

7:00 p.m. Call to Order.

Invocation.

Pledge of Allegiance.

Roll Call.

Proclamations:

A. Consent Agenda:

1. Approval of City Council Meeting Minutes:
 - a. Regular Meeting of November 6, 2018.
 - b. Pre-Council of November 19, 2018.
2. Approval of the Accounts Payable Register of November 20, 2018 as presented.
3. Award a three-year contract in the amount of \$58,745 to Irish Ayres Enterprises, LLC, for mowing, trimming and landscape maintenance for twenty-nine city roadside locations and authorize the City Manager to execute all documents related to this action on behalf of the city.
4. Approve the Preliminary Condominium Subdivision for Copperleaf Phase IV, 3800 West Milham Avenue, subject to submittal of detailed engineering plans for streets, utilities and storm water.
5. Accept the Tentative Plan Amendment for Streamsong Planned Development, 715 West Osterhout Avenue, for first reading and set a public hearing for December 18, 2018.
6. Minutes of Boards & Commissions:
 - a. Historic District Commission Minutes of October 3, 2018.
7. Materials Transmitted.

B. Petitions and Statements of Citizens:

C. Communications:

1. Calendar of Meetings:
 - Park Board, Tuesday, November 27, 2018, 5:30 p.m., City Hall Room #1.
 - Youth Advisory Committee, Monday, December 3, 2018, 6:00 p.m., City Hall Room #1.

D. Public Hearings:

E. Regular Business Agenda:

F. Unfinished Business:

1. Adopt the proposed 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.
2. Adopt the proposed amendment to Section 38-35 of Chapter 38, Historical Preservation, to modify the Historic District located at 2663 Mandigo Avenue.

G. Council Committee Reports:

H. New Business:

1. Selection of three members of City Council for the annual "I Love Portage" Essay Contest Review Committee.

I. Statements of Citizens:

J. Statements of City Council and City Manager.

Adjournment.

CITY COUNCIL MEETING MINUTES FROM NOVEMBER 6, 2018

The Regular Meeting was called to order by Mayor Randall at 7:01 p.m. The following members were present: Councilmembers Chris Burns, Lori Knapp, Claudette Reid, Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Patricia Randall. Councilmember Richard Ford was absent with excuse. Also in attendance were City Manager Larry Shaffer, City Attorney Randy Brown and Deputy City Clerk Erica Eklov.

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 veterans who have served for the country. Following the moment of silence, City Council and the audience recited the Pledge of Allegiance.

PROCLAMATIONS: Mayor Randall invited John Paver of Paver Pet Supply (965 Portage Road) to assist in the reading of the Small Business Saturday Proclamation. Following the reading, Mayor Randall issued the proclamation.

Mayor Randall next invited the veterans in the audience to assist in the reading of the Veterans Day 2018 Proclamation. Following the reading, Mayor Randall issued the proclamation and thanked the veterans for coming. Mayor Randall then introduced Gerry Goidosik and asked him to update Council on the status of the Portage Veterans Memorial. Mr. Goidosik turned the presentation over to Leonard Batts to relay the Memorial's history. Mr. Batts noted his prior tenure with the city, along with his construction background, as to why the local veterans' organizations originally approached him to start the project with the city. Mr. Goidosik then introduced Ken Medema regarding the brick pavers at the Veterans Memorial Park and his oversight of the pavers, as well as the sales and the history on the paver project. Mr. Medema stated that the bricks are \$75.00 each, which includes a personal inscription and that 1,197 had been purchased to date with 63 bricks remaining. He noted that he would continue to oversee the brick favor project until its completion. Mr. Medema also reminded Council about the upcoming November 11 Veterans Day event planned for the Veterans Memorial Park. Mr. Goidosik closed by thanking the Council and the city for assisting with the Veterans Memorial over the years and agreeing to assume future oversight for the Memorial. Mayor Randall thanked the veterans for their efforts to date and their service, assuring the future of the Memorial going forward.

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.

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

APPROVAL OF MINUTES: Motion by Reid, seconded by Burns, to approve the Regular Meeting Minutes of Tuesday, October 23, Special Meeting Minutes of Friday, October 26 and Pre-Council Meeting of November 5, 2018. Upon a roll call vote, motion carried 6 to 0.

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

PROHIBITING MARIHUANA ESTABLISHMENTS - OTHER THAN MEDICAL MARIHUANA: Motion by Reid, seconded by Burns, to 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. Upon a roll call vote, motion carried 6 to 0.

ORDINANCE AMENDMENT 38-35 - HISTORIC DISTRICT LOCATED AT 2663 MANDIGO:

Motion by Reid, seconded by Burns, to 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. Upon a roll call vote, motion carried 6 to 0.

MINUTES OF BOARDS AND COMMISSIONS: Motion by Reid, seconded by Burns, to receive the Senior Citizens Advisory Board minutes of September 19, 2018 and the Planning Commission minutes of October 18, 2018. Upon a roll call vote, motion carried 6 to 0.

STATEMENTS OF CITIZENS: Ms. Ashley Serne and her daughter, 5841 Missouri Avenue, spoke regarding the dangerous nature of the Portage Northern High School and Northern Middle School area for student walkers. Ms. Serne noted that the area is not well lit by street lights and that high school students driving to school in the morning were an additional concerning factor. Ms. Serne presented the Mayor and the City Manager a picture of the area that she had taken to illustrate her concerns.

Councilmember Reid inquired with Ms. Serne regarding the intersections she was specifically concerned about and Ms. Serne noted the intersection of Oregon and Missouri streets was her major concern, but that the Nevada intersection was even worse. Councilmember Reid further asked whether Ms. Serne feels the area has increased in traffic volume or faster speeds in recent years. Ms. Serne responded that she was unable to comment as her daughter had just started attending middle school in the area and she had not previously paid close attention to the traffic or speeds, but she was able to say that she feels that traffic and speeds had increased in the area.

Councilmember Burns thanked Ms. Serne for coming and Mayor Randall inquired whether Ms. Serne had approached anyone else regarding these concerns, notably Portage Public Schools, to which Ms. Serne responded that she had not yet approached the schools or any other organization. Mayor Randall and City Manager Shaffer confirmed that they will look into the matter and get back with Ms. Serne.

COMMUNICATIONS:

CALENDAR OF MEETINGS: At the request of Mayor Randall, Deputy City Clerk Eklov read the meeting schedule for the record. Motion by Knapp, seconded by Reid, to receive the Calendar of Meetings. Upon a roll call vote, motion carried 6 to 0.

COUNCIL COMMITTEE REPORTS: Councilmember Knapp shared that she participated in a meeting of the Senior Center Subcommittee that morning, which is composed of herself, Mayor Randall and Mayor Pro Tem Pearson. She noted that the first E³ ("Engage, Empower, Enrich") Cabinet Meeting for the new Senior Center fundraising is scheduled for the following week. Councilmember Knapp also reminded City Council of the importance of the city leadership supporting the fundraising effort and reminded Council that they had all been provided with pledge cards and to make sure to fill those out or if they had misplaced them, to contact her to get another.

Motion by Reid, seconded by Burns, to receive the Council Committee Reports as presented. Upon a voice vote, motion carried 6 to 0.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Burns thanked the City Clerk's Office regarding the November 6 General Election efforts.

Councilmember Urban relayed his concerns regarding recent national news stories of motorist accidents and the dangers with regard to students walking to school, people on the road paying more attention to their cell phones than driving and asked everyone to please be cognizant of the road and safety measures.

Councilmember Reid noted her personal history with the creation the Veterans' Memorial Park and its construction. She expressed her appreciation for the veterans' efforts and states she regularly attends the annual Veterans Day event. She encourages everyone to attend the event, but noted she would not be able to attend this year's Veterans Day celebration due to being out of town.

Councilmember Knapp also reviewed Election Day and thanked the City Clerk's Office for their efforts, noting they had been hard at work.

Mayor Pro Tem Pearson thanked the voters and noted the polls were still open for the remaining twenty minutes so get out and vote.

Mayor Randall discussed the veterans' efforts with the Memorial, noting that she was encouraged by the transition and the continued life of the Memorial going forward. She thanked city employees regarding the Brush and Leaf Collection Program efforts so far, further asking citizens and drivers to be safe with kids out among the roadside leaf piles. Mayor Randall reminded the public about the Veterans Memorial Park bricks for sale. She noted the current campaign season and Election Day efforts so far, with record setting levels for a Midterm Election and Portage's record absentee ballot response.

ADJOURNMENT: Mayor Randall adjourned the meeting at 7:34 p.m.

Erica L. Eklov, Deputy City Clerk

**MINUTES FROM THE PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF NOVEMBER 19, 2018**

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

Mayor Randall opened the meeting and inquired if there were any questions or concerns regarding items on the proposed November 20th Regular Meeting Agenda. With regard to Item A.3, Mowing, Trimming and Landscape Maintenance, Councilmember Reid noted that the amount of the contract was 15% less than the previous year and inquired as to the reason for the decrease. City Manager Shaffer explained that there is a reduction in the number of locations that need to be mowed along with a reduction in mowing frequency in select areas. In response to an inquiry from Councilmember Reid, Mr. Shaffer explained that the 15% decrease is proportional to the work that will be performed by city staff. He also explained that mowing frequency will decrease in some areas and stated that, for example, this past summer City Hall grounds were mowed three times per week which was unnecessary. He continued by explaining that the city is trying to be more strategic in landscape maintenance of city properties. Councilmember Reid inquired if all bidders were aware of the proposed changes in landscape maintenance and Mr. Shaffer responded in the affirmative.

With regard to Item A.5, Tentative Plan Amendment for Streamsong Planned Development, Councilmember Reid stated that the developer is planning to reduce the size and number of condominiums and stated that, to her understanding, the developer is having difficulty selling the larger condo units. She inquired if the city has a minimum size standard for condo units and how the Streamsong condo units compare. Mr. Shaffer stated that he would research and respond. Mr. Shaffer stated that he has visited the development and confirmed that some of the units are quite large. He stated that, to his understanding, the larger units are too big for the current market. Councilmember Reid shared that she has visited Streamsong and concurs with the City Manager.

With regard to Item F.1, Recreational Marihuana, Mayor Pro Tem Pearson stated that he is seeking clarification as to what impact the proposed ordinance will have on the ability of individual residents to cultivate and use marihuana. City Manager Shaffer explained that the city learned from medical marihuana that it makes sense to get an ordinance passed as soon as possible to prevent businesses from opening prior to the State of Michigan Department of Licensing and Regulatory Affairs (LARA) and local communities getting rules and regulations established. He explained that the city is not opposed to recreational marihuana and will return to City Council with a proposed ordinance once there is clarity from LARA. He also explained that Portage voters clearly supported the recreational marihuana proposal that was on the ballot. Mayor Pro Tem Pearson clarified that he is seeking to know whether the proposed ban would negatively impact an individual resident's ability to use and/or cultivate marihuana. Mr.

Shaffer responded that the proposed ordinance would not impact an individual's ability to use and cultivate but rather focuses on commercial enterprise.

Councilmember Reid inquired if there was any information from LARA regarding potential rules and regulations. Mr. Shaffer responded in the negative and stated that, with a new governor taking office in January, he anticipates changes in direction and regulation regarding marihuana in the State of Michigan.

Mayor Randall asked for clarification as to the application of punishments regarding marihuana possession to those aged 18 to 21 and those aged under 18. Mr. Shaffer stated that he would research and respond. Mr. Shaffer reiterated that Portage voters were clear in the last election as to their support for recreational marihuana. He stated that the goal of the city is not to ban recreational use but rather to ensure it is appropriately regulated. Mayor Pro Tem Pearson asked that Mr. Shaffer clearly articulate the stance of the city at the Regular Meeting. He stated that, at first glance, it appears the City Council will be banning something that a majority of residents support. Mr. Shaffer agreed that he would be clear in his remarks at the meeting. Mayor Randall asked for specific numbers as to how Portage residents voted on the statewide proposal.

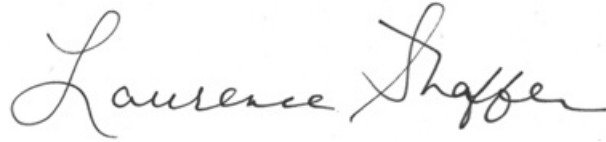
With regard to Item F.2, Historic District Amendment, Mr. Shaffer explained that the ranch house on the property was built in the 1960's and not considered to be essential for inclusion in the Historic District. He indicated that city staff would be present at the meeting to further explain.

ADJOURNMENT: Following a summary of the meeting, Mayor Randall adjourned the meeting at 8:13 a.m.

Adam Herringa, City Clerk

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: William Furry, Director of Finance

ACTION RECOMMENDED: Approval of the Accounts Payable Register of November 20, 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 28, 2018 through November 11, 2018 and notes \$166,405.63 in automated clearing house payments, \$956,972.35 in paper checks and \$58,241.72 in auto-pay payments for a grand total of \$1,181,619.70.

FUNDING: N/A

Attachments: 1. Accounts Payable Register of 11-20-18

ACCOUNTS PAYABLE REGISTER
Check Dates From: 10/28/2018 To: 11/11/2018

Page 1 of 7

Check Type: ACH Transaction

Check Date	Check	Vendor Name	Description	Amount
11/02/2018	9839(A)	A I S CONSTRUCTION EQUIP. CO.	TINK CLAW BLADES	3,349.00
11/02/2018	9840(A)	ABONMARCHE CONSULTANTS, INC	IMAGE STREAM PARCEL	360.00
11/02/2018	9841(A)	ACCESS EMPLOYER STAFFING SERVICES	TEMPORARY EMPLOYEES	972.84
11/02/2018	9842(A)	ALL CITY MANAGEMENT SERVICES, INC.	SCHOOL CROSSING GUARDS	3,250.80
11/02/2018	9843(A)	ALL-PHASE ELECTRIC SUPPLY CO.	POLE LIGHT ASSEMBLY	1,037.71
11/02/2018	9844(A)	AMERICAN SAFETY & FIRST AID	FIRST AID SERVICES	47.66
11/02/2018	9845(A)	APOLLO FIRE EQUIPMENT COMPANY	FIRE APPARATUS MAINT	9,520.00
11/02/2018	9846(A)	BALL, JENNY	EMPLOYEE TRAINING	90.00
11/02/2018	9847(A)	BLUESTONE PSYCH	PSYCH EVALUATION	465.00
11/02/2018	9848(A)	CLEANIT CORP	CARWASHES	55.99
11/02/2018	9849(A)	CROWN TROPHY	RECOGNITION SUPPLIES	25.00
11/02/2018	9850(A)	DEER CONTRACTING & LANDSCAPE	CURB/GUTTER REPAIR	4,275.00
11/02/2018	9851(A)	DEPATIE FLUID POWER CO., INC.	HYDRAULIC MAINTENANCE	935.13
11/02/2018	9852(A)	ETNA SUPPLY, INC.	METER READING EQUIP	22,786.00
11/02/2018	9853(A)	FERGUSON WATERWORKS #3386	FITTINGS	352.20
11/02/2018	9854(A)	FIDELITY SECURITY LIFE INSURANCE CO	VISION INSURANCE	1,207.80
11/02/2018	9855(A)	GORDON WATER SYSTEMS	WATER COOLER RENTAL	72.55
11/02/2018	9856(A)	GRAHAM FORESTRY SERVICE, INC.	CONSULTANT FORESTRY	768.00
11/02/2018	9857(A)	HARTFORD LIFE INSURANCE COMPANY	LIFE & LTD INSURANCE	8,452.13
11/02/2018	9858(A)	HURST MECHANICAL, INC.	WATER SOFTENER	313.37
11/02/2018	9859(A)	INDUSCO SUPPLY CO., INC.	RESTROOM SUPPLIES	142.63
11/02/2018	9860(A)	J & J LAWN SERVICE, INC.	LANDSCAPE MAINTENANCE	585.00
11/02/2018	9861(A)	JONS TO GO PORTABLE RESTROOM	PORTABLE RESTROOM	610.00
11/02/2018	9862(A)	KEHOE, EDWARD J	PROGRAM INSTRUCTOR	645.00
11/02/2018	9863(A)	LAKE MICHIGAN MAILERS, INC.	POSTAGE ADJUSTMENT	11.86
11/02/2018	9864(A)	LEXISNEXIS RISK SOLUTIONS	MONTHLY ACCURINT	150.00
11/02/2018	9865(A)	MALZ, DIANE	EMPLOYEE TRAINING	90.00
11/02/2018	9866(A)	MEJEUR ELECTRIC LLC	ELECTRICAL REPAIRS	3,505.00
11/02/2018	9867(A)	MENARDS, INC	CELERY FLATS PROJECT	2,714.46
11/02/2018	9868(A)	NYE UNIFORMS	MISC UNIFORM SUPPLIES	685.35

