

7:00 p.m. Call to Order.

Invocation.

Pledge of Allegiance.

Roll Call.

Proclamations:

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

1. Approval of City Council Meeting Minutes:
 - a. Regular Meeting Minutes of July 23, 2019.
 - b. Pre-Council Meeting Minutes of August 5, 2019.
2. Approval of the Accounts Payable Register of August 6, 2019 as presented.
3. Approve the funding request from the Portage Community Center for up to \$150,000 in site and building improvements with the conditions as recommended by the City Administration, and authorize the City Manager to submit the Substantial Amendment to the FY 2019-20 Annual Action Plan for the Community Development Block Grant Program to the U.S. Department of Housing and Urban Development, and sign required documents related to the funding request.
4. Approve the purchase of Tyler Technologies Records Management System for Mobile Field Reporting module in the amount of \$44,422.20 and authorize the City Manager to execute all documents related to this matter on behalf of the city.
5. Accept the request from Treystar Holdings, LLC to terminate the Centre Port Commons Brownfield Redevelopment Plan Amendment No. 6, and set a public hearing for September 17, 2019.
6. Accept the City of Portage Brownfield Redevelopment Plan, with Brownfield Redevelopment Plan Amendment No. 7, 6666 Lovers Lane, and set a public hearing for August 20, 2019.
7. Authorize the Mayor and City Clerk to execute a three-year labor agreement between the City of Portage and the Portage Police Officers Association.
8. Approve the revised City of Portage Personnel Rules and Regulations.
9. Adopt a resolution to accept the transfer of real property at 4290 Romence Road and authorize the City Manager to execute all documents related to the contract on behalf of the city.
10. Adopt the Resolution for Charitable Gaming License recognizing Portage Northern Hockey Boosters as a nonprofit organization in the City of Portage.
11. Detailed map of the Hampton Creek Wetland Area - Information Only.
12. Minutes of Boards & Commissions:
 - a. Youth Advisory Committee of June 4, 2019.
 - b. Senior Citizens Advisory Board of June 19, 2019.
13. Materials Transmitted from July 25, 2019.

B. Petitions and Statements of Citizens:

C. Communications:

1. Communication from the Mayor recommending that City Council confirm the re-appointment of Jim Pearson to the Central County Transportation Authority Board.

2. Calendar of Meetings.

- Historic District Committee, August 7, 2019 at 8:15 a.m. in City Hall Room #2.
- Park Board, August 7, 2019 at 6:30 p.m. at Oakland Drive Park.
- Construction Board of Appeals, August 8, 2019 at 5:00 p.m. in City Hall Room #1.
- Zoning Board of Appeals, August 12, 2019 at 7:00 p.m. in Council Chambers.
- Environmental Board, August 14, 2019 at 7:00 p.m. in City Hall Room #1.
- Planning Commission, August 15, 2019 at 7:00 p.m. in Council Chambers.
- Youth Advisory Committee, August 19, 2019 at 6:00 p.m. in Council Chambers.

D. Public Hearings:

1. Subsequent to the public hearing, consider denial of Rezoning Application #18/19-6, 129 Boston Avenue.

E. Regular Business Agenda:

F. Unfinished Business:

G. Council Committee Reports:

H. New Business:

I. Statements of Citizens:

J. Statements of City Council and City Manager.

Adjournment.

CITY COUNCIL MEETING MINUTES FROM JULY 23, 2019

The Regular Meeting was called to order by Mayor Patricia Randall at 7:00 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. Also in attendance were City Manager Larry Shaffer, City Attorney Randy Brown and City Clerk Adam Herringa. Councilmember Richard Ford was absent with excuse.

At the request of Mayor Randall, the audience observed a moment of silence to honor all religions and personal beliefs and in recognition of efforts to make Portage the best it can be.

Following the moment of silence, City Council and the audience recited the Pledge of Allegiance.

CONSENT AGENDA: Mayor Randall shared where the public can access the meeting agenda and asked if any Councilmember or anyone in the audience would like an item removed from the Consent Agenda. Councilmember Urban removed Item A.4 and Councilmember Knapp removed item A.6. Motion by Reid, seconded by Knapp, to approve the Consent Agenda. Upon a roll call vote, motion carried 6 to 0.

APPROVAL OF MINUTES: Motion by Reid, seconded by Knapp, to approve the Regular Meeting Minutes of July 9 and Pre-Council Meeting Minutes of July 22, 2019. Upon a roll call vote, motion carried 6 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JULY 23, 2019: Motion by Reid, seconded by Knapp, to approve the Accounts Payable Register of July 23, 2019. Upon a roll call vote, motion carried 6 to 0.

LOCAL STREETS RECONSTRUCTION CONTRACT AMENDMENT: Motion by Reid, seconded by Knapp, to amend a construction contract with Northern Construction Services, Corp. of Niles, Michigan for the 2019 Local Streets Reconstruction Program in an amount not to exceed \$1,679,973.50 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

PICNIC SUPPORT EQUIPMENT PURCHASE: Motion by Reid, seconded by Knapp, to approve a sole source purchase in the amount of \$79,825.50 from Jamestown Advanced Productions, Corp., to purchase picnic support equipment, and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

SPECIAL LIQUOR LICENSE APPLICATION: Motion by Reid, seconded by Knapp, to approve submission of applications to the Michigan Liquor Control Commission (MLCC) for a Special License for the sale of beer and wine for consumption on the premises at Celery Flats (7335 Garden Lane) for the Heritage Festival held on Saturday, September 7, 2019, and the Portage Art Hop planned for Friday, October 4, 2019, and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

SALE OF 2527 WEST MILHAM AVENUE: Motion by Reid, seconded by Knapp, to adopt the resolution to sell 2527 West Milham Avenue and place the resolution on file with the Office of City Clerk for 28 days and take final action on August 20, 2019. Upon a roll call vote, motion carried 6 to 0.

SPECIAL CITY COUNCIL MEETING: Motion by Reid, seconded by Knapp, to set a Special Meeting on August 20, 2019, for the purpose of the next steps in the City Manager Search. Upon a roll call vote, motion carried 6 to 0.

MINUTES OF BOARDS AND COMMISSIONS: Motion by Reid, seconded by Knapp, to receive the minutes of the Human Services Board of May 2 and June 13, Historic District Commission of June 5, Zoning Board of Appeals of June 10 and Planning Commission of June 20, 2019. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATIONS:

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

REGULAR BUSINESS:

HAMPTON CREEK WETLAND ENVIRONMENTAL IMPACTS EVALUATION CONTRACT: Mayor Randall deferred to Councilmember Urban who asked that the item be removed from the Consent Agenda. Councilmember Urban commented that not every councilmember has been privy to information and proposals related to flooding at the Hampton Bog. He questioned whether the proposed contract, as currently written, was appropriate at this time given the uncertainty of proposed solutions. He continued by stating that City Council should decide on the final solution and how to pay for it.

City Manager Shaffer stated that the project is complicated and will require a sophisticated level of cooperation. With regard to the contract, he stated that some of the unknowns are what the final project will entail, costs, permit requirements, etc. He commented that numerous roadblocks may lie ahead but, at a minimum, a baseline engineering study is necessary. He continued by commenting that there will be no attempt to circumvent the City Council and that he views the engineering aspect to be the easy part of the project.

Councilmember Reid pointed out that a variety of impediments to success likely lie ahead that may halt the project. She inquired as to how the contract will work if what is being looked at is not feasible. She inquired if the contractor would then be redirected. The efforts related to emergency pumping, she stated, should provide insight into potential solutions to the situation.

City Manager Shaffer expressed his commitment to keeping City Council and the community informed throughout the process. He continued by stating that additional partners, such as the Drain Commissioner, may be necessary. The engineering, he stated, is an essential step in the process. Mayor Randall concurred that having an engineering firm with expertise in this area is the first of many steps in the process. A professional firm, she stated, can focus exclusively on the problem and removes any potential bias. With regard to the emergency pumping, she stated that a permit from the Department of Environment, Great Lake and Energy (EGLE) is needed. She then shared that the signed permit is forthcoming and that she had been in contact with local and state elected officials.

Councilmember Reid reiterated her question about what happens if the engineering efforts indicate that the project needs to come to a halt. She asked if City Administration would come back to City Council prior to a permit being issued. She inquired if the permit will identify infrastructure and cost requirements. Mr. Shaffer responded that City Administration would bring information back to City Council in advance of any permit being issued and to identify any funding mechanism.

With regard to “hard stops” in the project, Mr. Shaffer stated that every effort will be made to avoid any such stoppages.

Councilmember Burns commented that any potential solution will require permit applications and expressed support for the contract to start the process of engineering a solution.

Councilmember Urban requested assurance that decisions related to this situation will not bypass City Council. Motion by Urban, seconded by Reid, to award a contract to perform an environmental impacts evaluation and joint permit application for the Hampton Creek Wetland Area Phase 2 to Fishbeck, Thompson, Carr & Huber, Incorporated, of Grand Rapids, Michigan in the amount not to exceed \$134,365 and authorize the City Manager to execute all documents related to the contract except final permit application to the State of Michigan.

Mayor Pro Tem Pearson commented that bringing the application back before City Council would result in a delay. He continued by commenting that perhaps a special meeting could be held but that, regardless, he viewed the situation as an emergency. Mr. Shaffer commented that the permit process is not like flipping a switch and is multi-faceted in identifying the solution, getting permits, determining costs, etc. He offered assurances that this item will be back before City Council.

Mayor Randall shared that, in conversations with State Representative Brandt Iden, she has learned that it’s best to get the permit application submitted to EGLE as soon as possible regardless of whether all of the details have been gathered. She continued by stating that she would be comfortable with and expect regular updates to City Council throughout the permitting process.

Councilmember Urban inquired if a permit application will be submitted prior to conclusion of the engineering study and Mr. Shaffer responded in the affirmative. He stated that City Council would be kept apprised throughout the process and stated that there would be no last-minute proposals or surprise costs. Councilmember Urban commented that he had asked to see various proposals that have been talked about several weeks ago but had not yet seen them. Mr. Shaffer shared that there have been three proposals and reviewed the general attributes of each.

Councilmember Urban withdrew his motion, Councilmember Reid concurred, and Councilmember Urban stated he would rely on the appropriations process for review and approval. Mayor Pro Tem Pearson commented that he had not seen the proposals either.

Motion by Pearson, seconded by Burns, to award a contract to perform an environmental impacts evaluation and joint permit application for the Hampton Creek Wetland Area Phase 2 to Fishbeck, Thompson, Carr & Huber, Incorporated, of Grand Rapids, Michigan in the amount not to exceed \$134,365 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

FINAL/SITE PLAN FOR AMERICAN VILLAGE BUILDERS (ADDITION), 4200 WEST CENTRE AVENUE: Mayor Randall deferred to Councilmember Knapp who asked that the item be removed from the Consent Agenda. Councilmember Knapp referenced the proposed expansion of American Village Builders’ commercial building and inquired as to whether it will have an impact on the Hampton Bog. City Manager Shaffer stated that his understanding based on conversations with staff is that there will not be further impact on the bog. Director of Community Development Vicki Georgeau reviewed the proposed building and grade levels. She noted that the current grade at the site slopes downward toward the bog. She shared that EGLE has permitted the proposed building addition and that city staff have reviewed plans as well. She noted that two leaching basins will be installed and that the current overland flow of water will continue but, although the amount will remain the same, the stormwater may reach the bog faster than before the addition. Ms. Georgeau concluded by sharing that the Planning Commission voted unanimously in support of the project.

Motion by Knapp, seconded by Reid, to approve the Final/Site Plan for American Village Builders (addition), 4200 West Centre Avenue. Upon a roll call vote, motion carried 6 to 0.

UNFINISHED BUSINESS:

INTERGOVERNMENTAL AGREEMENT WITH KALAMAZOO FOR PUBLIC SAFETY ANALYTICS:

Mayor Randall deferred to City Manager Shaffer who explained that City Administration believes in the concept of the proposed Agreement. However, he stated unfinished details remain and asked that the item be referred back to City Administration so these details can be addressed.

Councilmember Reid asked that City Administration look at participation levels as she believes there is regional benefit to be gained. Mayor Pro Tem Pearson concurred with Councilmember Reid and the value that partners, especially at the County level, would bring to the endeavor.

Motion by Pearson, seconded by Reid, to refer the three-year inter-governmental agreement with the City of Kalamazoo, Michigan, for crime analysis, crime prevention and strategic operational crime reduction activities at the Kalamazoo Strategic Operations Center back to the City Administration, with the intent that the City Manager report back to City Council once agreeable terms for all parties involved can be achieved. Upon a roll call vote, motion carried 6 to 0.

STATEMENTS OF CITIZENS: Mr. Steve Antoniotti, 7774 West St. Andrews Circle, expressed his appreciation for action being taken regarding flooding at Hampton Bog. He asked that as the engineering firm works on possible solutions to the flooding that all possible solutions be considered. He referenced a prior connection between the Hampton Bog and the bog to the south of West Centre Avenue. He pointed to a potential solution involving a historic culvert that runs under the roadway and connects the two bogs. He indicated that opening this connection could solve the flooding issues at the Hampton Bog and would likely cost approximately \$40,000. He asked that information be provided as to the inflows and outflows from the Hampton Bog and expressed particular interest in any connections with the Rudgate neighborhood in Texas Township.

Ms. Cathy Haines, 7745 West St. Andrews Circle, thanked City Council for working to address flooding in the Hampton Bog. She then inquired if the temporary permit had been issued. Mayor Randall reviewed the status of the pumping and that a permit to allow the pumping was forthcoming from EGLE. Ms. Haines next referenced the approval of the AVB building expansion. She expressed concern that as construction happens in the vicinity of the bog that flooding and water runoff will worsen. She next noted that stormwater from the Rudgate neighborhood of Texas Township flows into the bog yet she has witnessed retention basins in that neighborhood which are completely dry. She asked that information be provided as to sources of water that drain into Hampton Bog.

The daughter of Dr. Nehdia Hashemi, 7520 Oak Shore Drive, spoke with regard to flooding and shared that water has almost reached her swingset and that if the flooding worsens she will not be able to play in her backyard. She noted that trees are falling near her home and it would be difficult if a tree hit her house. Dr. Hashemi shared that a neighbor's tree had recently fallen and her children were frightened about going outside.

Ms. Lynn Zhang, 7596 Oak Shore Drive, shared that a number of trees on her property are in danger of falling. She thanked the Mayor, City Manager and City Council for taking action on getting a permit to pump water from the bog. She shared that she had spoken with Representative Iden and that he indicated the importance of applying for a permit while the engineering study is on-going. She pointed out that even the emergency permit has taken several days to obtain and that it is essential to start the permit process early. She noted that residents rely on City Council to work to protect the health and well-being of the community.

Mayor Randall shared that all options will be explored to resolve the flooding and that City Council and City Administration are committed to keeping residents informed. She noted that many decisions made that may have impacted the bog were not made by current city officials. She then

asked City Manager Shaffer to provide an analysis and map indicating water inflows and outflows to the Hampton Bog. Mr. Shaffer shared that such a map does not currently exist but that one would be created and provided to City Council. Mayor Randall asked that an update be provided at the next City Council Meeting.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Urban asked residents to be wary of counterfeit money as fake \$10 bills are in circulation in the community.

Councilmember Reid expressed appreciation for the recent weather. With regard to the flooding concerns, she asked that City Administration be sure to keep every councilmember updated.

Councilmember Burns announced that he would be running for election to a full four-year term on City Council. He noted that he is currently serving a partial term due to the Mayor being elected to her position in November 2017. He shared that he is looking forward to talking with citizens throughout the election process.

Mayor Pro Tem Pearson announced that he was seeking reelection. He also shared that he recently attended a meeting of the Finance Committee of the Kalamazoo County Consolidated Dispatch Authority (KCCDA). He shared that the KCCDA is committed to finding and implementing a fair and equitable long-term funding solution for the KCCDA. In this regard, he shared that the KCCDA is looking at citizen surveys.

Mayor Randall shared that she recently attended Summer Learning Day activities in Kalamazoo that were sponsored by the Kalamazoo Youth Development Network. Next, she shared that she attended a meeting of Discover Kalamazoo and noted the value of tourism to the area. Mayor Randall shared that the United States Tennis Association Boys 16 & 18 National Tournament would be held at Kalamazoo College in August and that matches will occur at Portage West Middle School. Next, she shared that she attended “Bagels and Builders” with the Homebuilders Association and heard good things about the building process in Portage. She also shared that interest was expressed in bidding on the Community Senior Center project and in making donations to help fund the project. Mayor Randall next thanked Representative Iden, Senator McCann and Governor Whitmer’s office and city staff for their work in getting the emergency pumping permit for Hampton Bog. Finally, she encouraged residents to attend upcoming events featuring the Glenn Miller Orchestra and the Kalamazoo Symphony Orchestra.

ADJOURNMENT: Mayor Randall adjourned the meeting at 8:09 p.m.

Adam Herringa, City Clerk

**MINUTES FROM THE PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF AUGUST 5, 2019**

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

With regard to Item A.2, Accounts Payable Register for August 6, 2019, Mayor Pro Tem Pearson asked for clarification on Check No. 310547 to the Michigan Municipal League. Deputy City Manager Boulis shared that it was for a classified ad of the City Manager job posting. Councilmember Burns asked for clarification on Check No. 11535 to Warner, Norcross & Judd for "defined benefit restatement." Mr. Boulis shared that it was for a periodic refiling of the City of Portage defined benefit pension plan with the Internal Revenue Service.

With regard to Item A.3, Portage Community Center Funding Request, Councilmember Knapp inquired if such a funding request had been previously made by the Portage Community Center (PCC) or other organization. Mr. Shaffer stated that he would confirm but understood this to be the first time. Councilmember Knapp next inquired as to the total amount in the Community Development Block Grant (CDBG) Program. She continued by pointing out that PCC originally asked for \$170,000 but the recommended funding amount is \$150,000. She asked what would be compromised should the full amount be awarded. Next, Councilmember Knapp pointed to a provision in the proposed agreement that PCC not receive greater than 30% of funding from the City of Portage. She inquired how the PCC could be held accountable should the City of Portage elect to give funds in excess of 30%.

Mayor Pro Tem Pearson inquired if PCC engaged in a capital campaign to raise the requested funds prior to coming to the City of Portage. City Manager Shaffer stated that PCC may have reached out to a few donors but, to his knowledge, a capital campaign was not utilized. Mayor Pro Tem Pearson pointed out that several years ago City Council made an effort to cut back on city funding and encourage PCC to engage in greater fundraising efforts. He expressed hope that this new request is not indicative of PCC reverting to the city for additional resources. Mr. Shaffer shared that the PCC recently lost their major building tenant which has hurt them financially. Mr. Pearson inquired if this was a one-time request and Mr. Shaffer responded in the affirmative. Mayor Randall shared that last winter she met with members of the PCC Board of Directors and that a lengthy list of facility improvements was shared. She shared that she walked the building and that the condition of the parking lot was not raised. Mayor Randall inquired as to how the CDBG funds will be replenished should City Council approve the request. Mr. Shaffer shared that the fund is replenished over time as homes sell that were rehabbed via CDBG funds or part of the home loan program. Mayor Randall next inquired as to the rationale for relocating the drive. Mayor Pro Tem Pearson stated that issues such as ensuring an adequate and sufficient HVAC system would seem to be a higher priority

than a parking lot. He continued by noting that PCC seems to be focusing on cosmetic items rather than internal facility improvements. He questioned why the change in focus.

With regard to Item A.5, Termination of Centre Port Commons Brownfield, Mayor Randall stated that it looks like Treystar will be building a Bronson facility and shared that it was her understanding that hospital facilities could not be taxed. Mr. Shaffer stated that property taxes will be levied because Treystar (or affiliated entity) will own the property.

With regard to Item A.6, Brownfield Redevelopment Plan Amendment No. 7, 6666 Lovers Lane, Councilmember Knapp noted that the City Manager report references a forthcoming revision to the draft agreement which involves the ability to appeal property taxes. She pointed out that the draft agreement asks the property owner to waive their right to appeal and asked that the revised language be provided to City Council. Mayor Randall shared that she has spoken with Mr. Joe Agostinelli of Southwest Michigan First who informed her that the City of Portage is taking on this brownfield itself instead of the County. She asked if this is a new or different process and why the language in the Portage brownfield contract is different than that used by the County. Mr. Shaffer responded by stating that city administration wants to develop its own brownfield funds that can be used primarily for brownfield evaluations/studies. He continued by stating that brownfield funds need to be stable and it should be difficult for entities receiving recompense for expenses from brownfield funds to then turn around and appeal their taxes. Mr. Shaffer continued by stating that Mr. Agostinelli takes exception to this position but that an opportunity to appeal will be included in the final contract. Mayor Randall inquired if this is the first brownfield the city has taken on. Mr. Shaffer responded in the negative. Mayor Randall asked for the exact number and wondered why this project is being handled by the City while a recent brownfield involving Stryker was managed by the County. She continued by wondering whether the city could restrict anyone from appealing their tax assessment. Mr. Shaffer responded by noting that an applicant is asking for something from the city, in this instance recompense for cleaning up their property. In exchange, Mr. Shaffer stated, the city needs a stable tax base from which to be able to reimburse.

Mayor Pro Tem Pearson inquired if City Council is being asked to approve the item or have an initial reading. Mr. Shaffer stated that City Council is being asked to set a public hearing. Mr. Pearson asked the city to provide a bullet point differentiation between the city and county brownfield contract language. Councilmember Knapp inquired as to the training and expertise necessary to negotiate and develop brownfield agreements. Mr. Shaffer stated that the city has not engaged in significant brownfield developments due to a limited number of brownfields in the city. Mayor Pro Tem Pearson asked if staff investigated hiring a consultant in this instance. Mr. Shaffer responded by stating that this project is simple, the nature of contamination is not complicated and costs are easy to calculate.

With regard to Item D.1, Rezoning Application #18/19-6, Mayor Randall inquired as to recent contact with the applicant. Mr. Shaffer shared that two meetings have occurred since the last City Council Meeting and a third meeting is planned for today. He shared that Community Development Director Vicki Georgeau has provided a variety of options related to developing this property aside from rezoning. Mr. Shaffer noted that the applicant, Mr. Jay Sharma, is asking the city to repudiate a unanimous vote of the Planning Commission. Mayor

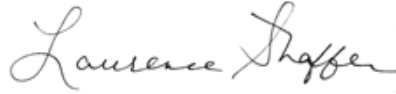
Pro Tem Pearson inquired if part of the commercial building were to be torn down, whether the property could be utilized as a marihuana facility. Mr. Shaffer responded in the affirmative. Mayor Randall inquired how long the property has been vacant and, should the structure remain as-is, what the building could be used for. Mr. Shaffer stated that the most compelling argument of the applicant is the ambiguity of the line indicated in the Future Land Use Map as it splits the subject property between residential and general business.

ADJOURNMENT: Following a summary of the meeting, Mayor Randall adjourned the meeting at 8:37 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 August 6, 2019 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 July 15, 2019 through July 28, 2019 and notes \$771,040.18 in automated clearing house payments, \$1,863,296.08 in paper checks and \$65,135.87 in auto-pay payments for a grand total of \$2,699,472.13.

FUNDING: N/A

Attachments: 1. Accounts Payable Register of August 6, 2019

ACCOUNTS PAYABLE REGISTER
Check Dates From: 7/15/2019 To: 7/28/2019

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Check Type: ACH Transaction

Check Date	Check	Vendor Name	Description	Amount
07/19/2019	11441(A)	B L HARROUN & SON INC.	FIRE FACILITY MAINT	1,120.07
07/19/2019	11442(A)	BEST WAY DISPOSAL, INC.	18/19 CURBSIDE RECYCLING	52,654.79
07/19/2019	11443(A)	BLUE CARE NETWORK-GREAT LAKES	BCNA HEALTH INSURANCE	129,463.88
07/19/2019	11444(A)	C T S TELECOM, INC.	TS DEDICATED FIBER OPTIC CIRC	325.00
07/19/2019	11445(A)	CARRIER & GABLE	TRAFFIC SIGNAL CAMERA	17,840.00
07/19/2019	11446(A)	DEER CONTRACTING & LANDSCAPE	SIDEWALK REPAIR	8,980.00
07/19/2019	11447(A)	ENGINEERED PROTECTION SYSTEMS, INC.	ALARM SYSTEM MONITORING	1,187.64
07/19/2019	11448(A)	ESCAPE FIRE & SAFETY SERVICES, INC.	WELDING SERVICES	450.00
07/19/2019	11449(A)	FIRE SERVICE MANAGEMENT	FIRE PPE CLEANING	493.35
07/19/2019	11450(A)	FISHBECK THOMPSON CARR & HUBER, INC	ENGINEERING - WATER RELIABILITY	4,663.05
07/19/2019	11451(A)	GORDON WATER SYSTEMS	WATER SERVICES	176.25
07/19/2019	11452(A)	GRIFFIN PEST SOLUTIONS, INC.	PEST CONTROL - DPS	75.00
07/19/2019	11453(A)	HURST MECHANICAL, INC.	REPL TANK	617.00
07/19/2019	11454(A)	INDUSCO SUPPLY CO., INC.	RESTROOM SUPPLIES FOR CIT	885.69
07/19/2019	11455(A)	IP CONSULTING, INC.	WEBEX SERVICES RENEWAL 1 YR	1,160.13
07/19/2019	11456(A)	KLOSTERMAN DISTRIBUTING	RAMONA CONCESSIONS	695.61
07/19/2019	11457(A)	LIFEGUARD STORE	LIFEGUARD UNIFORMS/EQUIP	1,104.01
07/19/2019	11458(A)	LOWE'S HOME CENTER	FIRE FACILITY MAINT.	34.48
07/19/2019	11459(A)	MAPLE HILL SPRINKLING, INC.	SPRINKLER SYSTEM REPAIRS	2,686.00
07/19/2019	11460(A)	MATERIALS RESOURCES	FIRE CLEANING SUPPLIES	559.55
07/19/2019	11461(A)	MCNALLY ELEVATOR CO.	CITY HALL ELEVANTOR MAINT	379.00
07/19/2019	11462(A)	MFCI, LLC	ADVISORY FEE CIP 2019 BONDS	22,230.00
07/19/2019	11463(A)	NYE UNIFORMS	MISC UNIFOIRMS	821.90
07/19/2019	11464(A)	ONSTAFF USA INC	TEMP EMPLOYEE SERVICES	4,321.70
07/19/2019	11465(A)	PARIS CLEANERS	UNIFORM CLEANING	888.17
07/19/2019	11466(A)	PCM SALES, INC.	FIRE OPS SUPPLIES	1,904.17
07/19/2019	11467(A)	PRINTING SERVICES INC	CELERY FLATS RESTROOM SIGN	227.00
07/19/2019	11468(A)	PROFESSIONAL BUILDING SERVICES LLC	JANITORIAL SERVICES - CITY HALL	3,471.77
07/19/2019	11469(A)	R W LAPINE INC.	IRRIGATION REPAIRS	25,708.76
07/19/2019	11470(A)	RIDDERMAN & SONS OIL CO. INC.	DIESEL FUEL FOR GENERATOR	1,635.15
07/19/2019	11471(A)	ROE-COMM, INC.	NEW FREQ. & PRGRMG. RADIOS	4,700.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 7/15/2019 To: 7/28/2019

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Check Date	Check	Vendor Name	Description	Amount
07/24/2019	11472(A)	CHARTER COMMUNICATIONS	CABLE TV	537.14
07/26/2019	11473(A)	A NEW LEAF	SIX MONTHS OF PLANT CARE	85.00
07/26/2019	11474(A)	AUMACK, MICHAEL	UMPIRE PAYROLL 2019	150.00
07/26/2019	11475(A)	BARKER, DAVID	VALOR-SURVIVE & THRIVE	90.00
07/26/2019	11476(A)	BATTERIES PLUS	MISC BATTERIES	243.90
07/26/2019	11477(A)	BCHS-HELPNET	EAP SERVICES	1,656.63
07/26/2019	11478(A)	BEEBE, RONALD E.	UMPIRE PAYROLL 2019	350.00
07/26/2019	11479(A)	BLUESTONE PSYCH	POST COND OFFER PSYCH EVAL	930.00
07/26/2019	11480(A)	BROWNELL'S INCORPORATED	MISC POLICE SUPPLIES	391.95
07/26/2019	11481(A)	CARRIER & GABLE	TRAFFIC SIGNAL SUPPLIES	6,650.00
07/26/2019	11482(A)	CHARTER COMMUNICATIONS	CABLE TV	190.50
07/26/2019	11483(A)	CLEANIT CORP	19/20 CAR WASHES	175.98
07/26/2019	11484(A)	CLINGENPEEL, DAVID	UMPIRE PAYROLL 2019	84.00
07/26/2019	11485(A)	DATA CONSTRUCTS LLC	WEBSITE HOSTING SERVICES	97.95
07/26/2019	11486(A)	DELTA DENTAL PLAN OF MICHIGAN	DENTAL INSURANCE	18,243.98
07/26/2019	11487(A)	E J USA, INC.	ADA PLATES	3,587.58
07/26/2019	11488(A)	ETNA SUPPLY, INC.	LEXINGTON PROJECT	756.85
07/26/2019	11489(A)	EVERETT, CHIP	FIRE OPS TRAINING	309.50
07/26/2019	11490(A)	FERGUSON WATERWORKS #3386	MANHOLE COVERS	409.96
07/26/2019	11491(A)	FERRELLGAS, LP	CYLINDER RENTAL	12.00
07/26/2019	11492(A)	FORSHEE, MARK	UMPIRE PAYROLL	350.00
07/26/2019	11493(A)	GLOBAL EQUIPMENT CO., INC.	MASTER LOCKS	283.48
07/26/2019	11494(A)	GORDON WATER SYSTEMS	GORDON WATER	289.85
07/26/2019	11495(A)	GREATER KALAMAZOO UNITED WAY	CONTRIBUTIONS FOR JULY	360.00
07/26/2019	11496(A)	GRIFFIN PEST SOLUTIONS, INC.	FIRE FACILITY MAINT.	119.00
07/26/2019	11497(A)	GRYPHON PLACE	211 INFO AND REFERRAL HOTLINE	1,500.00
07/26/2019	11498(A)	HOJNACKI, DAVID	UMPIRE PAYROLL 2019	138.00
07/26/2019	11499(A)	IP CONSULTING, INC.	BLOCK TIME PROFESSIONAL S	3,750.00
07/26/2019	11500(A)	J & J LAWN SERVICE, INC.	MOWING AND TRIMMING SERV	7,295.00
07/26/2019	11501(A)	KLOSTERMAN DISTRIBUTING	RAMONA CONCESSIONS	514.57
07/26/2019	11502(A)	LAWSON PRODUCTS, INC	MAINTENANCE SUPPLIES	453.06
07/26/2019	11503(A)	LENDING HANDS OF MICHIGAN, INC.	MEDICAL EQUIP FOR DISABLED	1,500.00

