MAINT	7,664.00
10/19/2018	307911	STATE OF MICHIGAN (DOT)	TRAFFIC SIGNAL ENERGY	815.16
10/19/2018	307912	STATE SYSTEMS RADIO, INC	RADIO SERVICES	478.50
10/19/2018	307913	SUNBELT RENTALS	MONSTER MASH GENERATORS	228.80
10/19/2018	307914	SUSAN HARVEY	PRIZE AWARD	50.00
10/19/2018	307915	SWT EXCAVATING, INC	SIDEWALK & CURB REPAIRS	46,457.99
10/19/2018	307916	TACTRON, INC.	FIRE OPS SUPPLIES	48.90
10/19/2018	307917	THE CANOPEUM, INC.	RECYCLED ART TENT/STAGE	710.00
10/19/2018	307918	TODD ARBANAS ENTERPRISES INC.	TREE AND STUMP REMOVAL	1,550.00
10/19/2018	307919	TRACTOR SUPPLY CORP.	SUPPLIES - PARKS DIV	342.60
10/19/2018	307920	TRUGREEN PROCESSING	FALL WEED AND FEED	98.00
10/19/2018	307921	U S POSTMASTER	PORTAGER POSTAGE	8,000.00
10/19/2018	307922	UNION STREET HYDRAULICS	CYLINDER REPAIRS	1,420.21
10/19/2018	307923	UNITED PARCEL SERVICE	WEEKLY DELIVERY	12.00

ACCOUNTS PAYABLE REGISTER

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Check Dates From: 10/14/2018 To: 10/28/2018

Check Date	Check	Vendor Name	Description	Amount
10/19/2018	307924	VICKSBURG HARDWARE	LEAF PICKUP SUPPLIES	546.86
10/19/2018	307925	WEST MICHIGAN ROOFING	CDBG 6031 BRADFORD	9,200.00
10/19/2018	307926	WHITE, PAUL	REIMBURSEMENT	430.14
10/19/2018	307927	WILLIAM ARNESON	PRIZE AWARD	35.00
10/19/2018	307928	WITMER PUBLIC SAFETY GROUP	FIRE OPS UNIFORMS	91.99
10/19/2018	307929	YEO & YEO	2017/2018 AUDIT	1,800.00
10/19/2018	307930	CANINE TACTICAL OPERATIONS	SKIDDS/CATS REGISTRATION	550.00
10/19/2018	307931	PETTY CASH-COLEEA CANDERS	REPLENISHMENT CHECK	497.34
10/26/2018	307932	A T & T LONG DISTANCE	LONG DISTANCE	162.99
10/26/2018	307933	ABODE BUILDING MATERIALS CO	BOND REFUND	1,029.49
10/26/2018	307934	AGENCY360	YEARLY SUBSCRIPTIONS	1,791.00
10/26/2018	307935	ALLEGRA PRINT & IMAGING	NO 9 RETURN ENVELOPE	134.00
10/26/2018	307936	AMERICAN CANCER SOCIETY PERRINO	GRAIN ELEVATOR REFUND	150.00
10/26/2018	307937	BLUEBEAM, INC.	AEC SOLUTION	648.67
10/26/2018	307938	CAFFREY, SHALONA	HAYLOFT REFUND	150.00
10/26/2018	307939	CITY OF KALAMAZOO TREASURER	WATER SERVICE	21.73
10/26/2018	307940	DAANE'S CATERING	2018-19 HMP BREAKFAST	736.50
10/26/2018	307941	DEVON TITLE AGENCY	OVERPAYMENT UTILITY	66.10
10/26/2018	307942	EMERGENCY VEHICLE PRODUCTS	POLICE VEHICLE REPAIRS	58.00
10/26/2018	307943	ENVIRONMENTAL SYSTEMS RESEARCH	SOFTWARE LICENSE	1,125.00
10/26/2018	307944	GREATER KALAMAZOO FOP LODGE 98	OCT 2018 DUES	3,322.66
10/26/2018	307945	HANSEN BUILDING AND DESIGN COR	BOND REFUND	1,160.00
10/26/2018	307946	HOME DEPOT	SUPPLIES - PARKS DIV	320.42
10/26/2018	307947	HONEYWELL ANALYTICS INC.	FIRE SCBA MAINT	715.00
10/26/2018	307948	I.T. RIGHT	YEAR 2 OF 3 CONTRACT	2,300.00
10/26/2018	307949	KALAMAZOO AREA TRANSPORTATION STUDY	TRAFFIC COUNTING	110.00
10/26/2018	307950	KIESER & ASSOCIATES, LLC	PROFESSIONAL SERVICE	2,837.50
10/26/2018	307951	KZOO TIRE COMPANY	TIRE REPAIR	1,026.00
10/26/2018	307952	MACALLISTER MACHINERY CO., INC.	FORKLIFT RENTAL	1,253.63
10/26/2018	307953	MAHMOOD, PARKHA	RENTAL REFUND	100.00
10/26/2018	307954	MCDONALD'S TOWING & RESCUE, INC.	TOWING SERVICES	25.00
10/26/2018	307955	MICH MUNICIPAL POLICE & FIRE REPAIR	POLICE VEHICLE REPAIRS	1,673.30

ACCOUNTS PAYABLE REGISTER

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Check Dates From: 10/14/2018 To: 10/28/2018

Check Date	Check	Vendor Name	Description	Amount
10/26/2018	307956	MID-AMERICA APPRAISAL CO.	PROPERTY APPRAISAL	760.00
10/26/2018	307957	MIRACLE RECREATION EQUIPMENT CO.	PLAYGROUND EQUIPMENT	272.00
10/26/2018	307958	MSU/HIGHWAY TRAFFIC SAFETY PROGRAM	EMPLOYEE TRAINING	675.00
10/26/2018	307959	NEIGHBORHOOD CLEANERS OF PORTAGE	STUART MANOR CLEANING	106.60
10/26/2018	307960	OAKLAND COMMUNITY COLLEGE/CREST	EMPLOYEE TRAINING	229.00
10/26/2018	307961	OFFICE DEPOT, INC.	OFFICE SUPPLIES	447.09
10/26/2018	307962	OTTEN TROPHIES	RETIREMENT ITEMS	268.00
10/26/2018	307963	PETTY CASH-BARBARA GARLOW	REPLENISHMENT CHECK	509.07
10/26/2018	307964	PRUDENTIAL NURSERY	FALL TREE PLANTINGS	3,080.00
10/26/2018	307965	RATHCO SAFETY SUPPLY, INC.	SIGNS AND SIGN MATER	1,019.05
10/26/2018	307966	SITEONE LANDSCAPE SUPPLY LLC	IRRIGATION REPAIR	100.55
10/26/2018	307967	SUZANNE GERNAAT	INSTRUCTOR PAYMENT	255.00
10/26/2018	307968	TELOG INSTRUMENTS, INC.	SOFTWARE	495.00
10/26/2018	307969	TRACTOR SUPPLY CORP.	SUPPLIES - PARKS DIV	109.98
10/26/2018	307970	U S A TODAY	SUBSCRIPTION	53.39
10/26/2018	307971	U S POSTAL SERVICE	POSTAGE REFILL	5,000.00
10/26/2018	307972	UNITED PARCEL SERVICE	WEEKLY DELIVERY	122.29
10/26/2018	307973	VERIZON WIRELESS SERVICES, LLC	WIRELESS SERVICE	1,814.75
10/26/2018	307974	WENSTRUP, CATHY	TRIP REFUND	110.00
10/26/2018	307975	XYLEM DEWATERING SOLUTIONS, INC.	DISCHARGE HOSE	6,643.80
10/26/2018	307976	ZEIGLER AUTO GROUP, HAROLD	POLICE VEHICLE REPAIRS	113.82
			Total Paper Checks:	895,832.09
Check Type: Auto-Pay Payments				
10/15/2018		CONSUMERS ENERGY	GAS-ELECTRIC	1,985.00
10/15/2018		RANDALL BROWN & ASSOC	RETAINER FEES	18,810.00
10/19/2018		CONSUMERS ENERGY	GAS-ELECTRIC	3,841.00
10/22/2018		CITY OF PORTAGE	WATER-SEWER	10,250.00
10/26/2018		CITY OF PORTAGE	WATER-SEWER	4,728.86
			Total Auto-Pay Payments:	39,614.86
			Grand Total:	2,047,624.22

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Prohibiting Marihuana Establishments - Other than Medical Marihuana

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: Accept for first reading an amendment to Chapter 2, Administration, with the addition of Article 11, Prohibiting Marihuana Establishments pursuant to the Michigan Regulation and Taxation Act, Ballot Proposal 1 of 2018, and take final action on November 20, 2018.

Ballot Proposal 1 of 2018, the Michigan Regulation and Taxation of Marihuana Act (the "Initiative"), is presently on the ballot at the November 6, 2018 general election. Ballot Proposal 1 of 2018 is a proposed initiated law that would allow for the purchase, possession and use of marihuana for recreational purposes (the word "recreational" is not used in the Initiative and is only being used for ease of reference) for adults 21 years of age or older. This Initiative, among other things, would control the commercial production and distribution of marihuana under a system that licenses, regulates and taxes the businesses involved. The Initiative provides that the Michigan Department of Licensing and Regulatory Affairs (LARA) shall begin accepting applications for marihuana establishments within twelve months after the effective date of the Initiative. If the Initiative passes on November 6, 2018, it would become effective on November 16, 2018. Attached for City Council information is the Official Ballot Wording for Proposal 18-1, and the full text of Michigan Ballot Proposal 18-1.

Unlike the Medical Marihuana Facilities Licensing Act (MMFLA), if the Initiative passes, recreational marihuana establishments, which are properly licensed by the state, would be permitted in the City of Portage unless the municipality "opts-out" by prohibiting such facilities.

The City Administration desires to ascertain the best and safest path for the protection of the public health, safety and welfare to comply with the initiative, if passed. The consequences of the Initiative on the city and its residents needs further study before specific recommendations can be made. Ordinances that are not "unreasonably impracticable" may under certain conditions be adopted by the municipality to regulate the time, place and manner of such facilities. If the City Council were to determine it is appropriate to permit such facilities in the City of Portage, an ordinance that regulates the time, place and manner of such facilities should be developed and adopted.

At this time, the City Administration and City Attorney recommend adoption of an ordinance that prohibits recreational marihuana establishments within its boundaries during such time as the LARA is researching, investigating and considering new rules and regulations with regard to these activities, and thereafter allowing the City Administration to review and analyze those rules and regulations.

The City Attorney has prepared ordinance amendment language and it is recommended that City Council accept for first reading the proposed amendment and take final action on November 20, 2018.

FUNDING: Not applicable.

Attachments:

1. Official Ballot Wording - Proposal 18-1
2. Michigan Ballot Proposal 18-1
3. OrdinanceAmendmentMarihuana110118

Proposal 18-1

A proposed initiated law to authorize and legalize possession, use and cultivation of marijuana products by individuals who are at least 21 years of age and older, and commercial sales of marijuana through state-licensed retailers

This proposal would:

- Allow individuals 21 and older to purchase, possess and use marijuana and marijuana-infused edibles, and grow up to 12 marijuana plants for personal consumption.
- Impose a 10-ounce limit for marijuana kept at residences and require amounts over 2.5 ounces be secured in locked containers.
- Create a state licensing system for marijuana businesses and allow municipalities to ban or restrict them.
- Permit retail sales of marijuana and edibles subject to a 10% tax, dedicated to implementation costs, clinical trials, schools, roads, and municipalities where marijuana businesses are located.
- Change several current violations from crimes to civil infractions.

Should this proposal be adopted?

[] YES

[] NO

WORD COUNT: 100

A proposed initiated law to authorize and legalize possession, use and cultivation of marijuana products by individuals who are at least 21 years of age and older, and commercial sales of marijuana through state-licensed retailers

An initiation of legislation to allow under state law the personal possession and use of marihuana by persons 21 years of age or older; to provide for the lawful cultivation and sale of marihuana and industrial hemp by persons 21 years of age or older; to permit the taxation of revenue derived from commercial marihuana facilities; to permit the promulgation of administrative rules; and to prescribe certain penalties for violations of this act. The people of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as the Michigan Regulation and Taxation of Marihuana Act.

Sec. 2. The purpose of this act is to make marihuana legal under state and local law for adults 21 years of age or older, to make industrial hemp legal under state and local law, and to control the commercial production and distribution of marihuana under a system that licenses, regulates, and taxes the businesses involved. The intent is to prevent arrest and penalty for personal possession and cultivation of marihuana by adults 21 years of age or older; remove the commercial production and distribution of marihuana from the illicit market; prevent revenue generated from commerce in marihuana from going to criminal enterprises or gangs; prevent the distribution of marihuana to persons under 21 years of age; prevent the diversion of marihuana to illicit markets; ensure the safety of marihuana and marihuana-infused products; and ensure security of marihuana establishments. To the fullest extent possible, this act shall be interpreted in accordance with the purpose and intent set forth in this section.

Sec. 3. As used in this act:

(a) "Cultivate" means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

(b) "Department" means the department of licensing and regulatory affairs.

(c) "Industrial hemp" means a plant of the genus cannabis and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content.

(d) "Licensee" means a person holding a state license.

(e) "Marihuana" means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin,

including marihuana concentrate and marihuana-infused products. For purposes of this act, marihuana does not include:

(1) the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;

(2) industrial hemp; or

(3) any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

(f) "Marihuana accessories" means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.

(g) "Marihuana concentrate" means the resin extracted from any part of the plant of the genus cannabis.

(h) "Marihuana establishment" means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the department.

(i) "Marihuana grower" means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

(j) "Marihuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.

(k) "Marihuana microbusiness" means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

(l) "Marihuana processor" means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

(m) "Marihuana retailer" means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

(n) "Marihuana secure transporter" means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

(o) "Marihuana safety compliance facility" means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

(p) "Municipal license" means a license issued by a municipality pursuant to section 16 of this act that allows a person to operate a marihuana establishment in that municipality.

(q) "Municipality" means a city, village, or township.

(r) "Person" means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

(s) "Process" or "Processing" means to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.

(t) "State license" means a license issued by the department that allows a person to operate a marihuana establishment.

(u) "Unreasonably impracticable" means that the measures necessary to comply with the rules or ordinances adopted pursuant to this act subject licensees to unreasonable risk or require such a high investment of money, time, or any other resource or asset that a reasonably prudent businessperson would not operate the marihuana establishment.

Sec. 4. 1. This act does not authorize:

(a) operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat while under the influence of marihuana;

(b) transfer of marihuana or marihuana accessories to a person under the age of 21;

(c) any person under the age of 21 to possess, consume, purchase or otherwise obtain, cultivate, process, transport, or sell marihuana;

(d) separation of plant resin by butane extraction or another method that utilizes a substance with a flashpoint below 100 degrees Fahrenheit in any public place, motor vehicle, or within the curtilage of any residential structure;

(e) consuming marihuana in a public place or smoking marihuana where prohibited by the person who owns, occupies, or manages the property, except for purposes of this subdivision a public place does not include an area designated for consumption within a municipality that has authorized consumption in designated areas that are not accessible to persons under 21 years of age;

(f) cultivating marihuana plants if the plants are visible from a public place without the use of binoculars, aircraft, or other optical aids or outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area;

(g) consuming marihuana while operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat, or smoking marihuana within the passenger area of a vehicle upon a public way;

(h) possessing marihuana accessories or possessing or consuming marihuana on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, in a school bus, or on the grounds of any correctional facility; or

(i) Possessing more than 2.5 ounces of marihuana within a person's place of residence unless the excess marihuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.