ACCOUNTS PAYABLE REGISTER

Page 2 of 7

Check Dates From: 10/28/2018 To: 11/11/2018

Check Date	Check	Vendor Name	Description	Amount
11/02/2018	9869(A)	ONSTAFF USA INC	TEMPORARY EMPLOYEES	3,818.03
11/02/2018	9870(A)	PERCEPTIVE CONTROLS, INC.	SCADA MAINTENANCE	1,071.10
11/02/2018	9871(A)	PRINTING SERVICES INC	PRINTING SERVICES	48.36
11/02/2018	9872(A)	R W LAPINE INC.	HVAC ON-CALL SERVICE	3,792.18
11/02/2018	9873(A)	RIDGE AUTO NAPA	SUPPLIES	1,926.04
11/02/2018	9875(A)	RIETH-RILEY CONSTRUCTION CO., INC	HOT PATCH	307.53
11/02/2018	9876(A)	SNELL, DEBRA	PROGRAM INSTRUCTOR	288.00
11/02/2018	9877(A)	W W GRAINGER INC	BABY CHANGE STATIONS	1,114.56
11/02/2018	9878(A)	WEST MICHIGAN INT'L LLC	EQUIPMENT SERVICES	754.95
11/02/2018	9879(A)	WIGHTMAN & ASSOCIATES, INC.	BRIDGE INSPECTIONS	1,849.90
11/09/2018	9880(A)	ACCESS EMPLOYER STAFFING SERVICES	TEMPORARY EMPLOYEES	1,002.32
11/09/2018	9881(A)	C D W GOVERNMENT, INC.	ADOBE ACROBAT	373.36
11/09/2018	9882(A)	C M P DISTRIBUTORS, INC.	MISC POLICE EQUIP	200.00
11/09/2018	9883(A)	C T S TELECOM, INC.	TELEPHONE SERVICE	3,089.85
11/09/2018	9884(A)	CAPITAL ADVANTAGE LEASING	EQPT LEASE DEC 2017	17,824.10
11/09/2018	9885(A)	CHARTER COMMUNICATIONS	CABLE TV	571.28
11/09/2018	9886(A)	CLEANIT CORP	CAR WASHES 2018/19	438.96
11/09/2018	9887(A)	D & D PRINTING CO.	MPIR SKATE CARDS	224.00
11/09/2018	9888(A)	ESCAPE FIRE & SAFETY SERVICES, INC.	TINK CLAW SERVICES	450.00
11/09/2018	9889(A)	ETNA SUPPLY, INC.	MAINTENANCE SUPPLIES	376.41
11/09/2018	9890(A)	GORDON WATER SYSTEMS	BOTTLED WATER - CITY	51.75
11/09/2018	9891(A)	GRIFFIN PEST SOLUTIONS, INC.	FIRE FACILITY MAINT	58.00
11/09/2018	9892(A)	HOWARD PRINTING	PORTAGER PRINTING	2,855.00
11/09/2018	9893(A)	IRISH AYRES ENTERPRISES, LLC	MOWING/LANDSCAPING	17,605.25
11/09/2018	9894(A)	KAHN, WILMA	PROGRAM INSTRUCTOR	286.00
11/09/2018	9895(A)	LAKE MICHIGAN MAILERS, INC.	MONTHLY SERVICE	264.00
11/09/2018	9896(A)	M & M CUSTOM FABRICATING INC.	RANGER NAME PLATE	19.50
11/09/2018	9897(A)	MALL CITY MECHANICAL	FIRE FACILITY MAINT.	273.96
11/09/2018	9898(A)	MCNALLY ELEVATOR CO.	ELEVATOR MAINTENANCE	134.21
11/09/2018	9899(A)	NYE UNIFORMS	FIRE OPS UNIFORMS	153.53
11/09/2018	9900(A)	ONSTAFF USA INC	TEMPORARY EMPLOYEES	6,295.91
11/09/2018	9901(A)	PARIS CLEANERS	UNIFORM CLEANING	1,124.83

ACCOUNTS PAYABLE REGISTER

Page 3 of 7

Check Dates From: 10/28/2018 To: 11/11/2018

Check Date	Check	Vendor Name	Description	Amount
11/09/2018	9902(A)	PCM SALES, INC.	NETCOMMANDER USB	264.57
11/09/2018	9903(A)	PCM SALES, INC.	3YR MAINTENANCE	5,089.25
11/09/2018	9904(A)	PEOPLEFACTS, LLC 740303	EMPLOYEE BACKGROUND	70.45
11/09/2018	9905(A)	RIDGE AUTO NAPA	FIRE APPARATUS MAINT	418.96
11/09/2018	9906(A)	S B F ENTERPRISES, INC.	UTILITY BILL PRINTING	599.04
11/09/2018	9907(A)	SECANT TECHNOLOGIES	RAMONA PARK WIFI	14,046.71
11/09/2018	9908(A)	SEVERANCE ELECTRIC COMPANY, INC	TRAFFIC SIGNALS	7,615.00
11/09/2018	9909(A)	SOS TECHNOLOGIES	FIRE EMS SUPPLIES	890.30
11/09/2018	9910(A)	W W GRAINGER INC	RANGER UNIFORMS	179.57
11/09/2018	9911(A)	WINGFOOT COMMERCIAL TIRE	FIRE APPARATUS MAINT	137.03
11/09/2018	9912(A)	XEROX CORPORATION	COPY LEASE	976.40
			Total ACH Transactions:	166,405.63

Check Type: Paper Check

11/02/2018	307977	A T & T	TELEPHONE SERVICE	355.90
11/02/2018	307978	ACE PARKING LOT STRIPING, INC.	DPS LOT STRIPING	400.00
11/02/2018	307979	AIMEE BENEDICT	TEA PARTY REFUND	57.00
11/02/2018	307980	ALLEGRA PRINT & IMAGING	PRINTING SERVICES	257.00
11/02/2018	307981	ARIANA CASTILLO	DEPOSIT REFUND	50.00
11/02/2018	307982	AVB CONSTRUCTION LLC	CONSTRUCTION MGR	8,000.00
11/02/2018	307983	BEN WHITNEY	DEPOSIT REFUND	50.00
11/02/2018	307984	BLACKBERRY SYSTEMS, INC.	5937 BELARD WINDOWS	8,497.38
11/02/2018	307985	BRIAN BROOK	RECYCLED ART REFUND	150.00
11/02/2018	307986	CAROLYN FINK	DEPOSIT REFUND	50.00
11/02/2018	307987	CINTAS CORP.	UNIFORM RENTAL SERVICE	161.92
11/02/2018	307988	CITRO, HELEN	TRIP REFUND	118.00
11/02/2018	307989	CITY OF KALAMAZOO TREASURER	SANITARY SEWER CHARGES	196,331.41
11/02/2018	307990	COCHRAN GLASS AND DOOR, LLC	DOOR REPLACEMENT	1,926.40
11/02/2018	307991	CONSUMERS ENERGY	GAS LINE REPAIR	348.94
11/02/2018	307992	CROOKSTON AUDIO	TRAD HOLIDAY AUDIO	500.00
11/02/2018	307993	DAN WOOD COMPANY	5937 BELARD ELECTRICAL	3,050.00
11/02/2018	307994	DAVE'S CONCRETE PRODUCTS, INC.	CELERY FLATS PROJECT	6,908.50

ACCOUNTS PAYABLE REGISTER

Page 4 of 7

Check Dates From: 10/28/2018 To: 11/11/2018

Check Date	Check	Vendor Name	Description	Amount
11/02/2018	307995	DUNN, DEREK	FIRE OPS TRAINING	636.91
11/02/2018	307996	EMERGENCY VEHICLE PRODUCTS	LABOR FOR K-9 VEHICLE CHNG	9,258.15
11/02/2018	307997	ERIN SCHAUER	DEPOSIT REFUND	50.00
11/02/2018	307998	FLETCHER ENTERPRISES	PAINTING SERVICES	2,420.00
11/02/2018	307999	FLUTY, LEWARD	TRADITIONAL HOLIDAY VENDOR	100.00
11/02/2018	308000	FORMAN GLASS LLC	WINDOWS REPLACEMENT	32,901.37
11/02/2018	308001	FUN SERVICES	MONSTER MASH SUPPLIES	2,264.25
11/02/2018	308002	H J DEATON & SON INC.	STONE DUST	2,638.01
11/02/2018	308003	HALT FIRE, INC.	FIRE APPARATUS MAINT	308.13
11/02/2018	308004	HEINEMAN, MARK	TRADITIONAL HOLIDAY VENDOR	150.00
11/02/2018	308005	HOME DEPOT	CLEANING/MAINT SUPPLIES	121.53
11/02/2018	308006	INT'L ASSOC OF ASSESSING OFFICERS	MEMBERSHIP FEES	380.00
11/02/2018	308007	INT'L ASSOC OF FIRE CHIEFS	FIRE ADMIN MEMBERSHIP	234.00
11/02/2018	308008	JOHN MCCOLL	TEA PARTY REFUND	32.00
11/02/2018	308009	JULIA KRUEGER	TEA PARTY REFUND	89.00
11/02/2018	308010	KALAMAZOO COUNTY HEALTH & COMMUNITY	2018 HHW PROGRAM	6,983.80
11/02/2018	308011	KALAMAZOO COUNTY HEALTH & COMMUNITY	HAZ WASTE DISP	26.10
11/02/2018	308012	KALAMAZOO COUNTY TREASURER	OAKBROOK NOV 2018	320.00
11/02/2018	308013	KALAMAZOO COUNTY TREASURER	BROWNFIELD PAYMENT	11,875.74
11/02/2018	308014	KALAMAZOO COUNTY TREASURER	BROWNFIELD PAYMENT	1,435.53
11/02/2018	308015	KALAMAZOO COUNTY TREASURER	BROWNFIELD & IFT PAY	103,941.58
11/02/2018	308016	KELLEY, CHARLOTTE	PROGRAM GARDEN CLUB	142.81
11/02/2018	308017	LISA GRACE	TRADITIONAL HOLIDAY VENDOR	150.00
11/02/2018	308018	MARGARET RUSSELL	RECYCLED ART REFUND	50.00
11/02/2018	308019	MARI-CLARE WOLZ	RECYCLED ART REFUND	200.00
11/02/2018	308020	MARY BURGEOS	RECYCLED ART REFUND	50.00
11/02/2018	308021	MCALARY, TRENT	FIRE OPS TRAINING	92.12
11/02/2018	308022	MEDILODGE OF PORTAGE	SENIOR LUNCHESS HALLOWEEN	280.00
11/02/2018	308023	MMTA	2019 MMTA MEMBERSHIP	50.00
11/02/2018	308024	NANCY KOTARSKI	RECYCLED ART REFUND	50.00
11/02/2018	308025	O'REILLY AUTO PARTS	MAINTENANCE SUPPLIES	252.89
11/02/2018	308026	OBERMESIK, DONALD	RENTAL DEPOSIT RETURN	100.00

ACCOUNTS PAYABLE REGISTER

Page 5 of 7

Check Dates From: 10/28/2018 To: 11/11/2018

Check Date	Check	Vendor Name	Description	Amount
11/02/2018	308027	OFFICE DEPOT, INC.	OFFICE SUPPLIES	1,181.26
11/02/2018	308029	ONE WELL BREWING, LLC	NOVEMBER COOKING CLASS	240.00
11/02/2018	308030	OTTEN TROPHIES	PLAQUE	170.00
11/02/2018	308031	PCN NETWORK	5847/5909 LOVERS LN REFUND	22.10
11/02/2018	308032	PEER, JON	MONSTER MASH CANDY	167.43
11/02/2018	308033	PETTY CASH-DEREK HENSON	REPLENISHMENT CHECK	214.10
11/02/2018	308034	PETTY CASH-PAULA GUSTAFSON	REPLENISHMENT CHECK	268.53
11/02/2018	308035	PORTAGE NORTH MIDDLE SCHOOL	2ND PLACE COMMUNITY PRIZE	850.00
11/02/2018	308036	PRO-TECH SECURITY SALES	RIFLE GREEN LASERS	4,900.00
11/02/2018	308037	RAVEN WYND	RECYCLED ART DEPOSIT	350.00
11/02/2018	308038	RESCUEGEAR, INC.	FIRE TECH RESCUE GEAR	3,470.60
11/02/2018	308039	ROE, AUDREY	TRIP REFUND	101.00
11/02/2018	308040	SEAMLESSDOCS	SEAMLESSDOCS SOFTWARE	13,750.00
11/02/2018	308041	SHERRIFF-GOSLIN CO.	ROOF REPLACEMENTS	18,785.00
11/02/2018	308042	SHI INTERNATIONAL CORP.	NETWORK SECURITY PURCHASE	12,646.25
11/02/2018	308043	SHILTS, DAWN	TRIP REFUND	50.00
11/02/2018	308044	SITEONE LANDSCAPE SUPPLY LLC	IRRIGATION REPAIR	125.12
11/02/2018	308045	STATE OF MICHIGAN (DOT)	TRAFFIC SIGNAL MAINT	333,056.76
11/02/2018	308046	STEENSMA LAWN & POWER EQUIPMENT	FIRE REPAIR SUPPLIES	615.04
11/02/2018	308047	STEVE ROSSIO	TRADITIONAL HOLIDAY VENDOR	100.00
11/02/2018	308048	STEVEN RICHARD ELLIS	ADVERTISING	300.00
11/02/2018	308049	SUNBELT RENTALS, INC.	GENERATOR RENTAL	228.80
11/02/2018	308050	SYNTECH INC.	FUELMaster MAINTENANCE	2,650.00
11/02/2018	308051	TAMMY TARVER	TEA PARTY REFUND	57.00
11/02/2018	308052	THE CANOPEUM, INC.	POPCORN MACHINE RENTAL	67.20
11/02/2018	308053	TODD ARBANAS ENTERPRISES INC.	CITY HALL TREE WORK	1,300.00
11/02/2018	308054	TRUGREEN PROCESSING	FALL WEED AND FEED	3,483.01
11/02/2018	308055	UNITED PARCEL SERVICE	WEEKLY DELIVERY	32.04
11/02/2018	308056	VANGUARD FIRE & SUPPLY CO., INC.	FIRE EXT MAINTENANCE	366.00
11/02/2018	308057	VICKSBURG HARDWARE	LEAF PICKUP SUPPLIES	184.26
11/02/2018	308058	W MICH CRIMINAL JUSTICE TRAINING CO	SPRING 2018 DISTRIBUTION	1,544.66
11/02/2018	308059	WASHCO, LLC	POWER WASHING SERVICE	350.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 10/28/2018 To: 11/11/2018

Page 6 of 7

Check Date	Check	Vendor Name	Description	Amount
11/02/2018	308060	WEATHERTAP	ANNUAL SUBSCRIPTION	83.95
11/02/2018	308061	WELNIAK, BRAD	FIRE OPS TRAINING	105.32
11/02/2018	308062	WENDLING-OSBORN, JANE A	TRIP REIMBURSEMENT	160.00
11/02/2018	308063	WILLIAMS ASSOCIATES ARCHITECTS, LTD	FIRE-NEW STATION 2	350.47
11/02/2018	308064	WRAPS N SIGNS	GRAPHICS FOR VEHICLES	1,114.50
11/02/2018	308065	PETTY CASH-ALYSSA MILBECK	REPLENISHMENT CHECK	613.33
11/07/2018	308066	CHICAGO TITLE OF MICHIGAN, INC.	PROPERTY PURCHASE	51,728.30
11/09/2018	308067	ALLEGRA PRINT & IMAGING	PRINTING SERVICES	149.40
11/09/2018	308068	BORGESS HEALTH ALLIANCE	PHYSICAL EXAM	281.00
11/09/2018	308069	BORGESS MEDICAL CENTER	PHYSICAL EXAM	253.00
11/09/2018	308070	CARTRIDGE WORLD	PRINTER SERVICES	1,949.53
11/09/2018	308071	CINTAS CORP.	UNIFORM RENTAL	174.67
11/09/2018	308072	CITY OF KALAMAZOO (PUBLIC SAF)	FIRE OPS TRAINING	1,000.00
11/09/2018	308073	CUSTER OFFICE ENVIRONMENTS	OFFICE CHAIRS	1,884.17
11/09/2018	308074	D L GALLIVAN INC.	COPY MACHINE USAGE	119.43
11/09/2018	308075	DEVON TITLE AGENCY	OVERPAYMENT WATER/SEWER	52.90
11/09/2018	308076	ELIZABETH LOEBIG	TRAINING	141.92
11/09/2018	308077	EMERGENCY VEHICLE PRODUCTS	POLICE VEHICLE MAINT	1,017.47
11/09/2018	308078	FAWLEY OVERHEAD DOOR, INC.	FIRE FACILITY MAINT.	532.00
11/09/2018	308079	FIREFIGHTERS BOOKSTORE	FIRE TRAINING SUPPLIES	1,225.96
11/09/2018	308080	FREEBERG, NOREENA	TRIP REFUND	110.00
11/09/2018	308081	GATES, JANET	PROGRAMMING SUPPLIES	82.71
11/09/2018	308082	GUARDIAN TRACKING, LLC	FIRE TECH SUPPLIES	1,384.00
11/09/2018	308083	HALT FIRE, INC.	FIRE APPARATUS MAINT	958.57
11/09/2018	308084	HOME DEPOT	FIRE FACILITY MAINT.	1,038.46
11/09/2018	308085	ID NETWORKS, INC.	FINGER PRINT MACHINE	4,214.00
11/09/2018	308086	INT'L FOUNDATION EMP BENEFIT PLANS	IFEBP MEMBERSHIP	325.00
11/09/2018	308087	J & J LAWN SERVICE, INC.	RETURN OF BID BOND	3,609.75
11/09/2018	308088	JEAN SCHMIEGE	HAYLOFT DEPOSIT REFUND	150.00
11/09/2018	308089	LANGUAGE LINE, INC	LANGUAGE LINE USAGE	334.65
11/09/2018	308090	LEADS ONLINE LLC	INVESTMENT PKG	3,688.00
11/09/2018	308091	MAIN STREET PORTRAITS INC	RETIREMENT PHOTOS	495.00

ACCOUNTS PAYABLE REGISTER

Page 7 of 7

Check Dates From: 10/28/2018 To: 11/11/2018

Check Date	Check	Vendor Name	Description	Amount
11/09/2018	308092	MANN + HUMMEL USA, INC	STC ORDER DOCKET#154	45,795.25
11/09/2018	308093	MI-TOKEN INC.	MI-TOKEN ANNUAL SOFT	300.00
11/09/2018	308094	NELSON'S APPLIANCE SERVICE	FIRE FACILITY MAINT.	139.80
11/09/2018	308095	OFFICE DEPOT, INC.	OFFICE SUPPLIES	2,025.82
11/09/2018	308097	ORION'S VIEW LLC	RECRUITING/COMMUNITY	750.00
11/09/2018	308098	OUTDOOR ENVIRONMENTS	IRRIGATION REPAIRS	808.00
11/09/2018	308099	PETTY CASH-COLEEA CANDERS	REPLENISHMENT CHECK	432.26
11/09/2018	308100	POLDERMAN'S FLOWER SHOP	FLOWERS	47.95
11/09/2018	308101	ROAD COMMISSION OF KALAMAZOO COUNTY	CHIP SEALING SERVICE	14,043.75
11/09/2018	308102	SPECIALTY VEHICLE CONCEPTS INC/SVCI	CAMERA REPAIR	120.00
11/09/2018	308103	STATE SYSTEMS RADIO, INC	12 MONTHS -TOWER LEASE	1,551.67
11/09/2018	308104	SUPERIOR BUSINESS SOLUTIONS	PODIUM WOODWORK	285.00
11/09/2018	308105	THE RIGHT STUFF ENTERTAINMENT INC.	THE BOY BAND CONCERT	2,000.00
11/09/2018	308106	TRACTOR SUPPLY CORP.	SUPPLIES - PARKS DIV	91.75
11/09/2018	308107	UNITED PARCEL SERVICE	WEEKLY DELIVERY	12.08
11/09/2018	308108	VERIZON WIRELESS SERVICES, LLC	CELL PHONE SERVICE	2,819.03
			Total Paper Checks:	956,972.35

Check Type: Auto-Pay Payments

11/02/2018	7193	CONSUMERS ENERGY	GAS-ELECTRIC	1,014.31
11/05/2018	7206	CONSUMERS ENERGY	GAS-ELECTRIC	10,402.72
11/06/2019	7208	CONSUMERS ENERGY	GAS-ELECTRIC	43,814.13
11/07/2020	7220	CITY OF PORTAGE	WATER-SEWER	1,269.75
11/08/2021	7222	CONSUMERS ENERGY	GAS-ELECTRIC	1,337.32
11/09/2021	7237	CONSUMERS ENERGY	GAS-ELECTRIC	403.49
			Total Auto-Pay Payments:	58,241.72

Grand Total:	1,181,619.70
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TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Mowing, Trimming, and Landscape Maintenance Contract Recommendation

SUPPORTING PERSONNEL: Rod Russell, Director of Public Services

ACTION RECOMMENDED: Award a three-year contract in the amount of \$58,745 to Irish Ayres Enterprises, LLC, for mowing, trimming and landscape maintenance for twenty-nine city roadside locations and authorize the City Manager to execute all documents related to this action on behalf of the city.