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07/26/2019	11504(A)	LIFEGUARD STORE	SWIM LESSON SUPPLIES	92.50
07/26/2019	11505(A)	LOUTHAN, WILLIAM F	UMPIRE PAYROLL 2019	96.00
07/26/2019	11506(A)	MAICO INDUSTRIES, INC.	MAST ARMS & POLES - W MILHAM	120,560.06
07/26/2019	11507(A)	MAPLE HILL SPRINKLING, INC.	IRRIGATION CONNECTION	10,880.00
07/26/2019	11508(A)	MATERIALS RESOURCES	MAINTENANCE SUPPLIES	437.84
07/26/2019	11509(A)	MCCULLIN, LARRY W.	UMPIRE PAYROLL 2019	175.00
07/26/2019	11510(A)	MICROSYSTEMS, INC.	MICROFILM SCANNING CONVERT	2,902.73
07/26/2019	11511(A)	MIDWEST ENERGY & COMMUNICATIONS	STREETLIGHT ENERGY COSTS	285.19
07/26/2019	11512(A)	NEW FRESH CLEANING SERVICE	JANITORIAL SERVICES - POLICE	1,400.00
07/26/2019	11513(A)	NUYEN, ERIC	UMPIRE PAYROLL 2019	184.00
07/26/2019	11514(A)	ONE WAY PRODUCTS	HAND SOAP AND SUPPLIES	991.84
07/26/2019	11515(A)	ONSTAFF USA INC	TEMPORARY EMPLOYEE SERVICES	5,165.59
07/26/2019	11516(A)	PATESEL, TERRY	UMPIRE PAYROLL 2019	175.00
07/26/2019	11517(A)	PORTAGE FIREFIGHTERS	IAFF UNION DUES FOR JULY	2,010.00
07/26/2019	11518(A)	PORTAGE ON-CALL FIREFIGHTERS	ON CALL FF UNION DUES JULY	40.00
07/26/2019	11519(A)	PORTAGE POLICE OFFICERS ASSOC	PPOA DUES FOR JULY	623.00
07/26/2019	11520(A)	PRINTING SERVICES INC	PARK FACILITIES RENTAL GUIDE	4,266.36
07/26/2019	11521(A)	PROFESSIONAL BUILDING SERVICES LLC	JANITORIAL SERVICES - S/C	1,550.00
07/26/2019	11522(A)	QUADRANT II MARKETING, LLC	NEWSLETTER AUG/SEPT	2,058.40
07/26/2019	11523(A)	RHODES, KEVIN	UMPIRE PAYROLL 2019	240.00
07/26/2019	11524(A)	RIDDERMAN & SONS OIL CO. INC.	GASOLINE	15,594.75
07/26/2019	11525(A)	RIDGE AUTO NAPA	FIRE APPARATUS MAINT	3,058.43
07/26/2019	11526(A)	VOID		0.00
07/26/2019	11527(A)	RYAN, JOHNATHAN	UMPIRE PAYROLL 2019	141.00
07/26/2019	11528(A)	S B F ENTERPRISES, INC.	PRINT & PROCESS QTRLY UTILITY	1,139.07
07/26/2019	11529(A)	SUEZ WATER ENVIRONMENTAL SERVICES	UTILITY SYSTEM OPERATION	176,532.33
07/26/2019	11530(A)	TOO CLEAN JANITORIAL	CLEANING MAINTENANCE PARKS	5,990.00
07/26/2019	11531(A)	UNITED AUTO. IMPLEMENT WORKERS 2290	UNION DUES FOR JULY 2019	483.45
07/26/2019	11532(A)	UNITED PETROLEUM	FUEL PUMP MAINTENANCE	520.37
07/26/2019	11533(A)	VANPORTFLIET, DEREK	VALOR - SURVIVE & THRIVE	90.00
07/26/2019	11534(A)	W W GRAINGER INC	EQUIPMENT MAINTENANCE	12.98
07/26/2019	11535(A)	WARNER NORCROSS & JUDD LLP	DEFINED BENEFIT RESTATEMENT	6,630.67

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07/26/2019	11536(A)	WEST MICHIGAN STAMP & SEAL,INC	REVIEW STAMP FOR BUILDING	36.40
07/26/2019	11537(A)	WIGHTMAN	ENGINEERING SRVCS - W MILHAM	63,500.00
07/26/2019	11538(A)	XEROX CORPORATION	JUNE 2019 PAYMENT XEROX	212.22
Total ACH Transactions:				771,040.18
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07/19/2019	310429	ADP, INC.	PAYROLL/ETIME SERVICES	8,023.94
07/19/2019	310430	ADVANCE II LLC	TEMP STAFFING FOR DEP CLERK	471.68
07/19/2019	310431	ALLEGRA PRINT & IMAGING	ENVELOPES, PRINTING	568.00
07/19/2019	310432	AMRHEIN, JERRY	PICKLEBALL SESSION 2 REFUND	15.00
07/19/2019	310433	ARTWEAR APPAREL GRAPHICS, INC.	RANGER SHIRTS	442.00
07/19/2019	310434	ATLAS BUSINESS SOLUTIONS, INC.	SCHEDULE ANYWHERE LICENSE	1,684.80
07/19/2019	310435	BAY AREA TOUCHLESS CARWASH LLC	POLICE VEHICLE CAR WASHES	174.00
07/19/2019	310436	BLUE CROSS/BLUE SHIELD OF MICH	BCBSM INSURANCE	64,979.27
07/19/2019	310437	BORGESS MEDICAL CENTER	PHYSICAL EXAM	216.00
07/19/2019	310438	CAMPBELL AUTO SUPPLY	MISC AUTO SUPPLIES	260.23
07/19/2019	310439	CARLSON FARMS	REIMBURSEMENT EBT FARMERS	15.00
07/19/2019	310440	CINTAS CORP.	UNIFORM RENTAL SERVICES	381.41
07/19/2019	310441	CLASSIC CARRIAGE LLC	HORSE/CARRIAGE TRAD HO 2019	100.00
07/19/2019	310442	D L GALLIVAN INC.	COPY MACHINE CONTRACT	296.73
07/19/2019	310443	D&D BUILDING DIVIS10N	CITY HALL WINDOW SHADES	3,970.00
07/19/2019	310444	DANIELLE J BELLER/BACK TO LIFE BODY	HMP ED SESSION 2018-2019	150.00
07/19/2019	310445	DEVON TITLE AGENCY	TITLE INSURANCE	250.00
07/19/2019	310446	ED & TED'S EXCELLENT ADVENTURES	TRIP VENDOR PAYMENT	19,579.00
07/19/2019	310447	FIRST DUE FIRE SUPPLY CO.	FIRE UNIFORMS	807.01
07/19/2019	310448	GORDON FOOD SERVICE	RAMONA CONCESSIONS	149.90
07/19/2019	310449	H & H PROPERTY MAINTENANCE, LLC	FIRE FACILITY MAINT	4,450.00
07/19/2019	310450	HOME DEPOT	MISC CLEANING AND MAINTENCE	119.80
07/19/2019	310451	IMAGESTREAM, INC.	HMP EDUCATIONAL PRESENTATION	360.00
07/19/2019	310452	KALAMAZOO LANDSCAPE SUPPLIES	FIRE TRAINING SUPPLIES	294.50
07/19/2019	310453	KALAMAZOO SPORTSWEAR	SCREEN PRINT SERVICES	111.25
07/19/2019	310454	KALAMAZOO/BATTLE CREEK INTL AIRPORT	PROFESSIONAL SERVICES	8,687.14
07/19/2019	310455	KIESER & ASSOCIATES, LLC	COMPOST SITE WELL TESTING	3,520.50

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07/19/2019	310456	LYSTER EXTERIORS	CABLE ACCESS CONTROL ROOM	820.00
07/19/2019	310457	MICHIGAN PLAYGROUNDS LLC	RAMONA & HAVERHILL PLAYSAPES	57,797.00
07/19/2019	310458	OFFICE DEPOT, INC.	OFFICE SUPPLIES	472.09
07/19/2019	310459	PAYSCALE, INC.	SALARY DATA - ANNUAL	3,999.00
07/19/2019	310460	PETERS CONSTRUCTION CO.	CATCH BASIN REPAIR	13,153.00
07/19/2019	310461	PETTY CASH-ALYSSA MILBECK	REPLENISHMENT CHECK	654.74
07/19/2019	310462	PETTY CASH-BARBARA GARLOW	REPLENISHMENT CHECK	556.95
07/19/2019	310463	PETTY CASH-JANET GATES	FY19 PETTY CASH	293.42
07/19/2019	310464	REID, CLAUDETTE	REPLACE STATE CHECK	1,209.47
07/19/2019	310465	RIVERSIDE INTEGRATED SYSTEMS, INC.	EMERGENCY SERVICE OF ALARM	368.04
07/19/2019	310466	ROAD COMMISSION OF KALAMAZOO COUNTY	TRAFFIC SIGNAL MAINTENANCE	585.32
07/19/2019	310467	RTC AGILITY TEST	PRE EMPLOYMENT AGILITY TEST	200.00
07/19/2019	310468	SEVERANCE ELECTRIC COMPANY,INC	TRAFFIC SIGNAL REPAIR/MAINT	8,874.24
07/19/2019	310469	STATE SYSTEMS RADIO, INC	STAFF RADIOS	1,069.45
07/19/2019	310470	SUPERIOR BUSINESS SOLUTIONS	MISC COMM POLICING SUPPLIES	4,307.90
07/19/2019	310471	TACTRON, INC.	FIRE OPS SUPPLIES	579.74
07/19/2019	310472	THE CANOPEUM, INC.	CAMPOUT 2019 SUPPLIES	360.00
07/19/2019	310473	TKS SECURITY, LLC	LOCKSMITH SERVICES	142.50
07/19/2019	310474	TODD ARBANAS ENTERPRISES INC.	TREE REMOVAL SERVICES	7,000.00
07/19/2019	310475	TRAFFIC CONTROL CORP.	TRAFFIC SIGNAL SUPPLIES	11,817.00
07/19/2019	310476	TRIEMSTRA, DAN	PICKLEBALL SESSION 2 REFUND	15.00
07/19/2019	310477	UNITED STATES TREASURY	IRS FORM 720 - PCORI FEE	183.75
07/19/2019	310478	WASHCO, LLC	FIRE FACILITY MAINT.	1,500.00
07/23/2019	310479	A T & T	ELECTRONIC COMMUNICATIONS	14,775.34
07/23/2019	310480	GLENN MILLER PRODUCTIONS, INC.	GLENN MILLER PERFORMANCE	5,000.00
07/26/2019	310481	A T & T LONG DISTANCE	LONG DISTANCE SERVICE	87.73
07/26/2019	310482	ACE PARKING LOT STRIPING, INC.	RESTRIP 5 MIN PARKING @ CH	600.00
07/26/2019	310483	ADVANCE II LLC	TEMP STAFFING FOR DEP CLERK	471.68
07/26/2019	310484	ALADTEC, INC.	FIRE SOFTWARE	3,465.00
07/26/2019	310485	ALAN TURNER	2019 CONCERT SERIES	750.00
07/26/2019	310486	AMOS, DEBORAH	PICKLEBALL SESSION 2 REFUND	15.00
07/26/2019	310487	ARTWEAR APPAREL GRAPHICS, INC.	UMPIRE SHIRTS	81.00

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07/26/2019	310488	ASCENSION MICH OCCUPATIONAL HEALTH	POST OFFER PHYSICALS	68.00
07/26/2019	310489	BINNING, SUE	TRIP REFUND 190711	95.00
07/26/2019	310490	BLOOM SLUGGETT, PC	LEGAL SERVICES	100.00
07/26/2019	310491	BONAMEGO, LOUIS	FARMERS' MARKET FOOD ASSIST	180.00
07/26/2019	310492	BRAYSHER, EILEEN	TRIP REFUND 190904	100.00
07/26/2019	310493	BRONSON HEALTHCARE GROUP	LEGAL BLOOD DRAWS (7)	700.00
07/26/2019	310494	BURKEY, MARIAN	TRIP REFUND 190903	2,250.00
07/26/2019	310495	CAMPBELL MURCH MEMORIALS, INC	CEMETERY REPAIRS	150.00
07/26/2019	310496	CAPITAL CONSULTANTS, INC. DBA C2AE	BUILDING MAINTENANCE STUDY	5,290.00
07/26/2019	310497	CATHOLIC FAMILY SERVICES	ARK SHELTER CARE/CRISIS INTRVNT	7,500.00
07/26/2019	310498	CHICAGO TITLE OF MI	OVERPAYMENT STAX19 PARCEL	1,000.00
07/26/2019	310499	CHICAGO TITLE OF MICHIGAN, INC.	CDBG 416 MARIGOLD ROCHHOLZ	300.00
07/26/2019	310500	CINTAS CORP.	UNIFORM RENTAL SERVICES	188.04
07/26/2019	310501	CITY OF KALAMAZOO TREASURER	SANITARY SEWER CHARGES	296,971.11
07/26/2019	310502	CLEAR CHANNEL AIRPORTS	AIRPORT ADVERTISING 19/20	888.00
07/26/2019	310503	CONSUMERS ENERGY	T/S POLE ATTACHMENT FEE	287.98
07/26/2019	310504	COSTAR REALTY INFORMATION, INC.	REALTY INFO	351.42
07/26/2019	310505	DAVE'S CONCRETE PRODUCTS, INC.	ROMENCE ROAD PROJECT	14,601.00
07/26/2019	310506	DEDITUS, SHARON	TRIP REFUND 190903	400.00
07/26/2019	310507	DELFSMA, KIM	PICKLEBALL SESSION 2 REFUND	15.00
07/26/2019	310508	DENOYER BROTHERS, INC.	VEHICLE REPAIRS	1,285.89
07/26/2019	310509	DEVON TITLE AGENCY	OVERPAY SUMMER 2019 TAX	36.23
07/26/2019	310510	DONALDSON, JAMES B & L A	BD Payment Refund	50.00
07/26/2019	310511	EMERGENCY VEHICLE PRODUCTS	POLICE VEHICLE REPAIRS	2,857.27
07/26/2019	310512	EMERY, BEN	SCHRIER PARK DEPOSIT REFUND	150.00
07/26/2019	310513	ENGMAN, DEBORAH	STUART MANOR DEPOSIT REFUND	150.00
07/26/2019	310514	FLETCHER ENTERPRISES	PAINTING SERVICES	3,580.00
07/26/2019	310515	GOLDEN WEST INDUSTRIAL SUPPLY, INC.	MISC POLICE SUPPLIES	615.08
07/26/2019	310516	GORDON FOOD SERVICE	BONFIRE SUPPLIES	346.33
07/26/2019	310517	GRAVER, LISA	PICKLEBALL SESSION 2 REFUND	15.00
07/26/2019	310518	GREATER KALAMAZOO FOP LODGE 98	FOP PORTION OF PPOA DUES	2,993.14
07/26/2019	310519	HALL BUILDERS LLC	BUILDING MAINTENANCE	3,550.00

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07/26/2019	310520	HAWKEY, KEVIN	FIRE OPS TRAINING	174.95
07/26/2019	310521	HOME DEPOT	SUPPLIES - PARKS DIVISION	868.16
07/26/2019	310522	VOID		0.00
07/26/2019	310523	HOPKINS FUNDRAISING CONSULTING	SENIOR CENTER CAMPAIGN	6,250.00
07/26/2019	310524	HOUSING RESOURCES, INC.	HOUSING, HOMELESSNESS PREVENT	13,500.00
07/26/2019	310525	IMAGESTREAM, INC.	CABLECASTING & VIDEOGRAPHY	22,571.00
07/26/2019	310526	IMAGETREND, INC.	FIRE SOFTWARE	12,350.97
07/26/2019	310527	INDEPENDENT TITLE SERVICES	OVERPAY SUMMER 2019 TAX	264.87
07/26/2019	310528	JOHN W. DUNLOP	FISH CAMP INSTRUCTION	140.00
07/26/2019	310529	KAL COUNTY FIRE CHIEFS ASSOC.	FIRE OPS TRAINING	375.00
07/26/2019	310530	KALAMAZOO COUNTY TREASURER	OAKBROOK JUNE AND JULY MH	1,305.00
07/26/2019	310531	KALAMAZOO COUNTY TREASURER	2ND QTR BILLING FOR SUBPOENA	169.50
07/26/2019	310532	KALAMAZOO LANDSCAPE SUPPLIES	RESTORATIONS	146.70
07/26/2019	310533	KNAPHEIDE TRUCK EQUIPMENT FLINT	VEHICLE MAINTENANCE	1,234.20
07/26/2019	310534	KONICA MINOLTA BUSINESS SOLUTIONS	COPIER - COMMUNICATION SRVC	364.00
07/26/2019	310535	KZOO TIRE COMPANY	TIRE AND TIRE REPAIRS	243.50
07/26/2019	310536	LAKELAND ASPHALT CORP.	LOVERS LANE IMPROVEMENTS	823,523.99
07/26/2019	310537	LALONE, KATHERINE	UB REFUND 415 DORSET	13.86
07/26/2019	310538	LANGUAGE LINE, INC	LANGUAGE LINE USAGE	14.57
07/26/2019	310539	LEHMKUHL, SHAUN	UB REFUND 8180 COPPER OAKS	114.53
07/26/2019	310540	LOCEY SWIM POOL CO.	FOUTAIIN SUPPLIES FOR CH	73.50
07/26/2019	310541	LOVERS LANE MICRO FARM	FARMERS MARKET FOOD ASSIST	58.00
07/26/2019	310542	M P E L R A	MPELRA ANNUAL TRAINING CONF	230.00
07/26/2019	310543	MACKINDER, DEVIN	AIRFARE & CAR RENTAL REIMB	1,022.82
07/26/2019	310544	MAGURA, STEPHEN & LUCILLE	TRIP REFUND 190903	2,200.00
07/26/2019	310545	MCDONALD'S TOWING & RESCUE, INC.	TOWING SERVICES	234.00
07/26/2019	310546	MICH MUNICIPAL POLICE & FIRE REPAIR	POLICE VEHICLE REPAIR & MAINT	403.80
07/26/2019	310547	MICHIGAN MUNICIPAL LEAGUE	CITY MANAGER SEARCH CLASS	680.76
07/26/2019	310548	MICHIGAN PAVING & MATERIALS CO.	BIKEWAY PAVING	18,000.00
07/26/2019	310549	MICHIGAN PLAYGROUNDS LLC	RAMONA & HAVERHILL PLAYSCAPES	19,687.50
07/26/2019	310550	MILLER, CONNIE	TRIP REFUND 190912	50.00
07/26/2019	310551	MIRAKOVITS, KATHY	RAMONA PARK VOUCHERS REFUND	45.00

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07/26/2019	310552	MITCHELL, JENNIFER	RENTAL DAMAGE DEPOSIT RETRN	100.00
07/26/2019	310553	MOORE, CASEY	UMPIRE PAYROLL 2019	84.00
07/26/2019	310554	MOSES FIRE EQUIPMENT, INC.	FIRE OPS SUPPLIES	293.00
07/26/2019	310555	NORTHERN LAKE SERVICE, INC.	WATER SAMPLE ANALYSIS	440.00
07/26/2019	310556	OFFICE DEPOT, INC.	OFFICE SUPPLIES	674.18
07/26/2019	310557	VOID		0.00
07/26/2019	310558	OMG NATIONAL	PROMOTIONAL SUPPLIES	150.77
07/26/2019	310559	PETERS CONSTRUCTION CO.	ZYLMAN AVE RECONSTRUCTION	181,398.96
07/26/2019	310560	PETTY CASH-PAULA GUSTAFSON	REPLENISHMENT CHECK	344.32
07/26/2019	310561	PORTAGE PUBLIC SCHOOLS	INTERLOCAL SERVICES AGREEMENT	30,000.00
07/26/2019	310562	PRIME HOMES, LLC	UB REFUND 8025 SIELLE PATH	98.39
07/26/2019	310563	PRO APPRAISAL SERVICES, LLC	APPRAISAL FOR 2527 W MILHAM	225.00
07/26/2019	310564	PURK, CHRISTINE	RENTAL DAMAGE DEPOSIT REFUND	100.00
07/26/2019	310565	RATHCO SAFETY SUPPLY, INC.	ROMENCE PROJECT	802.00
07/26/2019	310566	RENEWED EARTH, INC.	LEAF AND BRUSH REMOVAL -	9,083.33
07/26/2019	310567	ROAD COMMISSION OF KALAMAZOO COUNTY	EMULSION PURCHASES	1,508.63
07/26/2019	310568	SEVERANCE ELECTRIC COMPANY, INC	STRYKER WAY/PORTAGE TRAF SGNL	51,537.97
07/26/2019	310569	SHI INTERNATIONAL CORP.	APPLE IMAC PURCHASE	1,683.00
07/26/2019	310570	SITEONE LANDSCAPE SUPPLY LLC	IRRIGATION REPAIR SUPPLIES	315.38
07/26/2019	310571	SMEMSIC	FIRE ADMIN MEMBERSHIP	75.00
07/26/2019	310572	SOLIDIFI TITLE & CLOSING	OVERPAYMENT STAX19	364.60
07/26/2019	310573	STATE OF MICHIGAN	SOR REGISTRATION FEES	180.00
07/26/2019	310574	STATE SYSTEMS RADIO, INC	ANNUAL TOWER LEASE CONTRACT	1,551.67
07/26/2019	310575	STORK, PAULA	SWIM LESSONS SESSION 2 REFUND	45.00
07/26/2019	310576	SWEARINGEN, MARIAN	TRIP REFUND 190924	200.00
07/26/2019	310577	THE CHEESE PEOPLE OF GRAND RAPIDS	FARMERS' MARKET FOOD ASSIST	31.00
07/26/2019	310578	THICKSON, JUDY	CLASS REFUND LINE DANCING	31.50
07/26/2019	310579	TITLECITY LLC	OVERPAYMENT WATER & SEWER	44.49
07/26/2019	310580	TMR BUILDERS INC	UB REFUND 10591 GRACIE LANE	7.37
07/26/2019	310581	TODD ARBANAS ENTERPRISES INC.	TREE REMOVAL SERVICES	1,675.00
07/26/2019	310582	TRACY TIME SYSTEMS	ANNUAL SERVICE AGREEMENT	105.00
07/26/2019	310583	TRIPLE K IRRIGATION INC	HOSE AND HOSE FITTINGS	10,340.57

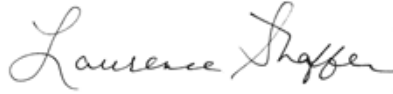
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07/26/2019	310584	TUCKER, MARIE	ACTIVITIES REIMBURSEMENT	66.50
07/26/2019	310585	TWO THE RESCUE LLC	CITY WIDE TRAINING	500.00
07/26/2019	310586	TYLER HOME IMPROVEMENTS	CDBG DUNCAN 5830 ROANOKE	18,615.00
07/26/2019	310587	UNDERGROUND SECURITY COMPANY	UNDERGROUND RECORDS STORAGE	3,790.10
07/26/2019	310588	VANDERWEGE, ABBIE	MIGHTY KICKS SOCCER CAMP	200.00
07/26/2019	310589	VERIZON WIRELESS SERVICES, LLC	WIRELESS CARDS	2,063.33
07/26/2019	310590	WADE, TAMI	SCHRIER BUILDING DEPOSIT	150.00
07/26/2019	310591	WASTE MANAGEMENT	DISPOSAL SERVICES	502.03
07/26/2019	310592	WIESE, KAREN	PICKLEBALL SESSION 2 REFU	15.00
07/26/2019	310593	WOOD, LILY	RAMONA PARK VOUCHER REFUND	10.00
07/26/2019	310594	Y W C A, INC	DOMESTIC/SEXUAL ASSAULT SERV	8,500.00
07/26/2019	310595	ZEIGLER AUTO GROUP, HAROLD	POLICE VEHICLE REPAIR	737.80
Total Paper Checks:				1,863,296.08
Check Type: Auto-Pay Payment				
07/15/2019		CONSUMERS ENERGY	GAS-ELECTRIC	6,216.81
07/15/2019		RANDALL BROWN & ASSOC	RETAINER FEES	18,810.00
07/16/2019		CONSUMERS ENERGY	GAS-ELECTRIC	23,951.56
07/17/2019		CONSUMERS ENERGY	GAS-ELECTRIC	1,092.15
07/18/2019		CONSUMERS ENERGY	GAS-ELECTRIC	572.21
07/19/2019		CONSUMERS ENERGY	GAS-ELECTRIC	9,151.56
07/22/2019		CONSUMERS ENERGY	GAS-ELECTRIC	337.04
07/23/2019		CONSUMERS ENERGY	GAS-ELECTRIC	4,775.92
07/24/2019		CONSUMERS ENERGY	GAS-ELECTRIC	228.62
Total Auto-Pay Payments:				65,135.87
Grand Total:				2,699,472.13

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Portage Community Center – Site and Building Improvements Funding Request

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: Approve the funding request from the Portage Community Center for up to \$150,000 in site and building improvements with the conditions recommended by the City Administration, and authorize the City Manager to submit the Substantial Amendment to the FY 2019-20 Annual Action Plan for the Community Development Block Grant Program to the U.S. Department of Housing and Urban Development, and sign required documents related to the funding request on behalf of the City.

Attached is a request from the Portage Community Center (PCC) for financial assistance with funding site and building improvements to the PCC facility located at 325 East Centre Avenue in an amount up to \$170,000 to cover the cost of:

1. **Parking lot and entrance upgrades** (up to \$140,000), which includes relocating the access drive on Currier Drive further north to align with the Dairy Queen driveway to improve traffic flow and safety; relocating the Head Start outdoor play area from the East Centre Avenue frontage to the northeast corner of the building for enhanced safety for the schoolchildren, while improving curb appeal and restoring the disturbed areas; and milling, resurfacing and re-striping the parking lot.
2. **Fire Panel upgrades** (up to \$15,000) to update the fire panel and improve building safety.
3. **Sign updates** (up to \$15,000) to modify/enlarge the existing sign to identify building tenants.

The funding request is separate from the annual funding to PCC for human/public services. While the City of Portage provides grants for human/public services from its General Fund, the city is not able to provide funding for site and building improvements to private property from the General Fund. Funding from the Community Development Block Grant (CDBG) Program can be utilized for this purpose. Under this scenario, PCC is considered a Neighborhood Facility that serves a Low-income Clientele. To utilize CDBG Program funds for this request, the following stipulations in accordance with federal regulations apply:

1. The CDBG Program 2019-20 Annual Action Plan must be amended, which requires public notice, a 30-day public comment period, and public hearing by the Human Services Board. The Human Services Board has completed this process and on July 18, 2019, recommended City Council approve the Substantial Amendment to the 2019-20 Annual Action Plan. Following City Council review and approval, the city would submit the Substantial Amendment to the

Detroit Field Office of the U.S. Department of Housing and Urban Development (HUD) for consideration.

2. The use of CDBG Program funds would require a written sub-recipient agreement that outlines the use of funds per HUD regulations, such as completion of an Environmental Review before the start of the project; preparation of written specifications, cost estimates and receipt of three bids for all elements of the proposed work; and ensuring that Davis-Bacon Prevailing Wages are paid to all employees and contractors that perform the work. The sub-recipient agreement would also require that PCC continue to operate a Neighborhood Facility that serves a Low-income Clientele for at least five years after the completion of the project. If this requirement is not met, PCC would be required to repay the City of Portage CDBG Program the entire amount of funding received.