2. This act does not limit any privileges, rights, immunities, or defenses of a person as provided in the Michigan medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430, the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801, or any other law of this state allowing for or regulating marihuana for medical use.

3. This act does not require an employer to permit or accommodate conduct otherwise allowed by this act in any workplace or on the employer's property. This act does not prohibit an employer from disciplining an employee for violation of a workplace drug policy or for working while under the influence of marihuana. This act does not prevent an employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's violation of a workplace drug policy or because that person was working while under the influence of marihuana.

4. This act allows a person to prohibit or otherwise regulate the consumption, cultivation, distribution, processing, sale, or display of marihuana and marihuana accessories on property the person owns, occupies, or manages, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marihuana by means other than smoking.

5. All other laws inconsistent with this act do not apply to conduct that is permitted by this act.

Sec. 5. 1. Notwithstanding any other law or provision of this act, and except as otherwise provided in section 4 of this act, the following acts by a person 21 years of age or older are not unlawful, are not an offense, are not grounds for seizing or forfeiting property, are not grounds for arrest, prosecution, or penalty in any manner, are not grounds for search or inspection, and are not grounds to deny any other right or privilege:

(a) except as permitted by subdivision (b), possessing, using or consuming, internally possessing, purchasing, transporting, or processing 2.5 ounces or less of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate;

(b) within the person's residence, possessing, storing, and processing not more than 10 ounces of marihuana and any marihuana produced by marihuana plants cultivated on the premises and cultivating not more than 12 marihuana plants for personal use,

provided that no more than 12 marihuana plants are possessed, cultivated, or processed on the premises at once;

(c) assisting another person who is 21 years of age or older in any of the acts described in this section; and

(d) giving away or otherwise transferring without remuneration up to 2.5 ounces of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate, to a person 21 years of age or older, as long as the transfer is not advertised or promoted to the public.

2. Notwithstanding any other law or provision of this act, except as otherwise provided in section 4 of this act, the use, manufacture, possession, and purchase of marihuana accessories by a person 21 years of age or older and the distribution or sale of marihuana accessories to a person 21 years of age or older is authorized, is not unlawful, is not an offense, is not grounds for seizing or forfeiting property, is not grounds for arrest, prosecution, or penalty in any manner, and is not grounds to deny any other right or privilege.

3. A person shall not be denied custody of or visitation with a minor for conduct that is permitted by this act, unless the person's behavior is such that it creates an unreasonable danger to the minor that can be clearly articulated and substantiated.

Sec. 6. 1. Except as provided in section 4, a municipality may completely prohibit or limit the number of marihuana establishments within its boundaries. Individuals may petition to initiate an ordinance to provide for the number of marihuana establishments allowed within a municipality or to completely prohibit marihuana establishments within a municipality, and such ordinance shall be submitted to the electors of the municipality at the next regular election when a petition is signed by qualified electors in the municipality in a number greater than 5% of the votes cast for governor by qualified electors in the municipality at the last gubernatorial election. A petition under this subsection is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488.

2. A municipality may adopt other ordinances that are not unreasonably impracticable and do not conflict with this act or with any rule promulgated pursuant to this act and that:

(a) establish reasonable restrictions on public signs related to marihuana establishments;

(b) regulate the time, place, and manner of operation of marihuana establishments and of the production, manufacture, sale, or display of marihuana accessories;

(c) authorize the sale of marihuana for consumption in designated areas that are not accessible to persons under 21 years of age, or at special events in limited areas and for a limited time; and

(d) designate a violation of the ordinance and provide for a penalty for that violation by a marihuana establishment, provided that such violation is a civil infraction and such penalty is a civil fine of not more than \$500.

3. A municipality may adopt an ordinance requiring a marihuana establishment with a physical location within the municipality to obtain a municipal license, but may not impose qualifications for licensure that conflict with this act or rules promulgated by the department.

4. A municipality may charge an annual fee of not more than \$5,000 to defray application, administrative, and enforcement costs associated with the operation of the marihuana establishment in the municipality.

5. A municipality may not adopt an ordinance that restricts the transportation of marihuana through the municipality or prohibits a marihuana grower, a marihuana processor, and a marihuana retailer from operating within a single facility or from operating at a location shared with a marihuana facility operating pursuant to the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801.

Sec. 7. 1. The department is responsible for implementing this act and has the powers and duties necessary to control the commercial production and distribution of marihuana. The department shall employ personnel and may contract with advisors and consultants as necessary to adequately perform its duties. No person who is pecuniarily interested, directly or indirectly, in any marihuana establishment may be an employee, advisor, or consultant involved in the implementation, administration, or enforcement of this act. An employee, advisor, or consultant of the department may not be personally liable for any action at law for damages sustained by a person because of an action performed or done in the performance of their duties in the implementation, administration, or enforcement of this act. The department of state police shall cooperate and assist the department in conducting background investigations of applicants. Responsibilities of the department include:

(a) promulgating rules pursuant to section 8 of this act that are necessary to implement, administer, and enforce this act;

(b) granting or denying each application for licensure and investigating each applicant to determine eligibility for licensure, including conducting a background investigation on each person holding an ownership interest in the applicant;

(c) ensuring compliance with this act and the rules promulgated thereunder by marihuana establishments by performing investigations of compliance and regular inspections of marihuana establishments and by taking appropriate disciplinary action against a licensee, including prescribing civil fines for violations of this act or rules and suspending, restricting, or revoking a state license;

(d) holding at least 4 public meetings each calendar year for the purpose of hearing complaints and receiving the views of the public with respect to administration of this act;

(e) collecting fees for licensure and fines for violations of this act or rules promulgated thereunder, depositing all fees collected in the marihuana regulation fund established by section 14 of this act, and remitting all fines collected to be deposited in the general fund; and

(f) submitting an annual report to the governor covering the previous year, which report shall include the number of state licenses of each class issued, demographic information on licensees, a description of enforcement and disciplinary actions taken against licensees, and a statement of revenues and expenses of the department related to the implementation, administration, and enforcement of this act.

Sec. 8. 1. The department shall promulgate rules to implement and administer this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to MCL 24.328, including:

(a) procedures for issuing a state license pursuant to section 9 of this act and for renewing, suspending, and revoking a state license;

(b) a schedule of fees in amounts not more than necessary to pay for implementation, administration, and enforcement costs of this act and that relate to the size of each licensee or the volume of business conducted by the licensee;

(c) qualifications for licensure that are directly and demonstrably related to the operation of a marihuana establishment, provided that a prior conviction solely for a marihuana-related offense does not disqualify an individual or otherwise affect eligibility for licensure, unless the offense involved distribution of a controlled substance to a minor;

(d) requirements and standards for safe cultivation, processing, and distribution of marihuana by marihuana establishments, including health standards to ensure the safe preparation of marihuana-infused products and prohibitions on pesticides that are not safe for use on marihuana;

(e) testing, packaging, and labeling standards, procedures, and requirements for marihuana, including a maximum tetrahydrocannabinol level for marihuana-infused products, a requirement that a representative sample of marihuana be tested by a marihuana safety compliance facility, and a requirement that the amount of marihuana or marihuana concentrate contained within a marihuana-infused product be specified on the product label;

(f) security requirements, including lighting, physical security, and alarm requirements, and requirements for securely transporting marihuana between marihuana establishments, provided that such requirements do not prohibit cultivation of marihuana outdoors or in greenhouses;

(g) record keeping requirements for marihuana establishments and monitoring requirements to track the transfer of marihuana by licensees;

(h) requirements for the operation of marihuana secure transporters to ensure that all marihuana establishments are properly serviced;

(i) reasonable restrictions on advertising, marketing, and display of marihuana and marihuana establishments;

(j) a plan to promote and encourage participation in the marihuana industry by people from communities that have been disproportionately impacted by marihuana prohibition and enforcement and to positively impact those communities; and

(k) penalties for failure to comply with any rule promulgated pursuant to this section or for any violation of this act by a licensee, including civil fines and suspension, revocation, or restriction of a state license.

2. In furtherance of the intent of this act, the department may promulgate rules to:

(a) provide for the issuance of additional types or classes of state licenses to operate marihuana-related businesses, including licenses that authorize only limited cultivation, processing, transportation, delivery, storage, sale, or purchase of marihuana, licenses that authorize the consumption of marihuana within designated areas, licenses that authorize the consumption of marihuana at special events in limited areas and for a limited time, licenses that authorize cultivation for purposes of propagation, and licenses intended to facilitate scientific research or education; or

(b) regulate the cultivation, processing, distribution, and sale of industrial hemp.

3. The department may not promulgate a rule that:

(a) establishes a limit on the number of any type of state licenses that may be granted;

(b) requires a customer to provide a marihuana retailer with identifying information other than identification to determine the customer's age or requires the marihuana retailer to acquire or record personal information about customers other than information typically required in a retail transaction;

(c) prohibits a marihuana establishment from operating at a shared location of a marihuana facility operating pursuant to the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801, or prohibits a marihuana grower, marihuana processor, or marihuana retailer from operating within a single facility; or

(d) is unreasonably impracticable.

Sec. 9. 1. Each application for a state license must be submitted to the department. Upon receipt of a complete application and application fee, the department shall forward a copy of the application to the municipality in which the marihuana establishment is to be located, determine whether the applicant and the premises qualify for the state license and comply with this act, and issue the appropriate state license or send the applicant a notice of rejection setting forth specific reasons why the department did not approve the state license application within 90 days.

2. The department shall issue the following state license types: marihuana retailer; marihuana safety compliance facility; marihuana secure transporter; marihuana processor; marihuana microbusiness; class A marihuana grower authorizing cultivation of not more than 100 marihuana plants; class B marihuana grower authorizing cultivation of not more than 500 marihuana plants; and class C marihuana grower authorizing cultivation of not more than 2,000 marihuana plants.

3. Except as otherwise provided in this section, the department shall approve a state license application and issue a state license if:

(a) the applicant has submitted an application in compliance with the rules promulgated by the department, is in compliance with this act and the rules, and has paid the required fee;

(b) the municipality in which the proposed marihuana establishment will be located does not notify the department that the proposed marihuana establishment is not in compliance with an ordinance consistent with section 6 of this act and in effect at the time of application;

(c) the property where the proposed marihuana establishment is to be located is not within an area zoned exclusively for residential use and is not within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, unless a municipality adopts an ordinance that reduces this distance requirement;

(d) no person who holds an ownership interest in the marihuana establishment applicant:

(1) will hold an ownership interest in both a marihuana safety compliance facility or in a marihuana secure transporter and in a marihuana grower, a marihuana processor, a marihuana retailer, or a marihuana microbusiness;

(2) will hold an ownership interest in both a marihuana microbusiness and in a marihuana grower, a marihuana processor, a marihuana retailer, a marihuana safety compliance facility, or a marihuana secure transporter; and

(3) will hold an ownership interest in more than 5 marihuana growers or in more than 1 marihuana microbusiness, except that the department may approve a license application from a person who holds an ownership interest in more than 5 marihuana growers or more than 1 marihuana microbusiness if, after January 1, 2023, the department promulgates a rule authorizing an individual to hold an ownership interest in more than 5 marihuana growers or in more than 1 marihuana microbusiness.

4. If a municipality limits the number of marihuana establishments that may be licensed in the municipality pursuant to section 6 of this act and that limit prevents the department from issuing a state license to all applicants who meet the requirements of subsection 3 of this section, the municipality shall decide among competing applications by a competitive process intended to select applicants who are best suited to operate in compliance with this act within the municipality.

5. All state licenses are effective for 1 year, unless the department issues the state license for a longer term. A state license is renewed upon receipt of a complete renewal application and a renewal fee from any marihuana establishment in good standing.

6. The department shall begin accepting applications for marihuana establishments within 12 months after the effective date of this act. Except as otherwise provided in this section, for 24 months after the department begins to receive applications for marihuana establishments, the department may only accept applications for licensure: for a class A marihuana grower or for a marihuana microbusiness, from persons who are residents of Michigan; for a marihuana retailer, marihuana processor, class B marihuana grower, class C marihuana grower, or a marihuana secure transporter, from persons holding a

state operating license pursuant to the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801; and for a marihuana safety compliance facility, from any applicant. One year after the department begins to accept applications pursuant to this section, the department shall begin accepting applications from any applicant if the department determines that additional state licenses are necessary to minimize the illegal market for marihuana in this state, to efficiently meet the demand for marihuana, or to provide for reasonable access to marihuana in rural areas.

7. Information obtained from an applicant related to licensure under this act is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

Sec. 10. 1. Notwithstanding any other law or provision of this act, and except as otherwise provided in section 4 of this act or the rules promulgated thereunder, the following acts are not unlawful, are not an offense, are not grounds for seizing or forfeiting property, are not grounds for arrest, prosecution, or penalty in any manner, are not grounds for search or inspection except as authorized by this act, and are not grounds to deny any other right or privilege:

(a) a marihuana grower or an agent acting on behalf of a marihuana grower who is 21 years of age or older, cultivating not more than the number of marihuana plants authorized by the state license class; possessing, packaging, storing, or testing marihuana; acquiring marihuana seeds or seedlings from a person who is 21 years of age or older; selling or otherwise transferring, purchasing or otherwise obtaining, or transporting marihuana to or from a marihuana establishment; or receiving compensation for goods or services;

(b) a marihuana processor or agent acting on behalf of a marihuana processor who is 21 years of age or older, possessing, processing, packaging, storing, or testing marihuana; selling or otherwise transferring, purchasing or otherwise obtaining, or transporting marihuana to or from a marihuana establishment; or receiving compensation for goods or services;

(c) a marihuana secure transporter or an agent acting on behalf of a marihuana secure transporter who is 21 years of age or older, possessing or storing marihuana; transporting marihuana to or from a marihuana establishment; or receiving compensation for services;

(d) a marihuana safety compliance facility or an agent acting on behalf of a marihuana safety compliance facility who is 21 years of age or older, testing, possessing, repackaging, or storing marihuana; transferring, obtaining, or transporting marihuana to or from a marihuana establishment; or receiving compensation for services;

(e) a marihuana retailer or an agent acting on behalf of a marihuana retailer who is 21 years of age or older, possessing, storing, or testing marihuana; selling or otherwise transferring, purchasing or otherwise obtaining, or transporting marihuana to or from a marihuana establishment; selling or otherwise transferring marihuana to a person 21 years of age or older; or receiving compensation for goods or services; or

(f) a marihuana microbusiness or an agent acting on behalf of a marihuana microbusiness who is 21 years of age or older, cultivating not more than 150 marihuana plants; possessing, processing, packaging, storing, or testing marihuana from marihuana plants cultivated on the premises; selling or otherwise transferring marihuana cultivated or processed on the premises to a person 21 years of age or older; or receiving compensation for goods or services.

(g) leasing or otherwise allowing the use of property owned, occupied, or managed for activities allowed under this act;

(h) enrolling or employing a person who engages in marihuana-related activities allowed under this act;

(i) possessing, cultivating, processing, obtaining, transferring, or transporting industrial hemp; or

(j) providing professional services to prospective or licensed marihuana establishments related to activity under this act.

2. A person acting as an agent of a marihuana retailer who sells or otherwise transfers marihuana or marihuana accessories to a person under 21 years of age is not subject to arrest, prosecution, forfeiture of property, disciplinary action by a professional licensing board, denial of any right or privilege, or penalty in any manner, if the person reasonably verified that the recipient appeared to be 21 years of age or older by means of governmentissued photographic identification containing a date of birth, and the person complied with any rules promulgated pursuant to this act.

3. It is the public policy of this state that contracts related to the operation of marihuana establishments be enforceable.