On October 18, 2018, three bids were received for mowing, trimming, and landscape maintenance of twenty-nine roadside locations owned by the city. The low bid was submitted by the current contracted vendor, Irish Ayres Enterprises of Portage, Michigan, in the annual amount of \$58,745. Irish Ayres Enterprises has successfully completed mowing, trimming and landscape maintenance services for the city over the last six years. The bid price in the amount of \$58,745 for a three-year contract covering Fiscal Years 2018-2019, 2019-2020 and 2020-2021, is nearly 15 percent lower than the current three-year contract.

It is recommended that a three-year contract be awarded to Irish Ayres Enterprise, LLC for mowing, trimming, and landscaping services in the annual amount of \$58,745.

FUNDING: Funds will be budgeted to cover the cost of the contractual services in each Fiscal Year major streets budget.

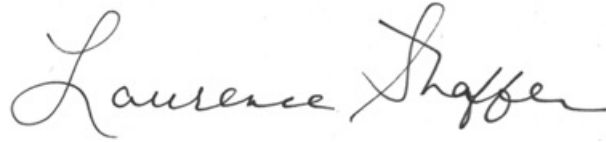
Attachments: 1. Bid Tabulation - Irish Ayres

**MOWING, TRIMMING AND LANDSCAPE MAINTENANCE
BID TABULATION**

	TOTAL
Irish Ayres Enterprises, LLC DBA Earth Works Lawn & Landscape 9830 Portage Road Portage, MI 49002	\$58,745.00
J & J Lawn Service, Inc. 8975 Portage Industrial Drive Portage, MI 49024	\$72,195.00
JMAC Ventures dba Stap Brothers Lawn & Landscape PO Box 188, 14780 S. Kellogg School Rd. Hickory Corners, MI 49060	\$89,715.00

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Copperleaf Phase IV

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: Approve the Preliminary Condominium Subdivision for Copperleaf Phase IV, 3800 West Milham Avenue, subject to submittal of detailed engineering plans for streets, utilities and storm water.

In November 2013, City Council approved the PD rezoning and tentative plan/narrative for the Copperleaf Planned Development project (previously called Harbors West PD) which included 204 single-family residential homes on approximately 74 acres with over 14 acres, (19%) devoted to perpetual open space.

In January 2015 and August 2017, City Council approved Phases I and II of the Copperleaf Subdivision respectively, which includes a total of 71 single-family residential lots. Public streets and infrastructure have been installed and residential home construction has been completed in these two phases. In August 2018, City Council granted approval of Phase III of the Copperleaf Subdivision, which includes 27 single-family lots. Public streets and associated infrastructure within the third phase have been installed and residential home construction is underway.

Phase IV of the Copperleaf Subdivision has been submitted by Westview Capital, LLC and proposes 30 single-family residential lots/units, extension of Summersong Path and Paxton Trail, and construction of a new public cul-de-sac street (Street "A"). The Preliminary Condominium Subdivision for Copperleaf Phase IV has been designed in substantial compliance with the approved tentative plan/narrative.

Within Phase IV, the developer will install four-foot wide concrete sidewalks along both sides of the new public streets. Storm water will be collected and conveyed to an existing infiltration basin located north of Phases I and II and municipal water and sewer will be extended to serve Phase IV of the development.

In a report dated October 26, 2018, the Department of Community Development recommended approval of the Preliminary Condominium Subdivision for Copperleaf Phase IV subject to two conditions regarding submittal of the detailed engineering drawings for the public streets, utilities and storm water.

The Planning Commission convened a public hearing during the November 1, 2018 meeting to consider the Preliminary Condominium Subdivision for Copperleaf Phase IV. Mr. Brian Wood of

Westview Capital, LLC was present to support the application and explain the development project. No additional citizens spoke during the public hearing and no written communications were received from area residents or interested citizens. At the conclusion of the public hearing, the Commission voted unanimously to recommend City Council approve the Preliminary Condominium Subdivision for Copperleaf Phase IV.

FUNDING: Not applicable.

Attachments:

1. Planning Commission transmittal dated November 8, 2018
2. Planning Commission meeting minutes dated November 1, 2018
3. Department of Community Development staff report dated October 26, 2018 with attachments

TO: Honorable Mayor and City Council

FROM: Planning Commission

DATE: November 8, 2018

SUBJECT: Preliminary Condominium Subdivision of Copperleaf (Phase IV), 3800 West Milham Avenue

The Planning Commission convened a public hearing during the November 1, 2018 meeting to consider the preliminary condominium subdivision of Copperleaf (Phase IV). Mr. Brian Wood of Westview Capital, LLC was present to support the application and explain the development project. No additional citizens spoke during the public hearing and no written communications were received from area residents or interested citizens.

After careful consideration, a motion was made by Commissioner Corradini, seconded by Commissioner Harrell-Page, to recommend to City Council that the Preliminary Condominium for Copperleaf Subdivision (Phase IV), 3800 West Milham Avenue, be approved subject to the two conditions contained in the Department of Community Development report dated October 26, 2018. The motion was unanimously approved 8-0.

Sincerely,


Wayne Stoffer
Chairman

S:\2018-2019 Department Files\Memos\City Council\2018 11 08 PC Copperleaf Subdivision (Phase IV), 3800 West Milham Avenue- preliminary condominium.doc

 **DRAFT**

2. Preliminary Condominium Subdivision of Copperleaf (Phase IV), 3800 West Milham Avenue. Mr. Forth summarized the staff report dated October 26, 2018 regarding the request by Westview Capital, LLC to construct Phase IV of the Copperleaf single-family residential subdivision. Mr. Forth stated Phase IV of the Copperleaf Subdivision proposes 30 single family residential lots/units on approximately 9.0 acres and includes an extension of Summersong Path and Paxton Trail, along with construction of a new public cul-de-sac street (Street "A"). Mr. Forth summarized the PD rezoning and tentative plan/narrative that received City Council approval in November 2013 along with subsequent approvals of Phase I in 2015, Phase II in 2017 and Phase III in 2018. Mr. West stated that Phase IV of the Copperleaf Subdivision has been designed in substantial compliance with the approved tentative plan/narrative and was recommended for approval subject to the two conditions outlined in the staff report regarding public streets/utilities and storm water.

Brain Wood of Westview Capital, LLC was present to support the preliminary condominium subdivision. Mr. Wood indicated that Phase I has been fully built-out and sold, Phase II has one lot still available and Phase III has 7 of 27 lots sold with home construction ongoing. The public hearing was opened by Chairman Stoffer. No citizens spoke regarding Phase IV of the Copperleaf Subdivision. A motion was made by Commissioner Harrell-Page, seconded by Commissioner Baldwin, to close the public hearing. The motion was unanimously approved 8-0. After a brief discussion, a motion was made by Commissioner Corradini, seconded by Commissioner Harrell-Page, to recommend to City Council that the Preliminary Condominium for Copperleaf Subdivision (Phase IV), 3800 West Milham Avenue be approved subject to the two conditions contained in the Department of Community Development report dated October 26, 2018. The motion was unanimously approved 8-0.

3. Active Home Occupation Permit for Kathy Berglund, 6722 Fescue Street. Mr. West summarized the staff report dated October 26, 2018 regarding a request from Kathy Berglund to operate a home based business that involves performing physical therapy services from her residence located at 6722 Fescue Street. Mr. West stated the active home occupation would occupy an underutilized bedroom (approximately 105 square feet) on the main floor of the ranch home where physical therapy services including exercise instruction using free weights and therabands and myofascial manipulation would occur. Mr. West indicated the applicant intends to see 6-7 clients per day on Mondays, Wednesdays and Fridays, 3-4 clients on Saturdays and 2-3 clients on Sundays with physical therapy sessions occurring in 45-60 minute increments with a 15 minute break between clients. Mr. West then reviewed the various requirements for consideration of active home occupations as outlined in Section 42-129 and indicated the application satisfies these criteria and was recommended for approval. Mr. West then referred the Commission to the two letters of opposition received from area residents (one letter in the initial agenda packet and one letter in the final agenda packet). Mr. West stated that both residents expressed concerns over increased activity, traffic and parking in the neighborhood. Mr. West again reviewed the anticipated traffic generation and parking available at the site and indicated that traffic generation and activities associated with the proposed active home occupation were less than other uses such as family or group child care homes that are also allowed in the single family residential zoning district.

Ms. Kathy Berglund (applicant/property owner) was present to support the active home occupation permit application. Ms. Berglund stated her hours of operation would be between 9am-7pm on Mondays, Wednesdays and Fridays and by appointment only on weekends. Ms. Berglund indicated that she was not going to have any signage identifying her business and that adequate parking was provided on-site to accommodate her clients who would have staggered appointments. The public hearing was then opened by Chairman Stoffer. No citizens spoke in regard to the proposed active home occupation permit. A motion was made by Commissioner Baldwin, seconded by Commissioner Place, to close the public hearing. The motion was unanimously approved 8-0.

Commissioner Joshi expressed concern about the two letters of opposition received regarding the proposed active home occupation permit. Chairman Stoffer stated other uses allowed in residential neighborhoods such as child care homes typically generate higher traffic volumes and more activity. Mr. West discussed the 2011 Zoning Code amendment approved by City Council that expanded opportunities for residents to operate home based businesses and also discussed a similar active home occupation permit approved in 2014 for a one chair hair salon on Equestrian Drive in the Southwood Subdivision. Mr. West indicated the one chair hair salon active

TO: Planning Commission **DATE:** October 26, 2018
FROM: Vicki Georgeau, *VG* Director of Community Development
SUBJECT: Preliminary Condominium Subdivision for Copperleaf Subdivision (Phase IV), 3800 West Milham Avenue

I. INTRODUCTION:

Westview Capital, LLC has submitted Phase IV of the preliminary condominium for the Copperleaf Subdivision. Phase IV proposes 30 single family residential lots/units and extension of Summersong Path and Paxton Trail, along with construction of a new public cul-de-sac street (Street "A").

Applicant	Sites/Area	Location
Westview Capital, LLC	30 lots-units/9.03 acres (Phase IV)	Southeast ¼ of Section 6, North of West Milham Avenue and East of US-131.

As background information, the Copperleaf Planned Development received City Council approval in November 2013. The PD project includes a total of 204 single family residential homes on approximately 74 acres with over 14 acres (19%) devoted to perpetual open space. Open space areas will be located around the perimeter of the property adjacent to US-131 and I-94 and within central areas of the development. City Council approval of the planned development project included the following three modifications and one condition:

1. In lieu of sidewalks along both sides of all streets, the planned development project included an integrated pedestrian circulation network of concrete sidewalks (along at least one side of all streets) and an asphalt recreational path (along rear portions of building sites within identified open space areas) that will connect from West Milham Avenue to the Harbors West Park.
2. A block length of approximately 1,900 feet in Phases 5 and 6 where the maximum allowed is 1,400 feet.
3. Construction of 39 lots on a residential cul-de-sac street where only 20 are permitted until Phase 2 connects to Baywood Drive to the east.
4. Ranch-style homes be no less than 1,400 square feet and two story homes be no less than 1,800 square feet.

Phase I of the Copperleaf Subdivision, which included 39 single family lots, received City Council approval in January 2015 and residential home construction has been completed within this initial phase. Phase II of the Copperleaf Subdivision, which included 32 single family lots, received final approval by City Council in August 2017 and residential home construction has been completed within this second phase. Phase III of the Copperleaf Subdivision, which included 27 single family lots, received final approval by City Council in August 2018 and residential home construction is ongoing. Phase IV of the Copperleaf Subdivision has been designed in substantial compliance with the approved tentative plan/narrative. A copy of the November 2013 approved tentative plan for the overall PD project is attached for reference.

II. COPPERLEAF SINGLE-FAMILY CONDOMINIUM REQUIREMENTS:

Article 6, Condominium Projects outlines the requirements for single family detached residential condominium subdivisions within the City of Portage pursuant to the authority conferred by the Michigan Condominium Act, PA 59 of 1978, as amended. Single family residential condominium projects must meet the Zoning Code requirements for the district in which the development is located including minimum lot size (area), width and setbacks unless otherwise approved by City Council. Additionally, all Required Improvements and Design Standards contained in Article 5, Division 4 of the Subdivision and Land Division Regulations are also applicable to the residential condominium subdivision project.

The following summarizes the requirements that are applicable to the Copperleaf preliminary condominium subdivision application.

- Zoning – The subject property is zoned PD, planned development and consistent with the approved tentative plan and narrative, the majority of the lots will range in size from 7,620-9,144 square feet with 60-72 foot widths (larger/wider lots proposed within cul-de-sacs). Homes will maintain minimum building setbacks of 25-feet (front), 25-feet (rear) and 5-feet (side) with a minimum 15-foot separation provided between homes. A minimum 15-foot setback will be provided along the long side of corner lots, while lots abutting the existing Harbors West development (Bay Meadow Drive) will maintain a minimum 10-foot side setback and 40-foot rear setback. Consistent with City Council approval, home sizes will be at least 1,400 square feet for ranch-style homes and 1,800 square feet for two-story homes.
- Vehicular Access/Streets/Utilities – Phase IV of the Copperleaf Subdivision will be accessed through a westerly extension of Summersong Path and a northerly extension of Paxton Trail. A new public cul-de-sac street (Street “A”) will also be constructed along the east side of the Paxton Trail extension. Islands and other improvements proposed within the public street right-of-way will be owned and maintained by the condominium association with appropriate maintenance/indemnification agreement provided to the city.

Municipal water and sewer will be extended to serve Phase IV of the development. Storm water from Phase IV will be collected and conveyed to an existing infiltration basin located north of Phase I/Phase II. Issues associated with relocating/rerouting of this existing storm sewer will be addressed with submitted of the detailed engineering plans. Storm water piping and structures will be owned and maintained by the city, while the infiltration basin is owned and maintained by the condominium association.

- Sidewalks/Pedestrian Circulation – Section 42-804 of the Subdivision and Land Division Regulations establishes sidewalk requirements including installation of sidewalks along both sides of all streets. As noted above and in conjunction with the PD rezoning and tentative plan/narrative approval in November 2013, City Council approved a modification to this standard allowing installation of a pedestrian circulation network of concrete sidewalks (along at least one side of all streets) and asphalt multi-use paths (along rear portions of building sites within identified open space areas) that will connect from West Milham Avenue to the Harbors West Park. Attached is a drawing that shows the location of these paths. These multi-use paths will be open for public use.

Within Phase IV of Copperleaf Subdivision, the developer will install 4-foot wide concrete sidewalks along both sides of the new public streets located within this phase.

III. PUBLIC NOTICE REQUIREMENTS:

In accordance with the Michigan Planning Enabling Act (PA 33 of 2008, as amended), a public notice was published in the local newspaper and notice was mailed to owners of land located within 300-feet of the subject property 15 days prior to the date of the public hearing.