The CDBG Program does not have enough monies in its unexpended fund balance to fully fund the PCC request without compromising core activities of the program. These activities include housing assistance programs, neighborhood improvement activities, human/public services and HUD-required grant administration and planning activities. Based on current entitlement grant trends, city staff recommends allocating not more than \$150,000 from the CDBG Program to assist PCC with its request. If the actual cost for the work exceeds this amount, PCC would have to fund the difference, or reduce the scope of work. In addition, the following conditions are recommended for any funding awarded to PCC:

1. It is not recommended that funding to PCC be provided as an outright grant. Similar to the housing assistance programs provided to low-income homeowners that participate in the CDBG Program, PCC should be provided a no-interest, 15-year loan (secured with a mortgage lien against the property).
2. To assist PCC in stabilizing its financial position after the loss of the Family Health Center as a tenant and the associated rental income, the first annual payment would be due July 1, 2025, five years after the anticipated completion of the project improvements.
3. Up to 50% of the loan may be forgiven if PCC meets the following performance standards:
 - PCC should continue to be held to annual human service grant funding from the city (combined General Fund and CDBG Program funds) in an amount not to exceed 30% of its operating budget. Any funding above this percentage, if awarded, should be limited to direct financial assistance to low-income clientele.
 - Similar to the fund development assistance provided to PCC for the time period between 2007- 2010, PCC should be expected to increase their fund development capacity over the long-run, but at a minimum for a five-year period between 2019-2020 and 2024-2025. Similar to the fundraising performance measures set between 2007-2010, PCC should be expected to raise an additional \$10,000 over its FY 2018-2019 fundraising level in 2019- 2020, and so forth for each subsequent fiscal year until 2024-2025, so that by June 30, 2025, PCC has increased its annual fundraising an additional \$50,000 above the level raised in 2018-2019. If these performance measures are met for the five-year period, 50% of the loan balance would be forgiven. If the performance measure is met four of the five years, 40% of the loan balance would be forgiven, and so forth.
 - To ensure proper planning for future building improvements, as well as additional fundraising requirements to support these improvements, PCC should be required to commission a building and site maintenance study conducted by a licensed architect or commercial builder no later than June 30, 2020. Based on the findings of the building and site maintenance study, PCC should be required to adopt a formal policy that

funding is set aside in its Capital Replacement Reserve account and be restricted for only site and building improvements.

As a final note, the need for PCC to diversify its funding base for long-term sustainability cannot be over emphasized. For this reason, the above financial assistance is recommended by the City Administration on a one-time basis.

FUNDING: Up to \$150,000 from the CDBG Program

Attachments: 1. 2019-20 Annual Action Plan Substantial Amendment

CITY OF PORTAGE

COMMUNICATION

TO: Human Services Board

DATE: June 7, 2019

FROM: Vicki Georgeau,  Director of Community Development

SUBJECT: Substantial Amendment – CDBG Program FY 2019-20 Annual Action Plan

Attached is a proposed Substantial Amendment to the CDBG Program FY 2019-20 Annual Action Plan. As the Board is aware from its discussion during the May 2, 2019 meeting, the Portage Community Center (PCC) has requested financial assistance to complete site and building improvements to their facility located at 325 East Centre Avenue. In particular, PCC is requesting up to \$170,000 to cover the cost of:

1. **Parking lot and entrance upgrades** (up to \$140,000), which includes: relocating the access drive on Currier Drive further north to align with the Dairy Queen driveway to improve traffic flow and safety; relocating the Head Start outdoor play area from the East Centre Avenue frontage to the northeast corner of the building for enhanced safety for the schoolchildren, while improving curb appeal, restoring the above disturbed areas; and milling, resurfacing and restriping the parking lot.
2. **Fire Panel upgrades** (up to \$15,000) to update the fire panel to improve building safety.
3. **Update sign** (up to \$15,000) to modify/enlarge the existing sign to identify building tenants.

City staff has confirmed that funding from the Community Development Block Grant (CDBG) Program can be utilized for this purpose. Under this scenario, PCC is considered a Neighborhood Facility that serves a Low-income Clientele. At this time and based on current entitlement grant trends, city staff can recommend allocating not more than \$150,000 from the CDBG Program to assist PCC with its request. If the actual costs for the work exceed this amount, PCC would have to fund the difference, or the scope of work activities would have to be revised.

In order to further consider this request, a public hearing on the Substantial Amendment must be held, followed by a 30-day public comment period. After the public hearing and comment period, final action and a recommendation to City Council is scheduled for the Board meeting on Thursday, July 18, 2019.

Staff and representatives of PCC will be in attendance during the Thursday, June 13th Board meeting to answer any questions that may arise in regard to this matter.

Attachment: Substantial Amendment – CDBG Program FY 2019-20 Annual Action Plan

**CITY OF PORTAGE
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
FY 2019-20 ANNUAL ACTION PLAN**

SUBSTANTIAL AMENDMENT

Introduction

The FY 2019-20 Annual Action Plan, Strategy for Housing and Community Development Needs, includes activities and programs to fulfill identified needs outlined in the 2016-2020 Consolidated Plan. The five-year Consolidated Plan and the Annual Action Plan element are required in order to apply for and receive Community Development Block Grant (CDBG) entitlement program funds from the U.S. Department of Housing and Urban Development (HUD), which have been awarded to the city since the mid-1970s.

The FY 2019-20 Annual Action Plan was approved by City Council on May 7, 2019, and subsequently submitted to the Detroit HUD Field Office on May 9, 2019 for review and approval. Activities and expenditures of CDBG funds must meet three national objectives: 1) benefit low and/or moderate income persons, 2) aid in the prevention or elimination of blight, and 3) meet urgent community development needs. In order to meet these national objectives, the approved FY 2019-20 Annual Action Plan includes five inter-related activities to be carried out during the program year. The table below lists the program activity, an activity description, and the planned objectives and outcomes.

Goal Name	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
Affordable Owner Housing	Affordable Housing	City-wide	Affordable Owner Housing	CDBG: \$231,160	-Homeowner Housing Rehabilitation: 12 Household Housing Unit -Direct Financial Assistance to Homebuyers: 3 Households Assisted
Neighborhood Improvement	Non-Housing Community Development	Low-moderate income neighborhoods	Neighborhood Improvement	CDBG: \$55,474	Housing Code Enforcement/Foreclosed Property Care: 350 Household Housing Unit
Public Services	Homeless, Non-Homeless Special Needs	City-wide	Public Services	CDBG: \$42,025	Public service activities for Low/Moderate Income Housing Benefit: 4000 Households Assisted

The approved FY 2019-20 Annual Action Plan also allocated \$19,431 towards Grant Planning/Administration, which includes preparation of HUD-required plans and reports, Environmental Review and Fair Housing education and enforcement activities.

Proposed Amendment to the FY 2019-20 Annual Action Plan

With regard to Public Services, this activity has been administered by the Portage Community Center through a sub-recipient contract with the city. The Portage Community Center uses CDBG Program funding (as well as funding from the City of Portage General Fund) to assist low/moderate income city residents with the following services: Emergency Assistance (food, clothing and financial assistance), Transportation Assistance, and Youth Recreation Scholarship Assistance.

The Portage Community Center (PCC) is located at 325 East Centre Avenue, in the heart of the Portage City Centre, easily accessible along the public bus route and in close proximity to Portage City Hall, the Portage Senior Center, the Portage District Library, and the Portage Public Schools complex comprised of the Administration building and Central High School, Central Middle School, and Central Elementary School. The surrounding neighborhoods are designated as CDBG-eligible low-moderate income areas.

As indicated in the April 23, 2019 communication from the PCC (included in Appendix A), the public agency has requested funding from the City of Portage to assist with site and building improvements to their facility. In particular, the PCC is requesting up to \$170,000 to cover the cost of:

1. **Parking lot and entrance upgrades** (up to \$140,000), which includes: relocating the access drive on Currier Drive further north to align with the Dairy Queen driveway to improve traffic flow and safety; relocating the Head Start outdoor play area from the East Centre Avenue frontage to the northeast corner of the building for enhanced safety for the schoolchildren, while improving curb appeal, restoring the above disturbed areas; and milling, resurfacing and restriping the parking lot.
2. **Fire Panel upgrades** (up to \$15,000) to update the fire panel to improve building safety.
3. **Update sign** (up to \$15,000) to modify/enlarge the existing sign to identify building tenants.

This funding request is separate and distinct from the annual funding to the PCC for public services. As additional information, while the City of Portage provides grants for public services from its General Fund, it is not able to provide funding for site and building improvements to private property from its General Fund.

Funding from the Community Development Block Grant (CDBG) Program can be utilized for this purpose. Under this scenario, the PCC is considered a Neighborhood Facility that serves a Low-income Clientele. CDBG Program funding will require the following in accordance with federal regulations:

1. The Substantial Amendment to the CDBG Program 2019-20 Annual Action Plan will have to be approved by City Council and submitted to the Detroit HUD Field Office.
2. The use of CDBG Program funds will require a written sub-recipient agreement that outlines the specific use of funds, which are subject to HUD regulations, such as completion of an Environmental Review prior to the start of the project, preparation of written specifications, cost estimates and obtaining three bids for all elements of the proposed work, and ensuring that Davis-Bacon Prevailing Wages are paid to all

employees and contractors that perform the work. In addition, the sub-recipient agreement will require that the PCC continue to operate a Neighborhood Facility that serves a Low-income Clientele for at least five years after the completion of the project. If this requirement is not met, PCC will have to repay the City of Portage CDBG Program the entire amount of funding received.

The CDBG Program does not have enough monies in its Unexpended Fund Balance to fully fund the PCC request without comprising core activities of the program, which include: housing assistance programs, neighborhood improvement activities, human/public services and HUD-required grant administration and planning activities. At this time and based on current entitlement grant trends, city staff can recommend allocating not more than \$150,000 from the CDBG Program to assist PCC with its request. If the actual cost for the work exceeds this amount, PCC would have to fund the difference, or the scope of work activities would have to be revised.

Citizen Participation

In accordance with the Citizen Participation Plan provided in the Consolidated Plan, a public hearing on the proposed Substantial Amendment to the FY 2019-20 Annual Action Plan will be held on June 13, 2019. Subsequent to the public hearing, an additional 30-day comment period will be provided, ending on July 18, 2019, when the Human Services Board holds a public meeting to review and make recommendation to City Council.

Implementation

At the conclusion of the public comment period, the Substantial Amendment to the FY 2019-20 Annual Action Plan will be provided to City Council for review and approval. Subsequent to City Council approval, the Substantial Plan Amendment will be provided to the Detroit HUD Field office for file documentation purposes.

CITY OF PORTAGE

COMMUNICATION

TO: Human Services Board

DATE: April 26, 2019

FROM: Vicki Georgeau,  Director of Community Development

SUBJECT: Portage Community Center – Site and Building Improvements funding request

Attached is a request from the Portage Community Center (PCC) for financial assistance with funding site and building improvements to their facility located at 325 East Centre Avenue. In particular, PCC is requesting up to \$170,000 to cover the cost of:

1. **Parking lot and entrance upgrades** (up to \$140,000), which includes: relocating the access drive on Currier Drive further north to align with the Dairy Queen driveway to improve traffic flow and safety; relocating the Head Start outdoor play area from the East Centre Avenue frontage to the northeast corner of the building for enhanced safety for the schoolchildren, while improving curb appeal, restoring the above disturbed areas; and milling, resurfacing and restriping the parking lot.
2. **Fire Panel upgrades** (up to \$15,000) to update the fire panel to improve building safety.
3. **Update sign** (up to \$15,000) to modify/enlarge the existing sign to identify building tenants.

This funding request is separate and distinct from the annual funding to PCC for human/public services. As additional information, while the City of Portage provides grants for human/public services from its General Fund, it is not able to provide funding for site and building improvements to private property from its General Fund. City staff has confirmed, however, that funding from the Community Development Block Grant (CDBG) Program can be utilized for this purpose. Under this scenario, PCC is considered a Neighborhood Facility that serves a Low-income Clientele. If CDBG Program funds were to be recommended for this request from PCC, the following stipulations in accordance with federal regulations would apply:

1. The CDBG Program 2019-20 Annual Action Plan would have to be amended. This process requires a public notice, a 30-day public comment period, and public hearing by the Human Services Board. The amended plan would then require City Council approval, and ultimately, Detroit HUD Field Office approval. Any amendment of the 2019-20 Annual Action Plan would occur subsequent to plan as currently drafted, which has to be submitted to the Detroit HUD Field Office by May 15, 2019.
2. The use of CDBG Program funds will require a written sub-recipient agreement that outlines the use of funds are subject to HUD regulations, such as completion of an Environmental Review prior to the start of the project, preparation of written specifications, cost estimates and obtaining three bids for all elements of the proposed work, and ensuring that Davis-Bacon Prevailing Wages are paid to all employees and contractors that perform the work. In addition, the sub-recipient agreement will require that PCC continue to operate a Neighborhood Facility that serves a Low-income Clientele for at least five years after the completion of the project. If this requirement is not met, PCC will have to repay the City of Portage CDBG Program the entire amount of funding received.

It is important to note that the CDBG Program does not have enough monies in its unexpended fund balance to fully fund the PCC request without comprising core activities of the program, which include: housing assistance programs, neighborhood improvement activities, human/public services and HUD-required grant administration and planning activities. At this time and based on current entitlement grant trends, city staff can recommend allocating not more than \$150,000 from the CDBG Program to assist PCC with its request. If the actual costs for the work exceed this amount, PCC would have to fund the difference, or the scope of work activities would have to be revised.

In addition to the above, the following conditions are recommended for any funding awarded to PCC:

1. Given the magnitude of funding requested, it is not recommended that funding to PCC be provided as an outright grant. As an alternative, and similar to the housing assistance programs provided to low-income homeowners that participate in the CDBG Program, it is recommended that PCC be provided a no interest, 15-year loan (secured with a mortgage lien against the property). In addition, the following conditions are recommended for any loan assistance provided to PCC.
2. To assist PCC in stabilizing its financial position after the loss of a major tenant (Family Health Center) and associated rental income, the first annual payment would be due July 1, 2025, five years after the anticipated completion of the project improvements.
3. Up to 50% of the loan may be forgiven if PCC meets certain performance standards. For example,
 - a. PCC should be held to human/public service funding from the city (combined General Fund and CDBG Program funds) in an amount not to exceed 30% of its operating budget. Any funding above this percentage, if any, should be limited direct financial assistance to low-income clientele.
 - b. Similar to the fund development assistance provided to PCC for the time period between 2007-2010, PCC should be expected to increase their fund development capacity over the long-run, but at a minimum for a five-year period between 2019-2020 and 2024-2025. As a preliminary recommendation, and similar to the fundraising performance measures set between 2007-2010, PCC should be expected to raise an additional \$10,000 over its FY 2018-19 fundraising level in 2019-2020, and so forth for each proceeding fiscal year until 2024-2025, so that by June 30, 2025, PCC has increased its annual fundraising an additional \$50,000 above the level raised in 2018-19. If these performance measures are met for the five-year period, 50% of the loan balance will be forgiven. If the performance measure is met for four of the five years, 40% of the loan balance will be forgiven, and so forth.
 - c. In addition to the above, and to ensure proper planning for future building improvements, as well as additional fundraising requirements to support these improvements, PCC should be required to commission a building and site maintenance study conducted by a licensed architect or commercial builder not later than June 30, 2020. Based on the findings of the building and site maintenance study, PCC should be required to adopt a formal policy that funding is set aside in its Capital Replacement Reserve account and be restricted for only site and building improvements.

As a final note, the need for PCC to diversify its funding base for long-term sustainability cannot be over emphasized. For this reason, the above financial assistance is recommended on a one-time basis.

Staff and representatives of PCC will be in attendance during the May 2nd Board meeting to answer any questions that may arise in regard to this matter.

Attachment: April 23, 2019 communication from PCC

Portage Community Center

Making Life Better

April 23, 2019

City of Portage
Laurence Shaffer, City Manager
7900 South Westnedge Avenue
Portage, MI 49002

Dear Larry,

As we discussed during our recent meeting with you, Mayor Randall and staff, the Portage Community Center is undergoing an update of our strategic vision, and how we can deliver services to the community going forward. Part of this is seeking to be as efficient and effective as possible with the resources we have and will continue to seek going forward and grow as a resource to the community. We have been seeing both an upward trend on income, but also need for services.

With most of PCC's funding revenue being directed to programs like emergency assistance, youth development and community collaboration, it leaves little for reinvestment into maintaining our capital asset, the building. We are requesting that the City of Portage consider providing one-time financial assistance to help PCC address some critical needs. These would improve the safety of our facility and provide a more welcoming overall appearance to the citizens/community.

Following are the top areas of need:

Parking Lot and Entrance

- Replace deteriorated parking lot including moving the current KRESA playground from present location directly adjacent to Centre Avenue to the Northeast side of the building for risk management and increased safety of the youth. A minimal number of parking spaces would be removed. Replace with green space and landscape front of building.
- Close current entrance off Currier at Centre and relocate farther north on Currier, working with the City for optimal location, across from Dairy Queen entrance. Relocation of the access drive is proposed for improved traffic flow and safety. Replace current drive area with green space.

Portage Community Center

Making Life Better

- Coordinate volunteer work to clean up south side of building along Centre, adding green space and make more visible and welcoming to the public.
- We have obtained one quote with the estimated cost up to \$140,000.
- A detailed site plan for the parking lot will be developed in coordination with the City for proposed modifications to the drive/parking requirements and new/detailed bids will be requested from multiple companies.
- We anticipate this project would physically occur during 2020.

Update Existing Fire Panel

- Improve building safety and potential response time by fire department.
- Current system, which was installed and serviced by Siemens Industry, Inc., is obsolete which makes future service operation questionable.
- Updated or new panel would use modern technology including replacing land lines.
- It is estimated that this work may cost up to \$15,000.

Update Sign

- Current sign does not create awareness of PCC and other building occupants.
- Modify sign to provide space for PCC and other occupants with sign panels. This will greatly assist with securing a new tenant for our vacant space.
- Request bids from companies to change/refurbish panels within existing structure and conform to City zoning. It is estimated that this work could cost up to \$15,000.

Improving the physical appearance of the building/property, including landscaping referenced with parking lot, will provide greater opportunity for increased awareness of PCC and ultimately the critical services it provides to the community, as part of the City Center area. This could lead to an increase in support, including financial. Attached for reference is a summary of the current PCC Fundraising Plan. PCC will need to potentially use a significant portion of our capital reserves to build out the lower level for a new tenant. Once that has been determined there are other needs we will look to address as financially feasible. Our first priority is to address and fund the items highlighted above.

Portage Community Center

Making Life Better

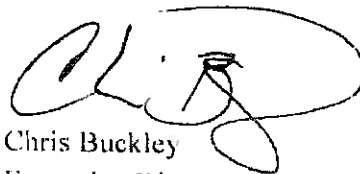
While requesting bids over the past few months we found most commercial contractors extremely busy, with many declining to bid, thus the limited information. Prior to proceeding with any items, we would seek to rebid, with a minimum of 3 estimates per item/project.

The PCC Strategic Visioning, to be held in May, will update our vision for the future, including how we can continue to serve the growing needs of the community, while having financial sustainability. This one-time request for assistance will help us achieve this goal. We welcome the opportunity for City Council Members, yourself and any others to visit PCC to see how we currently provide services to the Portage community and **Make Life Better**.

Sincerely,



Randy Orwig
Treasurer and board member



Chris Buckley
Executive Director

Portage Community Center

Making Life Better

PCC Fundraising Plan

- General donations to the organization are up for the third consecutive year. Through the first 9 months of this fiscal year contributions are up 43% (\$17.3k) vs this same time last year. PCC Board, Executive Director and Fundraising Committee are taking a proactive role in helping find and cultivate current, previous and new donors. We are increasing awareness of charitable required minimum distribution and bequest options. Current Strategic Plan Scorecard is discussed at each board meeting. Continuing to grow contributions will be a significant focus of our strategic visioning process on May 14.
- United Way funding has been up the past two years. A small increase was requested for the next grant cycle (2019/20) and we are awaiting word on the final determination of that grant request. Executive Director is an active United Way participant, including committees, company presentations and representing PCC at unique fundraising opportunities as they become available.
- PCC has been proactive in seeking new grants. This effort has been led by the Executive Director seeking out opportunities and completing the applications. Below is a list of requests which have already been submitted or will be submitted later this year:
 - Eaton Foundation \$5,000—approved funding for utility shutoffs
 - Youth United Way \$4,000—submitted for summer youth program funding
 - Gilmore Foundation \$7,500—submitted for youth program funding
 - United Way \$50,000—approved for emergency assistance funding
 - United Way \$25,000—submitted for youth program funding
 - Stryker Johnston Foundation \$25,000—submitted for general funding
 - Kalamazoo Community Foundation \$19,000—approved for general funding
 - Burdick-Thorne Foundation \$10,000—submitted for general funding (multi-year grant)
 - Havirmill Foundation \$10,000—submitted for general funding (multi-year grant)
 - AT&T Foundation \$10,000—approved in 2018 for youth program funding. Can only apply every other year for this grant. Next application in 2020.
 - Walmart Foundation \$2,500—submitted for emergency assistance funding

This has been a focus of the board and fundraising committee, with members asked to cultivate opportunities. We continue to seek new foundations and grants that align with PCC's mission and vision. We plan to add more private, family foundations to our funding list in the next two years.

- PCC holds two special events annually to bring in additional funding and create awareness for PCC programs; the Golf Outing in May and the Peacock Strut in September. After careful evaluation and a cost/benefit analysis our board/Executive Director determined both events are currently bringing in the maximum number of dollars they can and significant growth in net revenue is unlikely in future years. The board continues to explore and evaluate potential new events/options.

Portage Community Center

Making Life Better

- The Fundraising Committee has found new ways to generate additional funds for PCC programs. Each board member has been asked to add potential donors to our annual campaign for the last 3 years with positive results. We are partnering with local businesses to do monthly "Dine to Donate" events where PCC receives a portion of the day's receipts at local restaurants, with the goal of one per month. We have also held a Kalamazoo Growlers night which we used as a fundraiser/community awareness/donor appreciation event. We will do this again this season and are seeking to expand this to other activities.
- PCC has a Social Media committee which has been focused on creating a more surround-sound approach to the mission/vision/activities of PCC, with opportunities to support the agency, including funding. Working with the Executive Director messaging of the agency "ask" continues to be refined.

APPENDIX B

SUMMARY OF CITIZEN COMMENTS & PROOF OF PUBLICATION – NOTICE OF PUBLIC HEARING

June 13, 2019 Public Hearing - FY 2019-20 Annual Action Plan Substantial Amendment:

Public Hearing for Proposed Amendment to CDBG Program FY 19-20 Annual Action Plan- Upshaw moved and Spalvieri supported motion to open the public hearing at 6:45. Motion passed 6-0. McCoy presented a summary of the proposed amendment as presented and discussed at the May 2, 2019 Board meeting. Mirza inquired of representatives Chris Buckley and Randy Orwig from the Portage Community Center if they had spoken with any more contractors about the project and they said they had not but were expecting that the city was going to assist them with this process based on previous conversations with staff. They did report however they had contacted the Home Builders Association of Kalamazoo to request assistance in obtaining information about local contractors and available resources. No additional comments were received. Spalvieri moved and Upshaw supported motion to close public hearing. Motion passed 6-0.

July 18, 2019, 30-day comment period:

No comments were received during the 30-day comment period.

Excerpt from City of Portage Human Services Board Meeting Minutes of 7/18/19

Final Recommendation to City Council on Proposed Amendment to CDBG Program FY 2019-20 Annual Action Plan – McCoy stated that the public comment period had expired and that no comments had been received. Kokkinos moved and Mirza supported motion to forward recommendation to approve to City Council. Motion passed 5-0.

STATE OF MICHIGAN)
County of Kalamazoo

ss Shawn Sutor

Being duly sworn deposes and say he/she is Principal Clerk of



THE KALAMAZOO GAZETTE

DAILY EDITION

a newspaper published and circulated in the County of Kalamazoo and otherwise qualified according to Supreme Court Rule; and that the annexed notice, taken from said paper, has been duly published in said paper on the following day(day(s))

May 29 A.D. 20 19

Sworn to and subscribed before me this 29th day of May 2019

Janice M. DeGraaf
JANICE M. DEGRAAF
NOTARY PUBLIC, STATE OF MI
COUNTY OF KENT
MY COMMISSION EXPIRES Oct 3, 2020
ACTING IN COUNTY OF Kent

**PORTAGE**
A Natural Place to Move

NOTICE OF PUBLIC HEARING

The City of Portage will hold a public hearing on Thursday, June 13, 2019 at 6:30 p.m. in Conference Room #1, City Hall, 7900 South Westnedge Avenue, Portage, Michigan to receive comments on an amendment to the Community Development Block Grant (CDBG) Program FY 2019-20 Annual Action Plan. The amendment proposes to allocate \$150,000 from the CDBG Program Unexpended Fund Balance to the Portage Community Center for improvements to their site and building, which is a Neighborhood Facility serving a low-income clientele, at 325 East Centre Avenue, Portage, MI 49002. In particular, the funding is proposed to be utilized for improvements to the outdoor play area for the Head Start Program, the off-street parking lot, the freestanding sign and the fire protection system for the building. The draft document is available for review at the following locations:

- Department of Community Development, City of Portage, 7900 South Westnedge Avenue, Portage, MI 49002
- Portage District Library, 300 Library Lane, Portage, MI 49002
- Portage Senior Center, 320 Library Lane, Portage, MI 49002
- Portage Community Center, 325 East Centre Avenue, Portage, MI 49002
- City of Portage web site (<http://www.portagemi.gov/180/Human-Services-Board>)

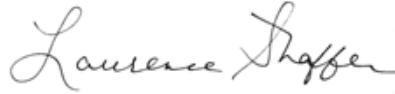
All interested persons are encouraged to attend. Comments can be submitted in writing on or before June 13, 2019 to the City of Portage, Department of Community Development, or may be presented in person at the public hearing. Subsequent to the public hearing, an additional 30-day public comment period will be provided beginning June 13, 2019 and ending July 18, 2019. Additional citizen comments after the public hearing and prior to implementation of the proposed program amendment may also be submitted in writing on or before July 18, 2019 to the City of Portage, Department of Community Development. Citizens desiring additional information should contact the City of Portage Department of Community Development, (269) 329-4477 for additional information.

Department of Community Development
Vicki Georgeau, Director
Wednesday, May 29, 2019

9177 1027-01

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Tyler Technologies Law Enforcement Records Management System Upgrade

SUPPORTING PERSONNEL: Nicholas Arnold, Director of Public Safety - Police / Fire Chief

ACTION RECOMMENDED: Approve the purchase of Tyler Technologies Records Management System for Mobile Field Reporting module in the amount of \$44,422.20 and authorize the City Manager to execute all documents related to this matter on behalf of the city.

The Portage Department of Public Safety has relied on Tyler Technologies (formerly New World Systems, Inc.) to provide software for records management, document retention, police case management and computer-aided dispatching (CAD) since 1989. The software has been very reliable, producing excellent data, which is regularly extracted and analyzed and aids in the continued accreditation for both the Police and Fire Divisions.

The Tyler Technologies Mobile Field Reporting module is a fully integrated solution that streamlines report workflow, auto-populates complaint data for state and federal crime reporting, and eliminates errors. The purchase of the module is expected to reduce station visits because officers would have access to real-time data for report completion while in the field. Information would flow continually and bidirectionally with the Tyler Technologies CAD and Law Enforcement Records county-wide. Tyler Technologies is the sole source vendor for this software.

The five participating agencies in the Kalamazoo County Consolidated Dispatch Authority (KCCDA) agreed to use the Tyler Technologies records management and CAD software. The City of Portage agreed to house the city-owned Tyler Technologies software purchased in 2015 on servers located at KCCDA. As a result, in October 2018, all software maintenance costs associated with CAD and records management were transferred to KCCDA, resulting in a credit to the City of Portage of \$95,847. The cost of the Mobile Field Reporting software module is \$44,422.20.

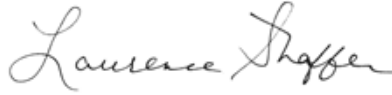
It is recommended that City Council approve the purchase of Tyler Technologies Records Management System for Mobile Field Reporting module in the amount of \$44,422.20 and authorize the City Manager to execute all documents related to this matter on behalf of the city.

FUNDING: Funds are budgeted and available for this expenditure in the Fiscal Year 2019-20 Police Administration Operation and Maintenance Budget.

Attachments: None

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Termination of Centre Port Commons, Brownfield Redevelopment Plan Amendment No. 6

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: Accept the request from Treystar Holdings, LLC to terminate the Centre Port Commons Brownfield Redevelopment Plan Amendment No. 6, and set a public hearing for September 17, 2019.