Sec. 11. (a) A marihuana establishment may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.

(b) A marihuana establishment may not cultivate, process, test, or store marihuana at any location other than a physical address approved by the department and within an enclosed area that is secured in a manner that prevents access by persons not permitted by the marihuana establishment to access the area.

(c) A marihuana establishment shall secure every entrance to the establishment so that access to areas containing marihuana is restricted to employees and other persons permitted by the marihuana establishment to access the area and to agents of the department or state and local law enforcement officers and emergency personnel and shall secure its inventory and equipment during and after operating hours to deter and prevent theft of marihuana and marihuana accessories.

(d) No marihuana establishment may refuse representatives of the department the right during the hours of operation to inspect the licensed premises or to audit the books and records of the marihuana establishment.

(e) No marihuana establishment may allow a person under 21 years of age to volunteer or work for the marihuana establishment.

(f) No marihuana establishment may sell or otherwise transfer marihuana that was not produced, distributed, and taxed in compliance with this act.

(g) A marihuana grower, marihuana retailer, marihuana processor, marihuana microbusiness, or marihuana testing facility or agents acting on their behalf may not transport more than 15 ounces of marihuana or more than 60 grams of marihuana concentrate at one time.

(h) A marihuana secure transporter may not hold title to marihuana.

(i) No marihuana processor may process and no marihuana retailer may sell edible marihuana-infused candy in shapes or packages that are attractive to children or that are easily confused with commercially sold candy that does not contain marihuana.

(j) No marihuana retailer may sell or otherwise transfer marihuana that is not contained in an opaque, resealable, child-resistant package designed to be significantly difficult for children under 5 years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.20 (1995), unless the marihuana is transferred for consumption on the premises where sold.

(k) No marihuana establishment may sell or otherwise transfer tobacco.

Sec. 12. In computing net income for marihuana establishments, deductions from state taxes are allowed for all the ordinary and necessary expenses paid or incurred during the taxable year in carrying out a trade or business.

Sec. 13. 1. In addition to all other taxes, an excise tax is imposed on each marihuana retailer and on each marihuana microbusiness at the rate of 10% of the sales price for marihuana sold or otherwise transferred to anyone other than a marihuana establishment.

2. Except as otherwise provided by a rule promulgated by the department of treasury, a product subject to the tax imposed by this section may not be bundled in a single transaction with a product or service that is not subject to the tax imposed by this section.

3. The department of treasury shall administer the taxes imposed under this act and may promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to MCL 24.328 that prescribe a method and manner for payment of the tax to ensure proper tax collection under this act.

Sec. 14. 1. The marihuana regulation fund is created in the state treasury. The department of treasury shall deposit all money collected under section 13 of this act and the department shall deposit all fees collected in the fund. The state treasurer shall direct the investment of the fund and shall credit the fund interest and earnings from fund investments. The department shall administer the fund for auditing purposes. Money in the fund shall not lapse to the general fund.

2. Funds for the initial activities of the department to implement this act shall be appropriated from the general fund. The department shall repay any amount appropriated under this subsection from proceeds in the fund.

3. The department shall expend money in the fund first for the implementation, administration, and enforcement of this act, and second, until 2022 or for at least two years, to provide \$20 million annually to one or more clinical trials that are approved by the United States food and drug administration and sponsored by a non-profit organization or researcher within an academic institution researching the efficacy of marihuana in treating the medical conditions of United States armed services veterans and preventing veteran suicide. Upon appropriation, unexpended balances must be allocated as follows:

(a) 15% to municipalities in which a marihuana retail store or a marihuana microbusiness is located, allocated in proportion to the number of marihuana retail stores and marihuana microbusinesses within the municipality;

(b) 15% to counties in which a marihuana retail store or a marihuana microbusiness is located, allocated in proportion to the number of marihuana retail stores and marihuana microbusinesses within the county;

(c) 35% to the school aid fund to be used for K-12 education; and

(d) 35% to the Michigan transportation fund to be used for the repair and maintenance of roads and bridges.

Sec. 15. A person who commits any of the following acts, and is not otherwise authorized by this act to conduct such activities, may be punished only as provided in this section and is not subject to any other form of punishment or disqualification, unless the person consents to another disposition authorized by law:

1. Except for a person who engaged in conduct described in sections 4(1)(a), 4(1)(b), 4(1)(c), 4(1)(d), 4(1)(g), or 4(1)(h), a person who possesses not more than the amount of marihuana allowed by section 5, cultivates not more than the amount of marihuana allowed by section 5, delivers without receiving any remuneration to a person who is at least 21 years of age not more than the amount of marihuana allowed by section 5, or possesses with intent to deliver not more than the amount of marihuana allowed by section 5, is responsible for a civil infraction and may be punished by a fine of not more than \$100 and forfeiture of the marihuana.

2. Except for a person who engaged in conduct described in section 4, a person who possesses not more than twice the amount of marihuana allowed by section 5, cultivates not more than twice the amount of marihuana allowed by section 5, delivers without receiving any remuneration to a person who is at least 21 years of age not more than twice the amount of marihuana allowed by section 5, or possesses with intent to deliver not more than twice the amount of marihuana allowed by section 5:

(a) for a first violation, is responsible for a civil infraction and may be punished by a fine of not more than \$500 and forfeiture of the marihuana;

(b) for a second violation, is responsible for a civil infraction and may be punished by a fine of not more than \$1,000 and forfeiture of the marihuana;

(c) for a third or subsequent violation, is guilty of a misdemeanor and may be punished by a fine of not more than \$2,000 and forfeiture of the marihuana.

3. Except for a person who engaged in conduct described by section 4(1)(a), 4(1)(d), or 4(1)(g), a person under 21 years of age who possesses not more than 2.5 ounces of marihuana or who cultivates not more than 12 marihuana plants:

(a) for a first violation, is responsible for a civil infraction and may be punished as follows:

(1) if the person is less than 18 years of age, by a fine of not more than \$100 or community service, forfeiture of the marihuana, and completion of 4 hours of drug education or counseling; or

(2) if the person is at least 18 years of age, by a fine of not more than \$100 and forfeiture of the marihuana.

(b) for a second violation, is responsible for a civil infraction and may be punished as follows:

(1) if the person is less than 18 years of age, by a fine of not more than \$500 or community service, forfeiture of the marihuana, and completion of 8 hours of drug education or counseling; or

(2) if the person is at least 18 years of age, by a fine of not more than \$500 and forfeiture of the marihuana.

4. Except for a person who engaged in conduct described in section 4, a person who possesses more than twice the amount of marihuana allowed by section 5, cultivates more than twice the amount of marihuana allowed by section 5, or delivers without receiving any remuneration to a person who is at least 21 years of age more than twice the amount of marihuana allowed by section 5, shall be responsible for a misdemeanor, but shall not be subject to imprisonment unless the violation was habitual, willful, and for a commercial purpose or the violation involved violence.

Sec. 16. 1. If the department does not timely promulgate rules as required by section 8 of this act or accept or process applications in accordance with section 9 of this act, beginning one year after the effective date of this act, an applicant may submit an application for a marihuana establishment directly to the municipality where the marihuana establishment will be located.

2. If a marihuana establishment submits an application to a municipality under this section, the municipality shall issue a municipal license to the applicant within 90 days after receipt of the application unless the municipality finds and notifies the applicant that the applicant is not in compliance with an ordinance or rule adopted pursuant to this act.

3. If a municipality issues a municipal license pursuant to this section:

(a) the municipality shall notify the department that the municipal license has been issued;

(b) the municipal license has the same force and effect as a state license; and

(c) the holder of the municipal license is not subject to regulation or enforcement by the department during the municipal license term.

Sec. 17. This act shall be broadly construed to accomplish its intent as stated in section 2 of this act. Nothing in this act purports to supersede any applicable federal law, except where allowed by federal law. All provisions of this act are self-executing. Any section of this act that is found invalid as to any person or circumstances shall not affect the application of any other section of this act that can be given full effect without the invalid section or application.

**ADOPTION OF ORDINANCE
CITY OF PORTAGE
NOTICE**

TO THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF PORTAGE AND
ALL OTHER INTERESTED PERSONS

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Chapter 2, Administration, of the Codified Ordinances of Portage, Michigan was adopted by the City Council at a regular meeting held on the _____ day of November, 2018, and will become effective _____, 2018.

THE CITY OF PORTAGE ORDAINS:

Section 2-328, Findings:

A. The Michigan Regulation and Taxation of Marihuana Act, Ballot Proposal 1 of 2018 (the "Initiative") is presently on the ballot at the November 6, 2018 general election.

B. Such Initiative would among other things, "control the commercial production and distribution of marijuana under a system that licenses, regulates and taxes the businesses involved". See Section 2.

C. The Initiative would provide for the state licensing of "marihuana establishments to include a marihuana grower, marihuana safety compliance facility, marihuana processing, marihuana micro business, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business license by the Department of Licensing and Regulatory Affairs." ("Department") See Section 3(h)

D. The Initiative provides that the Department shall begin accepting applications for marihuana establishments within twelve months after the effective date of the Initiative. See Section 9.6. Once the Department passes its rules under the Initiative and begins accepting applications, marihuana establishments which are properly licensed by the state are permitted in all jurisdictions unless the municipality limits or prohibits them. Ordinances that are not "unreasonably impracticable" and do not conflict with the Initiative, or any rule promulgated pursuant to the Initiative, may under certain conditions be adopted by the municipality. See Section 6.2.

E. The City Council desires to ascertain the best and safest path for the protection of the public health, safety and welfare to comply with the Initiative, if passed for permitting marihuana establishments within its boundaries.

F. The consequences of the Initiative, if passed, on the City and its inhabitants, need further study before specific recommendations can be made. The City desires to prohibit marihuana establishments within its boundaries during such time the Department is researching, investigating and considering new rules and regulations

with regard to these activities and thereafter allowing City administration to review and analyze those rules and regulations.

Sec. 2-329

A. Based on the findings set forth above and for the protection of the public health, safety and welfare of its citizens, and pursuant to Section 6.1 of the Initiative, if passed in the November 6, 2018 general election, the City hereby prohibits marihuana establishments within its boundaries.

B. The city administration shall review, investigate and consider all information regarding the desirability and consequences of adopting an ordinance limiting, restricting and regulating marihuana establishments and provide a written report to the City Council with its recommendations no later than six (6) months after the Department adopts its rules or such other time the Council may require.

C. Nothing in this ordinance results in any prohibitions otherwise allowed under the Initiative, the Michigan Medical Marihuana Act or the Medical Marihuana Facilities Licensing Act and City Ordinance promulgated thereunder.

D. Nothing in this Ordinance shall prohibit the City from adopting an ordinance at some future date which would limit, restrict and regulate marihuana establishments pursuant to the Initiative, if passed.

Sec. 2-330

This Ordinance shall only be effective if the Initiative, being Ballot Proposal 1 of 2018 and referred to as the Michigan Regulation and Taxation of Marihuana Act is passed by the voters at the November 6, 2018 general election. If such ballot proposal fails, this ordinance shall not become effective.

PLEASE TAKE NOTICE that a copy of the Ordinance as amended may be purchased or inspected at City Hall on any business day except public and legal holidays from and after publication of this Notice from 8:00 a.m. to 5:00 p.m. local time.

Dated: _____

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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**FIRST READING AND NOTICE OF HEARING
CITY OF PORTAGE, MICHIGAN
NOTICE**

**TO THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF PORTAGE AND
ALL OTHER INTERESTED PERSONS.**

NOTICE IS HEREBY GIVEN, that an Ordinance to amend the Code of Ordinances of the City of Portage, Michigan by Amending Chapter 2 Administration, by Adding Article 11, Prohibiting Marihuana Establishments Pursuant to the Michigan Regulation and Taxation of Marihuana Act Ballot Proposal 1 of 2018 was introduced for first reading at a regular meeting of the City Council held on _____, 2018, and that the Council will hold a public hearing on the proposed amendments at the Portage City Hall in said City on _____, 2018, at 7:00 p.m. or as soon thereafter as may be heard.

NOTICE IS FURTHER GIVEN that the proposed ordinance amendment reads as follows:

THE CITY OF PORTAGE ORDAINS:

That Sections 2-328, 2-329 and 2-330 of Article 11, Chapter 2 Administration shall be added as follows:

Section 2-328, Findings:

A. The Michigan Regulation and Taxation of Marihuana Act, Ballot Proposal 1 of 2018 (the "Initiative") is presently on the ballot at the November 6, 2018 general election.

B. Such Initiative would among other things, "control the commercial production and distribution of marijuana under a system that licenses, regulates and taxes the businesses involved". See Section 2.

C. The Initiative would provide for the state licensing of "marihuana establishments to include a marihuana grower, marihuana safety compliance facility, marihuana processing, marihuana micro business, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business license by the Department of Licensing and Regulatory Affairs." ("Department) See Section 3(h)

D. The Initiative provides that the Department shall begin accepting applications for marihuana establishments within twelve months after the effective date of the Initiative. See Section 9.6. Once the Department passes its rules under the Initiative and begins accepting applications, marihuana establishments which are properly licensed by the state are permitted in all jurisdictions unless the municipality limits or prohibits them. Ordinances that are not "unreasonably impracticable" and do

not conflict with the Initiative, or any rule promulgated pursuant to the Initiative, may under certain conditions be adopted by the municipality. See Section 6.2.

E. The City Council desires to ascertain the best and safest path for the protection of the public health, safety and welfare to comply with the Initiative, if passed for permitting marihuana establishments within its boundaries.

F. The consequences of the Initiative, if passed, on the City and its inhabitants, need further study before specific recommendations can be made. The City desires to prohibit marihuana establishments within its boundaries during such time the Department is researching, investigating and considering new rules and regulations with regard to these activities and thereafter allowing City administration to review and analyze those rules and regulations.

Sec. 2-329

A. Based on the findings set forth above and for the protection of the public health, safety and welfare of its citizens, and pursuant to Section 6.1 of the Initiative, if passed in the November 6, 2018 general election, the City hereby prohibits marihuana establishments within its boundaries.

B. The city administration shall review, investigate and consider all information regarding the desirability and consequences of adopting an ordinance limiting, restricting and regulating marihuana establishments and provide a written report to the City Council with its recommendations no later than six (6) months after the Department adopts its rules or such other time the Council may require.

C. Nothing in this ordinance results in any prohibitions otherwise allowed under the Initiative, the Michigan Medical Marihuana Act or the Medical Marihuana Facilities Licensing Act and City Ordinance promulgated thereunder.

D. Nothing in this Ordinance shall prohibit the City from adopting an ordinance at some future date which would limit, restrict and regulate marihuana establishments pursuant to the Initiative, if passed.

Sec. 2-330

This Ordinance shall only be effective if the Initiative, being Ballot Proposal 1 of 2018 and referred to as the Michigan Regulation and Taxation of Marihuana Act is passed by the voters at the November 6, 2018 general election. If such ballot proposal fails, this ordinance shall not become effective.

Date: _____

ADAM HERRINGA, CITY CLERK

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**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING CHAPTER 2 ADMINISTRATION,
ADDING ARTICLE 11, PROHIBITING MARIHUANA ESTABLISHMENTS
PURSUANT TO THE MICHIGAN REGULATION
AND TAXATION OF MARIHUANA ACT
BALLOT PROPOSAL 1 OF 2018**

THE CITY OF PORTAGE ORDAINS:

Section 2-328, Findings:

A. The Michigan Regulation and Taxation of Marihuana Act, Ballot Proposal 1 of 2018 (the "Initiative") is presently on the ballot at the November 6, 2018 general election.