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

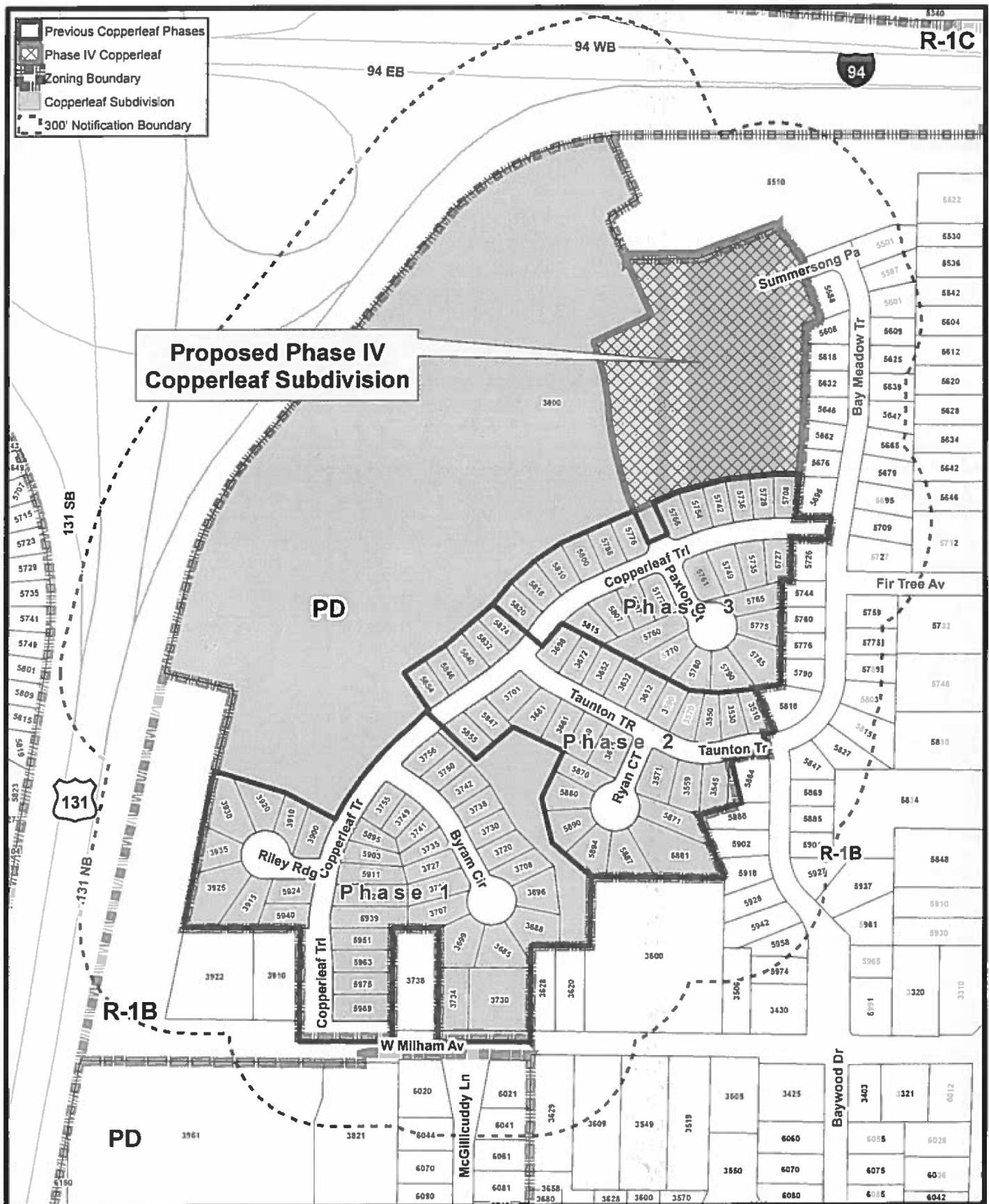
IV. RECOMMENDATION:

The preliminary condominium subdivision has been reviewed within the context of the Comprehensive Plan, Land Development Regulations and other applicable ordinance requirements. Based on the above information and subject to any additional information received during the public hearing, staff advises the Planning Commission recommend to City Council that the Preliminary Condominium for Copperleaf Subdivision (Phase IV), 3800 West Milham Avenue, be approved subject to the following conditions:

1. Streets and Utilities – The proposed street system, municipal water and sanitary sewer are acceptable in concept. Final design, location and related issues are being addressed as part of the detailed engineering plan review. Any public utility located outside of the street right-of-way will require that an easement(s) be conveyed to the city. Islands and any other improvements proposed within the public street right-of-way will be owned and maintained by the condominium association with appropriate maintenance/indemnification agreements provided to the city.
2. Storm Water – The proposed storm water system is also acceptable in concept. Storm water related piping and structures will be owned and maintained by the city, while the infiltration basin is owned and maintained by the condominium association. Any portion of the storm water piping system located outside of the public street right-of-way will require that an easement(s) be conveyed to the city. Final design, location and related issues are being addressed as part of the detailed engineering plan review.

Attachments: Zoning/Vicinity Map
Aerial Photograph Map
Preliminary Condominium Subdivision Plan (Phase IV and Overall Layout)
Harbors West Planned Development – November 2013 Approved Tentative Plan

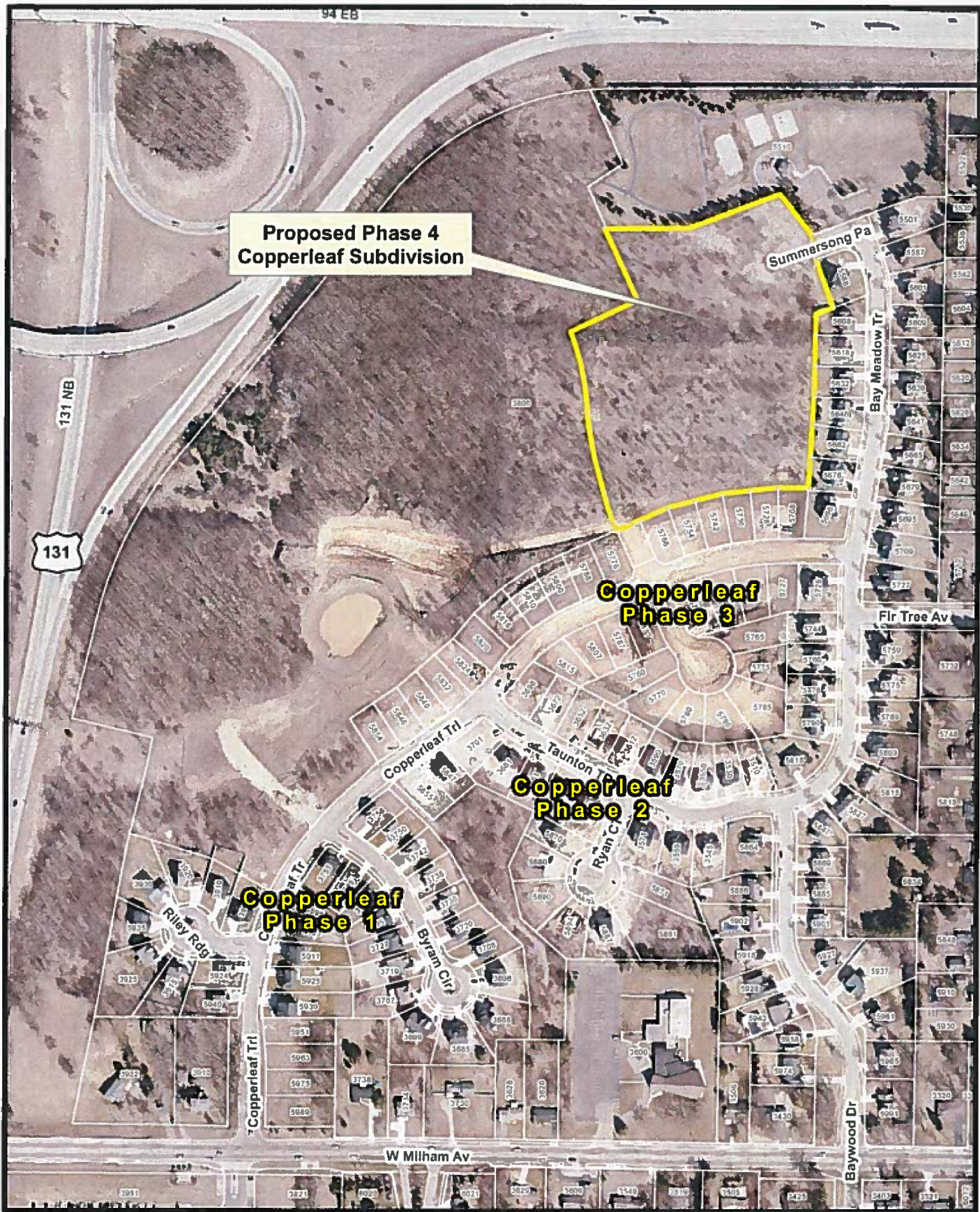
S:\Commdev\2018-2019 Department Files\Board Files\PLANNING COMMISSION\PC Reports\Plate-Site Condos\2018 10 26 Preliminary Condominium Subdivision, Copperleaf Subdivision (Phase IV).doc



Copperleaf Subdivision (Phase IV)



1 inch = 350 feet



**Proposed Phase 4
Copperleaf Subdivision**

**Copperleaf
Phase 3**

**Copperleaf
Phase 2**

**Copperleaf
Phase 1**

**Proposed Copperleaf Subdivision
(Phase IV)**

 Phase IV Copperleaf



1 inch = 300 feet

NOTE: 'COPPERLEAF' IS A SITE CONDOMINIUM AND PLANNED DEVELOPMENT WITH CITY OF PORTAGE PUBLIC STREETS

SITE DATA:
 -ZONING OF PROPERTY = "R3"
 -TOTAL LOT/ACRES = 8.01 ACRES
 -# OF LOTS IN PHASE FOUR = 30
 -DENSITY WITHIN PHASE FOUR = 132 UNITS/ACRE
 -DENSITY WITHIN PHASES ONE THRU THREE = 210 UNITS/ACRE 48 UNITS / 1217 ACRES
 -DENSITY WITHIN PHASES ONE THRU FOUR = 219 UNITS/ACRE 126 UNITS / 4144 ACRES

ZONING & SETBACK INFORMATION:
 -ZONING OF PROPERTY = PD
 -SETBACK WIDTH @ FRONT SETBACK = 60'
 -REDUCED FRONT SETBACK = 25'
 -REDUCED REAR SETBACK = 25'
 -REDUCED SIDE SETBACK = 5'
 -DISTANCE BETWEEN DWELLINGS (minimum 15' BETWEEN DWELLINGS)
 -MINIMUM LOT COVERAGE = 30%

* NOTE: FRONT SETBACK IS ONLY IF ON LOT LINE
 ** COASTLINE SETBACK

FIRE DEPT. NOTES

[illegible]

COMMUNITY DEVELOPMENT

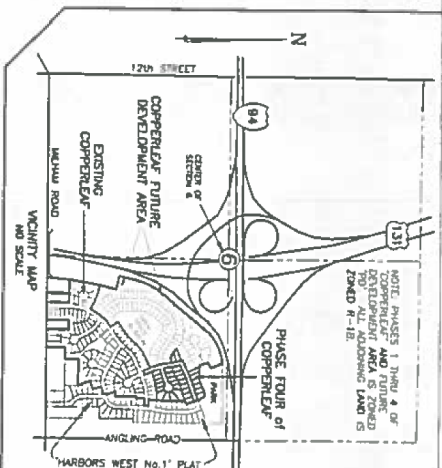
OWNER & APPLICANT:

WESTVIEW CAPITAL, LLC
2186 EAST CENTRE STREET
PORTAGE, MI 49002
(269) 321-2610

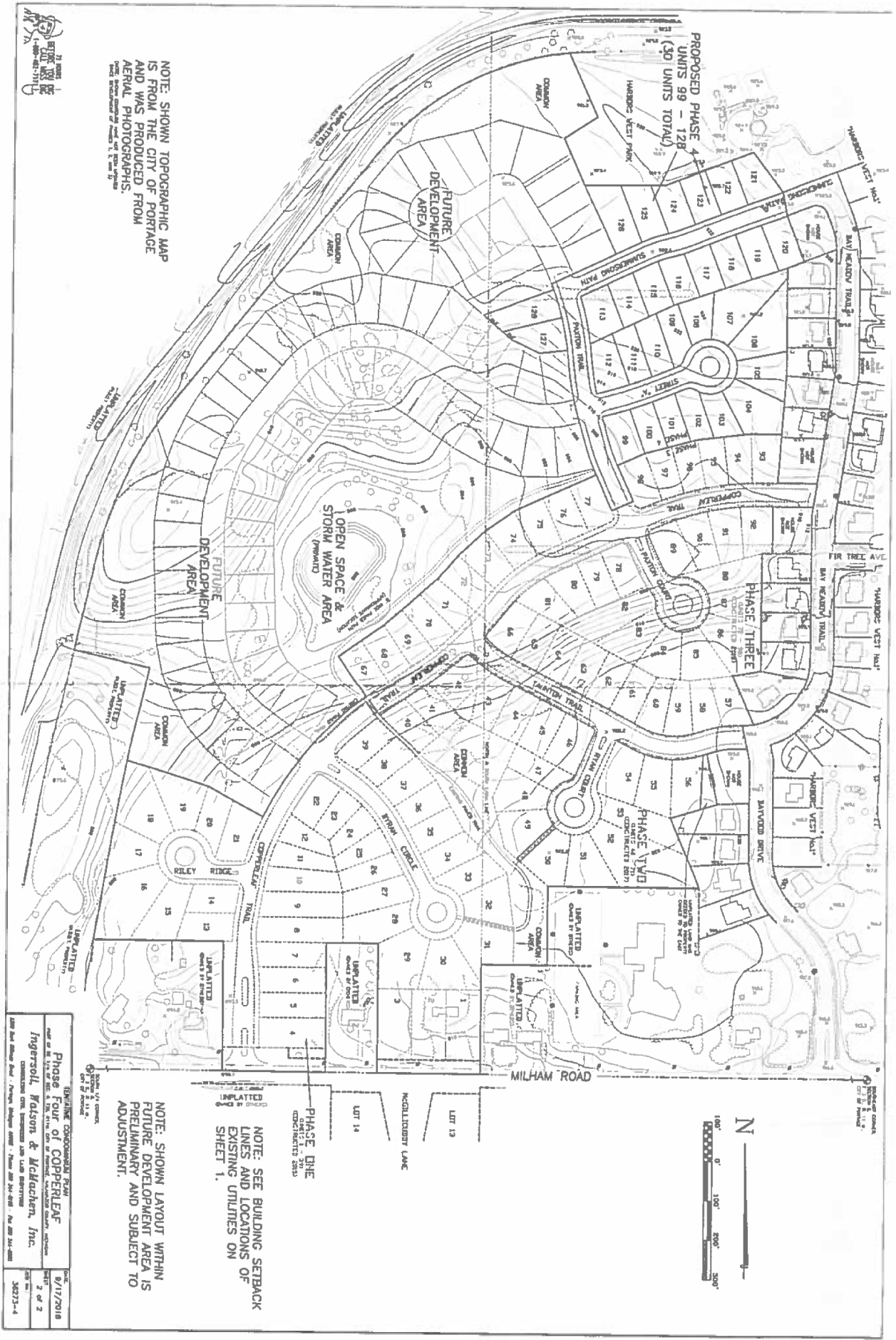
RECEIVED
NOTE: ALSO SEE APPROVED TENTATIVE
PLAN (BY PATHFINDER ENGINEERING)
FOR THIS PROJECT (FORMERLY NAMED
OCT 12 2018
"HARBORS WEST PLANNED DEVELOPMENT")

NOTE: THIS TENTATIVE CONDOMINIUM PLAN IS INTENDED FOR CITY REVIEW RELATIVE TO TENTATIVE APPROVAL (STEP 1 APPROVAL) AS OUTLINED IN THE CITY OF PORTAGE'S LAND DEVELOPMENT REGULATIONS.

GENERAL NOTES



INDIANE CONCRETE&FLY Phase Four of COPPERLEAF 1000 W. 11th St., P.O. Box 1010, Fort Howard, Indiana 47842 Ingersoll, Watson & McElwain, Inc. CONCRETE, SOIL PROTECTION AND LAND SERVICES 1200 East Adams Road • P.O. Box 1000 • Ellettsburg, Indiana 47830 • Phone 800 842-6660 • Fax 800 344-4000	8/17/2001 1 of 2 Page 1 34273-6
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PROPOSED PHASE 4
UNITS 99 - 128
(30 UNITS TOTAL)

NOTE: SHOWN TOPOGRAPHIC MAP
IS FROM THE CITY OF PORTAGE
AND WAS PRODUCED FROM
AERIAL PHOTOGRAPHS.
FIELD SURVEY CONDUCTED BY PORTAGE
ON 10/11/11.



Phase Four of COPPERLEAF INGERSON, WATSON & MCEACHERN, INC. 1000 East Main Street, Suite 200, Portage, WI 54981 TEL: 920.765.1111 FAX: 920.765.1112 WWW.IWM-INC.COM	
DATE	8/17/2016
SHEET	2 of 2
PROJECT	36273-4

NOTE: SHOWN LAYOUT WITHIN
FUTURE DEVELOPMENT AREA IS
PRELIMINARY AND SUBJECT TO
ADJUSTMENT.

NOTE: SEE BUILDING SETBACK
LINES AND LOCATIONS OF
EXISTING UTILITIES ON
SHEET 1.

PHASE ONE
UNITS 1-30
(30 UNITS TOTAL)

LOT 14

LOT 13

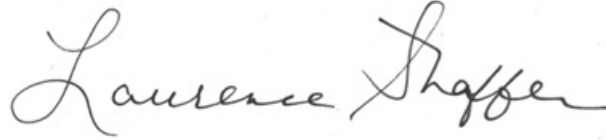
MCDONALD LANE

MILHAM ROAD



TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Tentative Plan Amendment for Streamsong Planned Development

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: Accept the Tentative Plan Amendment for Streamsong Planned Development, 715 West Osterhout Avenue, for first reading and set a public hearing for December 18, 2018.

In March 2017, City Council approved the PD rezoning and tentative plan/narrative for the Streamsong Planned Development project that included 102 single-family residential dwelling units (detached and attached) across 39 acres in four phases. Residential condominium units were proposed to include two and three-bedroom floor plans ranging between 1,550 and 1,850 square feet in floor area, excluding any basement area, with an attached two-car garage.

In August 2017, City Council approved the Final Plan for construction of Phase I of the Streamsong Planned Development which included a total of 29 condominium units (3 two-unit dwellings and 23 one-unit dwellings), a clubhouse and internal private street network on approximately 9.26 acres. Construction of infrastructure within the first phase has been completed, while construction of condominium dwellings is ongoing.

The tentative plan amendment submitted by Mike Seelye of SDV Development, LLC proposes to reduce the original plan of a minimum dwelling-unit floor area from between 1,550 and 1,850 square feet to 1,218 and 1,499 square feet for 40% of the condominium units (41 units), with the remaining condominiums ranging between 1,500 and 2,000 square feet. No additional changes from the previously approved tentative plan/narrative involving the overall number of condominium units, type of condominium units, access arrangement, internal private street network, storm water design or natural area/open space preservation are proposed.

In a report dated October 26, 2018, the Department of Community Development recommended the approval of Tentative Plan Amendment for Streamsong Planned Development. Subsequently, the Planning Commission convened a public hearing during the November 1, 2018 meeting to consider the Tentative Plan Amendment. Mike Seelye of SDV Development, LLC was present to support the application and explain the development project. No additional citizens spoke during the public hearing and no written communications were received from area residents or interested citizens. At the conclusion of the public hearing, the Commission voted unanimously to also recommend City Council approve the Tentative Plan Amendment for Streamsong Planned Development.