Attached is a request from Fritz Brown of Treystar Holdings, LLC requesting termination of Brownfield Redevelopment Plan Amendment No. 6 for Centre Port Commons, located at the southeast corner of Portage Road and East Centre Avenue (comprised of 8015, 8043 and 8061 Portage Road and 2610 and 2700 East Centre Avenue). As indicated in the communication from Mr. Brown, redevelopment of the southeast corner of Portage Road and East Centre Avenue has been contemplated since 2006 and in March 2010, City Council approved the Centre Port Commons Brownfield Redevelopment Plan Amendment, which proposed the use of tax increment revenue generated by the project to reimburse the developer \$147,000 over a four-year period for eligible brownfield activities. These activities included demolition of a blighted gas station building at 8043 Portage Road, site work, environmental response, public infrastructure improvements and other eligible work activities.

Subsequent to the approval of the Plan, the economic downturn halted development of the property and therefore, no tax increment revenue was generated or captured within the proceeding five-year time period required under the Brownfield Redevelopment Financing Act (PA 381 of 1996). Because no tax increment revenue was generated, the developer was not reimbursed for any of the eligible activities that were completed to create the development-ready site that exists today.

In July 2019, the City Administration approved a site plan for an approximate 12,600-square-foot Bronson Primary Care medical office building to be constructed at 2610 and 2700 East Centre Avenue. The project represents a \$5.3 million investment and will generate new tax revenue as initially contemplated in the Centre Port Commons Brownfield Redevelopment Plan. Treystar is therefore requesting that City Council take action to terminate the plan approved in 2010 which has essentially expired. Termination of the existing plan in accordance with Section 14(8)(b) of PA 381 of 1996 would allow Treystar to proceed with preparing a new plan for review and approval of the Portage Brownfield Redevelopment Authority and City Council, as permitted in Section 14(8)(c) of PA 381.

The new plan to be prepared by Treystar, would include reimbursement for the same eligible expenses included in the March 2010 plan. Per the city Brownfield Redevelopment Incentive Policy, the scope

of this project would be eligible for a tax increment revenue capture period of 15 years, during which the developer would be reimbursed for eligible expenses. In addition to the expenses included in the March 2010 plan, it is proposed that \$25,000 in public infrastructure expenses would be available for reimbursement to the City of Portage for a Lake Center business district entry feature at the northwest corner of 8015 Portage Road within an easement granted to the city by Treystar. Finally, it is proposed that the new Centre Port Commons Brownfield Redevelopment Plan include five years of tax increment revenue capture for the recently established Local Brownfield Revolving Fund.

It is recommended that City Council accept the request from Treystar Holdings, LLC to terminate the Centre Port Commons Brownfield Redevelopment Plan Amendment No. 6, and set a public hearing for September 17, 2019. This action would allow Treystar to proceed with preparation of a new plan amendment as noted above.

FUNDING: Not applicable

Attachments:

1. July 11, 2019 Communication from Treystar Holdings, LLC
2. Vicinity Map
3. 2010 Concept Plan for Centre Port Commons
4. Bronson Primary Care Site Plan



T R E Y S T A RTM

July 11, 2019

City Council - Portage, Michigan
C/O Ms. Victoria Georgeau
Community Development Director
7900 South Westnedge Avenue
Portage, Michigan 49002

Re: Termination of the Brownfield Plan Amendment for the CentrePort Development Project Located at the Southeast Corner of East Centre and Portage Road

Honorable City Council Members:

As you may be aware, Treystar has been an active real estate development partner of the city of Portage since 1979 when we first broke ground on The Moors Golf course and the surrounding 816 single family homes. Since then, we have enjoyed collaboration on dozens more projects, including the Woodbridge Shopping Village, Carillon Shopping Center, Borgess – Angling, and Bronson – Centre Ave.

That said, we would like to ask the City Council for its assistance concerning our project located at the southeast corner of East Centre and Portage Road.

In 2006, Treystar purchased the bulk of the property from Pharmacia and shortly thereafter, added an adjacent parcel (an old Clark gas station). Treystar subsequently met with the city Brownfield Redevelopment Authority and had all 8.09 acres placed in the Brownfield plan. In March 2010, the Brownfield Plan for the southeast corner of East Centre and Portage Road was approved. The development proposal included plans to construct a total of 6 buildings comprised of retail, restaurant(s), and office. (see attached initial site plan)

Because one of the parcels immediately sold to Fifth Third bank (who planned on constructing a branch within six months), Treystar promptly began work on installing infrastructure, including storm water retention, utilities, and roads. The work was done thinking the entire development would be completely built-out within a few years and that Treystar would be reimbursed in the form of Tax Increment Financing.

Unfortunately, the downturn caught up with this project and everything stopped – almost overnight. Fifth Third pulled the plug on the branch and all activity dried up. Except by now, Treystar had invested \$450,000 in infrastructure and with no development on the horizon, there was little chance of seeing TIF reimbursement within the timeline set forth in the Brownfield Agreement.

Fast forward to today, the economy is finally back to pre-2008 levels and projects are once again popping-up in the tertiary markets – including the southeast corner of East Centre and Portage Road. Treystar now has a project ready for units 2 and 3 of the development (Bronson

Primary Care) – a \$5.3 million building slated for completion in July 2020. (See attached site plan and elevation)

We are very excited to finally start a project on this corner. Not only is the development the northern gateway to the Lake Center business district, but we anticipate that the Bronson project will be the catalyst to stimulate further investment in the corridor.

Having said all of the above, Treystar is asking the City Council to terminate the current Brownfield plan per Section 14, Paragraph 8 of BROWNFIELD REDEVELOPMENT FINANCING ACT (Act 381 of 1996). Terminating the plan would accomplish two goals: 1) It would officially close the books on a plan established in 2009 which has technically lapsed; and 2) It would allow Treystar to develop a new Brownfield plan in the hopes the city will allow Treystar to capture the TIF eligible expenses associated with the infrastructure installed and paid for in 2009.

We thank the City Council for its consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Fritz Brown', with a stylized flourish at the end.

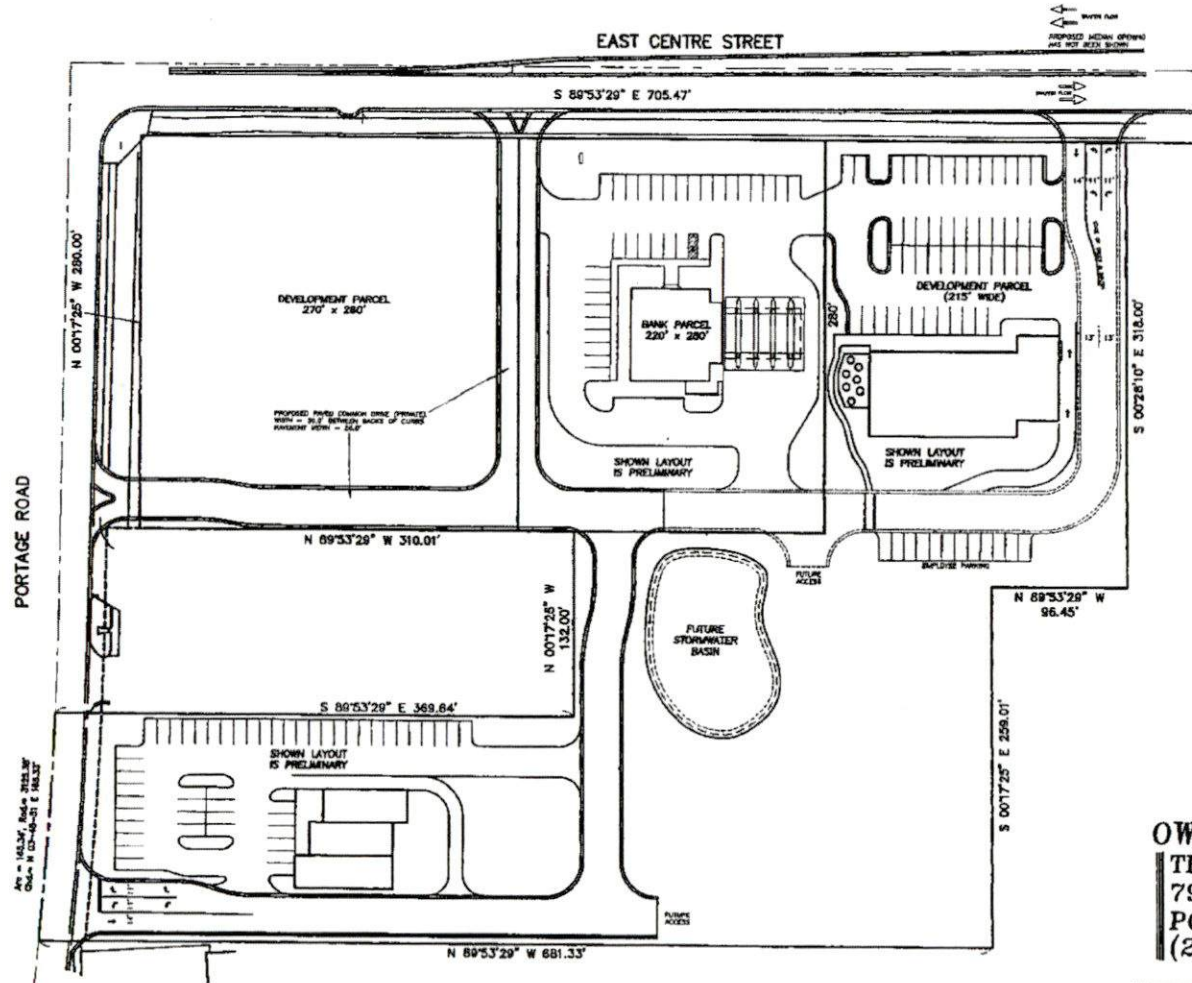
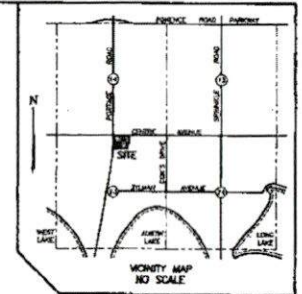
Fritz Brown
Partner
Treystar Holdings, LLC



Centre Port Commons Brownfield Redevelopment Plan Amendment No. 6



CentrePort Commons in Portage, Michigan



OWNER:
TREYSTAR HOLDINGS, LLC
7950 MOORSBRIDGE ROAD
PORTAGE, MI 49024
(269) 329-1808

PRELIMINARY SITE LAYOUT CENTREPORT COMMONS PORT OF THE NE 1/4, SEC 25, T. 3 S., R. 11 E., CITY OF PORTAGE	
Ingersoll, Watson & McMachen, Inc. CONSULTING CIVIL ENGINEERS AND LAND PROFESSIONALS 1221 East Main Road - Portage, Michigan 49001 - Phone: 269 344-8155 - Fax: 269 344-8155	REVISION: 3/14/2008 DATE: 3/14/2008 SHEET: 1 JOB NO.: 35284

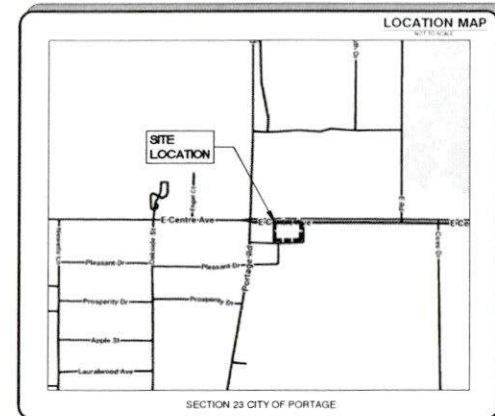


Legal Description

Centreport Commons
8019 Portage Road
Portage, Michigan

A PARCEL OF LAND SITUATED IN THE NE 1/4 AND THE NW 1/4 OF SEC 23, T3S, R11W; COMM AT THE N 1/4 COR OF SEC23, T3S, R11W; TH S89DEG53'29"E 648.32FT ALONG THE N LI OF THE NE 1/4 OF SAID SEC TO THE W LI OF THE E 1/2 OF THE NW 1/4 OF SAID NE 1/4; TH CONTINUING S89DEG53'29"E 170 FT ALONG SAID N LI; TH S00DEG28'10"E 50 FT PARALLEL WITH SAID W LI TO THE S ROW LI OF CENTRE AV AND THE POB; TH CONT S00DEG28'10"E 318 FT PARALLEL WITH SAID W LI; TH N89DEG53'29"W 96.45 FT PARALLEL WITH SAID N LI TO THE E LI OF THE W 660 FT (PERPENDICULAR MEASURE) OF SAID NE 1/4; TH S00DEG17'25"E 259.01 FT ALONG SAID E LI TO A POINT S00DEG17'25"E 627 FT PARALLEL WITH SAID E LI FROM THE N LI; TH N89DEG53'29"W 681.33 FT PARALLEL WITH SAID N LI TO THE CENTER LI OF PORTAGE RD; TH NORTHERLY 165.34 FT ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 3125.36 FT AND A CHORD N03DEG45'51"E 165.00 FT TO A POINT S00DEG17'25"E 462 PARALLEL WITH SAID E LI FROM SAID N LI; TH S89DEG 53'29"E 369.64 FT PARALLEL WITH SAID N LI TO A POINT N89DEG53'29"W 300 FT FROM SAID E LI; TH N00DEG17'25"W 132.00 FT PARALLEL WITH SAID E LI; TH N89DEG53'29"W 310.00 FT PARALLEL WITH SAID N LI TO THE E LI OF THE W 50 FT OF SAID NE 1/4; TH N00DEG17'25"W 280.00 FT ALONG SAID E LI OF THE W 50 FT TO SAID S ROW LINE OF CENTRE AV; TH S89DEG53'29"E 705.47 FT ALONG SAID S ROW LI TO THE POB. CONTAINING 8.09 ACRES OF LAND. PARCEL SUBJECT TO HIGHWAY EASEMENT FOR PORTAGE RD.

PPN: 00023-040-B



***BRONSON PRIMARY CARE PARTNERS
CENTRE AVE
2610 E CENTRE AVE
SECTION 23
CITY OF PORTAGE
KALAMAZOO COUNTY, MI***

SITE DEVELOPMENT PLANS
MAY 9, 2019

ISSUED FOR: SITE PLAN SUBMITTAL

SHEET INDEX	
No.	SHEET TITLE
C1.0	EXISTING CONDITIONS
C2.0	DEMOLITION PLAN
C3.0	SITE / UTILITY PLAN
C4.0	GRADING & SEIC PLAN
C5.0	DETAILS
L1.0	LANDSCAPE PLAN
ES0.1	ELECTRICAL SITE PLANS
A1.1	FLOOR PLANS
A3.1 - A3.2	EXTERIOR BUILDING ELEVATIONS

REVISIONS			
No.	ISSUED FOR:	DATE:	BY:
0	SITE PLAN SUBMITTAL	05/09/2019	DL
1	"	"	"
2	"	"	"
3	"	"	"
4	"	"	"
5	"	"	"
6	"	"	"
7	"	"	"
8	"	"	"
9	"	"	"

OWNER/APPLICANT:

BRONSON HEALTHCARE GROUP
GREG MILLIKEN
601 JOHN STREET, BOX 9
KALAMAZOO, MI 49007

CIVIL ENGINEER:

AR ENGINEERING, LLC
4664 CAMPUS DRIVE, SUITE 106
KALAMAZOO, MI 49008
TEL (269) 207-4438 FAX (269) 569-0604



DAN LEWIS, P.E.

DATE _____

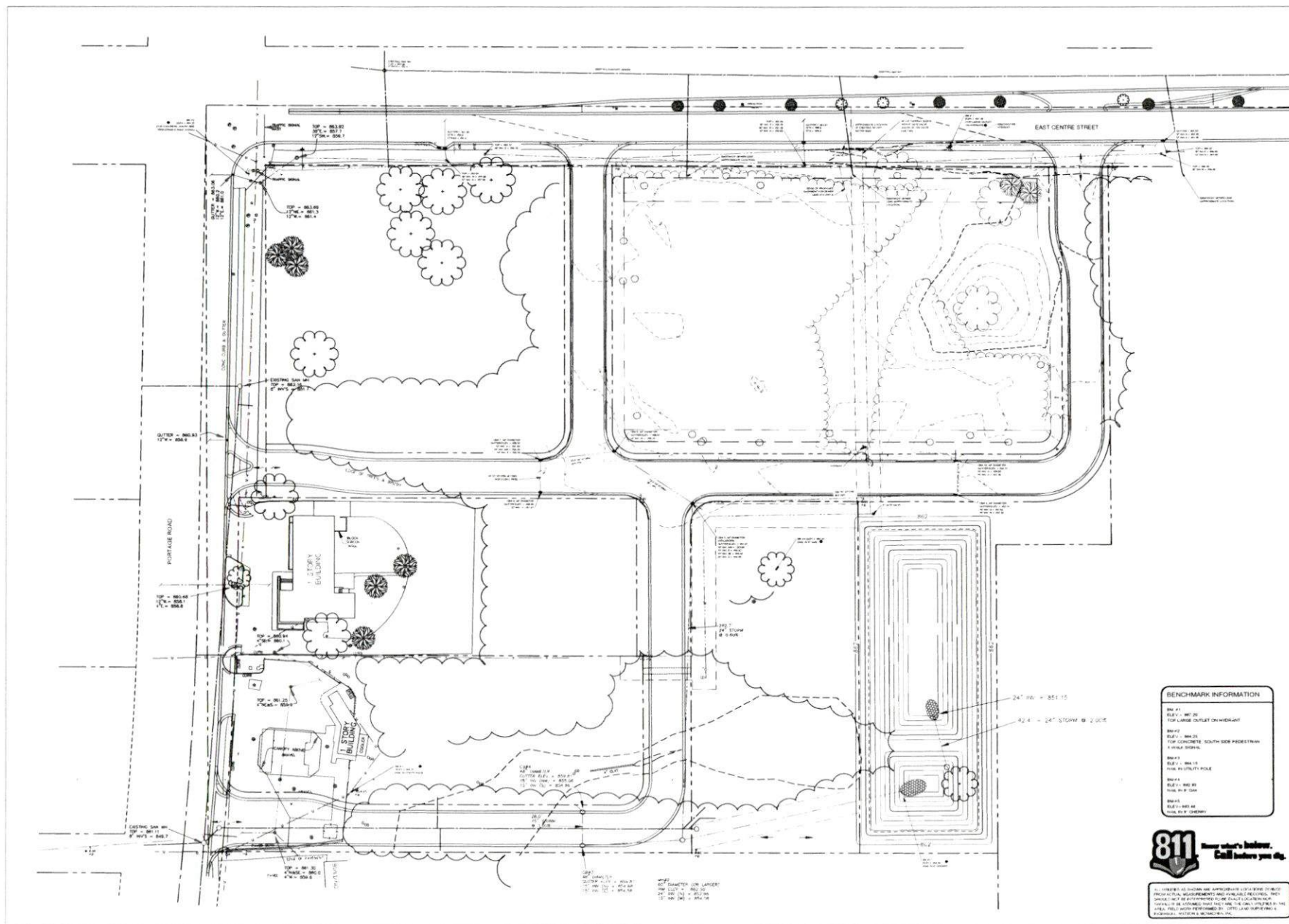
CENTRE AVE. • NEW PRIMARY CARE BUILDING
BRONSON HEALTHCARE GROUP
PORTAGE, MICHIGAN 49002

MAY 9, 2019

19015.02

[TITLE PAGE](#)

T1.0



1. Individuals have preferences for social connections that affect their health and well-being.
2. Individuals have preferences for the size and composition of their social network.
3. Individuals have preferences for the activities and interactions that they engage in with their social network.
4. Individuals have preferences for the frequency and intensity of their social interactions.
5. Individuals have preferences for the social support they receive from their network.
6. Individuals have preferences for the social roles they play in their network.
7. Individuals have preferences for the social norms and values that govern their network.
8. Individuals have preferences for the social resources that they can access through their network.
9. Individuals have preferences for the social capital that they can accumulate through their network.
10. Individuals have preferences for the social identity that they can derive from their network.

[illegible]

1. *How does the structure of the cell membrane affect its function?*

The cell membrane is a phospholipid bilayer, with hydrophilic heads facing outwards and hydrophobic tails facing inwards. This structure allows it to be selectively permeable, controlling the movement of substances in and out of the cell.
2. *What is the role of the cell membrane in maintaining the cell's internal environment?*

The cell membrane acts as a barrier, preventing the entry of harmful substances and the exit of essential ones. It also helps to maintain the cell's internal pH and ion concentration.
3. *How does the cell membrane facilitate communication between cells?*

The cell membrane contains various receptors and channels that allow it to receive signals from other cells and respond accordingly. This is crucial for processes like cell growth and differentiation.
4. *What is the role of the cell membrane in energy production?*

The cell membrane is involved in the production of ATP through the process of oxidative phosphorylation. This occurs in the mitochondria, where the membrane folds into cristae to increase the surface area for the reaction.
5. *How does the cell membrane regulate the cell's volume?*

The cell membrane is responsible for maintaining the cell's osmotic balance. It does this by allowing water to move in and out of the cell, preventing it from swelling or shrinking.
6. *What is the role of the cell membrane in the cell cycle?*

The cell membrane plays a role in the cell cycle by controlling the entry and exit of cells into different phases. It also helps to ensure that the genetic material is properly distributed during cell division.
7. *How does the cell membrane affect the cell's ability to move?*

The cell membrane is involved in the movement of the cell through the process of chemotaxis. It allows the cell to detect and respond to chemical signals in its environment.
8. *What is the role of the cell membrane in the immune system?*

The cell membrane is crucial for the immune system as it allows cells to recognize and respond to foreign invaders. It contains various proteins and receptors that are involved in this process.
9. *How does the cell membrane affect the cell's ability to store and release substances?*

The cell membrane is involved in the storage and release of substances through the process of endocytosis and exocytosis. This allows the cell to take in nutrients and release waste products.
10. *What is the role of the cell membrane in the cell's response to stress?*

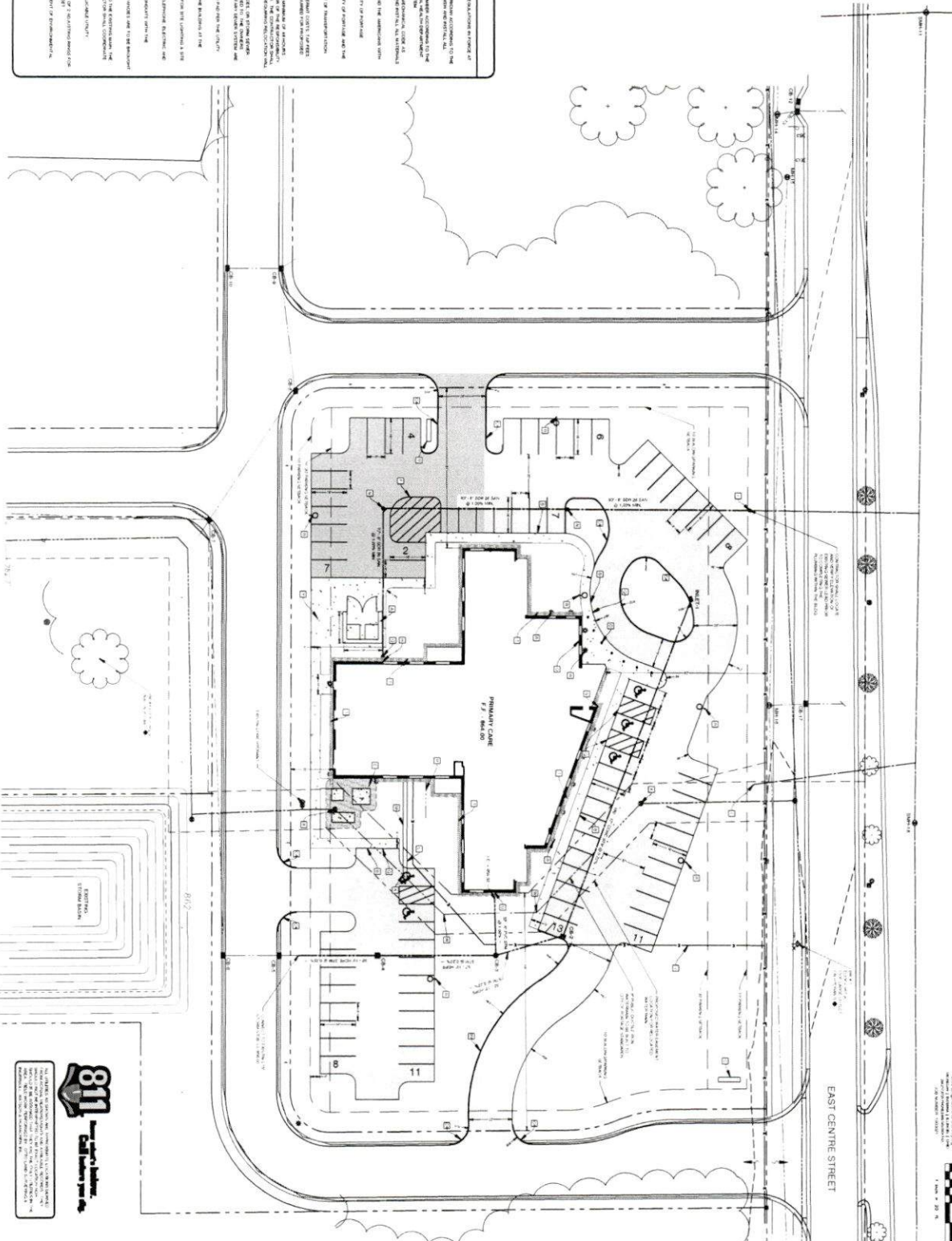
The cell membrane is involved in the cell's response to stress by allowing it to detect and respond to changes in its environment. This can include the release of signaling molecules and the activation of stress-response pathways.