B. Such Initiative would among other things, "control the commercial production and distribution of marijuana under a system that licenses, regulates and taxes the businesses involved". See Section 2.

C. The Initiative would provide for the state licensing of "marihuana establishments to include a marihuana grower, marihuana safety compliance facility, marihuana processing, marihuana micro business, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business license by the Department of Licensing and Regulatory Affairs." ("Department") See Section 3(h)

D. The Initiative provides that the Department shall begin accepting applications for marihuana establishments within twelve months after the effective date of the Initiative. See Section 9.6. Once the Department passes its rules under the Initiative and begins accepting applications, marihuana establishments which are properly licensed by the state are permitted in all jurisdictions unless the municipality limits or prohibits them. Ordinances that are not "unreasonably impracticable" and do not conflict with the Initiative, or any rule promulgated pursuant to the Initiative, may under certain conditions be adopted by the municipality. See Section 6.2.

E. The City Council desires to ascertain the best and safest path for the protection of the public health, safety and welfare to comply with the Initiative, if passed for permitting marihuana establishments within its boundaries.

F. The consequences of the Initiative, if passed, on the City and its inhabitants, need further study before specific recommendations can be made. The City desires to prohibit marihuana establishments within its boundaries during such time the Department is researching, investigating and considering new rules and regulations with regard to these activities and thereafter allowing City administration to review and analyze those rules and regulations.

Sec. 2-329

A. Based on the findings set forth above and for the protection of the public health, safety and welfare of its citizens, and pursuant to Section 6.1 of the Initiative, if passed in the November 6, 2018 general election, the City hereby prohibits marihuana establishments within its boundaries.

B. The city administration shall review, investigate and consider all information regarding the desirability and consequences of adopting an ordinance limiting, restricting and regulating marihuana establishments and provide a written report to the City Council with its recommendations no later than six (6) months after the Department adopts its rules or such other time the Council may require.

C. Nothing in this ordinance results in any prohibitions otherwise allowed under the Initiative, the Michigan Medical Marihuana Act or the Medical Marihuana Facilities Licensing Act and City Ordinance promulgated thereunder.

D. Nothing in this Ordinance shall prohibit the City from adopting an ordinance at some future date which would limit, restrict and regulate marihuana establishments pursuant to the Initiative, if passed.

Sec. 2-330

This Ordinance shall only be effective if the Initiative, being Ballot Proposal 1 of 2018 and referred to as the Michigan Regulation and Taxation of Marihuana Act is passed by the voters at the November 6, 2018 general election. If such ballot proposal fails, this ordinance shall not become effective.

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 _____, 20____.

Adam Herringa, City Clerk

PREPARED BY:
Randall L. Brown (P34116)
Portage City Attorney
1662 East Centre Avenue
Portage, MI 49002
(269) 323-8812

Approved as to Form:

Date: _____

City Attorney

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TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Amendment to the Code of Ordinances - Historic District Modification at 2663 Mandigo Avenue.

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: Accept for first reading an amendment to Section 38-35 of Chapter 38, Historical Preservation and a Final Report from the Historic District Commission to modify the Historic District located at 2663 Mandigo Avenue, and take final action on November 20, 2018.

On April 25, 2018, the Portage Historic District Commission received a request from Deborah and Randall Newsome, owners of 2663 Mandigo Avenue, to modify the historic district boundary of the subject property by removing 1.62 acres containing the non-historic ranch home and attached garage from the overall 7.87 acre historic property. The proposed amendment would modify the legal description of the historic district located at 2663 Mandigo Avenue as described in Section 38-35, Historical Preservation, of the Codified Ordinances.

The Historic District Study Committee, as set out in Public Act 169 of 1970, reviewed the request and prepared a preliminary report, which was submitted to the Michigan Historical Commission and to the State Historic Preservation Review Board on August 2, 2018. The Planning Commission reviewed the request on September 20, 2018 and has recommended approval of the district modification. Subsequently, the State Historic Preservation Review Board requested additional information related to the modification, which was considered by the Historic District Commission during a public hearing on October 3, 2018. The property owners were present and voiced support of the district modification, and no other citizen comments were received. Following the public hearing, the Historic District Commission approved the final report, with modifications as requested by the State Historic Preservation Review Board, and recommended approval of the district modification.

The City Attorney has prepared the amendment to Section 38-35, Historical Preservation, of the Codified Ordinances consistent with the legal description provided by the applicant to modify the historic district boundaries.

FUNDING: Not applicable.

Attachments:

1. Historic District Commission draft meeting minutes dated October 3, 2018
2. Historic District Commission final report dated October 3, 2018
3. Planning Commission transmittal dated September 27, 2018

4. Planning Commission meeting minutes dated September 20, 2018
5. Department of Community Development staff report dated September 14, 2018
6. Ordinance Amendment to Modify the Historic District

City of Portage
Historic District Commission
Wednesday, October 03, 2018

 **DRAFT**

Meeting Called to Order: 8:21 A.M.

Members Present: Forrest, Custer, Duniphin, Lopez, vanLonkhuyzen, Maytnier, Nemeth.

Members Excused: Grunert, Barton.

Staff: Kyle Mucha, Zoning & Codes Administrator.

Guest(s): Debbie Newsome – 2663 Mandigo Avenue. Steve Rice – 2112 Vanderbilt Avenue.

Approval of Minutes: Nemeth moved, seconded by Duniphin, to approve the September 05, 2018 meeting minutes. Motion approved 7-0.

Old Business:

- a. 922 West Osterhout Avenue: Windows: Patrick Norman, by written email, requested his application, dated August 22, 2018, for the replacement of the windows at 922 West Osterhout Avenue, be tabled at this time. Mr. Norman indicated he is working with a window restoration specialist (Peter Carroll) and will return to the Portage Historic District Commission once a decision has been made.

Nemeth moved, seconded by Lopez, to accept the tabling of 933 West Osterhout Avenue, window replacement application dated August 22, 2018. Motion approved 7-0.

New Business:

- a. 2112 Vanderbilt Avenue: Windows: Mr. Rice was present at the meeting to discuss his application, dated September 18, 2018 for the replacement of nine (9) storm windows on the home. Mr. Rice indicated existing storm windows are in disrepair, have peeling paint and are not functional as intended. Mr. Rice indicated his intention is to replace all the storm windows on the home within the next three years.

vanLonkhuyzen requested that Mr. Rice retain the existing storm windows for future use.

Nemeth commented that replacing the storm windows would help protect the windows on the home from weathering and would not change the characteristics of the home.

Maytnier thanked the applicant for wanting to improve on the home, instead of letting the windows deteriorate further.

Mucha informed the applicant that a Certificate of Appropriateness is only valid for six (6) months and would need to reappear in front of the Commission next year when phase two of the project is to begin.

Custer moved, seconded by Nemeth, to approve the application to replace nine (9) storm windows with aluminum on the condition that the existing wood storm windows be stored on site for future use. Motion passed 7-0.

Community Outreach: Duniphin informed the Commission that Story Point Senior Community has inquired about a presentation and possible additional tour of the home located at 3821 West Milham Avenue and the historic buildings located on Sprinkle Road. Duniphin is working with Mick Lynch and Story Pointe on possible dates in October to tour the Sprinkle Road properties.

Duniphin informed the Commission that the December city event – Traditional Holiday - at Celery Flats, is looking for possible volunteers. More information regarding this event will be forth-coming.

Duniphin informed the Commission that “Where The Trails Crossed” historical book is outdated and inquired about updating the book to include additional facts and photographs. Duniphin will look into how much a reprint would cost and provide further information to the Commission once it becomes available.

Maytnier informed the Commission of the Paw Paw walking tours and encouraged commissioners to look at the online webpage for further information.

Study Committee: 2663 Mandigo Avenue: Debbie Newsome – 2663 Mandigo Avenue – was present and thanked the Commission for the assistance over the past months regarding the construction projects and district modification. Mucha provided an update to the Committee regarding the response received from the Michigan State Historic Preservation Office (MSHPO). Mucha informed the committee that the questions/comments provided by MSHPO will need to be addressed in the final report of the district modification.

In response to MSPHO comment regarding further photographic documentation of the individual historic resources located within the district; Committee member Custer indicated he is willing to take additional photographs of the resources located at 2663 Mandigo Avenue. Mrs. Newsome welcomed Committee member Custer to the property.

In response to MSPHO comment regarding a detailed map of the existing district boundary and proposed boundary; staff member Mucha indicated Community Development might be able to assist with updating the boundary map.

In response to MSHPO comment regarding the existing ranch located on 2663 Mandigo; the Committee determined the home was not significant to the property, nor historic due to the previous property owner moving the ranch home to the parcel in the 1980s. Mrs. Newsome indicated title work references the ranch home being brought to the property in the 1980s as well which predates the creation of the Portage Historic District in 1991. The Portage Historic District Statement of Significance considers homes historic if they were built prior to 1931.

Maytnier moved, seconded by Lopez, to approve the Historic District Study Committee report regarding the district modification of 2663 Mandigo Avenue on the condition that the following be added to the report;

- a. Photographic inventory of individual historic resources located at 2663 Mandigo Avenue.
- b. Updated map indicating the existing district boundary and proposed boundary.
- c. Ranch not significant due to the previous property owner moving the home to the parcel in the 1980s, thus the ranch house was not part of the original property nor does it meet Statement of Significance dates of construction.

Motion approved 7-0.

Member Comments: Forrest informed the Commission that 5134 Oakland Drive was up for sale.

Adjournment: There being no further comments or business, vanLonkhuyzen adjourned the Historic District at 9:40 a.m.

Respectfully submitted,

Kyle Mucha

Kyle Mucha
Zoning & Codes Administrator

 **DRAFT**

City of Portage, Michigan Historic District Study Committee

Historic District Modification
2663 Mandigo (East "T") Avenue
Portage, Michigan 49002

Final Report
October 03, 2018

Introduction

Property addressed as 2663 Mandigo Avenue (also known as 2663 East "T" Avenue) is a historic district in the City of Portage. A request from Randall and Deborah Debbie Newsome, owners of the property, to remove a portion of the property from the historic district was received by the Historic District Commission on April 25, 2018. The owner's plan to remove 1.62 acre piece of property at the southern end of 2663 Mandigo Avenue from the district.

Authority

The Local History Districts Act, being Act 169 of 1970 as amended; the City of Portage City Council resolution dated September 25, 2007 designating the Historic District Commission as the standing Historic District Study Committee, pursuant to MCL 399.214.

The Charge of the Committee

The committee is charged with reviewing the request and acting as set out in Public Act 169 of 1970. Specifically, the HDSC must:

1. Conduct a photographic inventory of resources within the existing historic district.
2. Conduct basic research of the historic district and the historic resources located within the district.
3. Determine the total number of historic and non-historic resources within the historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the committee shall be guided by the selection criteria for evaluation issued by the United States secretary of the interior for inclusion of resources in the national register of historic places.
4. Prepare a preliminary report that addresses at a minimum all of the following:
 - a. The charge of the committee.
 - b. The composition of the committee membership.
 - c. The historic district studied.
 - d. The boundaries for the historic district in writing and on maps.
 - e. The history of the historic district.
 - f. The significance of the district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.
5. Transmit copies of the preliminary report for review and recommendation to the Portage Planning Commission, to the Michigan historical commission and to the state historic preservation review board.
6. Make copies of the preliminary report available to the public.

7. Hold a public hearing not less than 60 days after the transmittal of the preliminary report.
8. Following the public hearing, prepare and submit a final report with its recommendations and the recommendations, if any, of the Portage Planning Commission to the City Council. If the recommendation is to modify the historic district, the final report must include a draft of a proposed ordinance.

The Composition of Committee Membership

Voting Members

The HDSC is comprised of members of the Portage Historic District Commission: Katie VanLonkhuyzen, Suzanne Nemeth, Fred Grunert, Jessie Duniphin, Martha Deming Maytnier, Mike Barton, Collin Forrest, Becky Lopez and Jeremy Custer.

Non-Voting Participants

City of Portage Staff Liaison: Kyle Mucha

Historic District Location

Property Address: 2663 Mandigo Avenue (also known at 2663 East "T" Avenue)

Parcel ID# 00035-145-A

Written and Visual Boundaries of District

The description of the current historic district:

SEC 35-3-11 BEG AT A PT 1810 FT W OF SE COR SEC 35, TH N 699.14 FT, TH S 66 DEG 52 MIN 51 SEC W TO A PT 448 FT N OF S SEC LI, TH S 448 FT TO S LI OF SEC 35, TH E 599.62 FT TO POB.

Aerial and parcel maps are attached to this report.

The property address for the entire parcel is 2663 Mandigo Avenue (parent parcel). There are a total of five remaining structures on the property: the 1865 two-story farmhouse and its associated detached single-car garage, chicken coop, outhouse and root cellar, as well as a circa 1960 ranch house. The ranch house is not considered historic or contributing. The farmhouse property previously had a summer kitchen structure in the rear yard which caved in from demolition by neglect in 2014. There was also a small barn and corn crib which necessitated demolition by neglect and fire upon purchase by new property owners in 2018. (The farmhouse has a mailing address of 2663 Mandigo Avenue or East "T" Avenue, while the ranch house has a mailing address of 2421 Mandigo Avenue or East "T" Avenue.)

On July 14, 2018, Study Committee members Jessie Duniphin, Becky Lopez, and Jeremy Custer, visited the property to tour and photograph the historic resource. Photographs were taken of the remaining structures and parcels to be removed from the historic district, in context within surrounding buildings, neighboring parcels and the streetscape (see photographic attachments). Current property owners, Randall and Deborah Newsome also participated in walkthrough to point out specific new property markers.

The proposed 1.62 acre lot split has new property lines which lie approximately 72.5 feet from the existing historic resource known as the farmhouse and 28.5 feet from historic resource

known as the chicken coop. It is determined that the split would allow the ranch home to become a separate property and no longer reside within the Historic District. The current layout also violates Portage City Ordinance by having two single residences on the same property. All historic buildings would remain within the Historic District along with the Farmhouse. The Historic District would retain a 6.25 acres parcel upon the split which will provide adequate spacing and buffer from property line. The remaining acreage will provide representation of a small 'farm' by its appearance.

The History of the Historic District

"A house was built on this site by Hiram Allen about 1860. It was enlarged and modified over the next 40 years, incorporating several architectural period features. There are numerous outbuildings, an old well, and a cobblestone 'folly' in the front yard. This was a Michigan Centennial Farm."

(Taken from Where the Trails Crossed page 60.)

The Significance of the District

The 150-year-old farmhouse at 2663 Mandigo (East "T") Avenue and adjacent outbuildings are historically significant to preserve per the above description. It is important to preserve the rural, natural setting of their location, especially in light of the Michigan Centennial Farm designation. This historic property, with its surviving rural outbuildings and layout, is a rare resource in the City of Portage's suburban setting. It remains a visual and contextual reminder of the pastoral beginnings for what was once Portage Township. The proposed removal of this parcel from the historic district will not have a significant contextual impact on the historic resources. Of the 40 sites in the Portage Historic District, only eight still retain original accessory buildings; 2663 Mandigo is one of only two properties that retains its original "farmstead" layout reflecting daily rural living (i.e. chicken coop, cellar, etc.)