FUNDING: Not applicable.

- Attachments:**
1. Planning Commission transmittal dated November 8, 2018
 2. Planning Commission meeting minutes dated November 1, 2018
 3. Department of Community Development staff report dated October 26, 2018
with attachments

TO: Honorable Mayor and City Council

FROM: Planning Commission

DATE: November 8, 2018

SUBJECT: Tentative Plan Amendment for Streamsong Planned Development, 715 West Osterhout Avenue

The Planning Commission convened a public hearing during the November 1, 2018 meeting to consider the tentative plan amendment involving the Streamsong Planned Development. Mr. Mike Seelye of SDV Development, LLC was present to support the application and explain the development project. No additional citizens spoke during the public hearing and no written communications were received from area residents or interested citizens.

After careful consideration, a motion was made by Commissioner Patterson, seconded by Commissioner Place, to recommend to City Council that the Tentative Plan Amendment for Streamsong Planned Development, 715 West Osterhout Avenue, be approved as detailed in the revised narrative submittal received on October 16, 2018. The motion was unanimously approved 8-0.

Sincerely,


Wayne Stoffer
Chairman

S:\2018-2019 Department Files\Memos\City Council\2018 11 08 PC Streamsong Planned Development, 715 West Osterhout Avenue- tentative plan amendment.doc

PLANNING COMMISSION

November 1, 2018

DRAFT

The City of Portage Planning Commission meeting of November 1, 2018 was called to order by Chairman Stoffer at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Eight 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; Randy Brown, City Attorney; and Matt Quardokus, Assistant City Attorney.

ROLL CALL:

Mr. Forth called the roll: Pezzoli (yes); Baldwin (yes); Harrell-Page (yes); Place (yes); Joshi (yes); Stoffer (yes); Corradini (yes); and Patterson (yes). A motion was then made by Commissioner Joshi, seconded by Commissioner Harrell-Page, to approve the Roll excusing Commissioner Schimmel. The motion was unanimously approved 8-0.

APPROVAL OF MINUTES:

Chairman Stoffer referred the Commission to the October 18, 2018 meeting minutes contained in the agenda packet. A motion was made by Commissioner Baldwin, seconded by Commissioner Place, to approve the minutes as submitted. The motion was unanimously approved 8-0.

PUBLIC HEARING:

1. Tentative Plan Amendment for Streamsong Planned Development, 715 West Osterhout Avenue. Mr. Forth summarized the staff report dated October 26, 2018 regarding the request by Mike Seelye of SDV Development, LLC to amend the previously approved tentative plan for the Streamsong Planned Development. Mr. Forth indicated the tentative plan amendment proposes to reduce the minimum dwelling unit floor area from 1,550-1,850 square feet (originally approved) to 1,218-1,499 square feet for 40% of the condominium units (41 units). Mr. Forth stated no additional changes from the originally approved tentative plan/narrative were proposed and the overall number of condominium units, type of condominium units, access arrangement, internal private street network, storm water design and natural area/open space preservation would remain unchanged from the 2017 approved PD rezoning/tentative plan approval.

Mr. Mike Seelye of SDV Development, LLC was present to support the proposed tentative plan amendment. Mr. Seelye discussed the difficulties encountered selling condo units within the first phase of Streamsong and indicated that offering a slightly small floor plan would make the condominium dwellings more affordable and broaden the market for potential residents. Mr. Seelye indicated that allowing for up to 40% of the units to be constructed between 1,218-1,499 square feet would allow these condominiums to be sold in the \$250,000-\$300,000 range. The public hearing was opened by Chairman Stoffer. No citizens spoke regarding the proposed tentative plan amendment. A motion was made by Commissioner Harrell-Page, seconded by Commissioner Baldwin, to close the public hearing. The motion was unanimously approved 8-0.

After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Place, to forego the second meeting due to no public comment received and no major changes involved with the proposal and recommend to City Council that the Tentative Plan Amendment for Streamsong Planned Development, 715 West Osterhout Avenue, be approved as detailed in the revised narrative submittal received on October 16, 2018. The motion was unanimously approved 8-0.

TO: Planning Commission

DATE: October 26, 2018

FROM: Vicki Georgeau,  Director of Community Development

SUBJECT: Tentative Plan Amendment for Streamsong Planned Development, 715 West Osterhout Avenue

I. APPLICATION INFORMATION:

An application to amend the previously approved tentative plan for the Streamsong Planned Development (PD) has been received. The tentative plan amendment proposes to reduce the minimum dwelling unit floor area for 40% of the condominium units. Please refer to the attached letter from Mike Seelye dated October 15, 2018 and the revised narrative and tentative plan for additional details regarding the proposed amendment.

Applicant	Property Address	Description	Zoning
Mike Seeley, SDV Development, LLC	715 West Osterhout Avenue	39 acre tract of land (detached/attached residential condominium)	PD, planned development (2017)

The Streamsong PD involves a 39 acre tract of land located along the south side of West Osterhout Avenue, opposite Lloy Street. The original Streamsong PD rezoning/tentative plan application received City Council approval in March 2017 and proposed construction of 102 residential dwelling units (detached and attached) across the 39 acre property in four phases. Residential condominium units were proposed to include two and three bedroom floor plans ranging between 1,550-1,850 square feet in floor area, excluding any basement area, with an attached two-car garage.

In August 2017, City Council approved the Final Plan for construction of Phase I of the Streamsong Planned Development which included a total of 29 condominium units (three 2-unit dwellings and 23 1-unit dwellings), a clubhouse and internal private street network on approximately 9.26 acres. Construction of infrastructure within this first phase has been completed, while construction of condominium dwellings is ongoing.

The tentative plan amendment proposes to reduce the minimum dwelling unit floor area from 1,550-1,850 square feet (originally approved) to 1,218-1,499 square feet for 40% of the condominium units (41 units), with the remaining condominiums ranging between 1,500-2,000 square feet. No additional changes from the originally approved tentative plan/narrative involving the overall number of condominium units, type of condominium units, access arrangement, internal private street network, storm water design or natural area/open space preservation are proposed.

II. TENTATIVE PLAN AMENDMENT PROCEDURES/REQUIREMENTS:

The PD, planned development chapter establishes a two-part review and approval process: Tentative plan review of the overall development concept and final plan review for each phase of the development. Under the terms of the ordinance, any change to the tentative plan, such as modifying an approved land use class

or adding a land use class, requires formal review and approval, with public hearings, in a manner similar to a rezoning procedure.

III. PRELIMINARY ANALYSIS - PROPOSED TENTATIVE PLAN AMENDMENT:

As outlined in the October 15, 2018 communication, Mr. Seelye has been experiencing difficulties selling the condominium dwellings constructed so far within Phase I of the development. Mr. Seelye believes that offering a smaller residential floor plan option, at a corresponding lower price, will stimulate home sales within the Streamsong PD. Included with the application materials are two smaller floor plan options (1,218 square feet and 1,323 square feet) that Mr. Seelye would like to incorporate into the residential condominium portfolio.

The proposal to reduce the minimum dwelling unit floor area from 1,550-1,850 square feet (originally approved) to 1,218-1,499 square feet for 40% of the condominium units (41 of 102 total units) will have no measureable impact on the overall appearance of the project and will offer a wider range of housing options. The proposed amendment will also not result in an increase in the total number of dwelling units, or a decrease in the area proposed to be preserved in natural open space. As concluded with the original 2017 approval, the Streamsong residential condominium development will continue to be consistent with the surrounding land use/development pattern which includes the Gourdneck State Game Area (south), single family residences and vacant land (east and west) and single family residences and Schrier Park (north).

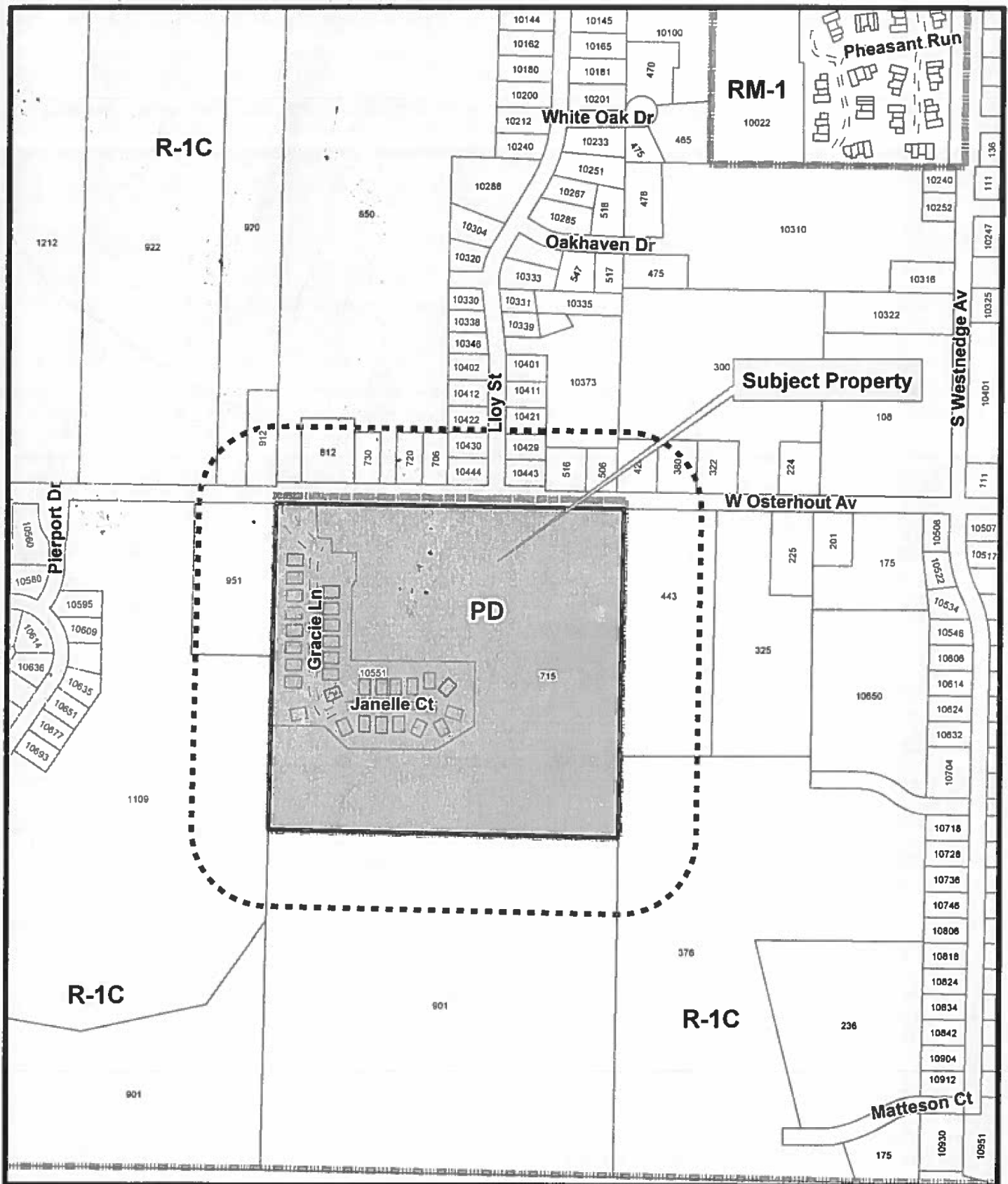
IV. RECOMMENDATION:

While it is Planning Commission policy to accept public comment at the initial meeting and conclude the discussion at a subsequent meeting, the tentative plan amendment for Streamsong Planned Development proposes only minor modifications to the floor area of 40% of the individual condominium units. No additional changes from the originally approved tentative plan/narrative involving the overall number of condominium units, type of condominium units, access arrangement, internal private street network, storm water design or natural area/open space preservation are proposed.

Given these circumstance and subject to any additional information that might be received during the public hearing, staff advises that the Planning Commission recommend to City Council that the Tentative Plan Amendment for Streamsong Planned Development, 715 West Osterhout Avenue, be approved.

Attachments: Zoning/Vicinity Map
 Aerial Photograph
 Proposed Tentative Plan Amendment (October 15, 2018 letter from Mike Seeley)
 Revised Narrative and Tentative Plan

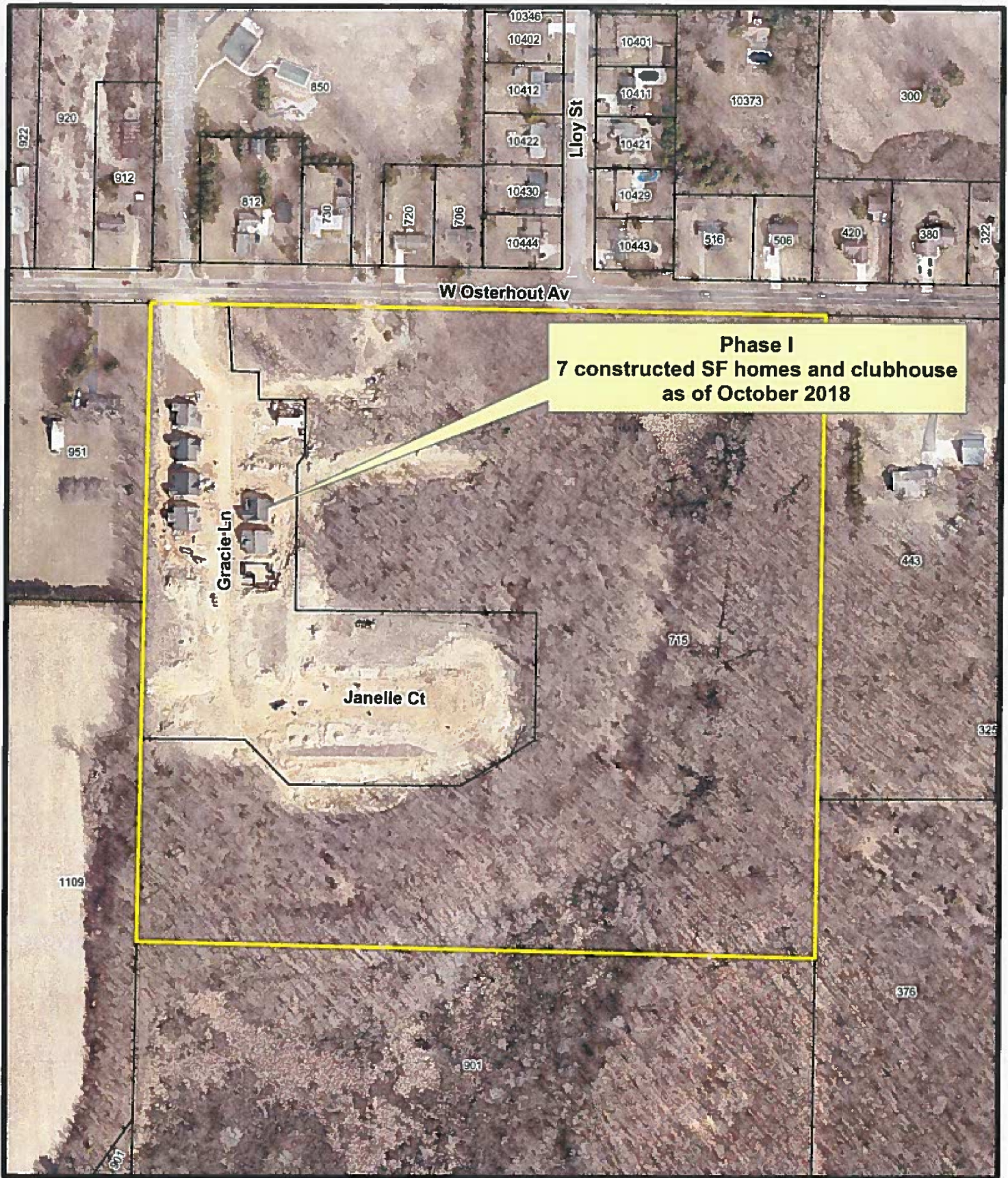
S:\Commdev\2018-2019 Department Files\Board Files\PLANNING COMMISSION\PC Reports\Planned Development Projects\2018 10 26 Streamsong Planned Development, 715 West Osterhout Avenue - Tentative Plan Amendment.doc



**Tentative Plan Amenment
Streamsong Planned Development
715 West Osterhout Avenue**



1 inch = 500 feet



Aerial Photography 715 West Osterhout Avenue

 Subject Property



1 inch = 250 feet

RECEIVED

OCT 16 2018

COMMUNITY DEVELOPMENT

October 15, 2018

City of Portage Planning Department/Planning Commission,

I would like to ask for a review of the current minimum square footage requirements for "Streamsong" Condominium Development, 715 W. Osterhout, Portage, Michigan.

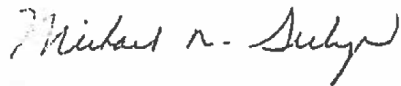
As of October 15, 2018 we have not sold a condo in this development. We have been represented by Jaqua Realtors for well over 4 months. We now have listed 2 of the units with Berkshire Hathaway-Todd Bradfield, a top producer as well as 2 of the units with Keller Williams-Matt Mulder team, another top producer, still no sales. Prospects say they love the units, well appointed, lovely setting. What we are hearing from many prospective buyers has been, too much money, too much in real estate taxes. We lost one great buyer back in August who now lives in the nicer section of Woodbridge Hills because the taxes on a \$450,000.00 unit were going to be over \$9,000.00 a year. They backed out of the deal. We feel if we had a similar exterior product in the 1200-1300 square foot range, (excluding basement and garage area) that we could price in the mid \$200's and maybe a product between 1300-1400 square feet for under \$300,000.00 it would make a difference in our sales numbers.

Not only could we price the smaller units between \$250,000.00 and \$300,000.00, but the real estate taxes would be more affordable for a wider range of buyers. Greg Watts is sold out in his project on Old Centre and Cooley Drive? Those condominiums start at 1157 square feet, selling for \$239,000.00, no clubhouse, no pool. He can't build them fast enough. That kind of tells me where the market is. Not everyone can afford \$350,000.00 to \$450,000.00. We thought we knew the market, but obviously we were wrong. I've been told that State Land Park minimum square footages are 1,500 square feet on a ranch, and 2,000 square feet on a 2 story. How many 1,500 square foot ranches do you see in that development? Part of the reason is you can build a 2,000 square foot 2 story for the same money, or less money than a 1,500 square foot ranch.