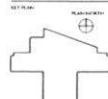
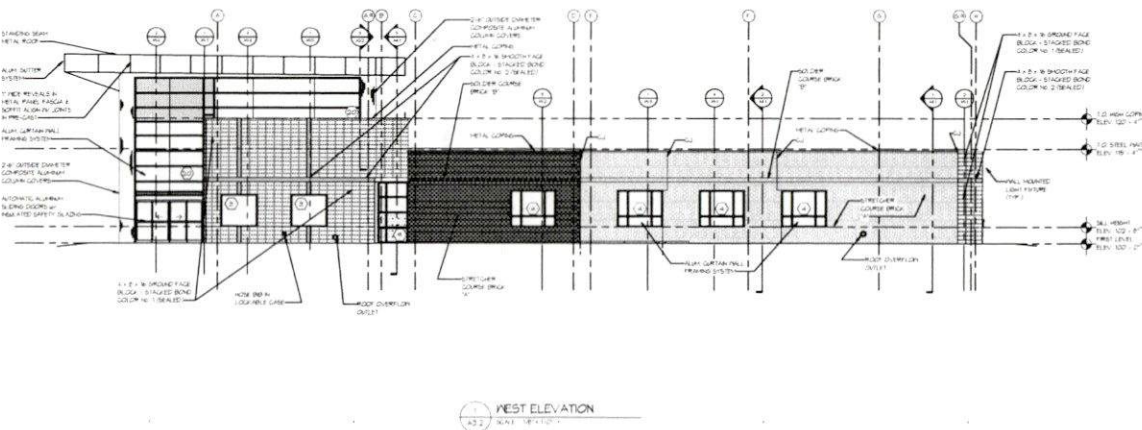
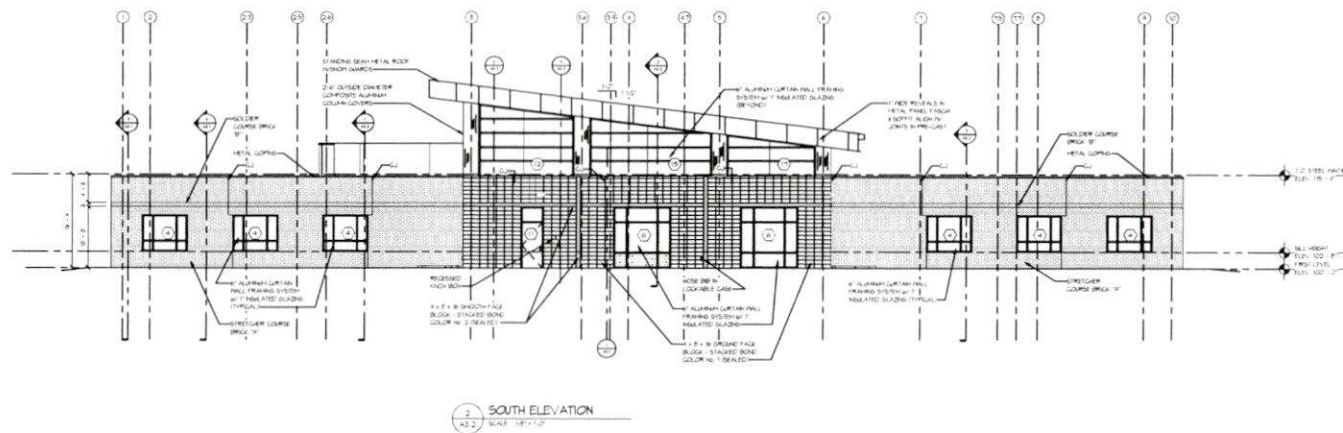
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Case	Age	Sex	Site	Pathologic	Survival
1	58	M	Rectum	Adenocarcinoma	12
2	62	F	Rectum	Adenocarcinoma	12
3	65	M	Rectum	Adenocarcinoma	12
4	68	M	Rectum	Adenocarcinoma	12
5	70	F	Rectum	Adenocarcinoma	12
6	72	M	Rectum	Adenocarcinoma	12
7	75	F	Rectum	Adenocarcinoma	12
8	78	M	Rectum	Adenocarcinoma	12
9	80	F	Rectum	Adenocarcinoma	12
10	82	M	Rectum	Adenocarcinoma	12
11	85	F	Rectum	Adenocarcinoma	12
12	88	M	Rectum	Adenocarcinoma	12
13	90	F	Rectum	Adenocarcinoma	12
14	92	M	Rectum	Adenocarcinoma	12
15	95	F	Rectum	Adenocarcinoma	12
16	98	M	Rectum	Adenocarcinoma	12
17	100	F	Rectum	Adenocarcinoma	12
18	102	M	Rectum	Adenocarcinoma	12
19	105	F	Rectum	Adenocarcinoma	12
20	108	M	Rectum	Adenocarcinoma	12
21	110	F	Rectum	Adenocarcinoma	12
22	112	M	Rectum	Adenocarcinoma	12
23	115	F	Rectum	Adenocarcinoma	12
24	118	M	Rectum	Adenocarcinoma	12
25	120	F	Rectum	Adenocarcinoma	12
26	122	M	Rectum	Adenocarcinoma	12
27	125	F	Rectum	Adenocarcinoma	12
28	128	M	Rectum	Adenocarcinoma	12
29	130	F	Rectum	Adenocarcinoma	12
30	132	M	Rectum	Adenocarcinoma	12
31	135	F	Rectum	Adenocarcinoma	12
32	138	M	Rectum	Adenocarcinoma	12
33	140	F	Rectum	Adenocarcinoma	12
34	142	M	Rectum	Adenocarcinoma	12
35	145	F	Rectum	Adenocarcinoma	12
36	148	M	Rectum	Adenocarcinoma	12
37	150	F	Rectum	Adenocarcinoma	12
38	152	M	Rectum	Adenocarcinoma	12
39	155	F	Rectum	Adenocarcinoma	12
40	158	M	Rectum	Adenocarcinoma	12
41	160	F	Rectum	Adenocarcinoma	12
42	162	M	Rectum	Adenocarcinoma	12
43	165	F	Rectum	Adenocarcinoma	12
44	168	M	Rectum	Adenocarcinoma	12
45	170	F	Rectum	Adenocarcinoma	12
46	172	M	Rectum	Adenocarcinoma	12
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53	190	F	Rectum	Adenocarcinoma	12
54	192	M	Rectum	Adenocarcinoma	12
55	195	F	Rectum	Adenocarcinoma	12
56	198	M	Rectum	Adenocarcinoma	12
57	200	F	Rectum	Adenocarcinoma	12
58	202	M	Rectum	Adenocarcinoma	12
59	205	F	Rectum	Adenocarcinoma	12
60	208	M	Rectum	Adenocarcinoma	12
61	210	F	Rectum	Adenocarcinoma	12
62	212	M	Rectum	Adenocarcinoma	12
63	215	F	Rectum	Adenocarcinoma	12
64	218	M	Rectum	Adenocarcinoma	12
65	220	F	Rectum	Adenocarcinoma	12
66	222	M	Rectum	Adenocarcinoma	12
67	225	F	Rectum	Adenocarcinoma	12
68	228	M	Rectum	Adenocarcinoma	12
69	230	F	Rectum	Adenocarcinoma	12
70	232	M	Rectum	Adenocarcinoma	12

1	What is the purpose of the audit of the financial statements?	1. To provide an independent opinion on whether the financial statements are prepared in accordance with the applicable financial reporting framework.
2	What is the scope of the audit of the financial statements?	2. The audit of the financial statements is limited to the financial statements and does not extend to the underlying transactions and events.
3	What is the basis of the audit of the financial statements?	3. The audit of the financial statements is based on the assumption that the financial statements are prepared in accordance with the applicable financial reporting framework.
4	What is the nature of the audit of the financial statements?	4. The audit of the financial statements is a systematic process of gathering evidence and evaluating it to form an opinion on the financial statements.
5	What is the objective of the audit of the financial statements?	5. The objective of the audit of the financial statements is to provide an independent opinion on whether the financial statements are prepared in accordance with the applicable financial reporting framework.
6	What is the role of the auditor in the audit of the financial statements?	6. The role of the auditor is to provide an independent opinion on whether the financial statements are prepared in accordance with the applicable financial reporting framework.
7	What is the responsibility of the auditor in the audit of the financial statements?	7. The responsibility of the auditor is to provide an independent opinion on whether the financial statements are prepared in accordance with the applicable financial reporting framework.
8	What is the importance of the audit of the financial statements?	8. The importance of the audit of the financial statements is that it provides an independent opinion on whether the financial statements are prepared in accordance with the applicable financial reporting framework.
9	What is the significance of the audit of the financial statements?	9. The significance of the audit of the financial statements is that it provides an independent opinion on whether the financial statements are prepared in accordance with the applicable financial reporting framework.
10	What is the value of the audit of the financial statements?	10. The value of the audit of the financial statements is that it provides an independent opinion on whether the financial statements are prepared in accordance with the applicable financial reporting framework.

LEARNING	
	Label Entry Activity
	Relay Run with various positions of optical sheet.
	Connect by student and teacher.
	Ca. Group and Partner Use Optical Sheet
	Self-Reflective Use Optical Sheet

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ALL PLANS, ELEVATIONS, SCHEDULES, ETC. REFERENCE **PLAN NORTH**. ACTUAL BUILDING ORIENTATION ON THE SITE **TRUE NORTH**. DIFFERS FROM THE DRAWING **PLAN NORTH** AS PER TO COVER SHEET AND SITE PLAN FOR TRUE ORIENTATION OF THE BUILDING ON THE SITE.

CENTRALE-NEW PRIMARY CARE BUILDING
BRONSON HEALTHCARE GROUP
POSTAGE PREPAID 49003

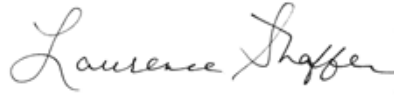
DATE: MAY 09, 2019
PROJECT: 19045.02
SHEET: 19045.02
EXTerior ELEVATIONS

A3.2
SITE PLAN SUBMISSION

1. THE BUILDING IS A 100,000 SQ. FT. BUILDING.
2. THE BUILDING IS A 100,000 SQ. FT. BUILDING.
3. THE BUILDING IS A 100,000 SQ. FT. BUILDING.

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: City of Portage Brownfield Redevelopment Plan, Plan Amendment No. 7, 6666 Lovers Lane

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: Accept the City of Portage Brownfield Redevelopment Plan, with Brownfield Redevelopment Plan Amendment No. 7, 6666 Lovers Lane, and set a public hearing for August 20, 2019.

Southwest Michigan First, on behalf of the property owner, Lovers Lane Properties, LLC has requested assistance through the City of Portage Brownfield Redevelopment Authority (PBRA) with costs associated with eligible environmental, interior and exterior building demolition, site preparation activities and storm water treatment facilities at 6666 Lovers Lane. Lovers Lane Properties, is requesting to utilize tax increment financing (TIF) for reimbursement of eligible expenses related to the facility. Lovers Lane Properties, proposes to invest approximately \$725,000 in building/site improvements and lease the building to Comcast. Comcast will employ 25 to 30 new, full-time equivalent employees at this location, with an average annual salary of \$30,000.

The estimated cost to complete all eligible activities including contingencies is \$182,903. Consistent with the Brownfield Redevelopment Policy for small-scale projects, capture of tax increment revenue is limited to 15 years. In addition, the Brownfield Plan proposes to capture revenue for Authority administrative costs, the State Brownfield Redevelopment Fund and for the Local Brownfield Revolving Fund (LBRF). Capture of tax increment revenue for the LBRF involves an additional five years after the 15-year developer reimbursement period. Based on the level of investment being made by Lovers Lane Properties, the tax increment available for capture by all entities is \$233,141. Of the \$182,903 in eligible expenses, Lovers Lane Properties, will receive \$151,769 in reimbursement for eligible activities and building/site expenses.

The estimated foregone tax revenue for each taxing jurisdiction during the duration of the brownfield plan is shown in Table 2 of the Brownfield Plan. During this time period, the City of Portage would forego approximately \$79,156. After reimbursement of eligible activities and LBRF captures are complete, the tax revenue would be distributed to all taxing jurisdictions in the traditional manner.

On July 23, 2019, the PBRA convened a meeting to review Brownfield Redevelopment Plan Amendment No. 7. Mr. Joe Agostinelli, Southwest Michigan First, and Christopher Norman, Lovers Lane Properties, LLC were present to explain the development project and support the plan amendment. After discussing the plan amendment and project with staff and the applicant, the PBRA unanimously voted to recommend approval of the Brownfield Redevelopment Plan for 6666 Lovers Lane to City Council.

After further discussion of the Brownfield Reimbursement Agreement, the PBRA also voted 7-0 to authorize the Chair and Secretary/Treasurer to sign the agreement after revisions pertaining to property tax appeals are reviewed and approved by the City Attorney. The Brownfield Reimbursement Agreement included in the City Council agenda is in the same draft form as presented to the PBRA, but will be provided in final form for the August 20, 2019 public hearing.

The redevelopment of the property is consistent with City of Portage land use and environmental objectives and would provide additional tax base growth and related economic benefits to the community. It is recommended Council accept the plan amendment and related documents and set the required public hearing for August 20, 2019.

FUNDING: Not applicable.

Attachments:

1. July 23, 2019 Brownfield Redevelopment Authority meeting minutes (draft)
2. 2019 Brownfield Redevelopment Policy
3. 6666 Lovers Lane vicinity map
4. 6666 Lovers Lane Brownfield Redevelopment Plan Amendment

Brownfield Redevelopment Authority

Minutes of Meeting – Tuesday, July 23, 2019

The meeting of the City of Portage Brownfield Redevelopment Authority was called to order by Galin at 1:00 p.m. in Conference Room 2, Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan.

MEMBERS PRESENT: Eric Alburtus (arrived 1:04), Jeffrey Monroe, Bradley Galin, Keith Lewandowski, Kelly LeBlanc, William Lenehan, and Jacob Barker

MEMBERS EXCUSED: Devrim Yaman and Daniel Vomastek

IN ATTENDANCE: Vicki Georgeau, Community Development Director; Christopher Forth, Deputy Director; Joe Agostinelli, Southwest Michigan First; Jared Lutz, Southwest Michigan First; and Christopher Norman, Lovers Lane Properties, LLC

APPROVAL OF MINUTES: The minutes from the January 27, 2017 meeting were introduced for approval. A motion was offered by Monroe, seconded by Lewandowski to approve the minutes as submitted. The motion was approved 7-0.

BUSINESS:

1. Election of Officers. Vice-Chair Alburtus asked for officer nominations. Barker offered to serve as the Chairman of the Authority. A motion was offered by Alburtus, seconded by Monroe, to elect Barker as the Chairman. The motion was approved 7-0. Vice-Chair Alburtus offered to continue in the capacity as the Vice-Chairman. A motion was offered by Galin seconded by Barker, to elect Alburtus as the Vice-Chairman. The motion was approved 7-0. Lenehan offered to serve as the Secretary/Treasurer. A motion was offered by Alburtus, seconded by Barker to elect Lenehan as the Secretary/Treasurer. The motion was approved 7-0.
2. City of Portage Brownfield Redevelopment Plan, Plan Amendment No. 7, 6666 Lovers Lane. Georgeau explained the request submitted by Southwest Michigan First, on behalf of the property owner, Lovers Lane Properties, LLC to utilize tax increment financing (TIF) through the City of Portage Brownfield Redevelopment Authority (PBRA) for reimbursement of eligible expenses. Eligible activities include environmental, interior and exterior building demolition, site preparation activities and storm water treatment facilities. Georgeau stated Lovers Lane Properties, LLC proposes to invest approximately \$725,000 in building/site improvements and lease the building to Comcast. Comcast will employ 25-30 new full-time equivalent employees at this location with an average annual salary of \$30,000. Georgeau also summarized the Brownfield Redevelopment Policy and the 2019 amendments, history of the City of Portage Brownfield Redevelopment program and major element of Brownfield Redevelopment Act, PA 381 of 1996. The applicant will be reimbursed approximately \$152,000 over a 15-year tax capture period. Georgeau stated an additional five years of capture will occur for the Local Brownfield Revolving Fund.

Barker noted there is no activity listed for \$21,800 shown on Table 1 under Infrastructure Improvements. Georgeau noted that \$21,800 is for the storm water improvements. Agostinelli stated there is a typographical error in the table and it will be corrected. Lewandowski asked about the storm water collection/retention system. Agostinelli and Norman explained the system. Georgeau directed the group to the site plans included in the Plan. Galin asked how the applicant plans to remediate the property of environmental contamination. Agostinelli stated that Michigan law does not require a new owner clean-up a site. However, due care needs to be taken to ensure the on-site contamination is not exacerbated and the public can't come into contact with the source of the contamination. Barker asked about the length of the lease with Comcast. Norman said it is a 10-year lease with either a five or seven-year extension. Lewandowski asked for a description of the building improvements. Norman indicated the front 5,000 square feet will be remodeled for office/training space and the back portion of the building will be

warehouse. The outside will include a new steel skin with wainscot. News and windows will also be installed.

There being no further discussion, a motion was offered by Lewandowski, seconded by LeBlanc that the Brownfield Redevelopment Authority recommend to City Council that the Brownfield Redevelopment Plan for 6666 Lovers Lane be approved. The motion was approved 7-0.

Agostinelli indicated he would like to discuss the Development Agreement. Georgeau stated staff and City Attorney are still discussing with the applicant the language of paragraph 16, Waiver of Right to Contest during the 15-year tax capture period. Georgeau explained the city can't prevent a property owner from appealing property taxes but there are provisions in the agreement that protect the city and other taxing jurisdictions if an appeal is filed and granted. Georgeau said once the Development Agreement is finalized, it can be brought back to the Authority for formal approval or the Authority can authorize the Chair to sign the agreement after the City Attorney approves the document. A motion was offered by Monroe and seconded by LeBlanc that the agreement be signed by the Chair and Secretary/Treasurer after the City Attorney approves the agreement. The motion was approved 7-0.

STATEMENT OF CITIZENS:

LeBlanc suggested that proforma information related to assessed value be submitted to better document how value was derived.

ADJOURNMENT: There being no further business to come before the Authority, the meeting was adjourned at 1:47 p.m.

Respectfully submitted,

Vicki Georgeau, Director

CITY OF PORTAGE BROWNFIELD REDEVELOPMENT INCENTIVE POLICY

The City of Portage encourages the growth and development of the local industry and business tax base, the creation of additional job opportunities for community residents and desires to continue to provide incentives for industry and business expansion. The City Council also recognizes the essential responsibility to the community to maintain the array of public services necessary to ensure the high quality of life that exists in Portage. To facilitate tax base expansion and to fulfill these responsibilities, the City Council hereby establishes this City of Portage Brownfield Redevelopment Incentive Policy.

The City of Portage is *A Natural Place to Move*. To continue to be a community in which growth and development can prosper, the following attributes important to all industries and businesses will be maintained:

- **Low Tax Rate.** The maintenance of the lowest feasible tax rate compared to other full-service cities is essential to economic development and will facilitate expansion and job creation: A very competitive City of Portage tax rate will be continued.
- **Utility Service Rates.** The maintenance of competitive utility rates is also important to provide opportunities for continued growth and development: Cost effective rates and the efficient delivery of utility services by the City of Portage will be continued.
- **Capital Improvements.** Investments in existing public street, water and sewer infrastructure and the expansion of these public systems are necessary and will encourage additional private sector investment: The annual 10-year Capital Improvement Program budget will continue to reflect essential public improvements within the community.
- **Quality of Life Investments.** To provide opportunities for industry and business expansion and to ensure high quality of life standards, public safety, business and neighborhood services, cultural and recreational programming and related community attributes must be maintained: Quality of life investments will be continued by the City of Portage to foster a safe, *Living, Working and Learning* community.

In addition to these important locally-determined economic development and growth factors, the City Council will offer eligible industries and businesses the opportunity to apply for brownfield incentives under Michigan Statute. The City Council is desirous of fostering brownfield redevelopment to strengthen the tax base and to encourage job creation. The City Council also recognizes its fiduciary responsibility to the community to provide public services and uphold the quality of life. Periodic review of the brownfield policy is necessary to ensure consistency with the community needs and objectives.

Inquiries concerning this policy can be directed to the Department of Community Development (269.329.4477), or the Office of the City Clerk (269.329.4511) in Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan 49002.

Brownfield Redevelopment Incentive Policy

The following sections reference the framework for processing and considering brownfield redevelopment incentive applications as provided under the Brownfield Redevelopment Financing Act (PA381 of 1996, as amended). This policy, these procedures and related provisions will

assist the private investors in the ongoing effort to enhance the productive capacity of environmentally distressed, functionally obsolete or blighted buildings and properties and contribute to the health and vibrancy of the City of Portage. The following sections address --

1. The Intent of the City of Portage Brownfield Redevelopment Program
2. The General Review Criteria for Brownfield Applications
3. Brownfield Redevelopment Financial Incentives in the City of Portage
4. Brownfield Redevelopment Application Review Process
5. Amendment of the City of Portage Brownfield Plan Process
6. State of Michigan Review Process
7. Annual Report Requirements for the City and the Applicant
8. Coordination with the Kalamazoo County Brownfield Redevelopment Authority

1. The Intent of the City of Portage Brownfield Redevelopment Program

Per the resolution adopted by the City Council in July 2001, the City of Portage Brownfield Redevelopment Program was established to facilitate reuse of environmentally distressed, functionally obsolete, and/or blighted buildings and property in the community. This economic development program is intended to place vacant and/or underutilized/blighted properties back into productive use, fostering reinvestment in the city and, also, discouraging sprawl development. Consistent with the intent of PA381 of 1996, as amended, City Council established the Portage Brownfield Redevelopment Authority in August 2001 and appointed the Board of Directors of the Portage Economic Development Corporation/Tax Increment Finance Authority (EDC/TIFA) to serve as the Portage Brownfield Redevelopment Authority.

The objective of the Act is to assist in effectively addressing brownfield properties and consider the level of assistance necessary to encourage redevelopment. It is acknowledged that the greater development costs associated with a brownfield, when compared to the development costs of a property that is not environmentally contaminated, functionally obsolete, or blighted is a significant consideration in successful redevelopment and use. The State of Michigan has enacted programs to assist in brownfield redevelopment, and has authorized local units of government to capture incremental increases in local and school property tax revenues to finance eligible activities on a brownfield property including environmental response activities, demolition, public infrastructure improvements, site preparation and lead and asbestos abatement.

2. The General Review Criteria for Brownfield Applications

The City Council will evaluate brownfield redevelopment applications based on the following criteria. The criteria shall be equally applied during the review of applications from eligible property owners:

- The brownfield redevelopment will facilitate the environmental clean-up to accepted State of Michigan standards and the productive reuse of one or more distressed properties, or
- The brownfield redevelopment will facilitate the demolition and removal of a functionally obsolete building (or selective interior building demolition) and site condition, or a blighted building and site condition.
- The brownfield redevelopment involves property that is zoned for office, business or industrial use and/or is planned for office, business or industrial use in the Portage Comprehensive Plan.
- The financial incentives to be provided for the project will not result in the impairment of the operation or the financial soundness of any affected taxing unit.
- A public purpose would be served; i.e., expanded tax base as well as the multiplier effects of additional employment, income and capital investment in the community.
- The project will provide for an expansion of the employment base in the community.

- The proposed facilities will be compatible with the present and future requirements for city services such as roads, utilities and public safety.
- The applicant meets current financial obligations to the city, is in compliance with all applicable state and city codes and ordinances and has no pending or current litigation against the city (including appeals to the Michigan Tax Tribunal).

The preceding criteria are not intended to be exhaustive. The City Council reserves the right to consider such additional criteria that are intended under this policy and that are consistent with promoting the general health, safety, and welfare of the City of Portage.

3. Brownfield Redevelopment Financial Incentives in the City of Portage

The Portage City Council wishes to encourage the environmental clean-up and/or redevelopment of eligible brownfield sites by leveling the playing field between “brownfield” and “greenfield” sites. The Portage City Council will offer the following incentives to stimulate reinvestment in eligible brownfield sites.

- A. Tax Increment Financing Incentive. Tax increment financing (TIF) allows the use of tax revenues that result from an increase in taxable value caused by the construction of new facilities or the rehabilitation of existing facilities. Tax revenues can then be used to fund/reimburse the cost of eligible brownfield redevelopment activities.
 1. The Portage City Council will support tax increment financing if such financing is necessary for the economic feasibility of an office, commercial or industrial project on a brownfield site. Tax increment financing may be approved to reimburse the applicant only for those costs attributed to approved activities directly related to the brownfield property such as public infrastructure, storm water retention, environmental response, demolition, including reasonable interest expenses as allowed by the Act, and for related fees and costs associated with the tax increment plan, financing, scheduling, reporting and related activities. City Administration costs for review and approval of the brownfield application and plan that involve tax increment financing will be incorporated into the tax increment finance plan as allowed by the Act. The city will not borrow money or issue negotiable revenue bonds or notes to finance eligible activities.
 2. In order for a project to be considered for tax increment financing, the following minimum threshold criteria must be met:
 - a. The property must be zoned and/or designated for office or business use and located in a “Commercial Revitalization Area”, the Downtown Development Authority, the Lake Centre subarea, or the City Centre subarea as identified in the Comprehensive Plan and meet the guidelines of the state brownfield program; OR
 - b. The property must be zoned and/or designated for industrial use and located within the general industrial area identified in the Comprehensive Plan and meet the manufacturing guidelines of the state brownfield program; AND
 - c. The local tax capture is limited to a maximum of 15 years or when 100% reimbursement of eligible expenses is achieved, whichever time period is shorter. Eligible expenses for projects that involve a functionally obsolete building or blighted building/property shall be limited to activities that demolish and/or remove the obsolete or blighted factors of the building/property; AND
 - d. The applicant is not responsible for any existing on-site environmental contamination and/or blighted building or site conditions.

3. The City Council may increase the financial assistance and level of city participation, by granting a TIF capture period that exceeds 15 years but is not longer than 30 years, consistent with the requirements of Act 381 and objectives stated in this policy. One of the following criteria should be considered for such projects:
 - a. The project is transformative and involves significant economic development benefits to the community; OR
 - b. The minimum taxable value of the project upon completion will be at least \$10 million; OR
 - c. The project will result in the creation of: 100 or more new jobs with a *median annual salary* above 80% of the Kalamazoo County Area Median Income for a single-person household; OR 50 new jobs, *all* of which have an annual salary above 80% of the Kalamazoo County Area Median Income for a single-person household; OR
 - d. Others benefits as may be determined by the City Council.

4. Brownfield Redevelopment Application Review Process

The application review process includes the following information/steps:

- A. Applications shall be submitted to the Department of Community Development and include:
 1. Letter of application, together with the adopted fee.
 2. Project summary of the overall project investment and proposed job creation/retention, a preliminary site plan or site sketch, graphics or other illustrations that detail the project.
 3. Summary of environmental conditions and eligible activities that necessitate consideration of a brownfield plan amendment.
 4. Preliminary estimate of the captured taxable value and tax increment revenues from all eligible properties.
 5. Preliminary estimate of the impact of tax increment financing on the revenues of all taxing units subject to tax capture.

The application will be promptly processed when all required information has been submitted.

- B. Review of a brownfield redevelopment application will be coordinated by the Department of Community Development, with assistance from the Office of City Assessor. The Community Development Department will prepare a report that will include appropriate analyses and give consideration to the application, Michigan Statue, the General Review Criteria specified in this policy and any other pertinent considerations. If the City Manager approves the brownfield redevelopment application, the applicant will prepare an amendment to the City of Portage Brownfield Plan, which will be considered as required by Act 381 and relevant statutory requirements.

5. Amendment to the City of Portage Brownfield Plan Process

Within six months of the City Manager approval of the brownfield application, the applicant may proceed and prepare an amendment to the City of Portage Brownfield Redevelopment Plan for consideration by the city to include an additional eligible property per the following:

- A. Preparation of the Brownfield Redevelopment Plan. The applicant, or designated agent, is responsible for preparing the Brownfield Redevelopment Plan consistent with the Act. The Brownfield Redevelopment Plan shall be properly completed and submitted to the Department of Community Development.

- B. City Administrative Review. The Brownfield Redevelopment Plan will be reviewed by the Department of Community Development, with assistance from the Office of City Assessor. A report will be prepared and include appropriate analyses, giving consideration to the approved brownfield application, Michigan Statute, this policy and any other pertinent considerations. The review and report, together with a draft development agreement, will be provided to the Brownfield Redevelopment Authority and to City Council for consideration at the public hearing on the plan.
- C. Brownfield Redevelopment Authority Review. The Authority will review the Brownfield Redevelopment Plan and related documents and develop a recommendation that will be forwarded to City Council. After review by the Authority, the plan will be forwarded to the City Council.
- D. Public Hearing on the Brownfield Redevelopment Plan. City Council will hold a public hearing on the plan consistent with Act 381 including written notice to taxing units subject to tax capture.
- E. Resolution adopted by City Council. After consideration of the proposal and Brownfield Redevelopment Plan, development agreement and related documents, City Council will adopt a resolution certifying the plan.

6. State of Michigan Review Process

If captured school taxes will be used to reimburse the cost of environmental response activities, or any non-environmental activities, approval of the Brownfield Redevelopment Plan and a Work Plan by the MDEQ and/or the MEDC is necessary. A Work Plan details the proposed project, specific activities to be undertaken, and the costs and time frame for completion. The MDEQ and MEDC will review the Brownfield Redevelopment Plan and Work Plan to ensure consistency with statutory, procedure and process requirements, and notify the City of Portage Brownfield Redevelopment Authority that the plan has been approved, approved with conditions, denied or if additional information is needed. The applicable state agency(ies) will approve the Tax Increment Finance Incentives, including the required Work Plans. The city and the authority will only use tax increment revenues in a manner consistent with the approval(s) granted by the applicable state agency(ies). If the plan is approved or approved with conditions by the State of Michigan, the City Council and other local units will be advised, as applicable.

7. Local Brownfield Revolving Fund

PA 381 of 1996 authorizes the creation of a Local Brownfield Revolving Fund (LBRF) that can be used for eligible activities such as: site investigation (e.g. environmental studies such as Baseline Environmental Assessments and Due Care Plans); preparation of a Brownfield Redevelopment Plan; environmental cleanup; demolition; site clearing, amongst others. The benefit of a LBRF is that it can provide funding for future brownfield redevelopment projects that require additional assistance with up front due diligence and planning costs required to prepare a Brownfield Redevelopment Plan, and/or with the cost of eligible redevelopment activities where a project may not otherwise be economically feasible.

Funding for a LBRF typically consists of funds from tax increment revenue in excess of the amount required to reimburse the developer, the local Brownfield Redevelopment Authority for administrative expenses, and the State Brownfield Redevelopment Authority. However, funding for a LBRF may also be derived from appropriations and/or grants from public and private sources. In the case of the Portage Brownfield Redevelopment Authority, the LBRF will initially be funded from tax increment revenue derived from approved Brownfield Redevelopment Plans. The LBRF will capture excess tax increment revenue for a period not to exceed five years (which must fall within the maximum 30-year capture period).

8. Annual Report Requirements for the City of Portage and the Applicant

In accordance with Act 381 requirements, an annual financial report will be submitted to the City Council and the State Tax Commission on the status of the activities.

9. Coordination with Kalamazoo County Brownfield Redevelopment Authority

The Kalamazoo County Brownfield Redevelopment Authority (KCBRA) was created in 2002, which also provides incentives for brownfield redevelopment. While most KCBRA projects have occurred within Kalamazoo County townships, the City of Portage may permit a KCBRA project within the city. The KCBRA has established a Local Site Remediation Revolving Fund (LSRRF) that provides funding to assist applicants with up front expenses including environmental studies and preparation of a Brownfield Redevelopment Plan. In the event an applicant seeks approval through the KCBRA, the following criteria and process shall be utilized for the review and approval process:

- KCBRA staff reviews the initial application and consults with the City of Portage Department of Community Development regarding the project.
- KCBRA Brownfield Plans proposed within the City of Portage must be consistent with the criteria and TIF capture provisions outlined in the City of Portage Brownfield Redevelopment Incentive Policy. An additional TIF capture period will be permitted for a period of not more than five years to fund the LSRRF. Dependent on the amount of TIF capture and scope of the project, this time period may be shortened to less than five years.
- After the KCBRA reviews and approves Brownfield Plan, the plan shall be submitted to the City of Portage Department of Community Development. After review by the City Administration, the City of Portage Brownfield Redevelopment Authority will review the Brownfield Plan and make a recommendation to City Council.
- The City Council will then review the Brownfield Plan and if approved, adopt a Resolution Approving a Brownfield Plan.
- If approved by the Kalamazoo County Board of Commissioners and the State of Michigan (if applicable), the KCBRA shall provide an executed copy of the development agreement for the project and annually provide a report regarding Brownfield Plan projects within the City of Portage.