Recommendation

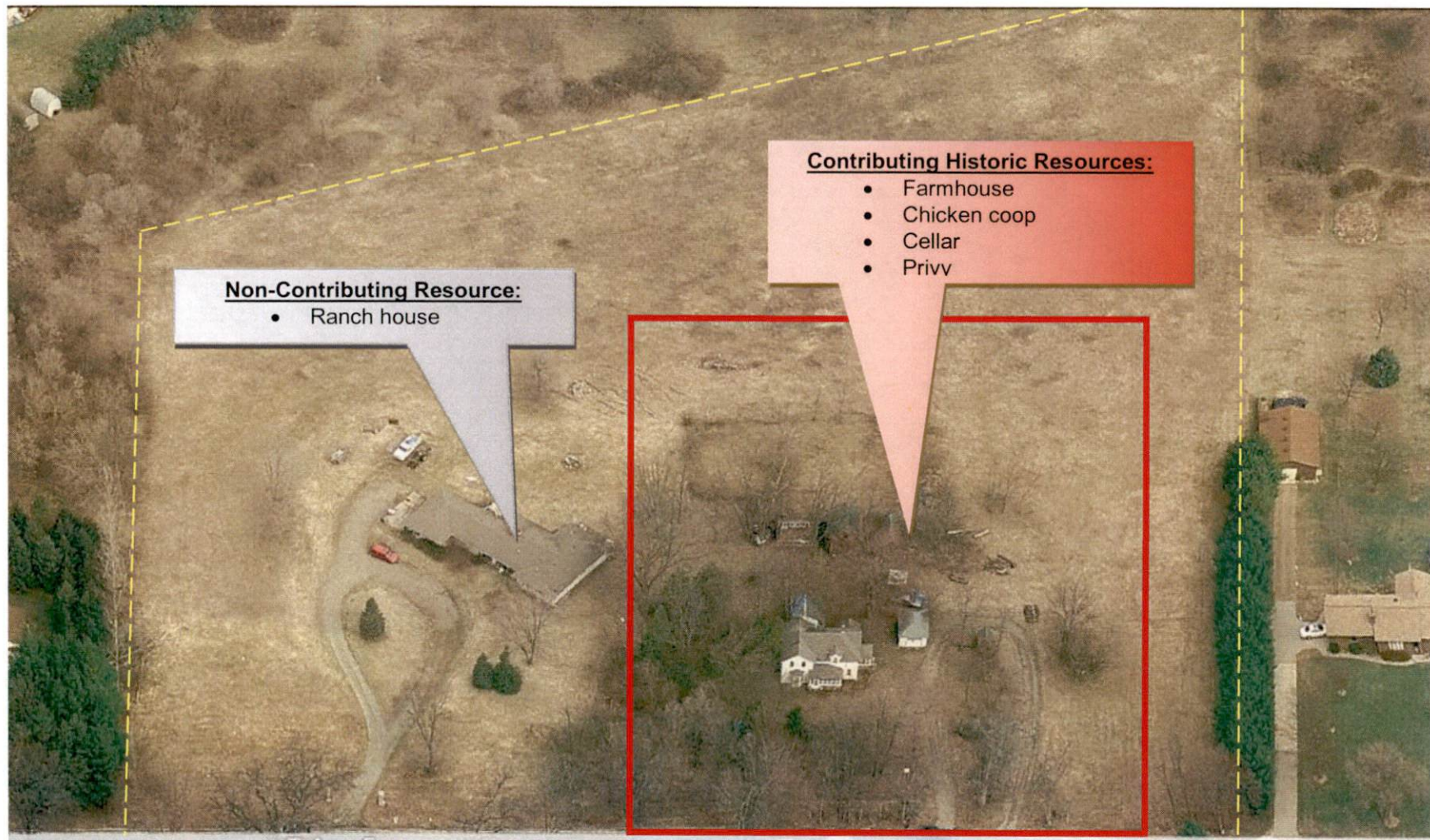
Following the study of the Historic District at 2663 Mandigo Avenue, it is recommended that the request from property owner, Randall and Deborah Newsome to modify the Historic District be **APPROVED**. The 1960s ranch house is a non-contributing resource and its removal from the property via parcel split would not adversely affect the historic nature of the property. The Historic District Commission has been working very closely with the current owners of the Historic District and considering an application for demolition had been submitted prior to current owners purchase of the property, we view this as another positive step in the direction to return the Farmhouse and other historic resources to its origins.

Area Parcel Map



Aerial Map

2663 Mandigo Avenue



Appendix A: Response to State Historic Preservation Office

City of Portage, Michigan

Historic District Study Committee

Historic District Modification

2663 Mandigo (East "T") Avenue

Portage, Michigan 49002

- I. Additional pictures included as Appendix B to showcase entirety of ranch house and district.
- II. Site map is included that shows boundaries and navigational directions.
- III. *Q: Why was the ranch house included in the district in the first place?*

A: It is unknown as to why the ranch house was added to the district. The assumption of the Portage Historic District Commission (PHDC) is that more than likely the district was considered in its entirety instead of individuals buildings. The district originally included 7 other buildings that were all historic in nature and a split of the parcel would not have been desirable at that time ultimately reducing the total acreage. The ranch house has had a separate mailing address, mailbox, and driveway for an extended period. Per current laws, two single family residences can not inhabit the same parcel and therefore the current owners have elected to pursue separating the ranch to fall within legal guidelines and thusly allowing a garage built in the future.

IV. Q: *Was it part of the original plat owned by Hiram Allen?*

A: City records indicate that a move permit was submitted on May 30, 1985 for a 'caretakers' residence (1960s ranch). Additionally, after the Ranch was moved to the Mandigo Historical District it was left unassembled and without electricity until court action based upon records dated August 1, 1990.

V. Q: *How many acres were included in the original district?*

A: When the district was adopted in 1991, it is believed to be the current 7 acres. No records of additional splits have been approved or are known.

VI. Q: *Is the ranch house historic in its own right?*

A: The Portage Historic District Commission's Statement of Significance outlines properties built after 1931 are not considered historic for our purposes and considering the ranch house is dated circa 1960 would not fall within our guidelines. The architect of the ranch is unknown.

APPENDIX B

PHOTOGRAPHIC INVENTORY OF RESOURCES







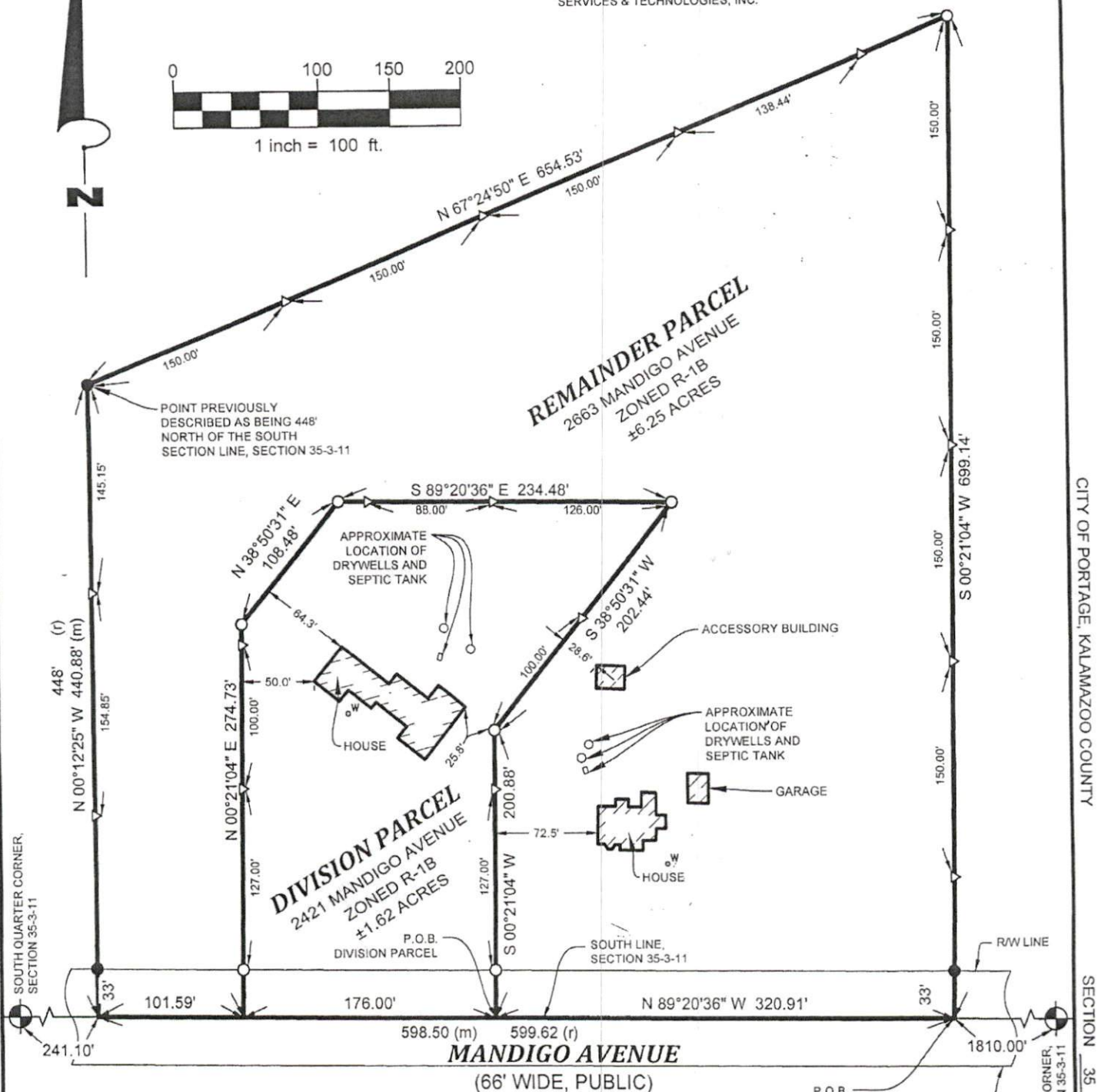
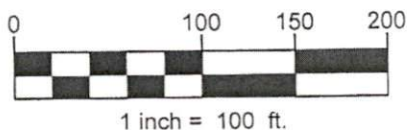
APPENDIX C

SITE MAP AND SURVEY



SHEET 1 OF 2

NOTES: DRYWELL & SEPTIC LOCATION
INFORMATION IS BASED ON RECORDS
PREPARED BY BETTER ENVIRONMENTAL
SERVICES & TECHNOLOGIES, INC.



LEGEND:

- = FOUND IRON
○ = SET CAPPED IRON "PS - 43068"

CITY OF PORTAGE, KALAMAZOO COUNTY

SECTION 35, T 3 S

(66)

BOUNDARY SURVEY
IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 3 SOUTH,
RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN

**PARENT PARCEL LEGAL DESCRIPTION AS PROVIDED - EXHIBIT "A" OF WARRANTY DEED
RECORDED IN DOCUMENT NO. 2018-006089, KALAMAZOO COUNTY RECORDS:**

SECTION 35, TOWN 3 SOUTH, RANGE 11 WEST, BEGINNING AT A POINT 1810 FEET WEST OF THE SOUTHEAST CORNER OF SECTION 35, THENCE NORTH 699.14 FEET, THENCE SOUTH 66° 52' 51" WEST TO A POINT 448 FEET NORTH OF THE SOUTH SECTION LINE, THENCE SOUTH 448 FEET TO THE SOUTH LINE OF SECTION 35, THENCE EAST 599.62 FEET TO THE POINT OF BEGINNING.

CONTAINING 7.87 ACRES, MORE OR LESS.

DIVISION PARCEL LEGAL DESCRIPTION:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SECTION 35 THAT IS 2130.91 FEET NORTH 89° 20' 36" WEST OF THE SOUTHEAST CORNER OF SAID SECTION 35; THENCE NORTH 89° 20' 36" WEST ON SAID SOUTH LINE 176.00 FEET; THENCE NORTH 00° 21' 04" EAST 274.73 FEET; THENCE NORTH 38° 50' 31" EAST 108.48 FEET; THENCE SOUTH 89° 20' 36" EAST PARALLEL WITH SAID SOUTH LINE 234.48 FEET; THENCE SOUTH 38° 50' 31" WEST 202.44 FEET; THENCE SOUTH 00° 21' 04" WEST 200.88 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.62 ACRES, MORE OR LESS.

REMAINDER PARCEL LEGAL DESCRIPTION:

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SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD, OR OTHERWISE.

SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED IN A FULL AND ACCURATE TITLE SEARCH.

THIS SURVEY WAS PERFORMED WITH AN ERROR OF CLOSURE NO GREATER THAN 1 IN 5000.

THIS SURVEY COMPLIES WITH THE REQUIREMENTS OF SECTION 3, P.A. 132 OF 1970, AS AMENDED.

BEARINGS ARE RELATED TO THE MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.

WITNESS TIES:

SOUTH QUARTER CORNER, SECTION 35-3-11
FOUND HARRISON MONUMENT IN MONUMENT BOX
PER L.C.R.C. DOCUMENT NO. LC-000543
P.K. NAIL IN SOUTH SIDE OF 40" OAK N40°E 77.00'
P.K. NAIL IN WEST SIDE OF 20" HICKORY S40°E 31.10'
P.K. NAIL IN WEST SIDE OF POWER POLE S40°W 49.45'
P.K. NAIL IN EAST SIDE OF POWER POLE N40°W 32.62'
HARRISON MONUMENT IN MONUMENT BOX EAST 0.75'



CITY OF PORTAGE, KALAMAZOO COUNTY

SECTION 35, T 3 S

TO: Historic District Commission
FROM: Planning Commission
DATE: September 27, 2018
SUBJECT: Historic District Modification, 2663 Mandigo Avenue

During the September 20, 2018 meeting, the Planning Commission reviewed the communication and preliminary report from the Portage Historic District Study Committee regarding the request from Deborah and Randy Newsome to modify the historic district property boundary at 2663 Mandigo Avenue. Specifically, Mr. and Mrs. Newsome are requesting that 1.62 acres containing the non-historic ranch home and attached garage be removed from the overall 7.87 acre historic property.

After a brief discussion, the Planning Commission voted 8-0 to recommend that the Historic District Modification request involving 2663 Mandigo Avenue be approved based on the findings and recommendations contained in the Historic District Study Committee preliminary report dated July 23, 2018.

Sincerely,

A handwritten signature in black ink that reads "Wayne Stoffer". The signature is written in a cursive, flowing style. Below the signature is a small, stylized mark that appears to be a lowercase "g" or a similar flourish.

Wayne Stoffer
Chairman

s:\commdev\2018-2019 department files\board files\planning commission\pc reports\2018 09 27 historic district modification, 2663 mandigo avenue (pc memo to hc).doc

Iowa Avenue and/or Dakota Avenue represents reasonable access for the redevelopment project consistent with the stated purpose and objectives of the Access Management Ordinance. Such access will: maintain traffic flow and safety along West Milham Avenue; minimize congestion and traffic movement conflicts; reduce accident frequency and/or severity; encourage orderly development and protect the public investment in the street system. Prohibiting direct access to West Milham Avenue does not present an “exceptional undue hardship upon the applicant”, and consistent with Section 66-84, the applicant has not presented clear and convincing evidence that granting relief and allowing the West Milham Avenue access would 1) ensure the maximum traffic and circulation safety, 2) not be detrimental to the safety and operation of the street and is necessary for the safety and efficient use of the property, 3) is within the recognized standards and specifications and 4) denying the may cause traffic congestion, confusion or inconvenience. The motion was unanimously approved 8-0.

2. Historic District Modification, 2663 Mandigo Avenue. Mr. West summarized the September 14, 2018 staff report regarding a request pending before the Historic District Commission from Deborah and Randy Newsome to modify the historic district property boundary at 2663 Mandigo Avenue. Mr. West stated the request involves removing 1.62 acres (the non-historic ranch house and attached garage) from the overall 7.87 acre historic property. Mr. West indicated the eastern 6.25 acres that contains the two-story centennial farmhouse constructed in 1865, detached garage and chicken barn would be retained within the modified historic district.