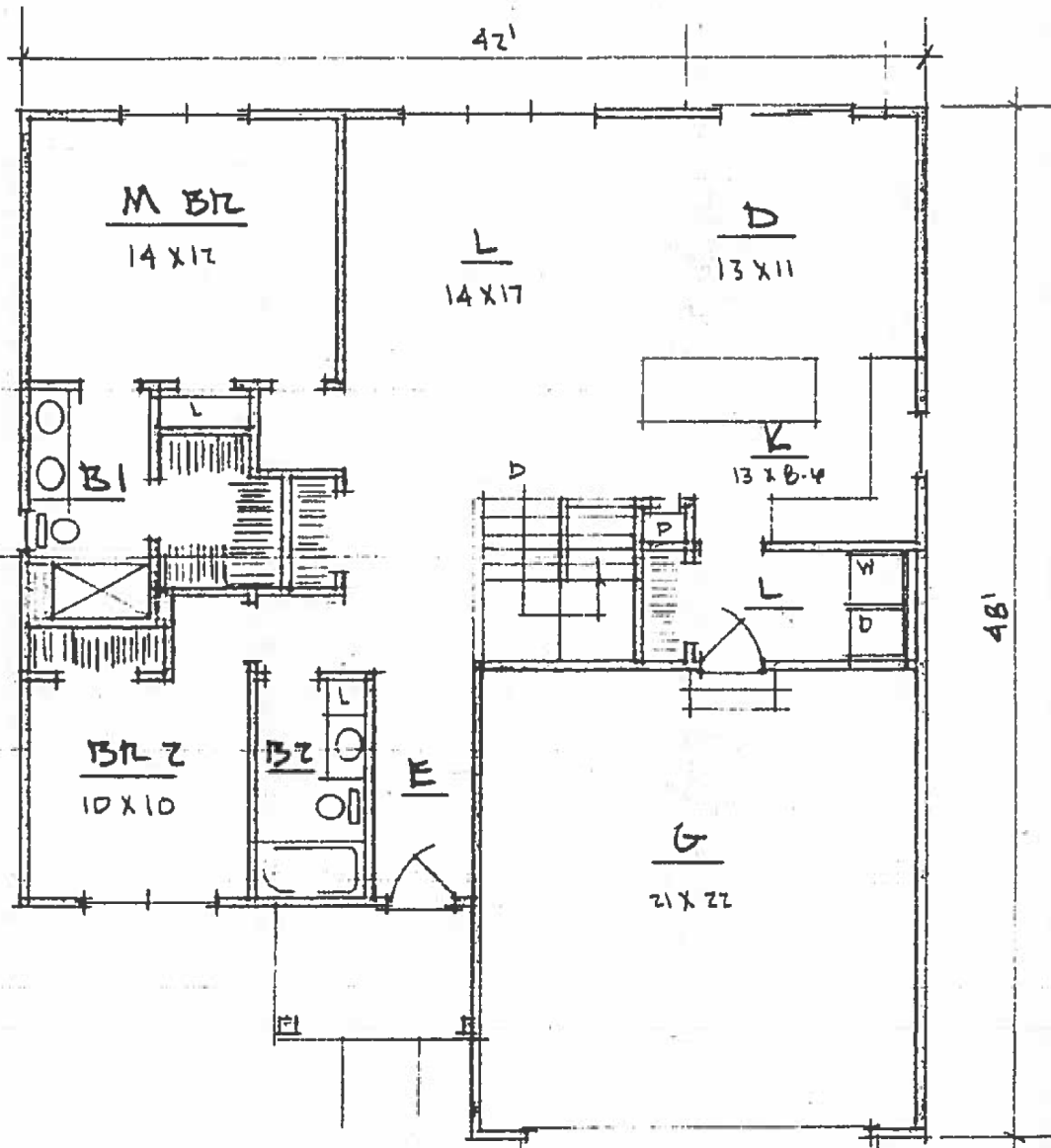
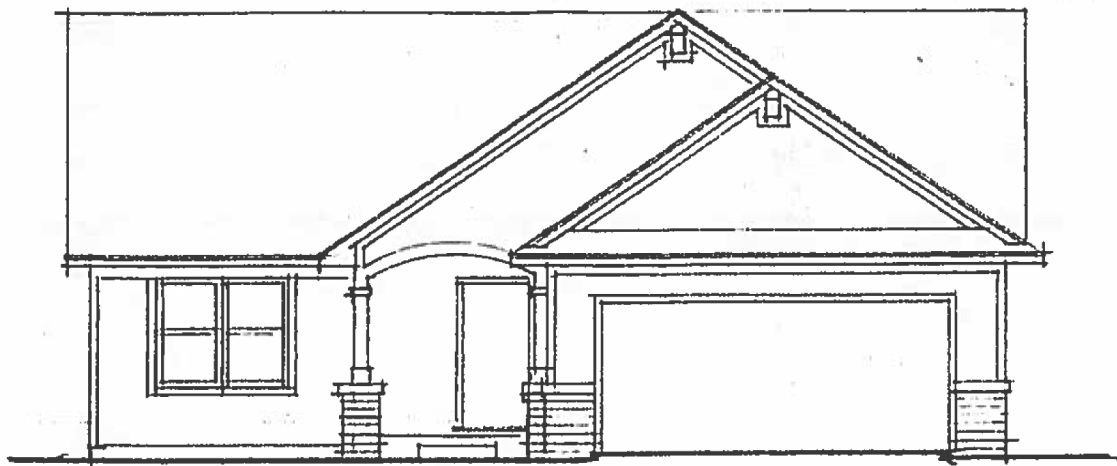
The market will determine the sizes and the prices desirable in "Streamsong," but I would hope after listening to our frustrations, and real, factual experience that we could build ranch condos in the minimum 1218 square foot range to 1499 square footage, with up to possibly 40% being built in that square footage range. At least 60% or more first floors would continue to be built in the 1500-2000 square footage, (excluding garage and basement.) Finished basement areas would be up to the individual homeowners, but would typically be an additional 900 square feet.

Your consideration of this request would be greatly appreciated. As you can imagine, I have a great amount of time, money and my reputation at stake in this project. I know the City of Portage would like to have this project be successful as well. Please see 2 example drawings that I have included that would be good examples of what the smaller floorplans might look like. If you have any questions, please feel free to call me or text me at 269-207-6564, or e-mail me at mseelye1@gmail.com.

Thank you.

A handwritten signature in cursive script that reads "Mike Seelye".

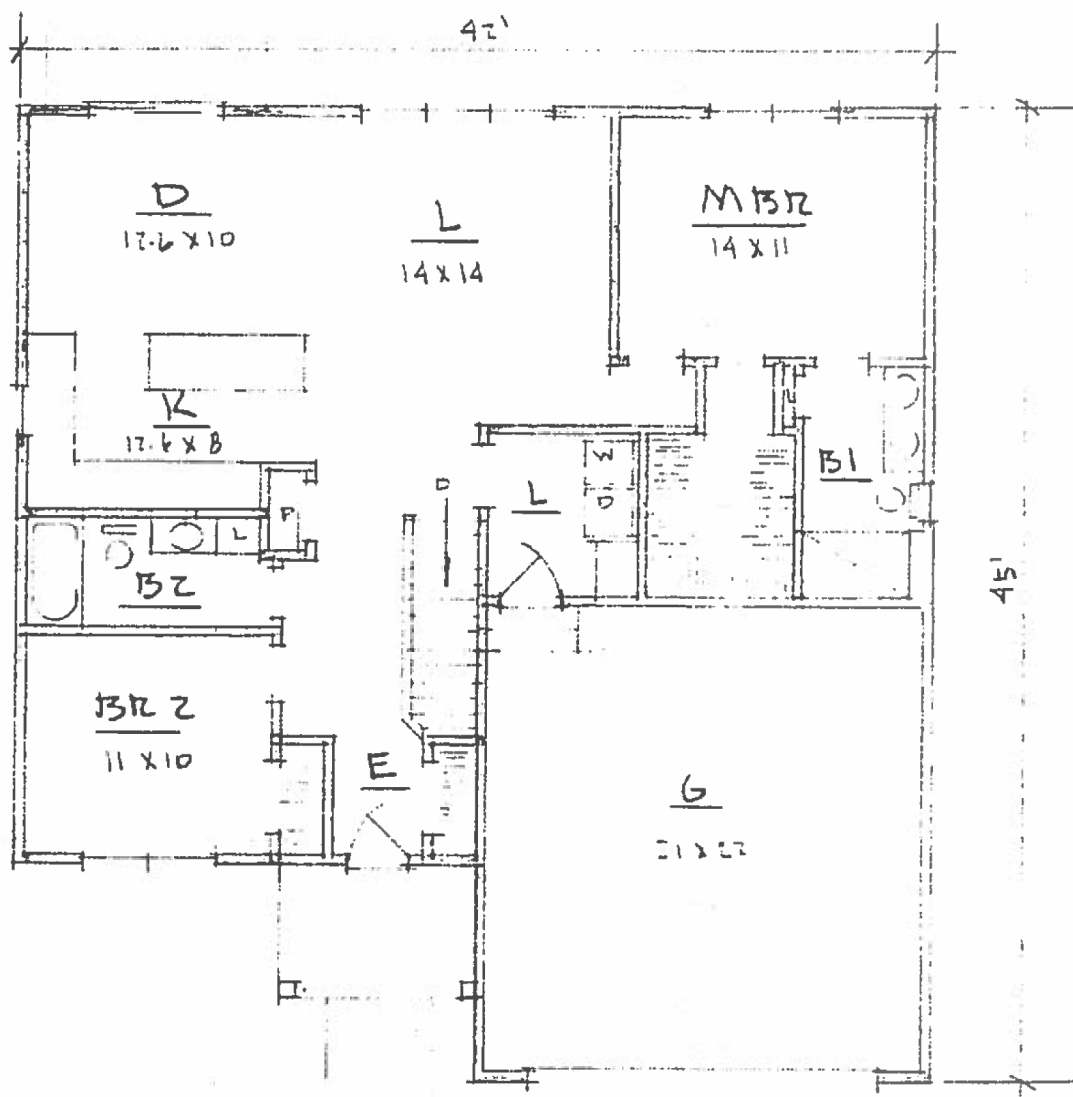
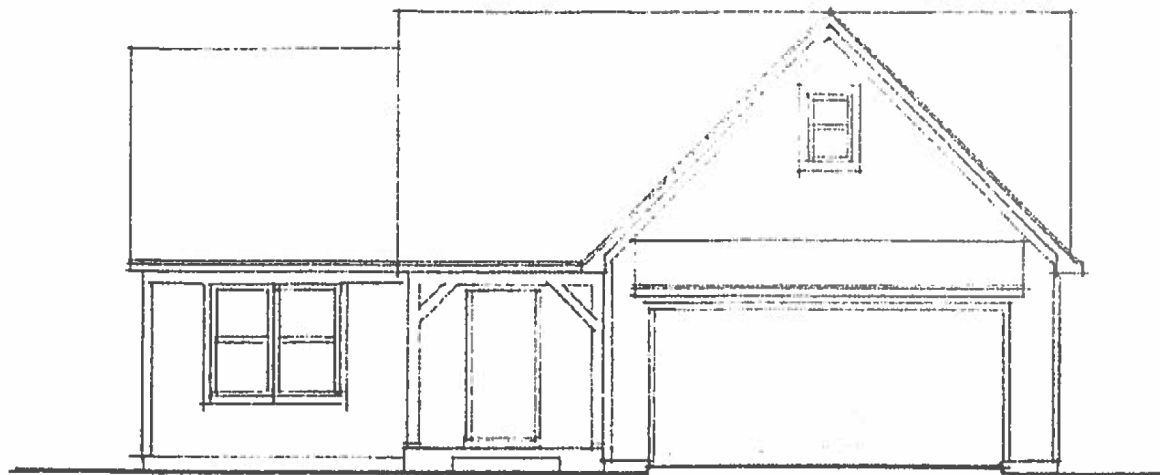
Mike Seelye



STREAMSONG
PROPOSED PLAN ~ 1323 SF

PES

OCT 7, 2016



STREAMSONG
PROPOSED PLAN = 1218 SF

PES

JUL 7, 2013

October 15, 2018

RECEIVED

OCT 16 2018

COMMUNITY DEVELOPMENT

**Revised NARRATIVE for
'STREAMSONG' PLANNED DEVELOPMENT
Located on Osterhout Avenue
in the City of Portage**

**DEVELOPER:
SDV DEVELOPMENT, LLC
Attn: MIKE SEELYE
3820 STADIUM DRIVE
KALAMAZOO, MI 49008**

INTRODUCTION:

This Planned Development, or PD, is situated on the south side of Osterhout Avenue, approximately 3/8 mile west of South Westnedge Avenue, in Section 33, City of Portage, Michigan. The subject property contains 39.0 acres (excluding Osterhout Avenue right-of-way) and measures one quarter mile east/west by one quarter mile north/south. The site is mostly wooded, and is surrounded by properties that are mostly wooded. Despite the property having a rural feel to it, it is located less than 10 minutes from many City of Portage businesses and other City amenities. Proposed on site are approximately 102 dwellings of high quality, energy efficient construction. Each dwelling will be served by a private road network. This PD will offer a variety of dwelling floor plans along with a mixture of housing types (single family detached, single family attached, and possibly duplex dwellings).

PURPOSE & OBJECTIVES:

The objectives of this PD development are as follows:

- 1) To create an attractive, high quality neighborhood of single family homes for couples, small families, and single individuals.
- 2) To eliminate many maintenance duties and responsibilities for homeowners such as mowing, weed control, raking of leaves, cleaning of gutters, snow shoveling, tree trimming, etc.
- 3) To provide a single family neighborhood with high quality, energy efficient homes, but at the same time eliminating much of the maintenance that comes with home ownership.
- 4) To create a neighborhood with typical densities, but at the same time providing permanent open space, on-site natural areas, walking trails, and a pool area and clubhouse that can be enjoyed by the residents.

CONDOMINIUM / OWNERSHIP:

The PD will be developed as a condominium with the residents owning and maintaining the inside of the dwelling (the condominium "unit"). The condominium association will own and maintain everything exterior to each unit, including yard areas ("limited common areas") and streets / natural areas ("general common areas"). Exterior maintenance that will be provided by the Condominium Association will include the exterior of the dwellings, gutters, lawns, sidewalks, driveways, private streets, natural areas, etc. The yard area surrounding each dwelling be "limited common area" and will be for the use and enjoyment of that unit owner. The private streets, sidewalks, on site trails, and natural areas will be designated as "general common areas." The clubhouse/pool area that will be constructed as part of phase one will also be a general common area. These general common areas will be for the use and enjoyment of all residents.

THE SITE:

This PD is located on the south side of Osterhout Avenue in the Southeast quarter of Section 33. The property address is 715 West Osterhout Avenue. Situated east of the subject property are two large parcels, each with a home on it. South of the subject property is land owned by the State of Michigan. West of the subject property is a large parcel with a home on it, as well as some vacant land (future development area for the "Stateland Park" subdivision). North of the property, on the north side of Osterhout Avenue, are single family dwellings and Schrier Park. All adjoining properties are currently zoned R-1C per the City's Zoning Map. The subject property is covered by mature trees and younger trees, with the mature trees being spread out. The site is unique with nice hardwoods and rolling terrain. Within the southeasterly and easterly portions of the property is land that is significantly lower than the northwesterly portion of the property. A wetland assessment of the property has been completed and the conservative wetland boundary has been shown on the Tentative Plan. The Wetland Assessment report has been provided to the City for reference. The northerly and westerly portions of the property are relatively high. Along the entire north edge of the property is Osterhout Avenue, a City of Portage public street. Soils within the proposed building areas are Oshtemo Sandy Loam per the USDA's Soil Survey of Kalamazoo County.

PHASING:

It is anticipated that the development will be constructed in four phases, with each phase consisting of between 18 and 31 dwellings. Construction of utilities, roadways, and dwellings for phase one began during the Fall of 2017. Construction for each subsequent phase is anticipated to commence approximately every two years. The currently anticipated size, limits, and density of each phase has been shown on the submitted Tentative Plan. Phase one will include 29 units on 8.4 acres. Phase one will also include the clubhouse/pool area. Phase two is anticipated to include 31 units on 9 acres. Phase three is anticipated to include 25 units on 16.7 acres. Phase four is anticipated to include 17 units on 4.9 acres. Please note that the proposed phasing could be altered based on utility routing, final design, City requirements, etc.

ON-SITE DWELLINGS:

The proposed dwellings within this PD will typically measure approximately 44 feet wide maximum and 70 feet deep maximum. Each dwelling will have between 1200 square feet and approximately 2000 square feet of living area (excluding any basement area and excluding garage area), an attached two-car garage, and the dwellings will typically be single story with a basement. It is anticipated that six dwelling sizes will be offered, and that at least 60% of the on-site dwellings will have 1500 square feet or more on the first floor (excluding any garage area). Most or all dwellings will have a front porch. Most dwellings will have a deck, patio, or 4-season room on the rear of the dwelling. A mixture of housing types will be included.

ON-SITE DWELLINGS: (cont.)

It is anticipated that approximately 70 % to 80% of the on site units will be single family detached dwellings and that approximately 20% to 30% of the on site units will be single family attached dwellings. Single family attached dwellings and duplexes shall comply with City requirements. All dwelling construction shall comply with City and State construction codes. Each home will feature quality construction, maintenance free materials, and various energy efficient features. Final Building Plans will be prepared in the near future. The units will be constructed to meet and exceed energy codes. The look from the street will be a blend of craftsman, cottage, and New England styles. While the front elevations will be different, the look will have an intentional feel with design consistency among the various building fronts throughout the development. It is anticipated the dwelling prices will start in the \$250,000 range for smaller units. For the larger units with a finished walkout basement and other upgrades, dwelling costs will likely approach or exceed the \$400,000 range.