DATE OF ADOPTION BY CITY COUNCIL: June 11, 2019



LOVERS LANE PROPERTIES LLC
6666 LOVERS LANE

6666 LOVERS LANE

Legend

6666 Lovers Ln Property Boundary



1 inch = 125 feet

ACT 381 BROWNFIELD PLAN

**6666 Lovers Lane Redevelopment
6666 Lovers Lane
Kalamazoo County, City of Portage
City of Portage Brownfield Redevelopment Authority**

6/19/2019

Prepared by
Southwest Michigan First
261 E. Kalamazoo Ave, Suite 200
Kalamazoo, MI 49007

Approved by the Brownfield Redevelopment Authority on _____

Approved by the Portage City Council on _____

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ACT 381 BROWNFIELD PLAN

1.0 INTRODUCTION

1.1 Proposed Redevelopment and Future Use for Each Eligible Property

The proposed redevelopment consists of a single 2.48 acre parcel which contains a long vacant and blighted 10,050 square foot industrial building in the City of Portage, which is a qualified local governmental unit ("QLGU"). The project will involve the selective interior demolition of most of the non-structural portions of the building to facilitate the construction of new single tenant class A office and warehousing space within the building. Approximately 6,000 square feet of the building will be used for office, while the balance will be utilized for warehousing and distribution. A proposed site plan is included as Attachment E to this brownfield plan. The proposed tenant for the facility, Comcast, is anticipated to bring approximately 25-30 new full-time equivalent jobs paying an average wage of \$30,000.

The total capital investment on the project is expected to be approximately \$725,000. Construction on the project is planned to begin in the 3rd quarter of 2019 and will be completed by December 31, 2019.

1.2 Eligible Property Information

Basis of Eligibility

A Phase I and limited Phase II environmental site assessment ("ESA") was completed by Stoltz Environmental Solutions, Inc ("SES") in October 2016. Five soil samples and four groundwater samples were collected from the property and submitted for laboratory analysis. A soil sampling map is included as Attachment D. Based on the results of the laboratory analysis, soil at the property is impacted with arsenic and selenium, and the groundwater at the property is impacted with arsenic and lead at concentrations in excess of the most stringent applicable Michigan Department of Environmental Quality ("MDEQ"), now known as the Michigan Department of Environment, Great Lakes and Energy ("EGLE"), Generic Residential Cleanup Criteria (GRCC).

Based on the findings of SES's Limited Phase II ESA, the Property is a "Facility" as defined by Part 201. Verification of Facility status is contained in Attachment C.

Location and Legal Description

6666 Lovers Lane
Portage, MI 49002

Parcel ID: 00010-370-O

2.48 Acres

Legal Description:

SEC 10-3-11 COM EW1/4LI 1333.9 FT W OF E1/4 POST TH S PAR E LI 804 FT FOR

BEG; SD PT BEING CTR LOVERS LANE TH CONT S PAR E LI SD SEC ALG CTR LOVERS LANE 150 FT TH W PAR EW1/4 LI TO ELY BANK PORTAGE CREEK TH NLY ALG ELY BANK SD CREEK TO PT 804 FT S OF EW1/4 LI TH E PAR EW1/4 LI TO POB.

2.0 Information Required by Section 13(2) of the Statute

2.1 Description of Costs to Be Paid for With Tax Increment Revenues

Tax increment revenues will be used to reimburse Lovers Land Properties, LLC ("Developer:") for the cost of eligible activities as authorized by the Brownfield Redevelopment Financing Act (Act 381). Only statutorily approved EGLE environmental eligible activities will be reimbursed with local and school tax increment revenues ("TIR"). The remaining eligible activities will be reimbursed with local TIR only.

The total cost of eligible activities including contingency are anticipated to be \$182,903. Authority administrative costs are anticipated to be \$7,912. Funding to the State Brownfield Redevelopment Fund is anticipated to be \$3,826. Capitalization of the Local Brownfield Revolving Fund is estimated to be \$66,485. The estimated cost of all eligible activities under this plan are summarized in Table 1.

Environmental Activities

Department specific activities considered under this plan include a Phase I & Phase II Environmental Site Assessment ("ESA"), a Baseline Environmental Assessment ("BEA") and a Due Care Plan.

Non Environmental Activities

Because the City of Portage is a QLGU, additional non-environmental costs ("Michigan Strategic Fund ("MSF") Eligible Activities") can be reimbursed through a brownfield plan. This plan will provide for reimbursement of eligible demolition; lead, asbestos & mold abatement, site preparation and/or infrastructure improvements.

Authority Expenses

Actual eligible costs incurred by the City of Portage Brownfield Redevelopment Authority (PBRA) are included in this plan as an eligible expense. These expenses will be reimbursed with local tax increment revenues only.

2.2 Summary of Eligible Activities

2.2..1 Phase I & Phase II ESA, BEA and Due Care Plan

A Phase I and limited Phase II ESA was completed by SES in October 2017. The total cost for these services was \$11,700. This is a cost statutorily approved for reimbursement with school taxes.

2.2..2 Demolition

Demolition activities include selective interior demolition to remove existing build-out in addition to the existing mechanical and electrical systems. It will also include exterior site demolition of existing concrete and asphalt to facilitate the redevelopment of the building. The total cost of demolition is estimated to be \$59,025.

2.2..3 Infrastructure Improvements

Infrastructure improvement activities will include the construction of an urban stormwater management system which will prevent the direct runoff of stormwater into Portage Creek. Costs under this category will include the excavation and construction of a stormwater collection basin and associated collection structures and piping. The total cost of these infrastructure improvement is anticipated to be \$26,300.

2.2..4 Site Preparation

Site Preparation activities are expected to include Geotechnical Engineering, Surveying, Staking, Clearing & Grubbing, Cut & Fill, Land Balancing, Temporary Soil Erosion Control and Temporary site control. The cost of site preparation activities is estimated to be \$58,330.

2.2..5 Contingency

A 15% contingency is included to account for any unanticipated costs that may be encountered while conducting the eligible activities. The contingency is \$21,548.

2.2..6 Brownfield Plan Preparation

The cost to prepare the Brownfield Plan is anticipated to be \$6,000.

2.2..7 Local Brownfield Revolving Fund

The Authority intends to capture school and non-school tax increments for deposit in the local brownfield revolving fund for a full five years. This capture is estimated to be \$66,485.

2.3 Estimate of Captured Taxable Value and Tax Increment Revenues

An estimate of the captured taxable value for this redevelopment by year is depicted in Table 2. This plan captures all available TIR, including real and personal property TIR.

2.4 Method of Financing and Description of Advances Made by the Municipality

The eligible activities will be financed by the developer and reimbursed as outlined in this plan and accompanying development agreement. No advances from the City are anticipated at this time.

2.5 Maximum Amount of Note or Bonded Indebtedness

No note or bonded indebtedness for this project is anticipated at this time. Therefore, this section is not applicable.

2.6 Duration of Brownfield Plan

The duration of this plan is estimated to be 20 years consistent with current city policy which limits the duration of developer reimbursement to 15 years, plus five full years of capture to the Local Brownfield Revolving Fund. It is estimated that the redevelopment of the property will be completed in 2019 and that full recapture of eligible costs and eligible administrative costs of the authority through TIR will not occur within the first 15 years of reimbursement. Capture of TIR is expected to begin in 2020, however could be delayed for up to 5 years after the approval of this plan as permitted by Act 381. In no event shall capture extend beyond 30 year as required by Act 381. An analysis showing the reimbursement schedule is attached as Table 3.

2.7 Estimated Impact of Tax Increment Financing on Revenues of Taxing Jurisdictions

An estimate of the impact of tax increment financing on the revenues of all taxing jurisdictions is illustrated in detail within Table 2.

2.8 Legal Description, Property Map, Statement of Qualifying Characteristics and Personal Property

The property consists of a single parcel which is 2.48 acres in size and is located at 6666 Lovers Lane (Parcel Identification Number 00010-370-O). A legal description of the property along with a scaled map showing eligible property dimensions, is attached as Figure 1.

The parcel is considered "eligible property" due to the presence of contaminants, specifically arsenic, selenium and lead at concentrations in excess of the most stringent applicable MDEQ GRCC. Therefore, the property is a "Facility" as defined by Part 201.

Taxable personal property, if any, is included in this plan.

2.9 Estimates of Residents and Displacement of Individuals/Families

No persons reside at the property therefore this section is not applicable.

2.10 Plan for Relocation of Displaced Persons

No persons reside at the property thus none will be displaced. Therefore, this section is not applicable.

2.11 Provisions for Relocation Costs

No persons reside at the property thus none will be displaced. Therefore, this section is not applicable.

2.12 Strategy for Compliance with Michigan's Relocation Assistance Law

No persons reside at the property thus none will be displaced. Therefore, this section is not applicable.

2.13 Other Material that the Authority or Governing Body Considers Pertinent

None.

Figure 1

Legal Description and Eligible Property Map



Legal Description:

SEC 10-3-11 COM EW1/4LI 1333.9 FT W OF E1/4 POST TH S PAR E LI 804 FT FOR BEG; SD PT BEING CTR LOVERS LANE TH CONT S PAR E LI SD SEC ALG CTR LOVERS LANE 150 FT TH W PAR EW1/4 LI TO ELY BANK PORTAGE CREEK TH NLY ALG ELY BANK SD CREEK TO PT 804 FT S OF EW1/4 LI TH E PAR EW1/4 LI TO POB.

Table 1

Eligible Activity Costs

EGLE Eligible Activities Costs and Schedule		
EGLE Eligible Activities	Cost	Completion
		Season/Year
Department Specific Activities		
<i>Phase I & II ESA, BEA</i>	\$ 9,700	Fall 2016
<i>Due Care Plan</i>	\$ 2,000	Fall 2016
EGLE Eligible Activities Sub-Total	\$ 11,700	
Brownfield Plan Preparation	\$ -	
EGLE Eligible Activities Total Costs	\$ 11,700	
Local Only Eligible Activities Costs and Schedule		
Local Only Eligible Activities	Cost	Completion
		Season/Year
Demolition		
<i>Selective Interior Demolition</i>	\$ 37,600	Summer 2019
<i>Site demolition - Concrete removal</i>	\$ 5,900	Summer 2019
<i>Site demolition - Asphalt removal</i>	\$ 15,525	Summer 2019
Sub-Total - Demolition	\$ 59,025	
Infrastructure Improvements		
	\$ 21,800	Summer 2019
<i>Urban Stormwater management engineering & design</i>	\$ 1,500	Summer 2019
<i>Oversight and Project Management</i>	\$ 3,000	Summer 2019
Subtotal – Infrastructure	\$ 26,300	
Site Preparation		
<i>Geotechnical Engineering & Surveying</i>	\$ 5,500	Summer 2019
<i>Surveying & Staking</i>	\$ 2,500	Summer 2019
<i>Clearing and Grubbing</i>	\$ 2,500	Summer 2019
<i>Temporary Soil Erosion Control</i>	\$ 5,000	Summer 2019
<i>Temporary Site Control</i>	\$ 4,000	Summer 2019
<i>Land Balancing</i>	\$ 17,500	Summer 2019
<i>Cut & Fill</i>	\$ 18,000	Summer 2019
<i>Oversight and project management</i>	\$ 3,330	Summer 2019
Sub-Total – Site Prep	\$ 58,330	
Local Only Eligible Activities Sub-Total	\$ 143,655	
Contingency (15%)	\$ 21,548	
Brownfield Plan Preparation	\$ 6,000	
Local Only Eligible Activities Total Costs	\$ 171,203	
Combined EGLE & Local Only Eligible Activities Total Costs	\$ 182,903	

Table 2

Tax Capture Schedule

Tax Increment Revenue Capture Estimates
6666 Lovers Lane Redevelopment

Portage, Michigan
June 19, 2019

Estimated Taxable Value (TV) Increase Rate: 1.0%

Plan Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	TOTAL
Calendar Year	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	
*Base Taxable Value \$	72,400	72,400	72,400	72,400	72,400	72,400	72,400	72,400	72,400	72,400	72,400	72,400	72,400	72,400	72,400	72,400	72,400	72,400	72,400	72,400	
Estimated New TV \$	385,400	389,254	393,147	397,078	401,049	405,059	409,110	413,201	417,333	421,506	425,721	429,979	434,278	438,621	443,007	447,437	451,912	456,431	460,995	465,605	
Incremental Difference (New TV - Base TV) \$	313,000	316,854	320,747	324,678	328,649	332,659	336,710	340,801	344,933	349,106	353,321	357,579	361,878	366,221	370,607	375,037	379,512	384,031	388,595	393,205	
School Capture																					
Millage Rate																					
State Education Tax (SET)	6.0000	\$ 1,878	\$ 1,901	\$ 1,924	\$ 1,948	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,652
School Operating Tax	17.8182	\$ 5,577	\$ 5,646	\$ 5,715	\$ 5,785	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 22,723
School Total	23.8182	\$ 7,455	\$ 7,547	\$ 7,640	\$ 7,733	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 30,375
Local Capture																					
Millage Rate																					
City of Portage	10.8209	\$ 3,387	\$ 3,429	\$ 3,471	\$ 3,513	\$ 3,556	\$ 3,600	\$ 3,643	\$ 3,688	\$ 3,732	\$ 3,778	\$ 3,823	\$ 3,869	\$ 3,916	\$ 3,963	\$ 4,010	\$ 4,058	\$ 4,107	\$ 4,155	\$ 4,205	\$ 4,255
KVCC	2.8089	\$ 879	\$ 890	\$ 901	\$ 912	\$ 923	\$ 934	\$ 946	\$ 957	\$ 969	\$ 981	\$ 992	\$ 1,004	\$ 1,016	\$ 1,029	\$ 1,041	\$ 1,053	\$ 1,066	\$ 1,079	\$ 1,092	\$ 1,104
KRESA Allocated	0.1444	\$ 45	\$ 46	\$ 46	\$ 47	\$ 47	\$ 48	\$ 49	\$ 49	\$ 50	\$ 50	\$ 51	\$ 52	\$ 52	\$ 53	\$ 54	\$ 54	\$ 55	\$ 55	\$ 56	\$ 57
KRESA Operating	2.8946	\$ 906	\$ 917	\$ 928	\$ 940	\$ 951	\$ 963	\$ 975	\$ 986	\$ 998	\$ 1,011	\$ 1,023	\$ 1,035	\$ 1,047	\$ 1,060	\$ 1,073	\$ 1,086	\$ 1,099	\$ 1,112	\$ 1,125	\$ 1,138
KRESA Enhancement	1.5000	\$ 470	\$ 475	\$ 481	\$ 487	\$ 493	\$ 499	\$ 505	\$ 511	\$ 517	\$ 524	\$ 530	\$ 536	\$ 543	\$ 549	\$ 556	\$ 563	\$ 569	\$ 576	\$ 583	\$ 590
KRESA Special Ed	1.4988	\$ 469	\$ 475	\$ 481	\$ 487	\$ 493	\$ 499	\$ 505	\$ 511	\$ 517	\$ 523	\$ 530	\$ 536	\$ 542	\$ 549	\$ 555	\$ 562	\$ 569	\$ 576	\$ 582	\$ 589
County Operating	4.6810	\$ 1,465	\$ 1,483	\$ 1,501	\$ 1,520	\$ 1,538	\$ 1,557	\$ 1,576	\$ 1,595	\$ 1,615	\$ 1,634	\$ 1,654	\$ 1,674	\$ 1,694	\$ 1,714	\$ 1,735	\$ 1,756	\$ 1,776	\$ 1,798	\$ 1,819	\$ 1,841
CCTA Transit	0.7500	\$ 235	\$ 238	\$ 241	\$ 244	\$ 246	\$ 249	\$ 253	\$ 256	\$ 259	\$ 262	\$ 265	\$ 268	\$ 271	\$ 275	\$ 278	\$ 281	\$ 285	\$ 288	\$ 291	\$ 295
KCTA Transit	0.3145	\$ 98	\$ 100	\$ 101	\$ 102	\$ 103	\$ 105	\$ 106	\$ 107	\$ 108	\$ 110	\$ 111	\$ 112	\$ 114	\$ 115	\$ 117	\$ 118	\$ 119	\$ 121	\$ 122	\$ 124
Portage Library	1.5000	\$ 470	\$ 475	\$ 481	\$ 487	\$ 493	\$ 499	\$ 505	\$ 511	\$ 517	\$ 524	\$ 530	\$ 536	\$ 543	\$ 549	\$ 556	\$ 563	\$ 569	\$ 576	\$ 583	\$ 590
County Public Safety	1.4472	\$ 453	\$ 459	\$ 464	\$ 470	\$ 476	\$ 481	\$ 487	\$ 493	\$ 499	\$ 505	\$ 511	\$ 517	\$ 524	\$ 530	\$ 536	\$ 543	\$ 549	\$ 556	\$ 562	\$ 569
County Housing	0.0998	\$ 31	\$ 32	\$ 32	\$ 32	\$ 33	\$ 33	\$ 34	\$ 34	\$ 34	\$ 35	\$ 35	\$ 36	\$ 36	\$ 37	\$ 37	\$ 38	\$ 38	\$ 39	\$ 39	\$ 40
County Senior	0.3500	\$ 110	\$ 111	\$ 112	\$ 114	\$ 115	\$ 116	\$ 118	\$ 119	\$ 121	\$ 122	\$ 124	\$ 125	\$ 127	\$ 128	\$ 130	\$ 131	\$ 133	\$ 134	\$ 136	\$ 138
Local Total	28.8097	\$ 9,017	\$ 9,128	\$ 9,241	\$ 9,354	\$ 9,468	\$ 9,584	\$ 9,701	\$ 9,818	\$ 9,937	\$ 10,058	\$ 10,179	\$ 10,302	\$ 10,426	\$ 10,551	\$ 10,677	\$ 10,805	\$ 10,934	\$ 11,064	\$ 11,195	\$ 11,328
Non-Capturable Millages																					
Millage Rate																					
Portage School Debt	7.3500	\$ 2,301	\$ 2,329	\$ 2,357	\$ 2,386	\$ 2,416	\$ 2,445	\$ 2,475	\$ 2,505	\$ 2,535	\$ 2,566	\$ 2,597	\$ 2,628	\$ 2,660	\$ 2,692	\$ 2,724	\$ 2,757	\$ 2,789	\$ 2,823	\$ 2,856	\$ 2,890
County Juvenile Home Debt	0.1873	\$ 59	\$ 59	\$ 60	\$ 61	\$ 62	\$ 62	\$ 63	\$ 64	\$ 65	\$ 65	\$ 66	\$ 67	\$ 68	\$ 69	\$ 70	\$ 71	\$ 72	\$ 73	\$ 74	\$ 75
KRESA Debt	0.3650	\$ 114	\$ 116	\$ 117	\$ 119	\$ 120	\$ 121	\$ 123	\$ 124	\$ 126	\$ 127	\$ 129	\$ 131	\$ 132	\$ 134	\$ 135	\$ 137	\$ 139	\$ 140	\$ 142	\$ 144
Total Non-Capturable Taxes	7.9023	\$ 2,473	\$ 2,504	\$ 2,535	\$ 2,566	\$ 2,597	\$ 2,629	\$ 2,661	\$ 2,693	\$ 2,726	\$ 2,759	\$ 2,792	\$ 2,826	\$ 2,860	\$ 2,894	\$ 2,929	\$ 2,964	\$ 2,999	\$ 3,035	\$ 3,071	\$ 3,107
Total Tax Increment Revenue (TIR) Available for Capture	\$ 16,473	\$ 16,675	\$ 16,880	\$ 17,087	\$ 17,287	\$ 17,488	\$ 17,690	\$ 17,893	\$ 18,097	\$ 18,302	\$ 18,508	\$ 18,715	\$ 18,923	\$ 19,132	\$ 19,342	\$ 19,553	\$ 19,765	\$ 19,978	\$ 20,192	\$ 20,407	\$ 20,623

Footnotes:

*Personal Property tax increment, if any, will be captured however is not contemplated in this table

Table 3

Reimbursement Schedule

Tax Increment Revenue Reimbursement Allocation Table
 6666 Lovers Lane Redevelopment
 Portage, Michigan
 June 19, 2019

Estimated Total Years of Plan: 20

Estimated Capture	\$ 233,141
Administrative Fees	\$ 7,912
State Brownfield Redevelopment Fund	\$ 3,826
Developer Reimbursement	\$ 151,769
Local Brownfield Revolving Fund	\$ 66,485

	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	TOTAL
Total State Incremental Revenue	\$ 7,455	\$ 7,547	\$ 7,640	\$ 7,733	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 30,375
State Brownfield Redevelopment Fund (50% of SET)	\$ 939	\$ 951	\$ 962	\$ 974	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,826
State TIR Available for Reimbursement	\$ 6,516	\$ 6,596	\$ 6,677	\$ 6,759	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,549
Total Local Incremental Revenue	\$ 9,017	\$ 9,128	\$ 9,241	\$ 9,354	\$ 9,468	\$ 9,584	\$ 9,701	\$ 9,818	\$ 9,937	\$ 10,058	\$ 10,179	\$ 10,302	\$ 10,426	\$ 10,551	\$ 10,677	\$ 10,805	\$ 10,934	\$ 11,064	\$ 11,195	\$ 11,328	\$ 202,767
BRA Administrative Fee (5%)	\$ 451	\$ 456	\$ 462	\$ 468	\$ 473	\$ 479	\$ 485	\$ 491	\$ 497	\$ 503	\$ 509	\$ 515	\$ 521	\$ 528	\$ 534	\$ 540	\$ 546	\$ 552	\$ 558	\$ 564	\$ 7,912
Local TIR Available for Reimbursement	\$ 8,567	\$ 8,672	\$ 8,779	\$ 8,886	\$ 8,995	\$ 9,105	\$ 9,215	\$ 9,327	\$ 9,441	\$ 9,555	\$ 9,670	\$ 9,787	\$ 9,904	\$ 10,023	\$ 10,143	\$ 10,264	\$ 10,384	\$ 10,504	\$ 10,624	\$ 10,744	\$ 194,854
Total State & Local TIR Available	\$ 15,083	\$ 15,269	\$ 15,456	\$ 15,645	\$ 8,995	\$ 9,105	\$ 9,215	\$ 9,327	\$ 9,441	\$ 9,555	\$ 9,670	\$ 9,787	\$ 9,904	\$ 10,023	\$ 10,143	\$ 10,264	\$ 10,384	\$ 11,064	\$ 11,195	\$ 11,328	\$ 221,403
DEVELOPER																					
Beginning Balance																					
DEVELOPER Reimbursement Balance	\$ 182,903	\$ 182,903	\$ 167,820	\$ 153,964	\$ 145,186	\$ 136,300	\$ 127,305	\$ 118,200	\$ 108,985	\$ 99,657	\$ 90,217	\$ 80,662	\$ 70,992	\$ 61,205	\$ 51,301	\$ 41,277					
EGLE Environmental Costs	\$ 11,700	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 11,700
State Tax Reimbursement	\$ 6,516	\$ 5,184	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Local Tax Reimbursement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total MDEQ Reimbursement Balance	\$ 5,184	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Local Only Costs	\$ 171,203	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Local Tax Reimbursement	\$ 8,567	\$ 8,672	\$ 8,779	\$ 8,886	\$ 8,995	\$ 9,105	\$ 9,215	\$ 9,327	\$ 9,441	\$ 9,555	\$ 9,670	\$ 9,787	\$ 9,904	\$ 10,023	\$ 10,143						\$ 140,069
Total Local Only Reimbursement Balance	\$ 162,636	\$ 153,964	\$ 145,186	\$ 136,300	\$ 127,305	\$ 118,200	\$ 108,985	\$ 99,657	\$ 90,217	\$ 80,662	\$ 70,992	\$ 61,205	\$ 51,301	\$ 41,277	\$ 31,134						
Total Annual Developer Reimbursement	\$ 15,083	\$ 13,856	\$ 8,779	\$ 8,886	\$ 8,995	\$ 9,105	\$ 9,215	\$ 9,327	\$ 9,441	\$ 9,555	\$ 9,670	\$ 9,787	\$ 9,904	\$ 10,023	\$ 10,143						\$ 151,769
LOCAL BROWNFIELD REVOLVING FUND																					
LBRF Deposits *	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
State Tax Capture	\$ -	\$ 1,412	\$ 6,677	\$ 3,610	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 11,700
Local Tax Capture	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,264	\$ 10,934	\$ 11,064	\$ 11,195	\$ 11,328	\$ 54,785
Total LBRF Capture	\$ -	\$ 1,412	\$ 6,677	\$ 3,610	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,264	\$ 10,934	\$ 11,064	\$ 11,195	\$ 11,328	\$ 66,485

* Up to five years of capture for LBRF Deposits after eligible activities are reimbursed. May be taken from DEQ & Local TIR only.

Footnotes:

Attachment A

Brownfield Plan Resolutions

CITY OF PORTAGE, COUNTY OF KALAMAZOO

**RESOLUTION APPROVING AN AMENDED BROWNFIELD REDEVELOPMENT PLAN
BY ADDING BROWNFIELD PLAN NO. 7
FOR THE CITY OF PORTAGE PURSUANT TO AND
IN ACCORDANCE WITH THE PROVISIONS OF ACT 381
OF THE PUBLIC ACTS OF THE STATE OF MICHIGAN 1996,
AS AMENDED**

At a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan, held at the City Hall, on the _____ day of _____, 2019, at 7:00 p.m.

PRESENT: _____

ABSENT: _____

Resolution offered by Councilmember _____ and
seconded by Councilmember _____.

WHEREAS, the Brownfield Redevelopment Authority (the Authority) of the City of Portage, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the Act), has approved Brownfield Plan No. 7 (6666 Lovers Lane) pursuant to and in accordance with Section 13 of the Act as an amendment to the Brownfield Redevelopment Plan approved by the Council on September 4, 2001.

WHEREAS, the Authority has, at least ten (10) days before the meeting of the City Council at which this resolution has been considered, provided notice to and fully informed all taxing jurisdictions which are affected by the Financing Plan (the Taxing Jurisdictions) about the fiscal and economic implications of the proposed Financing Plan, and the Council has provided to the Taxing Jurisdictions a reasonable opportunity to express their views and recommendations regarding the Financing Plan and in accordance with Section 14(1) of the Act; and

WHEREAS, the Council makes the following determinations and findings:

- A. The Amended Plan constitutes a public purpose under the Act;
- B. The Amended Plan meets all of the requirements for a Brownfield Plan set forth in Section 13 of the Act;

C. The amount of captured taxable value estimated to result from adoption of the plan is reasonable;

D. The owner and/or developer of the property which is included in the Amended Plan shall finance all eligible activities under the Amended Plan and the Authority shall not issue any notes or bonds related to this Amended Plan.

WHEREAS, as a result of its review of the Amended Plan and upon consideration of the views and recommendations of the Taxing Jurisdictions, the Council desires to proceed with approval of the Plan.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Amended Plan Approved. Pursuant to the authority vested in the City Council by the Act, and pursuant to and in accordance with the provisions of Section 14 of the Act, the Amended Plan is hereby approved in the form attached as Exhibit A to this Resolution.

2. Severability. Should any section, clause or phrase of this Resolution be declared by the Courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.

3. Repeals. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

YEAS: _____

NAYS: _____

ABSENT: _____

RESOLUTION ADOPTED: _____

Adam Herringa, City Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF KALAMAZOO)

I, the undersigned duly qualified and acting City Clerk of the City of Portage, Kalamazoo County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of said City, held on the ____ day of _____, 2019, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereto affixed my official signature this ____ day of _____, 2019.

Adam Herringa, City Clerk

Prepared by:
Randall L. Brown
Portage City Attorney
1662 East Centre Avenue
Portage, Michigan 49002

Approved as to Form:

Date: 7/16/2019
By: [Signature]
City Attorney

Attachment B

Reimbursement Agreement

BROWNFIELD REIMBURSEMENT AGREEMENT

This BROWNFIELD REIMBURSEMENT AGREEMENT ("Agreement") is made this ___ day of ___, 2019, by and between Lovers Lane Properties, LLC, a Michigan ___, with offices at 519 Ada Drive SE; Suite 202, Ada, Michigan 49301 (the "Developer"), and the City of Portage Brownfield Redevelopment Authority (the "AUTHORITY"), established by the City of Portage with its office at 7900 S. Westnedge Avenue, Portage, MI 49002.