After a brief discussion, a motion was made by Commissioner Corradini, seconded Commissioner Baldwin, to recommend to the Historic District Commission that the Historic District Modification involving 2663 Mandigo Avenue be approved based on the findings and recommendations contained in the Historic District Study Committee preliminary report dated July 23, 2018. The motion was unanimously approved 8-0.

3. October – National Community Planning Month, Proclamation for City Council. Mr. West summarized the September 14, 2018 staff report regarding the American Planning Association designation of October as National Community Planning Month to highlight the role community planning plays in the day-to-day activities of citizens in every community. Chairman Stoffer stated that he would be present at the September 25th City Council meeting where Mayor Randall would read the proclamation and asked other Commissioners to attend, if available.

4. Capital Improvement Program Open House – September 24, 2018 (4-7pm). Mr. West reminded the Planning Commission of the Capital Improvement Open House scheduled for next week Monday from 4-7pm in Council Chambers of Portage City Hall and asked for Commissioners to attend all or a portion of the Open House.

STATEMENT OF CITIZENS/COMMISSIONERS:

Commissioner Baldwin stated she would not be present at the October 4, 2018 meeting.

Commissioner Joshi restated her concern for traffic safety across the city and indicated the decisions made by the Planning Commission are very important and taken seriously.

Commissioner Place indicated that she was attending the Michigan Association of Planning annual conference in Grand Rapids today (Thursday) and tomorrow (Friday) and thanked the city for paying for her conference registration. Commissioner Place stated she had a lot of conference materials that she would share with other Commissioners at a future meeting.

TO: Planning Commission
FROM: Vicki Georgeau, ^hDirector of Community Development
SUBJECT: Historic District Modification, 2663 Mandigo Avenue

DATE: September 14, 2018

Attached is a communication and report from the Portage Historic District Study Committee dated July 23, 2018 involving a request received from Deborah & Randy Newsome to modify the historic district property boundary at 2663 Mandigo Avenue. The preliminary report was reviewed by the Historic District Commission on August 1, 2018 and the Historic District Study Committee is recommending approval of the request. A public hearing will be held by the Historic District Commission on October 3, 2018.

As background information, the 7.87-acre subject property is currently designated as a historic property listed in the City of Portage Historic District. The eastern portion of the property is occupied by a two-story centennial farmhouse constructed in 1865 with a ground floor area of 1,127 square feet, a 280 square foot (14-foot by 20-foot) detached garage and a 320 square foot (16-foot by 20-foot) chicken barn, while the western portion of the property is occupied by a non-historic 2,120 square foot ranch home and attached 660 square foot garage that was moved to this site in the mid-1980's. Since purchasing this foreclosed property from the Kalamazoo County Land Bank in February 2018, the applicants have been working closely with city staff and the Historic District Commission to correct code violations and improve the overall condition of the property. The Historic Commission is currently considering the applicant's request to modify the historic district and remove 1.62 acres of land (the non-historic ranch home/attached garage) from the overall 7.87-acre historic property. A copy of the pending land division/historic district modification is attached with the application materials.

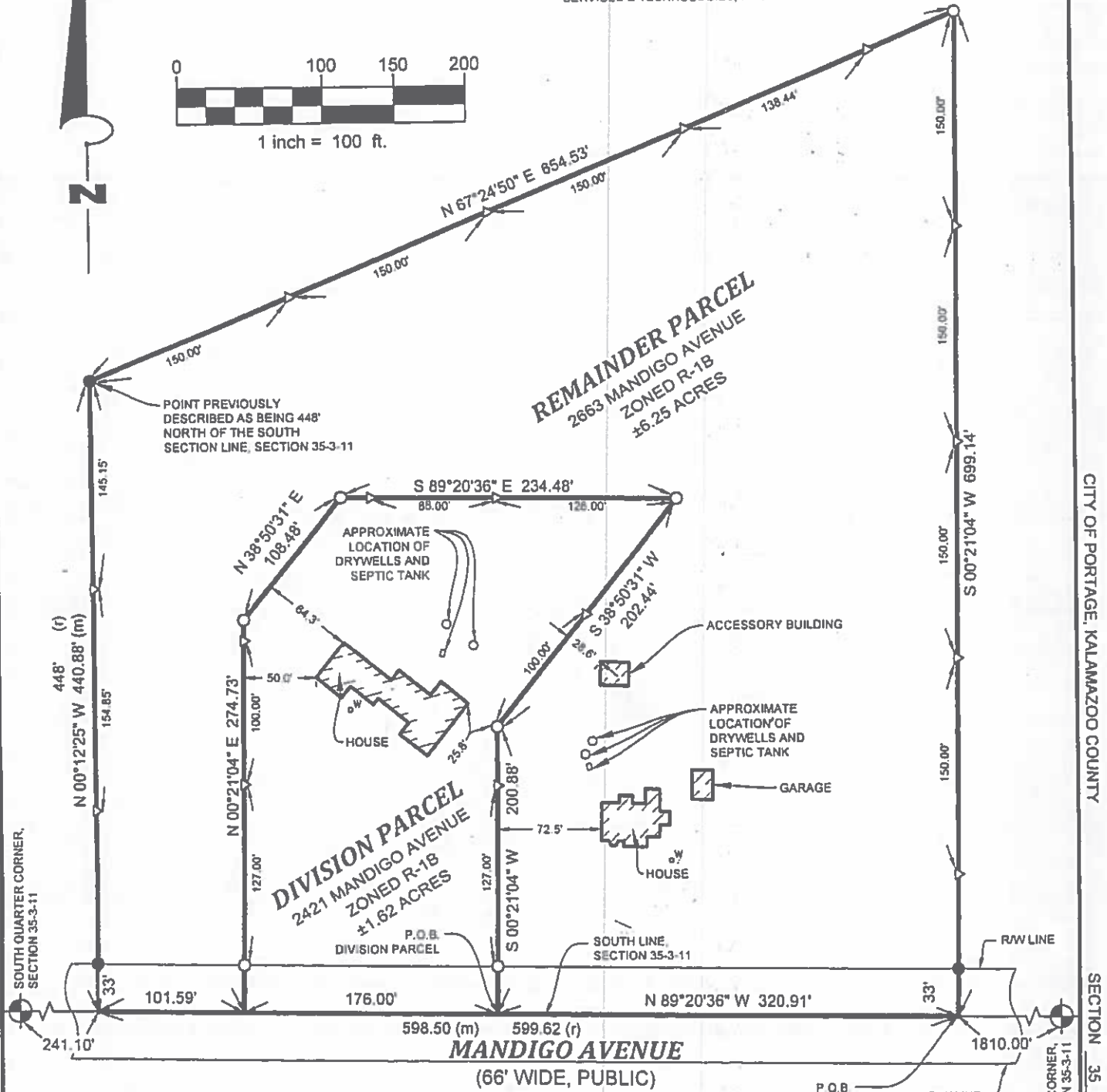
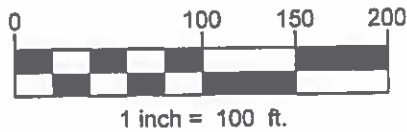
In accordance with the Local Historic Districts Act (Public Act 169 of 1970), the preliminary report is being forwarded to the Planning Commission for review and comment. The Planning Commission is advised to review this matter at the September 20, 2018 meeting. Subject to any additional information received, staff advises the Planning Commission recommend that the Historic District Modification involving 2663 Mandigo Avenue be approved based on the findings and recommendations contained in the Historic District Study Committee preliminary report dated July 23, 2018. The Planning Commission recommendation will be forwarded to the Historic District Commission in advance of the October 3, 2018 public hearing. At the conclusion of the public hearing, the information and recommendations will be forwarded to City Council for final action.

Attachment: Pending Land Division/Boundary Survey
Portage Historic District Study Committee, Preliminary Report dated July 23, 2018

T:\COMMDEV\2018-2019 Department Files\Board Files\Planning Commission\Historic District Modifications\2018 09 27 Historic District Modification, 2663 Mandigo Ave.doc

BOUNDARY SURVEY **IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 3 SOUTH,** **RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN**

NOTES: DRYWELL & SEPTIC LOCATION
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LEGEND:

- = FOUND IRON
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City of Portage, Michigan Historic District Study Committee

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Preliminary Report July 23, 2018

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City of Portage Staff Liaison: Kyle Mucha

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Aerial and parcel maps are attached to this report.

The property address for the entire parcel is 2663 Mandigo Avenue (parent parcel). There are a total of five remaining structures on the property: the 1865 two-story farmhouse and its associated detached single-car garage, chicken coop, outhouse and root cellar, as well as a circa 1960 ranch house. The ranch house is not considered historic or contributing. The farmhouse property previously had a summer kitchen structure in the rear yard which caved in from demolition by neglect in 2014. There was also a small barn and corn crib which necessitated demolition by neglect and fire upon purchase by new property owners in 2018. (The farmhouse has a mailing address of 2663 Mandigo Avenue or East “T” Avenue, while the ranch house has a mailing address of 2421 Mandigo Avenue or East “T” Avenue.)

On July 14, 2018, Study Committee members Jessie Duniphin, Becky Lopez, and Jeremy Custer, visited the property to tour and photograph the historic resource. Photographs were taken of the remaining structures and parcels to be removed from the historic district, in context within surrounding buildings, neighboring parcels and the streetscape (see photographic attachments). Current property owners, Randall and Deborah Newsome also participated in walkthrough to point out specific new property markers.

The proposed 1.62 acre lot split has new property lines which lie approximately 72.5 feet from the existing historic resource known as the farmhouse and 28.5 feet from historic resource

known as the chicken coop. It is determined that the split would allow the ranch home to become a separate property and no longer reside within the Historic District. The current layout also violates Portage City Ordinance by having two single residences on the same property. All historic buildings would remain within the Historic District along with the Farmhouse. The Historic District would retain a 6.25 acres parcel upon the split which will provide adequate spacing and buffer from property line. The remaining acreage will provide representation of a small 'farm' by its appearance.

The History of the Historic District

"A house was built on this site by Hiram Allen about 1860. It was enlarged and modified over the next 40 years, incorporating several architectural period features. There are numerous outbuildings, an old well, and a cobblestone 'folly' in the front yard. This was a Michigan Centennial Farm."

(Taken from Where the Trails Crossed page 60.)

The Significance of the District

The 150-year-old farmhouse at 2663 Mandigo (East "T") Avenue and adjacent outbuildings are historically significant to preserve per the above description. It is important to preserve the rural, natural setting of their location, especially in light of the Michigan Centennial Farm designation. This historic property, with its surviving rural outbuildings and layout, is a rare resource in the City of Portage's suburban setting. It remains a visual and contextual reminder of the pastoral beginnings for what was once Portage Township. The proposed removal of this parcel from the historic district will not have a significant contextual impact on the historic resources. Of the 40 sites in the Portage Historic District, only eight still retain original accessory buildings; 2663 Mandigo is one of only two properties that retains its original "farmstead" layout reflecting daily rural living (i.e. chicken coop, cellar, etc.)

Recommendation

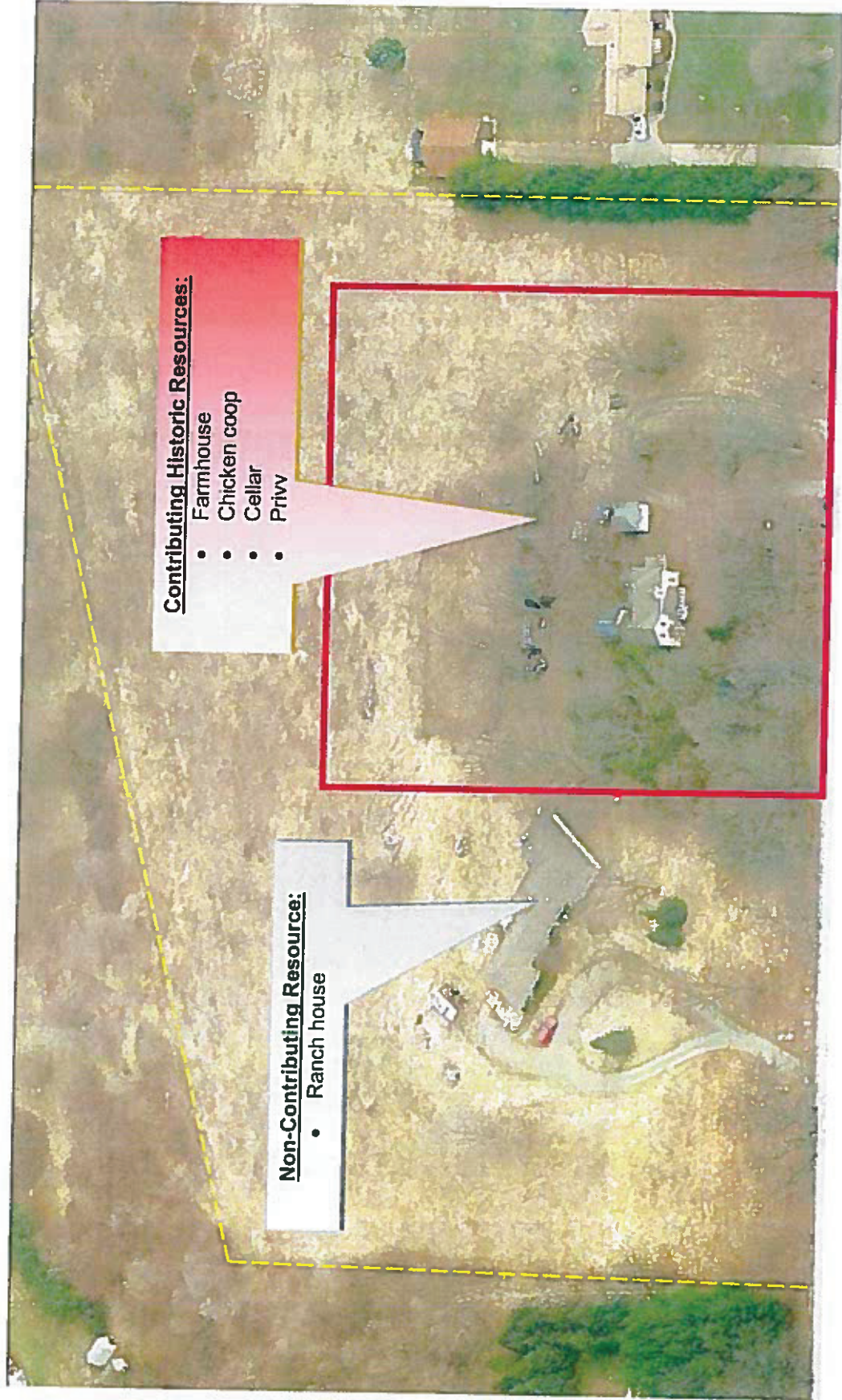
Following the study of the Historic District at 2663 Mandigo Avenue, it is recommended that the request from property owner, Randall and Deborah Newsome to modify the Historic District be **APPROVED**. The 1960s ranch house is a non-contributing resource and its removal from the property via parcel split would not adversely affect the historic nature of the property. The Historic District Commission has been working very closely with the current owners of the Historic District and considering an application for demolition had been submitted prior to current owners purchase of the property, we view this as another positive step in the direction to return the Farmhouse and other historic resources to its origins.