STREETS, SIDEWALKS, and DRIVEWAYS:

On site paved streets will be private and will incorporate concrete roll curb on each edge and will have a minimum drivable pavement width of 26.1 feet. It is intended that the streets will be wide enough to allow parking on one side of the street per Fire Department requirements. All streets shall be designed and constructed in accordance with City requirements. Access to and from the site will be from one location and shall include one entry lane (14 feet wide) and two exit lanes (lane widths equal 12 feet) along with a landscaped island. A 20 foot wide temporary emergency access drive from Osterhout Avenue will be constructed when the number of units exceeds 30. The temporary emergency access drive will be abandoned when a 20 foot wide permanent emergency access drive is constructed to "Stateland Park." Lighting along each street will be from a yard light within each front yard. Concrete sidewalks will be constructed on at least one side of each street. Also incorporated within the development will be a nature trail within the easterly, undeveloped portion of the property. This nature trail will extend southerly to the State owned property adjoining to the south. Other concrete walkways and nature trails may be incorporated into the development. Driveways for each dwelling will be constructed of concrete and will have a length of at least 25.0 feet as measured from the back of curb. The length of the driveways will allow temporary vehicle parking for one or two vehicles depending on driveway width. Off-street parking areas may be incorporated into the PD. All streets, walks, trails, driveways, and parking areas will be maintained by the Condominium Association.

STORM SEWER SYSTEM and DRAINAGE:

Crowned, paved roadways and concrete curbing will direct storm water run-off to the proposed private storm sewer drains and pipes. The storm water run-off will be disposed of by a combination of infiltration and discharge to the on site lowland areas. The storm water system will comply with City requirements. Design of the system will be subject to City review and approval, as well as review and permitting through the State of Michigan MDEQ if required.

WATER MAINS, FIRE HYDRANTS, and SANITARY SEWERS:

Installed along all private roads will be City Portage public water mains and sanitary sewers, including house leads to each dwelling. Fire hydrants will be installed at locations approved by the City of Portage. These utilities shall be designed and installed in accordance with City requirements, and appropriate utility easements shall be granted to the City. Note that there is an existing 20 inch public water main on the north side of Osterhout Avenue, and an existing 8 inch public sanitary sewer near the center line of Osterhout Avenue.

PRIVATE UTILITIES:

The site will be served with underground natural gas, electric, telephone, and cable TV lines. It is anticipated that these underground lines will be situated on the side of the street opposite the public water main. There is an overhead power line within the northerly portion of the property (see Tentative Plan). We are currently working with Consumers Energy to relocate this power line underground or re-route it above ground. We are not proposing that this overhead power line be left in its current location.

OPEN SPACE and NATURAL AREAS:

A significant portion of the property will be designated as a permanent natural area. This includes the far easterly and southeasterly portions of the property. The area of the subject property is 39.0 acres excluding the Osterhout Avenue right-of-way area. We currently estimate that approximately 6.3 acres of the property is wetland area, and that approximately 3.9 acres of the property (east and southeast of the wetland area) will remain as a permanent natural area. Within this permanent natural area will be a nature trail that extends southerly to the State of Michigan land. Around the perimeter of the development, natural areas and trees will be preserved to serve as a natural buffer and visual screening. A clubhouse and pool area will be included within phase one of this PD project.

ZONING, BUILDING SETBACKS, and DENSITY:

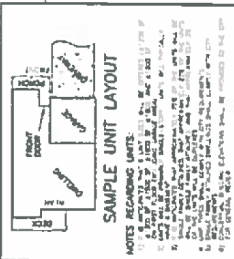
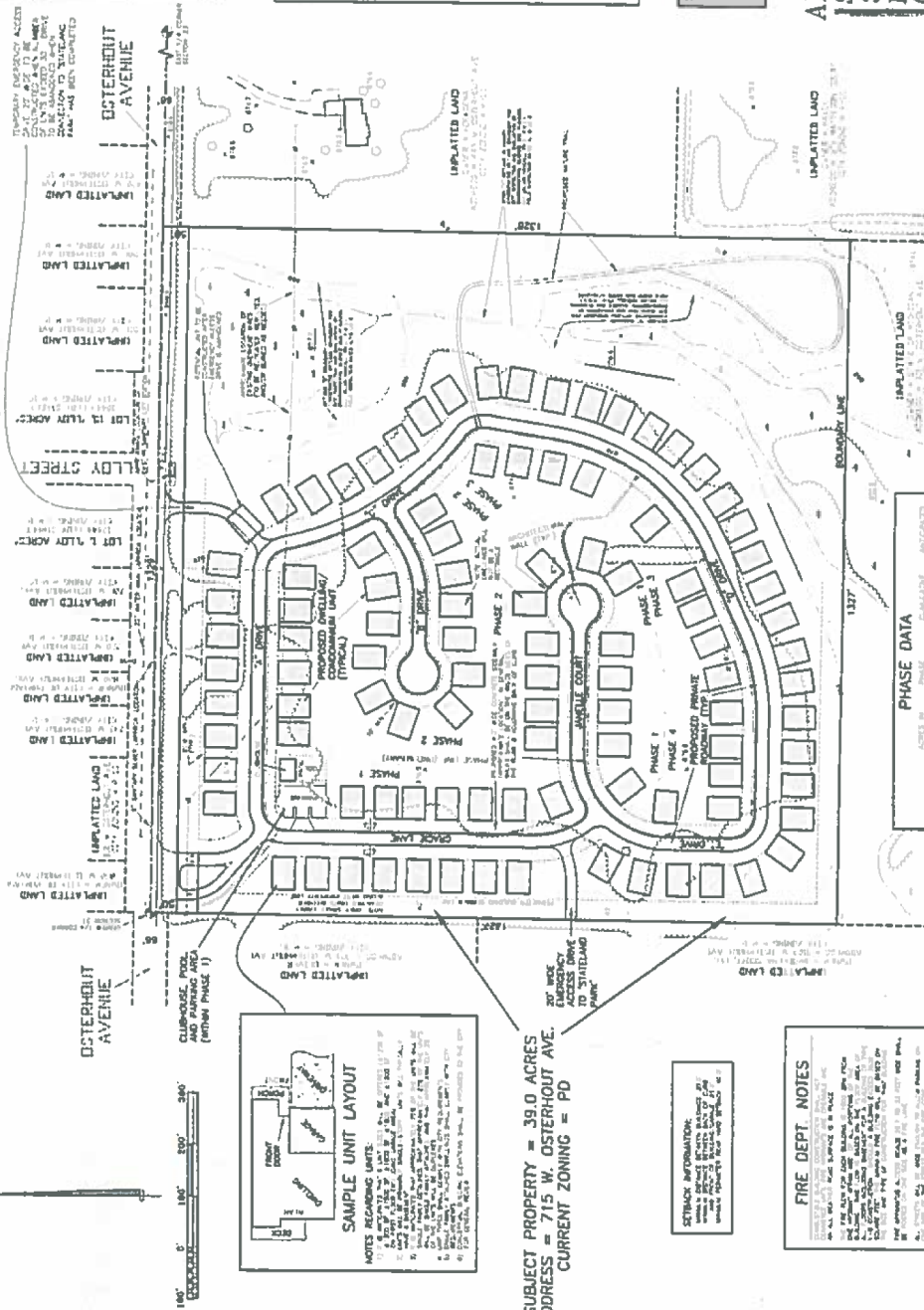
The property was rezoned to PD during 2017. Prior to rezoning, the property was zoned R-1C single family residential. Typical densities for subdivisions within R-1C are 2 - 3 lots per acre. With this PD, the density will be approximately 2.6 dwellings per acre. Per the City's Ordinance, the maximum allowable density for a PD is 7 dwellings per acre. With this PD development, we are proposing a 40 foot perimeter setback (abutting adjoining properties), a minimum 20.0 feet between buildings, and a minimum distance of 25.0 feet between the back of the concrete curb and the front of the dwelling. Note that any duplex buildings, if incorporated, would share a common building wall, and that any attached single family dwellings would be connected with an architectural wall.

CONDOMINIUM MASTER DEED:

The typical 'plat restrictions' or 'deed restrictions' for a subdivision will be replaced with the Condominium Master Deed. The Master Deed shall also include survey plans, house plans, rules of ownership, mapping of general common areas, limited common areas, and unit areas, and other rules and regulations. Within the Master Deed, the streets and utilities for each phase will be designated as "need to be built," while each unit will be designated as "need not be built." The Master Deed will be prepared by a local real estate Attorney, and the Survey Plans within the Master Deed will be prepared by a local Land Surveying Office. The Master Deed will be subject to City review and comment prior to recording.

TENTATIVE PLAN for 'STREAMSONG' CONDOMINIUM in PORTAGE, MICHIGAN

N



SUBJECT PROPERTY = 39.0 ACRES
ADDRESS = 715 W. OSTERHOUT AVE.
CURRENT ZONING = PD

SETBACK INFORMATION:
ALL SETBACKS SHALL BE IN ACCORDANCE WITH THE ZONING ORDINANCE. THE SETBACKS SHALL BE MEASURED FROM THE CENTERLINE OF THE ADJACENT STREET OR FROM THE PROPERTY LINE, WHICHEVER IS GREATER.

FIRE DEPT. NOTES:
THE FIRE DEPARTMENT HAS REVIEWED THIS PLAN AND HAS NO COMMENTS AT THIS TIME. THE FIRE DEPARTMENT WILL BE NOTIFIED OF ANY CHANGES TO THE PLAN.

AREA INFORMATION:
THE AREA IS LOCATED IN THE CITY OF PORTAGE, MICHIGAN. THE AREA IS CURRENTLY ZONED PD (PLANNED DEVELOPMENT). THE AREA IS SURROUNDING THE SUBJECT PROPERTY.

PHASE DATA

PHASE	ACRES	ESTIMATED COST	ESTIMATED REVENUE	ESTIMATED PROFIT
1	2.5	\$1,000,000	\$1,200,000	\$200,000
2	3.5	\$1,500,000	\$1,800,000	\$300,000
3	4.5	\$2,000,000	\$2,400,000	\$400,000
4	5.5	\$2,500,000	\$3,000,000	\$500,000

NOTE: PHASES 1, 2, 3, AND 4 ARE SUBJECT TO THE APPROVAL OF THE CITY OF PORTAGE. THE PHASES WILL BE DEVELOPED IN SEQUENCE.

PARCEL DESCRIPTION:
A portion of the land shown on the Survey of the City of Portage, Michigan, being more particularly described as follows:
Portage Township, Michigan, being more particularly described as follows:
The North-west 1/4 of the Section 11, Twp 1 S., R. 11 E., City of Portage, Michigan.

SITE DATA:
1. SITE AREA = 39.0 ACRES
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APPLICANT:
SDV DEVELOPMENT, LLC
3820 STADIUM DRIVE
KALAMAZOO, MI 49008
(269) 375-3820

TENTATIVE PLAN
STREAMSONG CONDOMINIUM
Ingersoll, Watson & McMechen, Inc.
1000 East Main Street, Portage, Michigan 49782
Phone: 269.344.6555 Fax: 269.344.6555

RECEIVED
OCT 18 2018
COMMUNITY DEVELOPMENT

Minutes of Boards & Commissions

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

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.

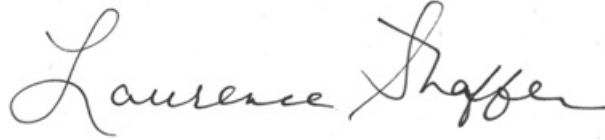
Respectfully submitted,



Kyle Mucha
Zoning & Codes Administrator

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: Adopt the proposed 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.

Ballot Proposal 1 of 2018, the Michigan Regulation and Taxation of Marihuana Act (the “Initiative”), was approved in the November 6, 2018 general election. The initiative allows 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. The Initiative controls, among other things, 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, which will be in December 2019. 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), 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. 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 City Council accepted a first reading the proposed amendment on November 6, 2018. It is recommended that City Council adopt

the proposed amendment on November 20, 2018.

FUNDING: Not applicable.

Attachments:

1. Overview of Michigan Recreational Marihuana Law
2. Michigan Ballot Proposal 18-1
3. Ordinance Amendment

An Overview of Michigan's Recreational Marihuana Law

On November 6, 2018, Michigan voters legalized recreational marijuana.

When Will Take It Effect:

The Michigan Department of State will certify the vote count, which usually takes 30 days. Ten days after certification it becomes law, which will be in mid-December 2018. Article 2, Section 9 on the Michigan Constitution (Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote).

The Law Allows the Following:

1. Allows a person, 21 years of age or older to possess, use or consume, internally possess, purchase, transport, or process 2.5 ounces or less of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate. Section 5.1(a).
2. Allows a person 21 and older to possess, store, and process not more than 10 ounces of marihuana produced by marihuana plants cultivated on the premises and cultivate 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. Section 5.1(b).
3. Allows a person to assist another person who is 21 years of age or older. Section 5.1(c).
4. Allows a person to give away or otherwise transfer 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. Section 5.1(d).

What is Prohibited:

1. Operate, navigate, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road vehicle, or motorboat while under the influence of marihuana;
2. Transfer of marihuana or marihuana accessories to a person under the age of 21;
3. Any person under the age of 21 to possess, consume, purchase or otherwise obtain, cultivate, process, transport, or sell marihuana;
4. 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;
5. 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;

6. 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;
7. 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;
8. 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
9. 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. Sections 4.1(a) – 4.1(i).

Municipality's Role:

1. Allows municipalities to limit the number of marihuana establishments within their boundaries or prohibit them altogether. Municipalities may also adopt other ordinances regulating marihuana establishments within their boundaries. Section 6.1.
2. Allows individuals to 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. Section 6.1.

Michigan Department of Licensing and Regulatory Affairs Role:

1. Implements the act, including developing a process for state licensure and writing rules for administering the act for the following licenses:
 - a. Marihuana retailer;
 - b. Marihuana safety compliance facility;
 - c. Marihuana secure transporter;
 - d. Marihuana processor;
 - e. Marijuana microbusiness;
 - f. Class A marihuana grower authorizing cultivation of not more than 100 marihuana plants;
 - g. Class B marihuana grower authorizing cultivation of not more than 500 plants;
 - h. Class C grower authorizing cultivation of not more than 2,000 plants. Section 9.1.

Landlord/Employer Rights:

1. Allows landlords to prohibit a tenant from lawfully possessing and consuming marihuana by means other than smoking. Section 4.1 4.

2. Allows an employer to permit or accommodate conduct otherwise allowed by this act in any workplace or on the employer's property. The 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. The 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. Section 4.1 3.

Civil/Criminal Penalties:

Section 15 of the act provides as follows:

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 is 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.

All Other Laws:

All other laws inconsistent with this act do not apply to conduct that is permitted by this act.
Section 4.1 5.

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.

**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: 11/9/2015
R

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: Adopt the proposed amendment to Section 38-35 of Chapter 38, Historical Preservation, to modify the Historic District located at 2663 Mandigo Avenue.

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. City Council accepted the proposed amendment for a first reading on November 6, 2018 and it is recommended that City Council adopt the proposed amendment on November 20, 2018.

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

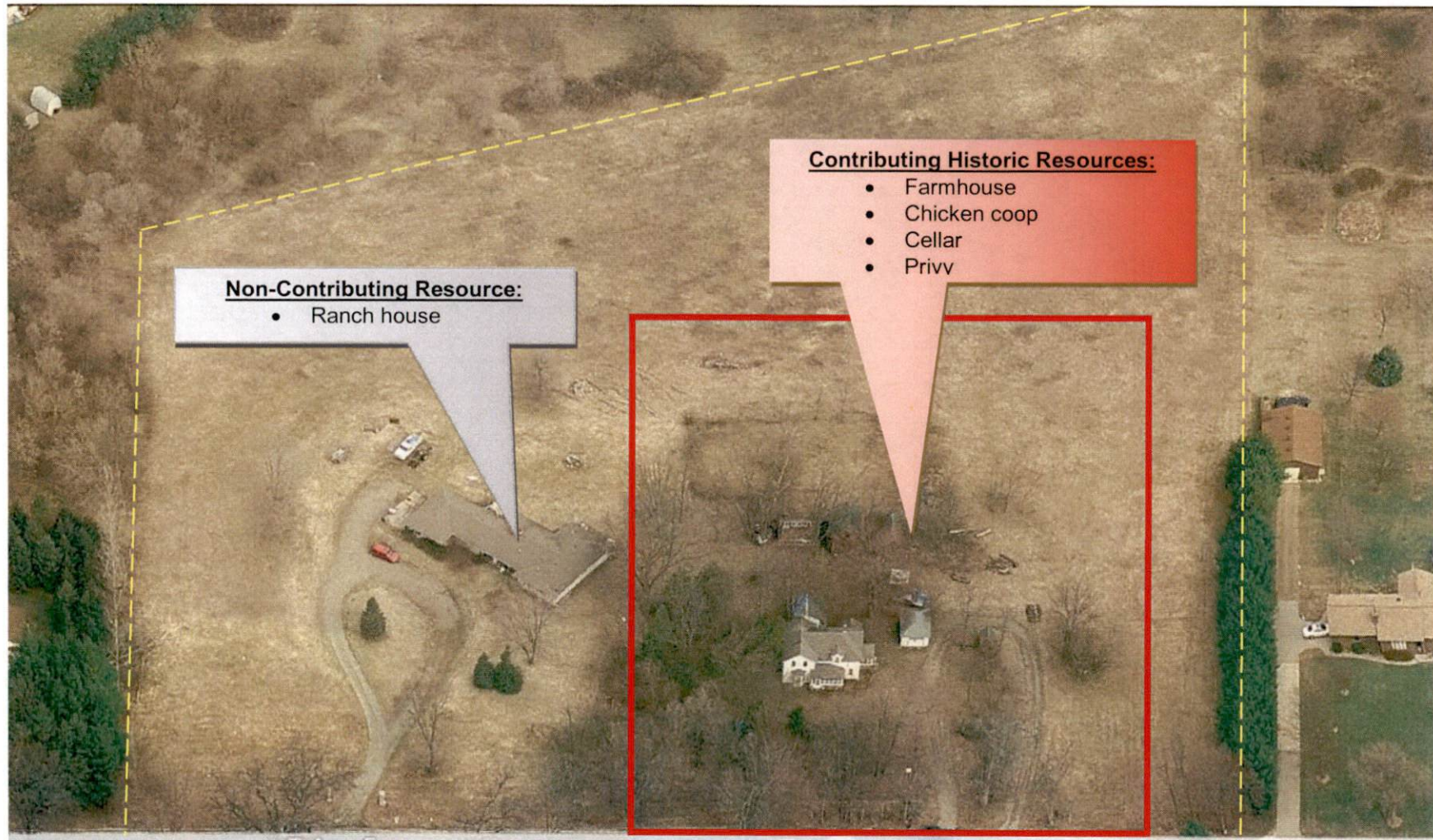
Following the study of the Historic District at 2663 Mandigo Avenue, it is recommended that the request from property owner, Randall and Deborah Newsome to modify the Historic District be **APPROVED**. The 1960s ranch house is a non-contributing resource and its removal from the property via parcel split 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