RECITALS

- A. The Authority was created by the City of Portage (the "City") pursuant to the Brownfield Redevelopment Financing Act, Act 381 of the Public Acts of Michigan of 1996 as amended ("Act 381"), and, pursuant to Act 381, the Authority has prepared a Brownfield Plan which was duly approved by the City Council of the City (the "Brownfield Plan").
- B. The Developer owns property in the City addressed as 6666 Lovers Lane, City of Portage, County of Kalamazoo, Michigan and which is legally described in the attached Exhibit A and which is included in the Brownfield Plan as being a "facility" as defined in Act 381 (the "Property").
- C. Act 381 permits the use of the real and personal property tax revenues generated from the increase in value (the "the Increment") to brownfield sites constituting Eligible Property is under Act 381 resulting from their redevelopment to pay or reimburse the payment of costs in conducting Eligible Activities and, unless Developer is a liable party for the site contamination, permits the reimbursement to Developer of Eligible Costs it has incurred.
- D. The Developer has plans to improve the Property for office and warehouse uses (the "Project") which includes certain Eligible Activities at the Property at an estimated cost of One Hundred Eighty-Two Thousand Nine Hundred Three Dollars (\$182,903.00). These activities are all described in the City of Portage Brownfield Redevelopment Authority Brownfield Plan for the Project dated June 19, 2019 (the "Brownfield Amendment"), attached as Exhibit B. The Eligible Activities will have the effect of assisting in the redevelopment of the Property, maintaining and increasing employment within the City, increasing tax base within the City and otherwise enhancing the economic vitality and quality of life in the City.
- E. Act 381 permits the use of the real property tax revenues generated from the incremental increase in property value of a redeveloped brownfield site constituting an "eligible property" under Act 381 to which the Authority is entitled to receive to pay or to reimburse the payment of costs of conducting activities that meet the requirements under Act 381 of "Eligible Activities".
- F. By undertaking Eligible Activities on the Property, the Developer will incur (i) costs of performing the Eligible Activities and (ii) costs in connection with the preparation of the Brownfield Plan.
- G. In accordance with Act 381, the parties desire to use the property tax revenues that are generated from an increase in the taxable value of the Property resulting from its redevelopment to which the Authority is entitled to receive (the "Tax Increment Revenues") to reimburse the Developer for the Eligible Costs.

- H. Whereas, the Developer intends to construct and develop all phases necessary to complete the Project using its best efforts to obtain financing for said improvements and the AUTHORITY, subject to the terms, conditions, and limitations contained herein, intends, pursuant to the Brownfield Plan, to reimburse the Developer for the certain costs of Eligible Activities.
- I. The parties are entering into this Agreement to establish the terms and procedure for such reimbursement.

AGREEMENTS

NOW, THEREFORE, the parties agree with each other as follows:

1. **Definitions.** Capitalized terms shall have those definitions provided under Act 381 unless otherwise provided by this Agreement or unless inconsistent with the context in which the term is used.
2. **The Plans.** The AUTHORITY has approved the Brownfield Plan and the Developer hereby also approves the Brownfield Plan. To the extent provisions of the Brownfield Plan and any subsequent amendments conflict with this Agreement, and as it may be amended, the terms and conditions of this Agreement control. To the extent provisions of the Brownfield Plan and any subsequent amendments or this Agreement conflicts with the Brownfield Act, as amended, Act 381 controls.
3. **Construction of Project.** The Developer acknowledges and represents, and the AUTHORITY and the City agree, that the Developer shall, at its own cost, have the sole right and responsibility to develop, construct and complete the development of the Project as determined by the Developer, in accordance with site plans and permits approved by the City, and the Developer shall pay for the development, construction, completion and maintenance of the Eligible Activities and Eligible Investments specified in the Brownfield Plan, subject to the Developer's Repayment Obligation (defined herein). For the purposes of this Agreement, "construction" or "construct" or similar terms shall include the acquisition, placement and/or installation of business personal property by the Developer within the Property. All development improvements performed by the Developer on the Project shall comply, in all respects, with all of the City's regulations including, but not limited to, zoning ordinances and building code, as well as all applicable federal, state, city, local and municipal rules, regulations and laws.
4. **Submission of Plans and Permit Applications.** The Developer shall submit all required plans and applications required by the City and its engineers for the Project and the Developer shall, at its own cost, obtain all required permits and approvals and shall pay all applicable fees, and the Developer shall develop and construct the Project in accordance with the approved site plan identified in the Brownfield Plan. The Developer may modify and amend its site plan at any time and from time to time provided City approvals are obtained and provided that all improvements called for by such modifications and amendments shall not alter the "Eligible Property" as defined and used in the Brownfield Act. If such modifications would cause a material change in the scope or nature of the Project, or would increase the costs of the Eligible Activities by 10% or more,

such modifications shall be subject to the approval of the AUTHORITY, which approval shall not unreasonably be withheld.

5. **Construction of Certain Improvements by the Developer.** The Developer will use reasonable commercial efforts to develop and construct certain of the Eligible Activities described in the Brownfield Plan, as it may be amended by the AUTHORITY. Promptly after completion of construction of the Project and upon request of the Developer, the AUTHORITY and the City shall execute and deliver to the Developer a Certificate of Completion (the "Certificate of Completion"). When issued, the Certificate of Completion, except for any items to be completed or corrected as set forth therein, shall be a conclusive determination by the AUTHORITY and City of their satisfaction with respect to the obligations of the Developer and their satisfaction that the construction of the Project has been completed in accordance with the provisions of this Agreement.
6. **AUTHORITY Costs and Expenses.** All legal and consulting fees, and other expenses incurred by the AUTHORITY (including administrative and operating costs as described in Section 14 hereof) in connection with the Brownfield Plan, this Agreement or the Project, other than reimbursement to the Developer for approved expenses of Eligible Activities, shall be reimbursable annually to the AUTHORITY from the Tax Increment Revenues in an amount not to exceed 5% of available TIR.
7. **Builders Risk Insurance Prior to Completion.** Prior to completion of the construction of the Project as certified by the AUTHORITY and City, the Developer shall keep in force at all times Builder's Completed Value Risk Insurance, in non-reporting form, against all risks of physical loss, including collapse, covering the total value of the work performed and equipment, supplies and materials furnished for the Project. Such insurance policies shall be issued by a company satisfactory to the AUTHORITY and City. All such policies shall contain a provision that the same will not be cancelled or modified without thirty (30) day prior written notice to the AUTHORITY and the City.
8. **Insurance Proceeds.** If all or any part of the Project is damaged or destroyed, the insurance proceeds resulting from such damage or destruction shall be used by Developer for the cost of restoring or rebuilding the Project. The Project shall be restored or rebuilt substantially in accordance with the construction plans provided by Developer and approved by the AUTHORITY and City and shall be of at least equal value and substantially the same character as prior to the damage or destruction.
9. **Rights of Inspection.** During construction of the Project, the City's and AUTHORITY's designees shall have the right at any time and from time to time to enter upon the Project for purposes of inspection. Such inspection by the City and AUTHORITY of the Project shall not be construed as a representation by the AUTHORITY or the City that there has been compliance with the site plan or that the Project will be, or are, free of faulty materials or workmanship, or a waiver of any right, the AUTHORITY, the City or any other party may have against Developer or any other party for non-compliance with the site plan and the terms of this Agreement.

10. **Implementation of Construction and Utility Maintenance Easements.** The parties shall all coordinate together and use their best efforts to establish all construction access maintenance and utility service easements designated in the Brownfield Plan or as more particularly defined in site plans and engineering plans pertaining to the Project.
11. **Source of Tax Increment Revenues.**
- a. All millages, unless otherwise excluded or exempt from capture pursuant to the Brownfield Act, will be captured by the AUTHORITY, and the TIR generated by such capture shall be available to the AUTHORITY for purposes of the Brownfield Plan and to make the reimbursement payments required under this Agreement.
 - b. The AUTHORITY shall not be required by this Agreement to use School TIR for any purpose other than reimbursement payments to the AUTHORITY and Developer for Eligible Activities that are part of a Work Plan approved by the Michigan Strategic Fund ("MSF") or the EGLE. Except, however, this Agreement shall not prohibit the AUTHORITY, in its sole discretion, from capturing or using any School TIR attributable to the Eligible Property for any purpose authorized by the Brownfield Act without the approval of the MSF or EGLE.
12. **Determination of Eligible Activities Qualified for Reimbursement.**
- a. All costs of Eligible Activities attributable to the Property for which the Developer seeks reimbursement from Tax Increment Revenues shall satisfy each of the following applicable qualifications:
 - i. The Eligible Activity and the cost of the Eligible Activity is included in the Brownfield Plan approved by the AUTHORITY or any amendment or supplement thereto approved by the AUTHORITY, and the Eligible Activity is conducted in accordance with the terms of the Brownfield Plan, this Agreement, and all applicable state and federal laws and regulations.
 - ii. The Eligible Activity may consist of Phase 1 environmental assessment activities if approved by the AUTHORITY.
 - iii. The Eligible Activity has not occurred more than 5 years after the effective date of this Agreement.
 - iv. For any Eligible Activity that occurs after the effective date of this Agreement and is qualified as an Eligible Activity under Section 2(l)(i), (ii) or (iii) of Act 381, the Eligible Activity and the cost of such Eligible Activity is specifically included in the Brownfield Plan.
 - v. The cost of the Eligible Activity is payable from Tax Increment Revenues only after reimbursement to AUTHORITY of the AUTHORITY'S Administrative and Operating Costs as set forth

in Sections 6 and 14.

- b. Developer understands and agrees that any reimbursement of the Developer by or on behalf of the AUTHORITY of any expenses for approved activities shall be only for "Eligible Activities" as defined in the Act 381, and the Brownfield Plan and for which reimbursement is authorized under this Agreement. It is further understood and agreed that any reimbursement to or on behalf of the Developer shall only occur to the extent that Tax Increment Revenues are generated from the Property and those Tax Increment Revenues are available under Act 381 and this Agreement for the making of reimbursements to the Developer.
- c. The Developer shall copy or provide the AUTHORITY with all correspondence and materials or documents provided to EGLE that are related to the Project or Eligible Activities on the Property.
- d. Pursuant to the Brownfield Plan, the AUTHORITY shall capture the Tax Increment Revenues generated from real and personal property taxes allowed by law on the eligible property beginning 2020 and continuing, unless eliminated or otherwise modified by this Agreement, the total which shall not exceed One Hundred Eight-Two Thousand Nine Hundred Three Dollars (\$182,903.00) but no later than 2034. This Agreement shall terminate the earlier of the date when all reimbursements required under this Agreement have been made or the Brownfield Plan has expired.

13. **AUTHORITY Reimbursement Payments to Developer.**

- a. From time to time, but not more frequently than quarter-annually without approval of the AUTHORITY, the Developer may submit to the AUTHORITY a certification of costs of Eligible Activities paid or incurred for reimbursement in accordance with this Agreement and the Brownfield Plan. Such certification shall include a narrative of the approved activities performed and an explanation of why such activities qualify for reimbursement under this Agreement, a representation and warranty of the Developer that all activities for which reimbursement is sought qualify as Eligible Activities under Act 381, copies of all documents or reports for whose preparation payment is requested, a copy of invoices for the work described in such certification, and any substantiating documentation for such invoices that is requested by the AUTHORITY.
- b. Within sixty (60) days of its receipt of such statement and supporting invoices, the AUTHORITY shall review the submission to confirm that such activities qualify for reimbursement under this Agreement and the Brownfield Plan and advise the Developer in writing if any activities do not so qualify including the specific reasons why the AUTHORITY believes that such activities do not so qualify.
- c. Subject to Section 14 below, to the extent that such submission is approved by the AUTHORITY Board, the AUTHORITY shall thereafter cause the Developer to be paid the amounts approved within forty-five (45) days, but only to the extent that Tax Increment Revenues attributable to the Property.

If sufficient Tax Increment Revenues attributable to the Property are not available at the time such submission is approved and payment is due, the approved amount shall be paid from Tax Increment Revenues attributable to the Property that are next received by the Authority and that are not otherwise allowed to be used for purposes permitted by Section 14 below.

- d. To the extent that any portion of such submission is not approved, any authorized representative of the AUTHORITY and the Developer shall, within fourteen (14) days upon the request of either party, meet promptly to discuss the reasons the submission was not approved and the conditions pursuant to which the Developer can obtain approval of such disallowed request.
- e. The Developer shall notify the AUTHORITY of completion of the Eligible Activities for which reimbursement may be sought under this Agreement from Tax Increment Revenues. Within 90 days after the earlier of the date of completion of the Eligible Activities for which reimbursement may be sought from Tax Increment Revenues under this Agreement or 5 years after the effective date of this Agreement, the Developer shall provide the AUTHORITY with a final certification of costs of Eligible Activities. Within 90 days after the date of completion of activities for which reimbursement may be sought, the Developer shall provide the AUTHORITY with a final certification of costs eligible for such reimbursement.
- f. No interest or other charge shall accrue or attach to any reimbursement payment agreed to by AUTHORITY under this Agreement.
- g. The AUTHORITY shall have no obligation to reimburse the Developer for Eligible Costs for Tax Increment Revenue captured and received by the AUTHORITY after 2034. This Agreement is limited to Tax Increment Revenue captured and received by the AUTHORITY for tax years 2020-2034.

14. AUTHORITY Administrative and Operating Costs.

- a. The AUTHORITY may retain funds to pay administrative and operating costs of the AUTHORITY from the annual Tax Increment Revenues attributable to the Property. The amount the AUTHORITY may retain shall not exceed the actual administrative operating costs or the amounts permitted by Act 381, and for funding of the Local Site Remediation Revolving Fund to the extent permitted by applicable law and the Brownfield Plan. In no event shall the AUTHORITY retain more than 5% of the available Tax Increment Revenues in any given year.
- b. The amount retained pursuant to this Section 14 may be generated only from Tax Increment Revenues attributable to the levies of Local Taxes upon the Property.
- c. All amounts captured by the AUTHORITY that exceed the 5% limitation on administrative expense reimbursement shall be redistributed for reimbursement to the Developer to pay for Eligible Activities as authorized by the Brownfield Plan.

- d. The AUTHORITY may retain the amount permitted by this Section 14 prior to making any reimbursement under Section 13 to the Developer. To the extent Tax Increment Revenues are not available from levies of Local Taxes for any year in an amount sufficient to make the reimbursement under this Section 14 for that year, the shortfall may be reimbursed from any subsequent years' Tax Increment Revenues attributable to the Property after reimbursements required under this Section 14 and Section 13 are made for the year in question.

15. Prohibitions Against Assignment and Transfer of Project Prior to Issuance of Certificate of Completion.

- a. Until issuance of the Certificate of Completion pursuant to Section 5 of this Agreement, the Developer will not: (i) assign, sell or transfer its interest in the Property and/or the Project or any part thereof or any interest therein, except for utility easements; or (ii) assign this Agreement, without in each case the prior written consent of the City and the AUTHORITY, which consent will not unreasonably be withheld. Any such assignment shall be an "Approved Assignment." The City and the AUTHORITY shall give their consents if:
 - (i) the Developer demonstrates, subject to reasonable review by the City and the AUTHORITY, that the assignee has the ability and financial stature to fulfill the obligations assigned by the Developer; and
 - (ii) the assignee assumes unconditionally in writing all of Developer's past, present and future obligations assigned by the Developer. In the event the assignee fails to perform all of the obligations assigned by the Developer, the Developer shall retain the obligation to perform all remaining unperformed obligations previously assigned.
- b. This Section relates only to the development of the Project and shall not be construed or interpreted as imposing any restrictions on the use, transfer or sale of any other Property.

16. Waiver of Right to Contest. Developer hereby agrees that it shall neither protest to the Board of Review nor file a petition with the Michigan Tax Tribunal or any court or administrative body challenging the assessment or valuation of any real or personal property with respect to the Property relating to any tax year during which this Agreement is in effect. In the event that Developer takes such action challenging the assessment or valuation of any real or personal property with respect to the Property, Developer shall immediately be indebted to and obligated to refund to the AUTHORITY any and all reimbursements paid to the Developer under this Agreement and Developer shall be immediately ineligible to receive any further reimbursements under this Agreement. The AUTHORITY right for reimbursement and collection against Developer under this section may be enforced in a court of competent jurisdiction. No sanctions hereunder will accrue to Developer in the event it files an action in the Michigan Tax Tribunal with respect to the Property in order to correct a clerical error of the Assessor such as an error in addition or subtraction.

17. **Municipal Representatives not Personally Liable.** No AUTHORITY Board Member, City Council member or any other official, employee, agent, consultant, advisor, attorney or representative of the AUTHORITY or City shall be personally liable to Developer in the event of any default or breach by any party under this Agreement, or for any amount which may become due to any party or on any obligations under the terms of this Agreement.
18. **Release and Indemnification.** The parties agree as follows:
- a. Developer releases from and covenants and agrees that the AUTHORITY and the City and their governing body members, officers, employees, agents, consultants, advisors, attorneys and representatives shall not be liable for, and Developer agrees to indemnify, defend and hold harmless the officers, employees, agents, consultants, advisors, attorneys and representatives thereof against any losses, demands, claims, actions, causes of assessments, suits, judgments, damages, liabilities, penalties, costs and expenses (including without limitation the fees and expenses of attorneys and other consultants) which are asserted against, or are imposed upon or incurred by the AUTHORITY or the City or an above-listed person and which are resulting from, relating to, or arising out of any of the following:
 - i. any defect in the design or construction of the Project, or the negligence or willful misconduct of Developer, its agents or independent interests in connection with the construction of the Project;
 - ii. The capture and use of Tax Increment Revenues, including any order, ruling, or instruction to repay or refund the State of Michigan or any other taxing jurisdiction for any levy captured as Tax Increment Revenues and paid to Developer as a reimbursement payment under this Agreement made in excess of the amount of Tax Increment Revenues the AUTHORITY is determined by the State, any agency thereof or by a court to be allowed by law to use for such reimbursement;
 - iii. Any act or omission of the Developer with respect to the conduct of a baseline environmental assessment, due care activity or additional response or remedial activity for the Property, including any failure by the Developer to take any affirmative action to prevent the release of a hazardous substance or any other contaminant or the exacerbation of an existing environmental condition;
 - iv. Any release of a hazardous substance or any other contaminant on the Property or an exacerbation of an existing environmental condition, any adverse effects on the environment, or any violation of any state or federal environmental law or regulation caused or due to act by the Developer or in any way related to the Property;
 - v. The Eligible Activities for the Property; or

vi. The operation of the business of the Developer or tenant on the Property.

- b. Notwithstanding anything herein to the contrary, neither the AUTHORITY nor City shall be liable to Developer for damages arising in any way from this Agreement, or any other obligation or agreement made in connection therewith or from any breach thereof, or arising from a declaration or a final judgment by a court of competent jurisdiction that all or any portion of the Brownfield Act is unconstitutional or that the Brownfield Plan in whole or in part are invalid.
- c. All covenants, stipulations, promises, agreements and obligations of Developer contained herein shall be deemed to be the covenants, stipulations, promises, agreements and obligations of Developer and not of any member, director, officer, agent, servant or employee of Developer in their individual capacities.
- d. Subject to subsection (e) below, the AUTHORITY may, at its discretion and without consent of the Developer, set-off any amount owing to the Developer under this Agreement to satisfy any indemnification obligation of the Developer under this Section.
- e. Prior to set-off of any amount owing to the Developer to satisfy any indemnification obligation of the Developer under this Section, the Developer shall be provided an opportunity to address the AUTHORITY and the AUTHORITY shall determine that the exercise of the rights of set-off provided under subsection (d) is necessary to protect the interests of the AUTHORITY.

19. **Environmental.** Developer warrants and represents as follows:

- a. Developer agrees to comply in all material respects with all environmental laws and regulations applicable to the Project, and further agrees, except as is in compliance with applicable laws, not to knowingly place or dispose of, or knowingly cause to be placed or disposed of, any toxic or hazardous substances (as defined in subsection (d) below) ("Hazardous Substances") on any parcel located within the Project, and not knowingly manufacture, store, use, treat or dispose of such substances, or permit any manufacturing, storage, use, treatment or disposal of any Hazardous Substances on the Project.
- b. "Hazardous Substances" includes, but is not limited to, any flammable explosives, radioactive materials, hazardous materials, hazardous wastes, hazardous or toxic substances, asbestos or related materials defined in: (1) the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. Section 9601 et seq.); (2) the Hazardous Materials Transportation Act, as amended (49 U.S.C. Section 1801 et seq.); (3) the Resource Conservation and Recovery Act, as amended (41 U.S.C. Section 9601, et seq.); (4) the Federal Water Pollution Control Act, 33 U.S.C. Section 1251 et seq.; or (5) Michigan's Natural Resources and Environmental Protection Act, as amended (M.C.L.

324.101 et seq.), including any regulations adopted or publications promulgated pursuant to the above-referenced statutes, or as otherwise defined, classified, characterized, listed or identified by any other federal, state or local governmental law, ordinance, rule or regulation.

- c. No portion of the funds or benefits received by Developer pursuant to this Agreement or otherwise received by Developer in connection with Act 381 and the Project shall operate or be used to subsidize response activities that would benefit a liable party at the Property, under the standards of the Michigan Natural Resources and Environmental Protection Act or other similar federal law, or otherwise relieve such a liable party of such obligation.

20. **Representations of the AUTHORITY and the City.** The AUTHORITY represents and warrants that:

- a. Organization and Authority. It: (i) has full corporate power to execute and deliver and perform the terms and obligations of this Agreement; and (ii) has been authorized by all necessary action to execute and deliver this Agreement, which shall constitute its legal, valid and binding obligation of it, enforceable in accordance with its terms, subject to applicable insolvency laws.
- b. No Defaults or Violations of Law. The execution and delivery of this Agreement will not conflict with or result in a breach of any of the terms of, or constitute a default under any indenture, mortgage, deed of trust, lease or other agreement or instrument to which it is a party or by which it is bound or any charter, or any of the rules or regulations applicable to it, subject to applicable insolvency laws.
- c. Pending Litigation. No litigation, proceedings or investigations are pending or, to the knowledge of it is threatened against it, except claims which if adversely determined will not, in the opinion of its counsel, materially and adversely affect the financial condition or operations of it. In addition, no litigation, proceedings or investigations are pending or, to the knowledge of it, threatened against it seeking to restrain, enjoin or in any way limit the approval or issuance and delivery of this Agreement by it or which would in any manner challenge or adversely affect its existence or powers to enter into and carry out the transactions described in or contemplated by the execution, delivery, validity or performance by it of the terms and provisions of this Agreement.

21. **Representations, Warranties and Agreements of Developer.** Developer represents, warrants and agrees that:

- a. Organization and Authority. It: (i) is duly organized under the laws of the state of its incorporation or organization, and is authorized to do business in and is in good standing under the laws of the State of Michigan; (ii) has full corporate power to execute and deliver and perform the terms and obligations of this Agreement; and (iii) has been authorized by all

necessary corporate or member action to execute and deliver this Agreement, enforceable in accordance with its terms, subject to applicable insolvency laws.

- b. No Defaults or Violations of Law. The execution and delivery of this Agreement by it will not conflict with or result in a breach of any of the terms of, or constitute a default under, any indenture, mortgage, deed of trust, lease or other agreement or instrument to which it is a party or by which it is bound or its respective articles of incorporation, bylaws, articles of organization, operating agreement, or any of the rules or regulations applicable to it of any court or other governmental body, subject to applicable insolvency laws.
- c. Pending Litigation. No litigation, proceedings or investigations are pending or, to its knowledge, threatened against it, except claims that if adversely determined will not, in the opinion of its counsel, materially and adversely affect its financial condition or its operations. In addition, no litigation, proceedings or investigations are pending or, to its knowledge, threatened against it seeking to restrain, enjoin or in any way limit its approval and delivery of this Agreement or which would in any manner challenge or adversely affect its entity existence or powers to enter into and carry out the transactions described in or contemplated by the execution, delivery, validity or performance by it of the terms and provisions of this Agreement.
- d. Power and Authority. Developer possesses all necessary power and authority to fully implement and carry out all foreseeable obligations and duties imposed upon it under this Agreement.
- e. Not Liable Party. With respect to the Property, Developer is not a party liable under section 20126 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.20126.
- f. Eligible Property. The Project qualifies as Eligible Property under Act 381.

22. Unavoidable Delays (Force Majeure). Each party shall diligently perform its respective duties as set forth herein. However, notwithstanding anything to the contrary in this Agreement, no party shall be deemed to be in default in the performance of such duties including failure to complete any obligations by specific deadline dates, if and so long as nonperformance of such duty shall be directly caused by fire or other casualty, national emergency, condemnations, enemy action, civil commotion, labor disputes, strikes, lockouts, war or national defense preemptions, acts of God, action or non-action by public utilities or of local city, state or federal governments, changes in law, litigation, environmental conditions on the Project not discovered during any due diligence period or any other similar cause beyond the reasonable control of such party (herein referred to as an "Unavoidable Delay"), and the time limit for such performance shall be extended for a period equal to the time period of such Unavoidable Delay; provided, however, that the party unable to perform (the "Non-Performing Party") shall provide written notice to the other party to which duty is owed within ten (10) days

after notice to such Non-Performing Party of its failure to perform or within ten (10) days after the Non-Performing Party otherwise becomes aware that an Unavoidable Delay with respect to one of its duties has occurred or will likely occur, whichever shall first occur, of the existence and nature of such Unavoidable Delay. Thereafter, the Non-Performing Party shall, from time to time, keep the other party to which such duty is owed reasonably informed of all developments concerning the Unavoidable Delay and the nonperformance of such duty or duties.

23. Default and Remedies. The parties agree that the following shall be events of default ("Events of Default") with respect to this Agreement:

- a. If any material representation made by a party in this Agreement, or in any certificate, notice, demand or request made by a party hereto, in writing and delivered to the other party pursuant to or in connection with any of said documents shall prove to be untrue or incorrect in any material respect as of the date made; or
- b. Breach by a party of any material covenant, warranty or obligation set forth in this Agreement.
- c. With respect the AUTHORITY, the enactment by the AUTHORITY of any rule or regulation which prevents or prohibits the AUTHORITY from presently or prospectively performing any covenant, condition or agreement contained herein.

24. Remedies of Default: Reinstatement of Rights.

- a. In the case of an Event of Default by a party hereto or any successors to such party, such party or successor shall, upon written notice from the aggrieved party, take immediate action to cure or remedy such Event of Default within sixty (60) days after receipt of such notice. If, in such case action is not taken, or not diligently pursued, or if the Event of Default shall not be cured or remedied within a reasonable time, beyond such sixty (60) day period the aggrieved party may institute such proceedings as may be necessary or desirable in its opinion to cure or remedy such default, including but not limited to, proceedings to compel specific performance by the party in default of its obligations. In case a party hereto shall have proceeded to enforce its rights under this Agreement and such proceedings shall have been discontinued or abandoned for any reason or shall have been determined adversely to the party initiating such proceedings, then and in every such case the parties hereto shall be restored respectively to their several positions and rights hereunder, and all rights, remedies and powers of each party shall continue as though no such proceedings had been taken.
- b. In the event the Developer does not cure the Event of Default within 60 days, this Agreement will be considered terminated on the 61st day after the written notice of an Event of Default was delivered. Upon the effective date of the termination of this Agreement, the AUTHORITY shall have no further obligation under this Agreement to make any payments to the Developer in reimbursement of any costs of Eligible Activities incurred or to

be incurred by the Developer. In lieu of termination, the AUTHORITY may seek to enforce and compel performance with the terms of this Agreement in a court of competent jurisdiction by specific performance or mandatory injunction and may pursue any other remedy that may be available to it in law or equity.

25. **No Waiver by Delay.** Any delay by a party in instituting or prosecuting any actions or proceedings or otherwise asserting its rights under this Agreement shall not operate to act as a waiver of such rights or to deprive them of or limit such rights in any way (it being the intent of this provision that each party should not be constrained so as to avoid the risk of being deprived of or limited in the exercise of the remedies provided in this Agreement because of concepts of waiver, laches or otherwise); nor shall any waiver in fact made by a party with respect to any specific Event of Default by a party under this Agreement be considered or treated as a waiver of the rights of a non-defaulting party under this Section or with respect to any Event of Default under any section in this Agreement or with respect to the particular Event of Default, except to the extent specifically waived in writing by a non-defaulting party.
26. **Rights and Remedies Cumulative.** The rights and remedies of the parties to this Agreement (or their successors in interest) whether provided by law or by this Agreement, shall be cumulative, and the exercise by either party of any one or more of such remedies shall not preclude the exercise by it, at the time or different times, of any other such remedies for the same Event of Default by the other party. No waiver made by a party with respect to the performance, nor the manner of time thereof, or any obligation of the other party or any condition to its own obligation under the Agreement shall be considered a waiver of any rights of the party making the waiver with respect to the particular obligation of the other party or condition to its own obligation beyond those expressly waived in writing and to the extent thereof, or a waiver in any respect in regard to any other rights of the party making the waiver or any other obligations of any other party.
27. **Legislative Authorization.** This Agreement is governed by and subject to the restrictions set forth in the Brownfield Act, as amended, and the Michigan General Property Tax Act. In the event that there is legislation enacted in the future which restricts or adversely affects the amount of Tax Increment Revenues capturable, Eligible Properties, or Eligible Activities relating to already approved plans, then any Developer's rights and the AUTHORITY's obligations under this Agreement shall be eliminated or modified accordingly.
28. **Freedom of Information Act.** Developer stipulates that all requests and documentation submitted by them shall be open to the public under the Freedom of Information Act, Act No. 442 of the Public Acts of 1976, being Sections 15.231 et seq. of the Michigan Compiled Laws and no claim of trade secrets or other privilege or exception to the Freedom of Information Act will be claimed by it in relation to this Agreement, requests for reimbursement and supporting documentation.
29. **Plan Modification** The Brownfield Plan may only be modified to the extent allowed under the Brownfield Act by mutual agreement in writing of the AUTHORITY and the City.