Area Parcel Map



Aerial Map

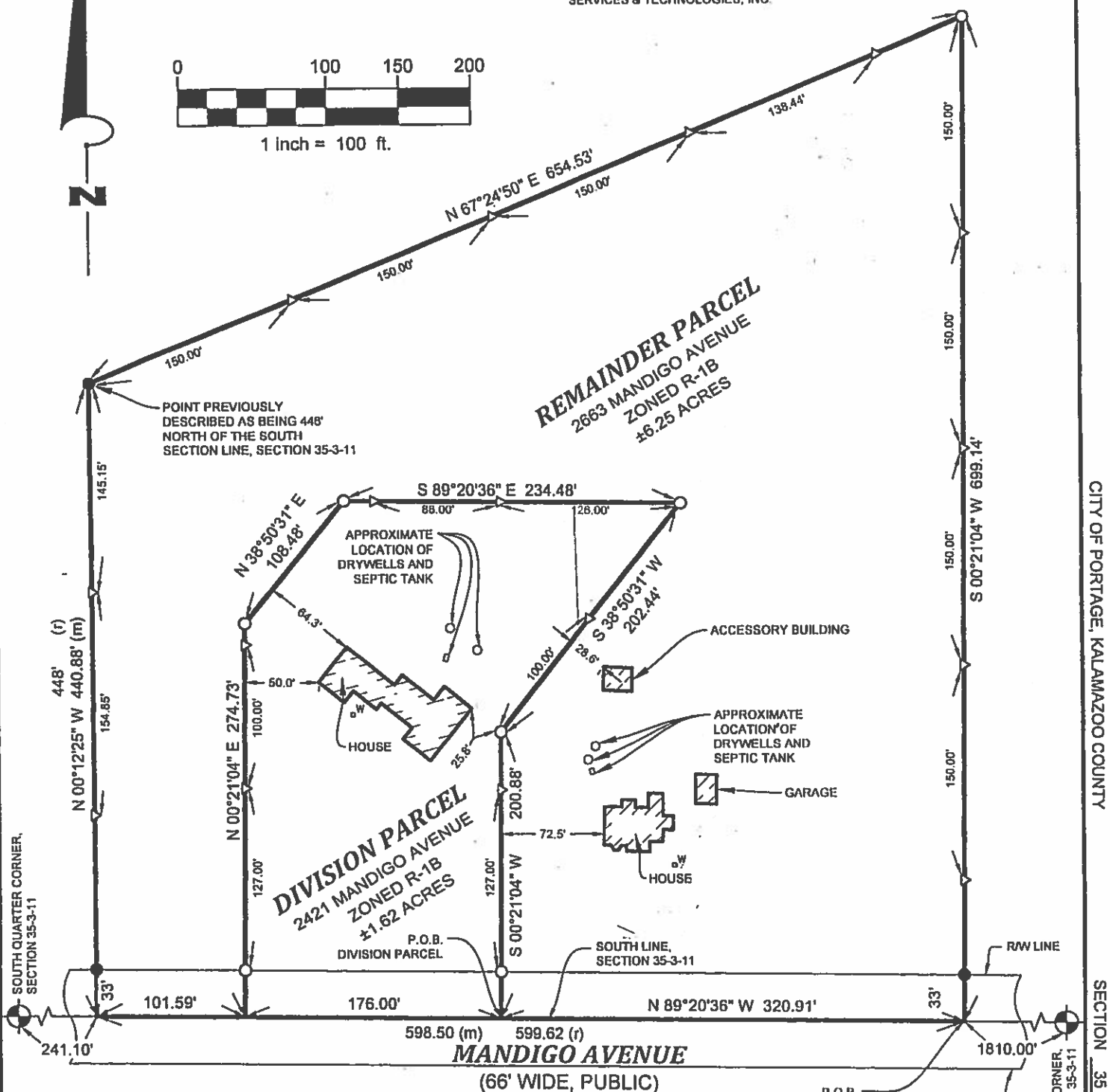
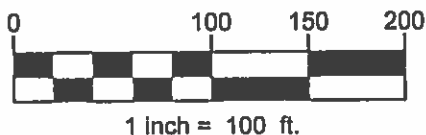
2663 Mandigo Avenue



BOUNDARY SURVEY

IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 3 SOUTH,
RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN

NOTES: DRYWELL & SEPTIC LOCATION
INFORMATION IS BASED ON RECORDS
PREPARED BY BETTER ENVIRONMENTAL
SERVICES & TECHNOLOGIES, INC.



LEGEND:

- = FOUND IRON
- = SET CAPPED IRON "PS - 43068"
- △ = SET IRON ON LINE
- ⊙ = WELL
- P.O.B. = POINT OF BEGINNING
- (m) = MEASURED
- (r) = RECORDED

REVISED 6/27/2018. REVISED BOUNDARY LAYOUT
REVISED 6/21/2018. POINTS ON LINE

W+ WIGHTMAN

2303 Pipestone Road, Benton Harbor, MI 49022
9835 Portage Road, Portage, MI 49002
1670 Lincoln Road, Allegan, MI 49010

269.927.0100
269.327.3532
269.673.8465

www.gowightman.com

CLIENT: DEBORAH & RANDY NEWSOME

JOB No: 184060

DATE: MAY 15, 2018

SCALE: 1" = 100'

DRAWN BY: J. CLAY

CHECKED BY:



AARON D. SMITH

PS - 43068

CITY OF PORTAGE, KALAMAZOO COUNTY

SECTION 35, T 3 S, R 11 W

A-184060

BOUNDARY SURVEY
IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 3 SOUTH,
RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN

**PARENT PARCEL LEGAL DESCRIPTION AS PROVIDED - EXHIBIT "A" OF WARRANTY DEED
RECORDED IN DOCUMENT NO. 2018-006089, KALAMAZOO COUNTY RECORDS:**

SECTION 35, TOWN 3 SOUTH, RANGE 11 WEST, BEGINNING AT A POINT 1810 FEET WEST OF THE SOUTHEAST CORNER OF SECTION 35, THENCE NORTH 699.14 FEET, THENCE SOUTH 66° 52' 51" WEST TO A POINT 448 FEET NORTH OF THE SOUTH SECTION LINE, THENCE SOUTH 448 FEET TO THE SOUTH LINE OF SECTION 35, THENCE EAST 599.62 FEET TO THE POINT OF BEGINNING.

CONTAINING 7.87 ACRES, MORE OR LESS.

DIVISION PARCEL LEGAL DESCRIPTION:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SECTION 35 THAT IS 2130.91 FEET NORTH 89° 20' 36" WEST OF THE SOUTHEAST CORNER OF SAID SECTION 35; THENCE NORTH 89° 20' 36" WEST ON SAID SOUTH LINE 176.00 FEET; THENCE NORTH 00° 21' 04" EAST 274.73 FEET; THENCE NORTH 38° 50' 31" EAST 108.48 FEET; THENCE SOUTH 89° 20' 36" EAST PARALLEL WITH SAID SOUTH LINE 234.48 FEET; THENCE SOUTH 38° 50' 31" WEST 202.44 FEET; THENCE SOUTH 00° 21' 04" WEST 200.88 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.62 ACRES, MORE OR LESS.

REMAINDER PARCEL LEGAL DESCRIPTION:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SECTION 35 THAT IS 1810.00 FEET NORTH 89° 20' 36" WEST OF THE SOUTHEAST CORNER OF SAID SECTION 35; THENCE NORTH 89° 20' 36" WEST ON SAID SOUTH LINE 320.91 FEET; THENCE NORTH 00° 21' 04" EAST 200.88 FEET; THENCE NORTH 38° 50' 31" EAST 202.44 FEET; THENCE NORTH 89° 20' 36" WEST PARALLEL WITH SAID SOUTH LINE 234.48 FEET; THENCE SOUTH 38° 50' 31" WEST 108.48 FEET; THENCE SOUTH 00° 21' 04" WEST 274.73 FEET TO SAID SOUTH LINE; THENCE NORTH 89° 20' 36" WEST ON SAID SOUTH LINE 101.59 FEET; THENCE NORTH 00° 12' 25" WEST 440.88 FEET TO A POINT PREVIOUSLY DESCRIBED AS BEING 448 FEET NORTH OF SAID SOUTH SECTION LINE; THENCE NORTH 67° 24' 50" EAST 654.53 FEET; THENCE SOUTH 00° 21' 04" WEST 699.14 FEET TO THE POINT OF BEGINNING.

CONTAINING 6.25 ACRES, MORE OR LESS.

SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD, OR OTHERWISE.

SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED IN A FULL AND ACCURATE TITLE SEARCH.

THIS SURVEY WAS PERFORMED WITH AN ERROR OF CLOSURE NO GREATER THAN 1 IN 5000.

THIS SURVEY COMPLIES WITH THE REQUIREMENTS OF SECTION 3, P.A. 132 OF 1970, AS AMENDED.

BEARINGS ARE RELATED TO THE MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.

WITNESS TIES:

SOUTH QUARTER CORNER, SECTION 35-3-11
FOUND HARRISON MONUMENT IN MONUMENT BOX
PER L.C.R.C. DOCUMENT NO. LC-000543
P.K. NAIL IN SOUTH SIDE OF 40" OAK N40°E 77.00'
P.K. NAIL IN WEST SIDE OF 20" HICKORY S40°E 31.10'
P.K. NAIL IN WEST SIDE OF POWER POLE S40°W 49.45'
P.K. NAIL IN EAST SIDE OF POWER POLE N40°W 32.62'
HARRISON MONUMENT IN MONUMENT BOX EAST 0.75'

SOUTHEAST CORNER, SECTION 35-3-11
FOUND HARRISON MONUMENT IN MONUMENT BOX
PER L.C.R.C. DOCUMENT NO. LC-000564
MAG NAIL IN EAST SIDE OF 8" OAK N40°E 24.97'
MAG NAIL IN WEST SIDE OF 24" HICKORY N40°E 54.64'
MAG NAIL IN WEST SIDE OF 8" TRIPLE OAK S40°E 40.61'
MAG NAIL IN EAST SIDE OF 20" OAK S40°E 27.38'



REVISED 6/27/2018. REVISED BOUNDARY LAYOUT



2303 Pipestone Road, Benton Harbor, MI 49022
9835 Portage Road, Portage, MI 49002
1670 Lincoln Road, Allegan, MI 488010

269.927.0100
269.327.3532
269.673.8465
www.gowightman.com

CLIENT: DEBORAH & RANDY NEWSOME

JOB No: 184060

DATE: MAY 15, 2018

SCALE:

DRAWN BY: J. CLAY

CHECKED BY:

Aaron D. Smith
AARON D. SMITH
PS - 43068

CITY OF PORTAGE, KALAMAZOO COUNTY

SECTION 35, T 3 S, R 11 W

A-184060

**ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SECTION 38-35 OF CHAPTER 38,
HISTORICAL PRESERVATION,**

THE CITY OF PORTAGE ORDAINS:

That Section 38-35 of Chapter 38, Historical Preservation, is hereby amended as follows:

Section 38-35. District established; boundaries.

The existing legal description boundaries for the property located at 2663 Mandigo Avenue, Tax I.D. No. 35-145-A, is amended from:

SEC 35-3-11 BEG AT A PT 1810 FT W OF SE COR SEC 35, TH N 699.14 FT, TH S 66 DEG 52 MIN 51 SEC W TO A PT 448 FT N OF S SEC LI, TH S 448 FT TO S LI OF SEC 35, TH E 599.62 FT TO POB.

To the following new legal description boundaries:

That part of the Southeast quarter of Section 35, Township 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan, described as:

Beginning at a point on the South line of said Section 35 that is 1810.00 feet North 89 degrees 20 minutes 36 seconds West of the Southeast corner of said Section 35; thence North 89 degrees 20 minutes 36 seconds West on said South line 320.91 feet; thence North 00 degrees 21 minutes 04 seconds East 200.88 feet; thence North 38 degrees 50 minutes 31 seconds East 202.44 feet; thence North 89 degrees 20 minutes 36 seconds West parallel with said South line 234.48 feet; thence South 38 degrees 50 minutes 31 seconds West 108.48 feet; thence South 00 degrees 21 minutes 04 seconds West 274.73 feet to said South line; thence North 89 degrees 20 minutes 36 seconds West on said South line 101.59 feet; thence North 00 degrees 12 minutes 25 seconds West 440.88 feet to a point previously described as being 448 feet North of said South section line; thence North 67 degrees 24 minutes 50 seconds East 654.53 feet; thence South 00 degrees 21 minutes 04 seconds West 699.41 feet to the point of beginning.

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

Patricia M. Randall

CERTIFICATION

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

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 _____, 2018.

Adam Herringa, City Clerk

Approved as to form

Date: 10/30/2018

City Attorney

ADOPTION OF ORDINANCE
CITY OF PORTAGE, MICHIGAN
NOTICE

TO ALL RESIDENTS AND PROPERTY OWNERS OF THE CITY OF PORTAGE AND ALL OTHER INTERESTED PERSONS:

NOTICE IS HEREBY GIVEN that an Ordinance to amend Section 38-35, HISTORICAL PRESERVATION, was adopted by the City Council at a regular meeting held on the ____ day of _____, 2018, and will become effective _____, 2018.

NOTICE IS FURTHER GIVEN that the amendment reads as follows:

THE CITY OF PORTAGE ORDAINS:

That Section 38-35 of Chapter 38, Historical Preservation, is hereby amended as follows:

38-35. District established; boundaries.

The existing legal description boundaries for the property located at 2663 Mandigo Avenue, Tax I.D. No. 35-145-A, is amended from:

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PLEASE TAKE FURTHER NOTICE that copies of said proposed amendment may be examined at the City Hall on any business day except public and legal holidays from and after publication of this Notice until the day of hearing from 8:00 a.m. and 5:00 p.m.

Dated: _____, 2018

Adam Herringa, City Clerk

PREPARED BY:
Randall L. Brown (P34116)
Portage City Attorney
1662 East Centre Avenue
Portage, MI 49002

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Minutes of Boards & Commissions

Portage Senior Citizens Advisory Board

MINUTES

MONTH: September

ATTENDANCE:

Trudy Riker, John Lobo, Larry Smith, Sharon White, Mary Lou Petrulio, Art Roberts

Absent Excused: Bill Wieringa

Guests: Mona Lisa Watson

Staff: Kim Phillips, Dawn Shilts (Trip & Program Coordinator), Shannon Hertz (Director of Human Resources)

Call to order time: 2:31 PM

Corrections to previous minutes: No corrections

Art Roberts moved to approve the minutes as submitted, Sharon White seconded and the minutes were approved.

New Business, Special Guest Speaker, Mona Lisa Watson:

Note: Mona Lisa's presentation was done using a PowerPoint document.

This document is included with the minutes.

Common language and understanding of terms used is important when we talk about diversity and inclusion. Mona Lisa introduced three terms with definitions to the board: diversity, equity and inclusion.

Diversity is what makes each human unique.

Equity is the result of a healthy relationship of diversity and inclusion

Inclusion the coexistence of human diversity. It is organic and innate. As an example, think of a garden with all the various components, each different and distinct but living in harmony.

All people have bias. We are socialized to biases. Bias does not have to be good or bad, it is what you've been socialized into believing. Bias is a formed opinion, but it can evolve. Biases can be created or destroyed by human experiences.

Human equity is the result of a healthy environment. How can we create an environment that is more organic and naturally in harmony? Equity is not a quota issue. It is not racial or a cultural celebration of dates or events. It is not the subtraction or addition of one human or another. It is not tolerance. It is not about goals which focus on human equity which often lead to a quota mentality. It is not Utopia.

What does human equity look like? Every eco-system is different, and equity within different organizations looks different. How equity looks for the PSC may be very different from any other senior center. What does

equity mean for the PSC Advisory Board? How does the environment within the board support the equitable system we want to create?