Legend

- 2663 Mandigo Proposed Non-Historic Parcel
- 2663 Mandigo Modified District Boundary



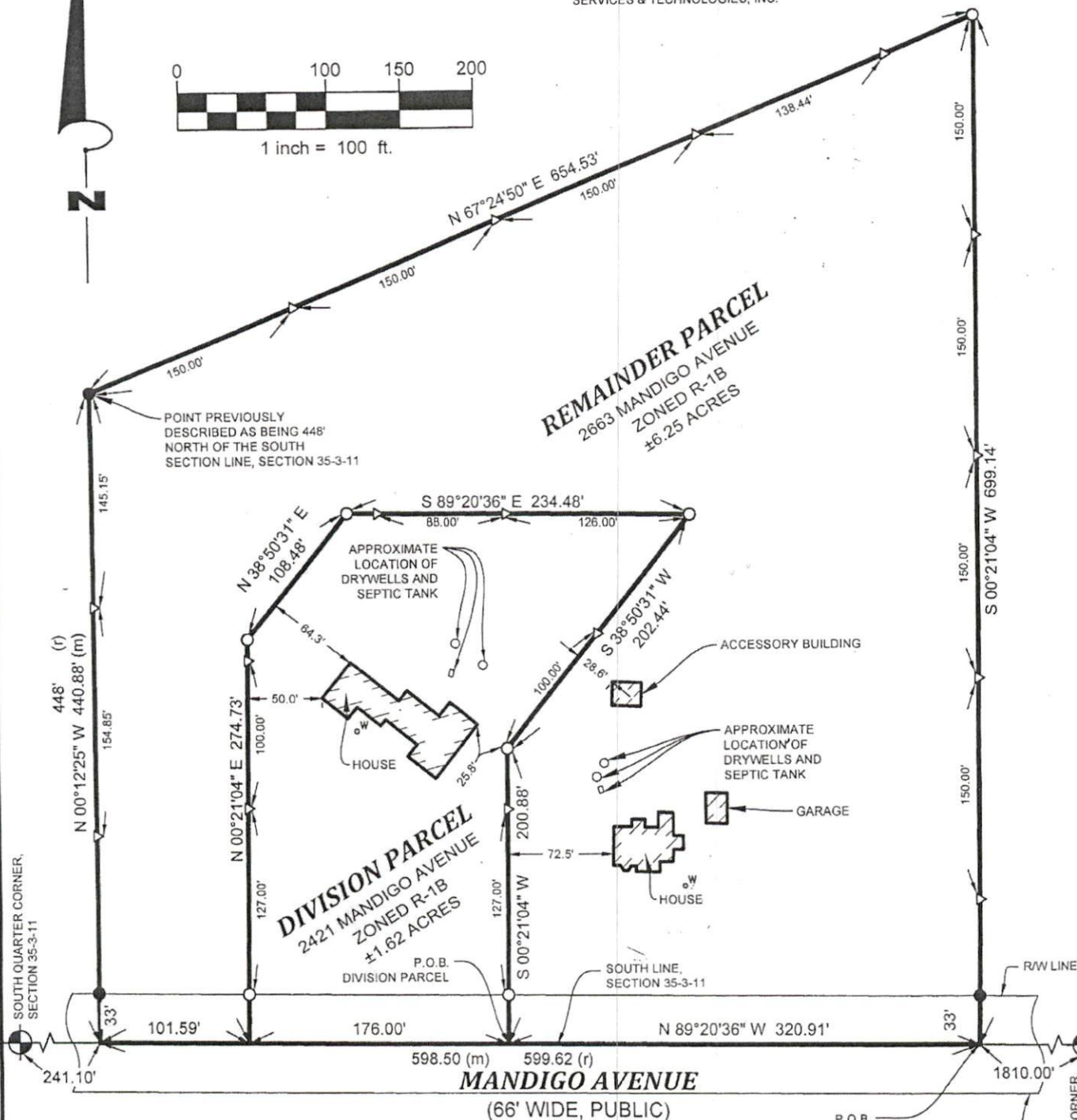
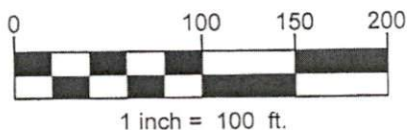
2663 Mandigo Avenue Proposed District Modification



1 inch = 100 feet

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"

CITY OF PORTAGE, KALAMAZOO COUNTY

SECTION 35, T 3 S

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'



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.

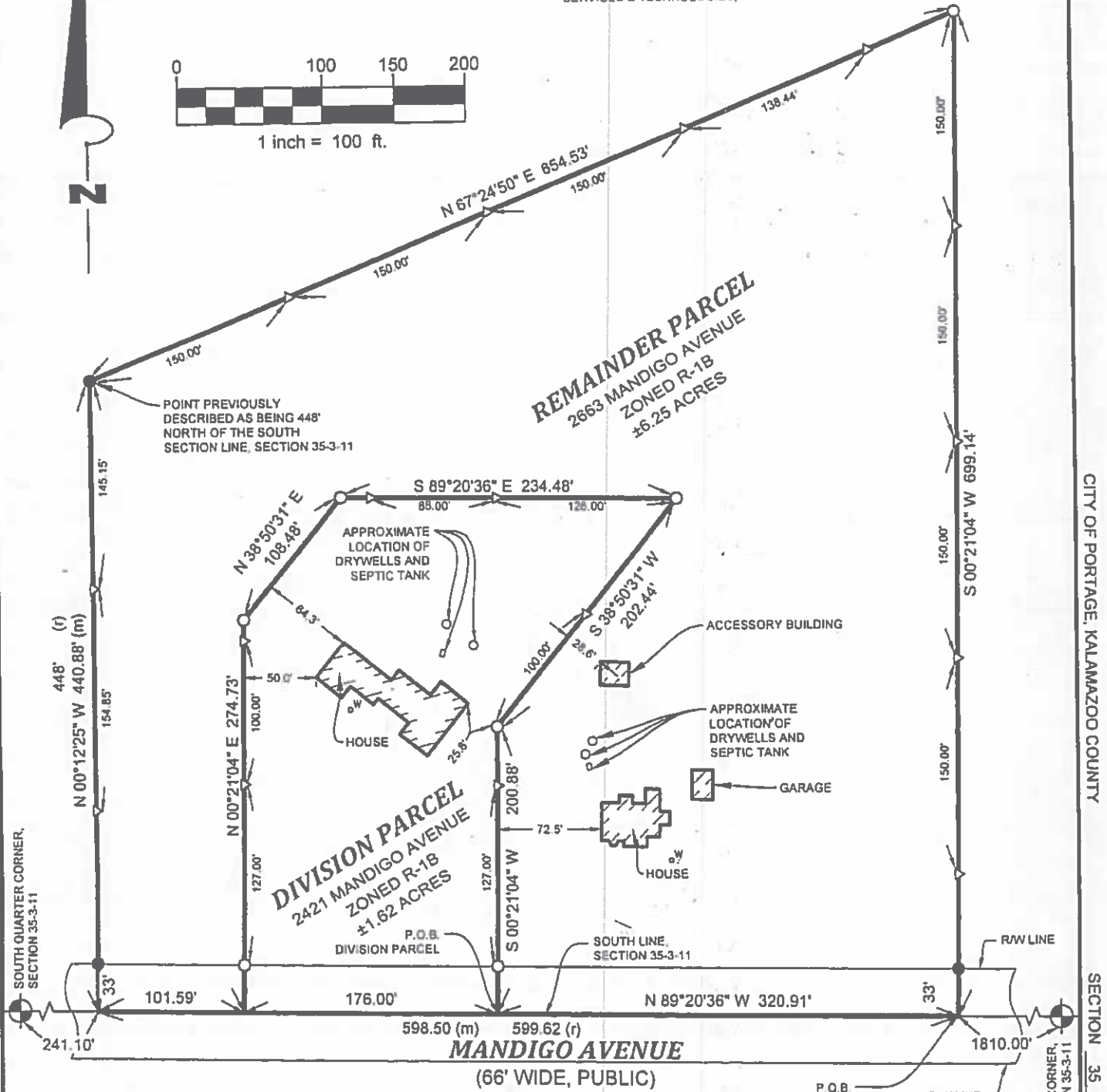
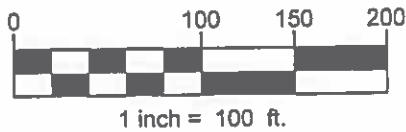
In accordance with the Local Historic Districts Act (Public Act 169 of 1970), the preliminary report is being forwarded to the Planning Commission for review and comment. The Planning Commission is advised to review this matter at the September 20, 2018 meeting. Subject to any additional information 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
INFORMATION IS BASED ON RECORDS
PREPARED BY BETTER ENVIRONMENTAL
SERVICES & TECHNOLOGIES, INC.



CITY OF PORTAGE, KALAMAZOO COUNTY

SECTION 35, T 3 S

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'



City of Portage, Michigan Historic District Study Committee

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

Preliminary Report July 23, 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

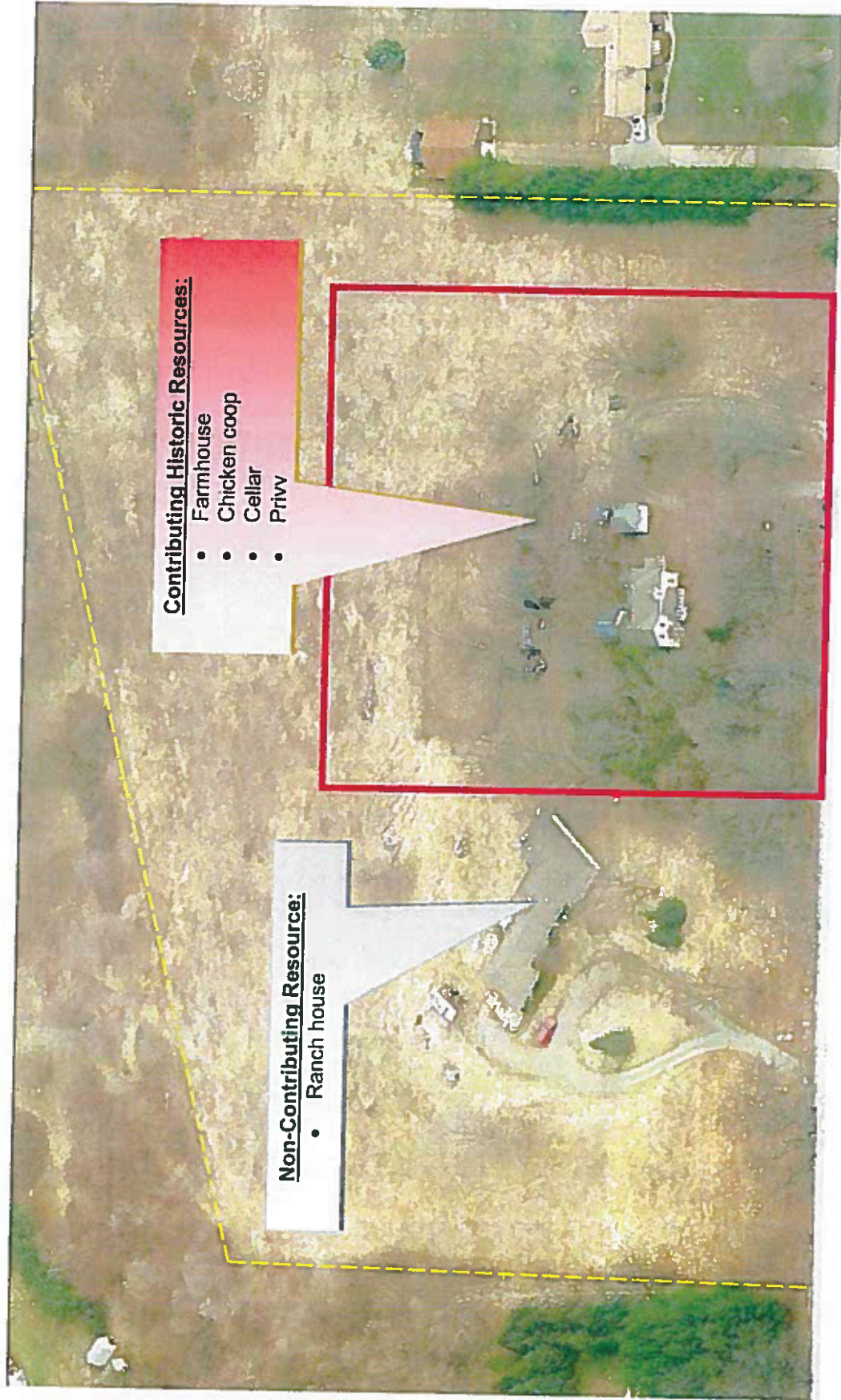
Following the study of the Historic District at 2663 Mandigo Avenue, it is recommended that the request from property owner, Randall and Deborah Newsome to modify the Historic District be **APPROVED**. The 1960s ranch house is a non-contributing resource and its removal from the property via parcel split 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

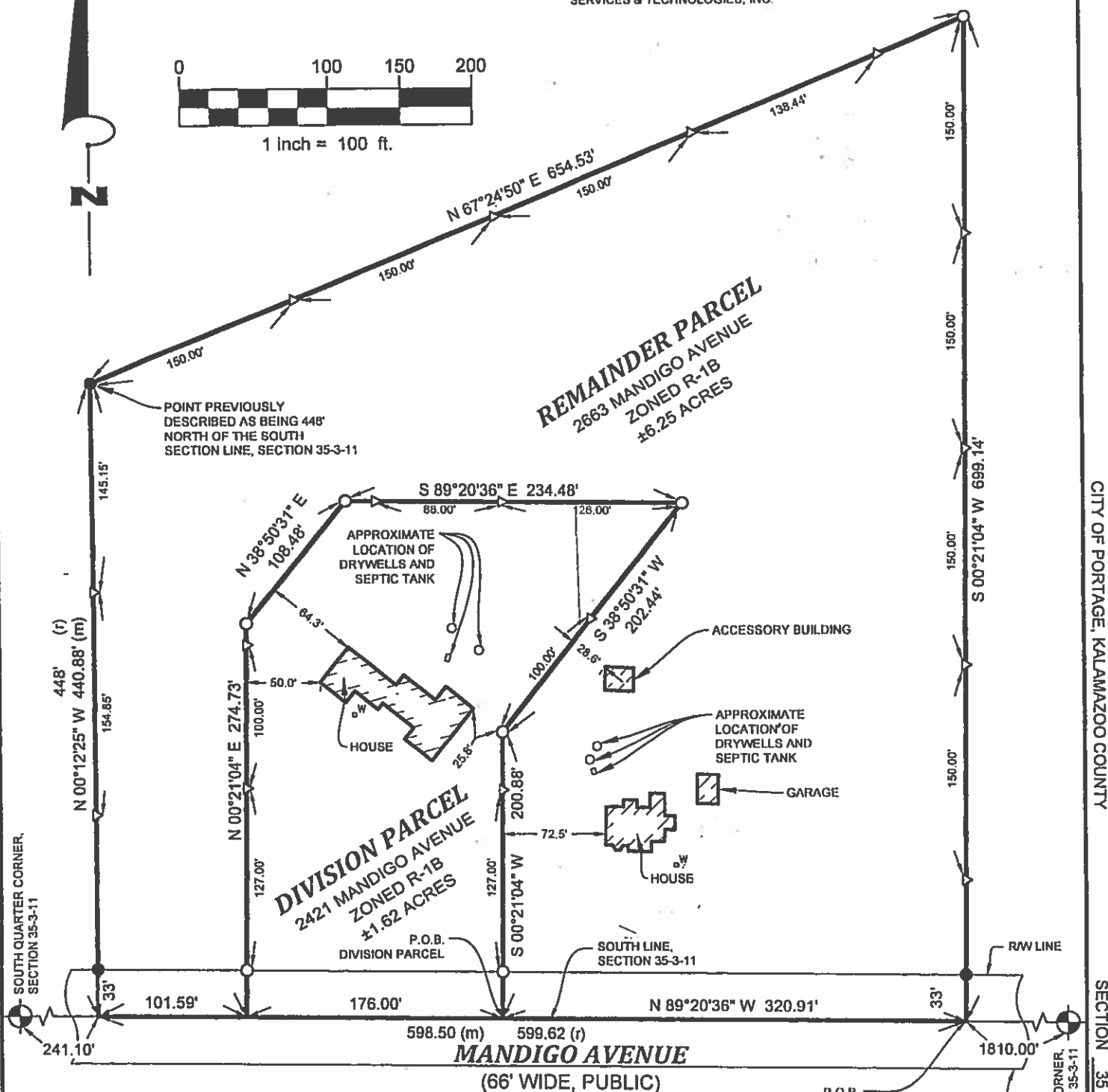
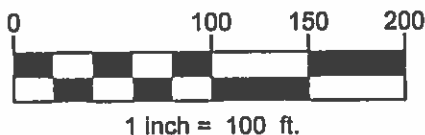
2663 Mandigo Avenue



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
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 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:

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

Z:\Jody\PORTAGE\ORD\ZONING\Ord Amendment Sect 38-35 Hist Dist Comm - 2663MandigoAve103018.doc