First we must all admit that we do have biases. Be kind to yourself but truthful about your own biases. The awareness will serve you in your future. Ask two questions: **Am I being fair by assuming this about this person or group? Would I want someone to make a broad assumption like that about me?**

Acknowledge you don't know what you don't know. Platinum rule: treat others the way **they** want to be treated.

Get a trusted friend to consult with you, to help you understand and learn that which you do not know. Not one spokesperson to represent the population, but to provide a different perspective. There is no such thing as being culturally competent. You'll never be competent in any culture including your own because it is constantly evolving.

We do not enter any environment as a blank slate. We are all individuals.

We are all contributing to one of two things, the problem or the solution. It is very simple; it is not complex. We have nature to remind us every day what a healthy, diverse environment looks like.

As a board in leadership you must be clear, intentional and open about your commitment to diversity and equity. We cannot ignore the diversity of our own population. Empower employees with what they need to provide services and programs to promote them as equitable. Eventually, none of us are going to be around this table, but what are we going to put in place as an imperative to leverage the capacity to grow and be sustainable? What does the board hope to see five, ten or twenty years from now? How can the board lay the foundation for a strong future board? Innovation, agility and growth are at the forefront. Ethically, morally and legally right is the way to move forward. Listen. Have fun. Make a serious, daily commitment to create a healthy, equitable environment.

Mona Lisa is working with Kim to update the non-discrimination and inclusion statement (draft included at end of minutes), which was distributed to the board. Please review the proposed statement and see if you see yourself in it. We want to introduce the work plan, redefined, add some equity language and review it at the October board meeting. Discussion will take place regarding the proposal and what we would like to see before we implement anything further. The board is representing the population which is being served by the organization.

Kim commented regarding the focus on culture and race, but have not addressed the concept of ageism.

Art commented regarding how far he's seen the subject of diversity evolve over the past 15-20 years.

Mona reminded the board that even the terms we defined today will expand and evolve.

Dawn commented regarding the diversity statement - a term that doesn't fit, "disability." All the other terms are non-physical except this one term. That term will be reviewed and updated.

Sharon commented that changes take time, and there will be steps to take (one at a time). She reminded the board that this is a process.

Trudy asked Mona if she was offended when people referred to her as something she didn't think of herself as, such as being called African American rather than Black. Mona responded that being offended blocks learning as well as teaching, and she uses the situation to teach and exchange information. If one is offended, she/he needs to evaluate where that offense is coming from.

Travel Program, Trudy Riker:

We had four trips go out this past month, all enjoyed good reviews by participants. There was a Grand Hotel excursion, Three Dog Night, House on the Rocks, and a Rhode Island destination.

The trip preview is on Saturday, September 29th from 9:00-2:00 total time and we are hoping for good attendance. Come to pick up your new fall trip brochure and sign up! This is all open house format.

Special Events, Sharon White:

The two main events to remember this month are the September Selfies and purse sale. Sharon distributed the special events information for board members to review. October 12 is the PACE program, October 26 at 10:00 is a presentation on identity theft, and remember the annual holiday bake sale on November 3 from 9:00 to 2:00.

Friends of PSC Board Update, Trudy Riker:

Discussion about the purse sale took place at this meeting. There will be set up on Friday and the board is welcome to volunteer. Medilodge is providing finger food.

A representative from Edward Jones had made recommendations to the Friends about their investments but the board tabled any decisions until after the purse sale.

A new board candidate expressed interest in joining.

A planned giving panel was assembled and a planned giving event will be scheduled.

The annual appeal will be going out shortly and mailing lists are being merged. There appear to be approximately 4,000 people on that list.

The Senior Expo is coming up, always a good opportunity to reach out to potential new members.

Storypoint had been providing food for the quarterly New Member breakfast participants last year. Kim is hoping that a new sponsor may pick up the tab next year.

There have been a couple of possible donors mentioned for the new building but nothing is moving forward right now.

Legislative Update, Art Roberts:

There was a good turn-out for the KASCI meeting this past month with 70-75 attending. Candidates for Michigan house and senate attended. (Margaret Obrien, Sean McCann, Lawrence Wenke, Brent Iden, John Hoadley, and the two new ones.) Matt Longjohn was mentioned as a possible speaker for KASCI. Remember

to join KASCI on the third Monday of every month at 1:15 PM. The October presentation is by League of Women Voters and will provide information on things on the upcoming November ballot.

Managers' Report, Kim Phillips:

Kim will continue to work with Mona to develop an updated strategic plan.

The New Member breakfast had a significant number of people considering joining who then decided to join after the breakfast. The next breakfast is December 13th.

The Senior Expo is Tuesday, Oct 2nd 9:00 to 3:00 PM.

Greta has moved into the Program & Volunteer Coordinator position. Greta's hours will fluctuate as she needs to be on hand. We are interviewing to fill the afternoon receptionist position.

Old Business:

There was no old business.

Advisory Board Comments:

Art asked the board members to attend the new member breakfast, as one person at each table would be good. It was suggested that the board make a sign-up sheet.

Citizen comment:

None

Time Adjourned: 4:00 PM

Next meeting: October 17, 2:30 PM

Proposed Equity and Non-Discrimination: Portage Senior Center

Proposed Equity Statement:

Portage Senior Center believes that when we value one another as diverse individuals with unique backgrounds, abilities, and needs, we promote an inclusive environment of safety, respect, and dignity and achieve Equity for our community of persons age 50 and older.

Non-Discrimination Policy:

Current Language

Services at the Portage Senior Center are provided to all area residents over the age of 50 regardless of race, religion, color, national origin, sex, age, marital status, height, weight, disability, handicap or sexual preference. Reasonable accommodations will be made to allow individuals with special needs the opportunity to participate.

Proposed Language

Portage Senior Center is committed to providing equitable, culturally relevant services and programs to all individuals, regardless of race, age, sex, color, national origin, religion, height, weight, marital status, political affiliation, sexual orientation, gender identity or disability.

ADA Reasonable Accommodation:

Portage Senior Center will reasonably accommodate the known physical or mental limitations of an otherwise qualified individual with a disability, unless the accommodation would impose an undue burden. We will make every reasonable effort to determine and provide the appropriate reasonable accommodation to a qualified individual upon request. Portage Senior Center, in its discretion, may require the individual to provide additional information about his or her disability or limitations and the need for an accommodation. The ADA does not require Portage Senior Center to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Qualified individuals with a disability who require an auxiliary aid or service for effective communication or a modification of policies or procedures to participate in a program, service, or activity of Portage Senior Center should contact Kimberly Phillips, Executive Director, (269) 329-4550 or the Program Director, _____, (269) xxx-xxxx for assistance in coordinating the request for accommodation. The individual should be prepared to provide a description of

HUMAN EQUITY

A Human Ecosystem of Diversity and Inclusion

Definitions

- **DIVERSITY:** WHAT MAKES EACH Human UNIQUE
- **INCLUSION:** The co-existence of Human DIVERSITY.
- **BIAS:** A formed opinion about humans, populations of humans, or human communities based on direct or indirect social interaction
- **EQUITY:** The RESULT OF A HEALTHY Human Diversity & Inclusion Ecosystem

Human Diversity

- What makes each human unique
 - Cultural, Geographical, Generational, Physical, Economics, Political, Biological, etc.
 - In Westernized societies, Human Diversity also Includes some socio-cultural "protected group" categories such as race, gender, veterans, age, disability. May also include sexual identity and sexual orientation.

Inclusion

- The co-existence of human diversity
 - Inclusion is organic, natural, innate
 - Humans are socialized to biases
 - Inclusion is NOT "someone inviting others around the decision table."

Bias

- A formed opinion about humans, populations of humans, or human communities based on direct or indirect social interaction
 - Humans are socialized to biases
 - Biases can evolve, be created, or destroyed
 - Biases are manageable

Human Equity

- The result of a HEALTHY Human Diversity & Inclusion Ecosystem
 - Ecosystem = environment, organization, structure, community
 - When Human Diversity & Inclusion are in harmony, Human Equity occurs. When they are not in harmony, Human Inequities occur.

What Human Equity Is NOT

- Employment Quota Systems
- Racial or Cultural Celebration Events
- Subtraction and Addition (subtracting from one human to add to another)
- Tokenism
- Tolerance
- "Diversity & Inclusion" goals that solely focus on human diversity
- Utopia

What does Human Equity look like?

- IT DEPENDS...

How does Harmony happen?

1. Acknowledge that YOU have Biases
2. Challenge those Biases by asking two questions:
 - *Am I being fair by assuming this about this person/group?*
 - *Would I want someone to make a broad assumption like that about me?*
4. I don't know what I don't know.
5. I need a friend or someone who I can trust to answer questions I have/help me understand what I don't know.

YOU.

- YOU bring your own unique experiences and differences into a workplace or community environment.
- The best person to evaluate You is You.
- ONLY You know what your biases are and only you can manage them.
- YOUR Employer has expectations on how YOU must conduct yourself as the employee.
- YOU are either contributing to creating a problem or solution.

Leadership

- MUST Be Clear, Intentional, & Open with its Commitment to Diversity, Inclusion, and Equity.
- CANNOT ignore the diversity of its population.
- MUST empower its employees to promote equitable services and programs...or deal with the consequences.
- MUST incorporate Equity as more than a value but as a strategic imperative in order to leverage its capacity to grow and to be sustainable

Human Equity Happens When...

- Partner to create an environment where innovation, agility, and growth are at the forefront.
- Never allow fear or complacency to keep us from doing what's ethically, morally, and legally right.
- Aware and value that citizens and residents are always thinking, imagining, and hoping. Make sure you are LISTENING.
- Have FUN
- Make serious, daily commitment to creating and promoting environments where health human ecosystems can thrive.

Next Steps

- Update Non-Discrimination/Inclusion Statement
- Introduce Workplan in Strategic Plan Format (add Equity language)
- Present updates to Board for advice before implementation (October Board Meeting)

PLANNING COMMISSION

October 18, 2018

The City of Portage Planning Commission meeting of October 18, 2018 was called to order by Chairman Stoffer at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Five 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 and Neighborhood Services; Michael West, Senior City Planner; and Randy Brown, City Attorney.

ROLL CALL:

Mr. Forth called the roll: Baldwin (yes); Pezzoli (yes); Joshi (yes); Place (yes); Schimmel (yes); Stoffer (yes); Corradini (yes); Patterson (yes); and Harrell-Page (yes).

APPROVAL OF MINUTES:

Chairman Stoffer referred the Commission to the September 20, 2018 meeting minutes contained in the agenda packet. A motion was made by Commissioner Patterson, seconded by Commissioner Joshi to approve the minutes as submitted. The motion was unanimously approved 9-0.

SITE/FINAL PLANS:

1. Site Plan: Jungle Joe's (outdoor miniature golf course), 7255 South Sprinkle Road. Mr. Forth summarized the October 12, 2018 staff report regarding a site plan submitted by Jeffrey Rosek to construct an 18-hole outdoor miniature golf course along the north side of the existing Jungle Joe's site located at 7255 South Sprinkle Road. Mr. Forth discussed the special land use permit amendment approved by the Planning Commission in January 2018 and various aspects of the project including storm water management, access, parking and outdoor lighting.

Jeffrey Rozek (applicant/owner) was present to support the application and discuss the outdoor miniature golf course. Mr. Rozek indicated the hours of operation for the outdoor miniature golf course would be 9am-9pm (weekdays) and 9am-11pm (weekends). After a brief discussion, a motion was made by Commissioner Corradini, seconded by Commissioner Joshi, to approve the Site Plan for Jungle Joe's (outdoor miniature golf course), 7255 South Sprinkle Road. The motion was unanimously approved 9-0.

PUBLIC HEARING:

None

OLD BUSINESS:

None.

NEW BUSINESS:

1. Accessory Building (Herron), 920 West Osterhout Avenue. Mr. West summarized the October 12, 2018 staff report concerning a request from Noah Herron to construct a 2,160 square foot (30-foot by 72-foot) detached accessory building along the southeast portion of the property. Mr. West indicated the accessory building will be of pole barn construction and will be utilized for storage of a farm tractor, personal vehicles, snow plow, lawn tractor, yard equipment, a hobby woodshop and will not be used for any business related purposes. Mr. West indicated the 13.53 acre property is currently vacant, however,

the applicant is in the process of constructing a new home with a ground floor area of 2,595 square feet and an attached garage of 1,080 square feet. If the proposed detached pole barn is approved, Mr. West stated the total ground floor area of all accessory buildings would exceed the ground floor area of the main residence by approximately 645 square feet. Mr. West then discussed the nature of the heavily wooded parcel, surrounding properties, proposed setbacks from adjacent property lines and the nearest single family residence, and indicated that staff was supportive of the request. Mr. West indicated the size and configuration of the parcel combined with the wooded nature of the site and setback distances would mitigate potential negative impacts on adjacent properties.

The applicant, Noah Herron, was present to support the request. Mr. Herron confirmed that the pole building would only be used for the storage of personal items. No citizens spoke regarding the proposed accessory building. After a brief discussion, a motion was made by Commissioner Joshi, seconded by Commissioner Schimmel, to approve the proposed 2,160 square foot Accessory Building for Noah Herron, 920 West Osterhout Avenue with a finding that the size and configuration of the parcel combined with the wooded nature of the site and setback distances from adjacent residences and property lines will mitigate any impacts on adjacent properties. The motion was unanimously approved 9-0.

STATEMENT OF CITIZENS/COMMISSIONERS:

Commissioner Corradini stated that he attended the Blain's Farm & Fleet grand opening earlier this evening with his son and believes the store will be a great addition to the City of Portage. Commissioner Corradini indicated that it was a privilege to be involved in the plan review and approval process as a Planning Commissioner and then see the final results after construction.

Chairman Stoffer discussed the Neighborhood Enhancement Program and stated that the previously approved street light project on Towhee Street was recently completed and was an improvement to the neighborhood. Commissioner Joshi agreed and thanked the Planning Commission and city for approving the project.

7:15 p.m. - The Commission took a short recess.
7:25 p.m. - The Commission reconvened in Conference Room #1.

NEW BUSINESS:

1. Planning Commission Training – Roles & Responsibilities, Capital Improvement Program. Mr. Forth provided a PowerPoint presentation that addressed the City of Portage annual Capital Improvement Program (CIP) and the Planning Commission's role in the process. Mr. Forth stated the CIP was a 10-year financing program for short and long term physical improvements to the city where the minimum cost for a project was at least \$10,000. Mr. Forth indicated that state statute charges the Planning Commission to review and recommend the CIP to the City Council each year. Mr. Forth then reviewed the nine program categories in the CIP document including Streets, Sidewalks & Bikeways, Water, Sanitary Sewer, Police, Fire, Public Facilities, Parks & Recreation and Debt Service and indicated the 1st year of the CIP included the funded project for the upcoming fiscal year, while years 2 thru 10 of the CIP document were placeholder/planning projects. Mr. Forth reviewed the annual CIP process and timeline which begins in September with the citizen survey and Open House and concludes in May with formal adoption/approval of the CIP document by City Council. Mr. Forth stated that citizen and Planning Commissioner ideas and suggestions for projects were solicited in the early phases of the process and then considered and evaluated by the various city administrative departments for possible inclusion in the CIP document. Mr. Forth indicated that a draft of the CIP document would be provided to the Planning Commission in February.

ADJOURNMENT:

There being no further business to come before the Commission, the regularly scheduled meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Christopher Forth, AICP
Deputy Director of Planning, Development and Neighborhood Services

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