30. **Notices.** All notices shall be given by registered or certified mail addressed to the parties at their respective addresses as shown below their respective signatures to this agreement. Either party may change the address by written notice sent by registered or certified mail to the other party.
31. **Entire Agreement** This agreement supersedes all agreements previously made among the parties relating to the subject matter, if any. There are no other understandings or agreements between them concerning the subject matter contained herein.
32. **Non-Waiver. Time of the Essence** No delay or failure by either party to exercise any right under this agreement, and no partial or single exercise of that right, shall constitute a waiver of that or any other right, unless otherwise expressly provided herein. Time is of the essence.
33. **Headings** Headings in this agreement are for convenience only and shall not be used to interpret or construe its provisions.
34. **Governing Law** This agreement shall be construed in accordance with and governed by the laws of the State of Michigan.
35. **Counterparts** This agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.
36. **Binding Effect** Subject to the terms herein, the provisions of this agreement shall be binding upon and inure to the benefit of each of the parties and their respective heirs, legal representatives, successors, and assigns.

In witness whereof the parties have executed this agreement by their duly authorized representatives on the day and date first herein above written.

City of Portage Brownfield Redevelopment Authority

Date: _____, 20__

By:
Its Chairperson

Date: _____, 20__

By:
Its Secretary/Treasurer

Developer

Date: _____, 20__

By:
Its

DRAFT

EXHIBIT A

[Insert description of the eligible property]

DRAFT

EXHIBIT B

[Insert Brownfield Plan]

DRAFT

EXHIBIT C

[Insert Work Plan]

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28-00011

DRAFT

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AGREEMENT\Brownfi
eld Reimbursement
Agreement 071719
CLEAN
VERSION.docx

Attachment C

BEA Acknowledgement Letter

Joe Agostinelli

From: Harn, David (EGLE) <HarnD@michigan.gov>
Sent: Thursday, May 2, 2019 12:53 PM
To: Joe Agostinelli
Cc: Gurnee, Michael (EGLE)
Subject: RE: 6666 Lovers Lane, Portage | Facility Verification

Hi Joe,

Based on information presented in the BEA for the site, the property meets the definition of a facility under Part 201 due to the presence of arsenic and selenium in soil, and arsenic and lead in groundwater, at concentrations exceeding one or more of the State's generic cleanup criteria.

If you have any other questions or need additional information, just let me know.

Thanks,

David L. Harn, Jr.
Assistant District Supervisor
Remediation and Redevelopment Division – Kalamazoo District Office
Michigan Department of Environment, Great Lakes, and Energy
7953 Adobe Road
Kalamazoo, MI 49009

Office/Cell: 517.897.0881
Fax: 269.567.9440
Email: harnd@michigan.gov

From: Joe Agostinelli <JAgostinelli@southwestmichiganfirst.com>
Sent: Thursday, May 02, 2019 12:48 PM
To: Harn, David (EGLE) <HarnD@michigan.gov>
Subject: FW: 6666 Lovers Lane, Portage | Facility Verification

Hi David-

Following up on our conversation Monday – can you assist with a facility verification for this project?

Thanks!

Joe Agostinelli | partner

southwest michigan **first**
street 261 East Kalamazoo Avenue | Suite 200 | Kalamazoo, MI 49007
mail P.O. Box 50827 | Kalamazoo, MI 49005-0827
p 269.553.9588 | **c** 269.567.0669
jagostinelli@southwestmichiganfirst.com

From: Joe Agostinelli
Sent: Saturday, April 27, 2019 3:32 PM
To: Gurnee, Michael (DEQ) (GurneeM1@michigan.gov) <GurneeM1@michigan.gov>
Subject: 6666 Lovers Lane, Portage | Facility Verification

Hi Mike!

I am working with the owner on a proposed brownfield plan for a redevelopment of 6666 Lovers Lane in Portage. My understanding is that a BEA was completed in 2016 for the current owner, Lovers Lane Properties, LLC. As I prepare the brownfield plan for submission to the Portage BRA, I am looking to see if the DEQ can provide verification that the site is a facility.

From a brownfield perspective, I anticipate this will be a relatively small project (less than \$100,000 of TIF), and will not be pursuing an Act 381 work plan.

Thanks in advance for your help!

Regards,

Joe Agostinelli | partner

southwest michigan **first**
street 261 East Kalamazoo Avenue | Suite 200 | Kalamazoo, MI 49007
mail P.O. Box 50827 | Kalamazoo, MI 49005-0827
p 269.553.9588 | **c** 269.567.0669
jagostinelli@southwestmichiganfirst.com

Attachment D

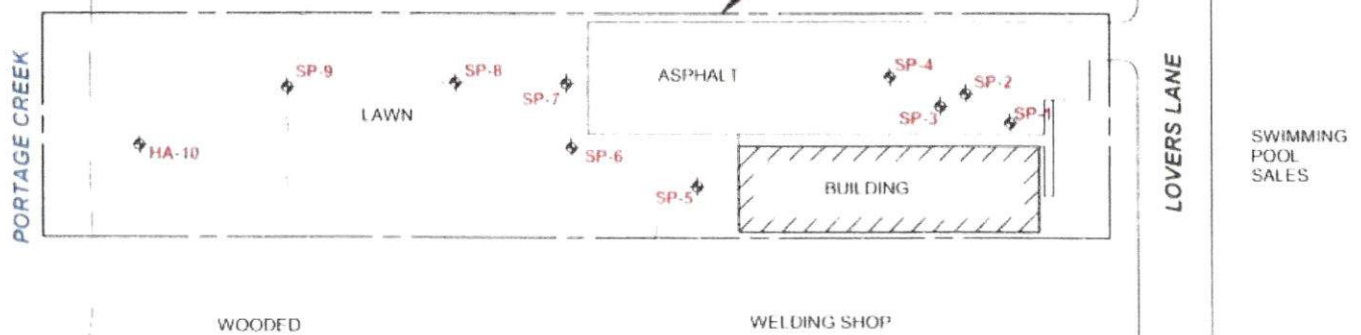
Soil Sampling Map

SOIL ANALYTES DETECTED IN EXCESS OF LABORATORY MDLS (UG/KG)

Analyte	Location (Feet bg) / Concentration					MDEQ DWFC	MDEQ OCC	MDEQ GSIC	MDEQ SVIAC
	SP-1 (5-6)	SP-6 (4-5)	SP-7 (4-5)	SP-8 (4-5)	SP-9 (5-6)				
Arsenic	36,790	1,850	3,250	1,690	3,910	4,600 (SOBL = 5,800)	7,800 (Soil Remedial = 37,000)	3,600	NL V
Barium	71,000	36,900	64,900	48,200	51,700	1,300,000	37,000,000	ID	NL V
Cadmium	440	210	ND	250	380	6,000	550,000	ID	NL V
Chromium	3,760	2,950	3,700	3,730	3,200	30,000	2,500,000	3,300 (SOBL = 18,000)	NL V
Copper	8,010	10,700	10,990	10,100	13,500	5,600,000	20,000,000	ID	NL V
Lead	5,290	37,500	21,700	23,600	52,800	700,000	400,000	ID	NL V
Selenium	ND	ND	ND	ND	ND	4,000	2,000,000	ND (SOBL = 1,000)	NL V
Zinc	14,200	19,000	23,800	38,600	54,400	2,400,000	170,000,000	ID	NL V

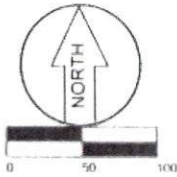
GROUNDWATER ANALYTES DETECTED IN EXCESS OF MDLS (UG/L)

Analyte	Location (Feet bg) / Concentration				Residential MDEQ DWFC	Residential MDEQ GSIC	Residential MDEQ SVIAC
	SP-1 (6)	SP-2 (6)	SP-3 (7)	SP-4 (8)			
Arsenic	12	35	216	56	10	10	NL V
Barium	158	142	85	279	7,000	ID	NL V
Chromium	ND	ND	ND	10	100	ID	NL V
Copper	6	23	12	59	1,000	ID	NL V
Lead	6	16	7	52	6	29	NL V
Zinc	21	65	25	140	2,400	ID	NL V



LEGEND

SP-8 = SOIL PROBE/AUGER LOCATION (SES 2016)



SOIL PROBE LOCATION DIAGRAM

DRAWN TNS

DATE 9/30/2016

SCALE 1" = 100' +/-

PROJECT 16-693

FORMER WRIGHT BEAUTY ACADEMY
6666 LOVERS LANE
PORTAGE, MICHIGAN

FIGURE 2

Attachment E

Site Plan

PLANT_SCHEDULELANDSCAPE NOTES[illegible][illegible]

FIGURE 1. STANDARD DUTY PAVEMENT CROSS SECTION

NOTE: 1. REFER TO GEOTECHNICAL REPORT FOR FINAL PAVEMENT DESIGN. 2. ALL RECYCLED ASPHALT PRODUCTS ALLOWED IN ANY WEARING COURSE.

12' WIDE BASE PAVING
6" MOST CLASS IMA
12' MOST CLASS IMA
12' MOST CLASS IMA

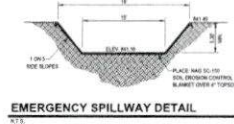
NOTE:
1. REFER TO GEOTECHNICAL REPORT FOR FINAL PAVEMENT DESIGN.
2. ALL RECYCLED ASPHALT PRODUCTS ALLOWED IN ANY WEARING COURSE.

STANDARD DUTY PAVEMENT CROSS SECTION

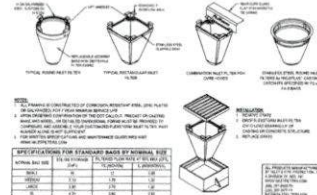
12' WIDE BASE PAVING
6" MOST CLASS IMA
12' MOST CLASS IMA
12' MOST CLASS IMA

Land Planning — Landscape Architecture — Civil Engineering — Land Surveying — High Definition Scanning — Forensic Engineering — Fire Investigation

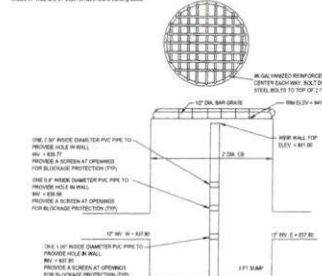
BENCHMARK "B" ELEV = 445.30 (NAD83)
Set railroad spike in North side of utility pipe (1' above ground level), located 87' West of centerline of Louisa Lane at South side of drive entrance to building 44000.



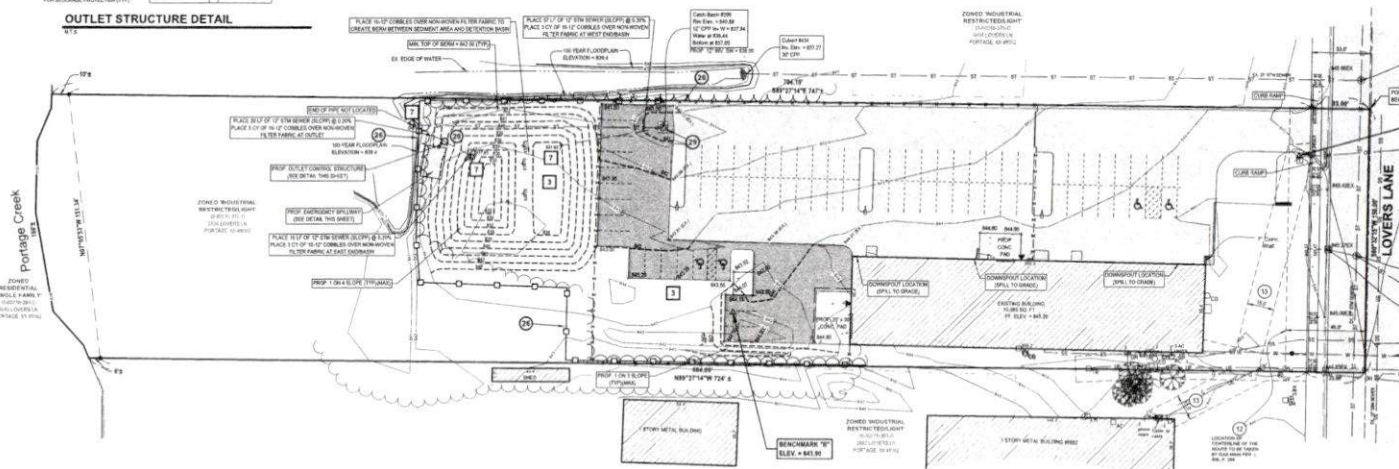
EMERGENCY SPILLWAY DETAIL



FLEXSTORM INLET FILTER DETAIL



OUTLET STRUCTURE DETAIL



CONSTRUCTION NOTES

- [illegible]

SOIL EROSION AND SEDIMENTATION CONTROL NOTES

- [illegible]

SOIL EROSION CONTROL SCHEDULE

[illegible]

811 Know what's below.
CALL before you dig.

STREET LOCATIONS ARE DERIVED FROM ACTUAL MEASUREMENTS
ANALYZED AND RECORDED. THEY SHOULD NOT BE INTERPRETED TO
EXACT LOCATIONS AND SHOULD BE ASSUMED THAT THEY ARE TO
ONLY BE USED IN THIS MANNER.

NOTE:
STREET LOCATIONS AND OTHER DATA CONTAINED ON THIS MAP WERE
OBTAINED FROM AVAILABLE AERIAL PHOTOGRAPHS AND RECORDS. THE
CONTRACTOR SHALL VERIFY THE LOCATION OF THESE LOCATIONS AND
LOCATIONS AND RECORDS LAST PRIOR TO THE COMMENCEMENT OF THE PROJECT.

STAM



PROJECT NO:

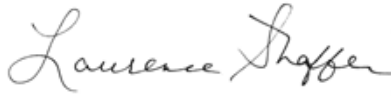
19400231

SHEET NO:
C-300

SHEET: 3 OF 3

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Proposed Three-year Labor Agreement with the Portage Police Officers Association

SUPPORTING PERSONNEL: Rob Boulis, Deputy City Manager

ACTION RECOMMENDED: Authorize the Mayor and City Clerk to execute a three-year labor agreement between the City of Portage and the Portage Police Officers Association.

The City Administration has negotiated a replacement agreement with the Portage Police Officers Association (PPOA) for the labor agreement that expired on June 30, 2019. A tentative agreement has been reached and was ratified by the PPOA members. The agreement covers 49 bargaining unit members for the period of July 1, 2019 through June 30, 2022. Bargaining unit members are Detectives, Police Officers and Police Service Technicians. Highlights of the ratified agreement include:

- A three percent (3%) wage increase in the first year of the agreement effective June 30, 2019.
- A three percent (3%) wage increase in the second year of the agreement effective June 28, 2020.
- A one and one half percent (1.5%) wage increase, or the percentage increase formally communicated to non-union employees, whichever is higher, in the third year of the agreement effective July 4, 2021.
- An increase of \$15,000 in the annual city contribution into the PPOA Retiree Health fund in year two of the agreement.
- An increase of \$15,000 in the annual city contribution into the PPOA Retiree Health fund in year three of the agreement.
- The current \$100 annual reimbursement to employees for the purchase of boots, shoes and other police related items is replaced with an annual payment to employees of \$100 each July, eliminating the need for receipts and reducing the amount of staff time needed to administer this endeavor.
- The Director of Public Safety may extend temporary assignments by an additional twelve months with an increased maximum extension of forty-eight months.
- Payout of compensatory time will be made with the regularly scheduled paycheck instead of a separate check.

Council approval of the three-year labor agreement is recommended.

FUNDING: N/A

Attachments: None

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Revised City of Portage Personnel Rules & Regulations

SUPPORTING PERSONNEL: Shannon Hertz, Director of Human Resources
Rob Boulis, Deputy City Manager

ACTION RECOMMENDED: Approve the revised City of Portage Personnel Rules and Regulations.

With few minor exceptions, the City of Portage Personnel Rules and Regulations have not been substantially updated in many years. Revision is needed to remove outdated practices or terminology, and to improve readability. With the proposed changes, the Personnel Rules and Regulations will become more inclusive by removing male only pronouns throughout the document. The document reflects upgrades in technology that have been implemented throughout the payroll and recruitment processes. The intent of the document and employee benefits remain unchanged.

It is recommended that City Council approve the revised City of Portage Personnel Rules and Regulations.

FUNDING: N/A

Attachments:

1. Personnel Rules and Regulations - August 6, 2019 - Final Draft
2. Personnel Rules and Regulations - August 6, 2019 - Redline/Strikeout

CITY OF PORTAGE

PERSONNEL RULES AND REGULATIONS

These Rules and Regulations Apply to all City of Portage

NON-UNION FULL-TIME PERSONNEL

ADOPTED MAY 28, 1985

LAST AMENDED (**DRAFT**) AUGUST 6, 2019

PERSONNEL RULES AND REGULATIONS

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CITY OF PORTAGE
PERSONNEL RULES AND REGULATIONS
FULL-TIME NON-UNION EMPLOYEES

I. GENERAL PROVISIONS

1.1 Purpose. The purpose of these rules is to establish a personnel management system pursuant to Section 6-18, Chapter 6 of the Charter of the City of Portage, Michigan and to Part 2, Chapter 248 of the City Code and to establish the principles and procedures governing its administration.

1.2 Scope of Rules. These rules shall apply to all Non-Union Full-Time city paid positions in the classified service.

1.3 Purpose of Rules. The City of Portage has adopted the Personnel Rules and Regulations herein contained to educate the employee as to certain guidelines and work rules relating to behavior and procedure that is either prescribed or prohibited. To that end, these rules are published to protect the employer and employee, provide an information source regarding compensation, fringe benefits and allowable personal conduct, and to assist the employee in becoming a valuable and satisfied member of this organization. These rules, when administered in the spirit for which they are intended, will better enable the City of Portage to maintain and administer fair and uniform personnel policies for its employees. Given that the purpose of these rules is not to restrict the rights of anyone, but is to define these rights and to protect the rights of all and to insure cooperation, it shall be the responsibility of each employee to familiarize oneself with the contents and meanings of the provisions of these rules and regulations. A copy of these rules and regulations shall be available for review in each city department and maintained on the city internal computer system. If any questions as to the meaning of these rules and regulations should arise, inquiry shall be made to the employee's immediate supervisor so that clarification of a questioned provision can be provided.

1.4 Amendment of Rules. Amendment to these rules may be proposed by the City Manager and adopted by resolution of the City Council, becoming effective when passed. If these rules are amended, it shall be the responsibility of each Department Head to familiarize all employees of the applicable department of such changes upon notification.

II. ORGANIZATION FOR PERSONNEL ADMINISTRATION

2.1 The City Council. The City Council shall by resolution adopt and amend these rules, including the position classification and pay plans and provision for the administration thereof, and policies relating to fringe benefits, employment conditions and related personnel purposes.

2.2 The City Manager. The City Manager shall:

- A. Prepare, install and maintain a position classification plan based on the duties, authority and responsibility of all positions in the classified service of the city.
- B. Prepare and maintain a compensation plan.
- C. Certify payrolls.
- D. Draft such rules and revisions thereto as may from time to time be necessary to carry out the intent and purpose of the provisions of this resolution and submit them to the City Council for adoption.
- E. Give, or cause to be given, any examinations or tests required or desired under provisions of this resolution.
- F. Maintain any employment lists that may be required under this resolution or are necessary to provide appropriate managerial oversight.
- G. Carry out such other duties as are prescribed under City Charter or this resolution.

2.3 Delegation of Duties. Any and all duties assigned to the City Manager under these rules, may be delegated at the discretion of the City Manager and the person(s) so delegated shall report to the City Manager as to their performance and responsibility.

2.4 The Department of Human Resources. The Department of Human Resources is hereby established to assist the City Manager in fulfilling his/her responsibilities under these Personnel Rules and Regulations. This assistance includes, but is not limited to the following activities: labor relations, wage and salary administration, classification, benefit administration, performance evaluation, central personnel records, safety, personnel rule administration and personnel administration. It shall be the role of the Human Resources Director to provide staff assistance to the City Manager by monitoring overtime, compensatory time, sick time, or other related benefits or compensation as outlined in these rules for compliance. Violations of provisions of these rules shall be reported to the City Manager.

III. THE POSITION CLASSIFICATION PLAN

3.1 Purpose. Because of the wide variety of positions in the City of Portage, it is important to arrange these positions in an organized pattern. An accurate classification plan facilitates sound personnel management and effective government operation by clarifying and describing the duties and responsibilities of employees. Such a system enables the City Manager and staff to more equitably administer personnel transactions. A position classification plan helps to systematize and facilitate the preparation and administration of personnel policies and transactions.

3.2 Development of the Classification Plan. The City Manager shall prepare and maintain a position classification plan which shall provide a complete inventory of all positions in the classified service of the city. The classification plan shall be based upon an analysis of the duties and responsibilities to the end that all positions in the same classification shall be sufficiently alike to permit the use of a single descriptive title, the same training and experience qualifications, the same tests of competence, and the same pay range. A classification may contain one position, or more than one position, as determined by the City Manager.

3.3 Composition of the Classification Plan. The classification plan shall consist of:

- A. Job descriptions for each classification consisting of the following:
 - 1. A descriptive title.
 - 2. A section dealing with the nature of the work, general responsibilities, supervision exercised and received, and methods of which work is assigned and reviewed.
 - 3. A section containing examples of work illustrative of essential and other job functions performed in positions of the class. This listing shall not be all inclusive or limiting and shall in every case end with the phrase "performs related work as assigned".
 - 4. A section giving the knowledge, abilities, skills, certifications, licenses, and other characteristics required of a position allocated to the class.
- B. A listing, by department, of authorized strength and the title to the class to which the position is allocated.

3.4 Use of the Classification Plan. The classification plan shall be used:

- A. In recruitment efforts.
- B. As a guide in the preparation of any examinations that may be given to measure abilities needed to perform the work of the classification.
- C. In determining lines of promotion.
- D. In developing employee in-service training programs.
- E. In determining salaries to be paid for various classes of work.
- F. In determining personnel service items in departmental and city budgets.
- G. In providing uniform terminology.

3.5 Job Descriptions. Job descriptions will be created for each position within the city and will ensure employees have a thorough understanding of job responsibilities and will be used to create and maintain the classification plan. Particular titles, phrases, examples of work and job functions (essential and other) are not to be isolated and treated as the full definition of the classification.

Job descriptions are deemed to be descriptive and explanatory of the kind of work performed and are not inclusive of all functions which may be performed, assigned or required.

3.6 Position Titles. Position titles shall be used in all personnel, accounting, budget and financial records. Where there is more than one position in an occupational series, Roman numeral "I" always indicates the lowest level of series. No person shall be appointed to or employed in a position in the classified service under a title not included in the classification plan. A temporary position title may be used with the approval of the City Manager for a short-term assignment when duties fall outside of any position in the classification plan.

3.7 Maintenance of the Classification Plan. No classification plan is static. It is not intended to fix positions permanently in the classes regardless of changes in organization and duties. Instead, the plan must be continually administered so as to adapt it to changing conditions. Such changes may be due to many different conditions, including the assumption of new services, the extension of certain activities, changes in organization, and the increase of assignment of irregular tasks to some employees. Therefore, job descriptions should be reviewed periodically and positions evaluated periodically with regard to allocations to pay grades. The City Manager is charged with the responsibility for the proper and continued maintenance of all parts of the classification plan so that it will reflect accurately at all times the duties being performed by each employee in the classified service and the classification to which each position is allocated. Revisions of the job descriptions and reallocation of positions within the classification plan shall be made as follows:

- A. The City Manager shall study the duties and responsibilities and other classification factors of each new position as it is created, and, on the basis of this study, place the position in the appropriate pay grade within the classification plan.
- B. Department Heads shall report changes in the duties and responsibilities of a position to the City Manager. Department Heads shall recommend and request changes in job descriptions from the City Manager. It is the responsibility of Department Heads to implement existing job descriptions and those changes in job descriptions approved by the City Manager. If changes become permanent and of such a nature to require it, the position may be reallocated to the appropriate classification.
- C. At the request of the Department Head or any employee, or on her/his own initiative, the City Manager may review the duties of any position, and if warranted, may establish, combine or abolish positions, as necessary, at the discretion of the City Manager.

IV. THE COMPENSATION PLAN

4.1 Purpose. It is essential to establish an equitable and clearly defined compensation plan. The compensation plan for the City of Portage consists of a system of pay grades and the assignment of all positions to a specified pay grade. The plan is intended to establish salary and wage rates which compare satisfactorily with those of public and private employers in the same area, and thus enable the city to attract, employ and retain well qualified employees.

4.2 Composition of the Compensation Plan. The compensation plan shall consist of a listing of the titles of all position classifications in the classified service together with an assigned pay grade. The pay range of a grade shall be determined as at least 140% of the minimum rate of pay.

4.3 Preparation of the Compensation Plan. The City Manager shall be responsible for preparing the compensation plan. The minimum and maximum rates of pay for each pay grade shall be such as to reflect fairly the differences in duties and responsibilities between positions and shall be related to compensation for comparable positions in other places of public and private employment in the general geographical area in which competition for available personnel may be affected. All positions shall be assigned within a pay grade, except that the City Manager may recommend and the City Council may approve institution of a special pay arrangement under unusual circumstances which will be beneficial to the city. Each pay grade shall consist of a minimum entry level rate (Section 4.7), a job rate (Section 4.8) and a maximum rate. Pay grades shall be arranged from high to low according to a standardized analysis of classifications grouping jobs with similar duties, responsibilities, and work place environment exposures. These factors shall be analyzed using statistical, mathematical, and economic procedures based on a standardized point system when assigning classifications to various pay grades.

4.4 Payroll Procedures. All employees shall be paid bi-weekly. Any payments for authorized overtime worked by employees subject to the Fair Labor Standards Act shall be based on the hourly pay schedule. The Finance Director may develop a system by which payrolls will be calculated in advance of paydays. No employee shall be granted an advance on his/her future pay. Payroll forms will be prepared by the Finance Director and recommended to the City Manager for approval. These payroll forms or time cards should be designed so that the Department Head will certify that the time shown has been worked, or absence as prescribed in these rules has been duly authorized. Such time cards may be electronic. Compensatory time is not earned by employees exempt of the Fair Labor Standards Act; however up to a maximum of 60 hours of paid time per fiscal year may be approved for hours worked which exceed the standard work schedule and overtime is not paid. When approved compensatory time, approved sick time, approved vacation time, or other approved time compensable under these rules is authorized, it shall be the responsibility of the Department Head to itemize all such approved time on the employee time card.

4.5 Development of the Compensation Plan. The City Manager may make comparative studies of factors affecting the level of the pay grades as deemed necessary. Studies should be made periodically and, when possible, immediately prior to the preparation of the budget so that findings can be instituted into the plan in time for inclusion in the budget for the next succeeding fiscal year.

4.6 Adoption of the Compensation Plan. The compensation plan shall be prepared by the City Manager for recommendation to the City Council and shall make provision for merit adjustments in order to provide incentive in the public service. The compensation plan may be amended by the City Council on recommendation of the City Manager from time to time as circumstances require, through adjustment of pay grades based upon economic factors provided a standardized analysis utilizing job market economic data is conducted.

4.7 Minimum Entry Level Rate. The minimum rate established for a pay grade may be paid upon appointment, except that appointment rates at a level above the minimum may be authorized if the Department Head submits adequate justification in writing and such action is approved by the City Manager. Approval will be based on the qualifications of the appointee.

4.8 Job Rate. The rate of pay determined appropriate through the standard compensation analysis described in Section 4.3 shall be the minimum rate paid to an employee who is fully trained, competent, and ably functional in their given classification as determined by the department head and City Manager.

4.9 Compensation for Meritorious Service. Employee pay adjustments shall be based on meritorious performance as recommended by the Department Head and the approval of the City Manager. This provision precludes any automatic increases in an employee's salary. No pay increases shall be made unless a duly authorized employee performance report for the subject period has been executed. Each pay grade shall provide for a differential between job rate and the maximum rate. The employee and supervisor shall meet to discuss the performance report and to review the employee's progress and determine if modification of established goals and objectives is warranted. All pay increases between the job rate and maximum rate shall be based solely upon meritorious service as determined by the department head and approved by the City Manager. In all instances, money shall be available and appropriated, or a budget transfer request shall be approved before any pay increase is granted. The City Manager shall establish a uniform system of performance review. To the extent possible management by objectives will be part of the performance evaluation. The City Manager may approve a meritorious pay bonus for employees who meet all of the criteria for meritorious service and are at the top of their pay grade. This pay bonus will not permanently increase the employee's pay rate.

4.10 Pay Rates in Transfer, Promotion or Demotion. If any employee is transferred, promoted or demoted, the rate of pay for the new position shall be determined as follows:

- A. If the rate of pay in the former position is more than the maximum rate established for the pay grade of the new position, the pay rate shall remain the same, unless the change of classification is prompted by inability to meet job requirements of the former classification or is initiated as a disciplinary measure,

or if initiated by the employee, recommended by the Department Head and approved by the City Manager, in which case the new rate shall be established by the City Manager within the new pay grade range.

- B. If the rate of pay in the former position is less than the minimum rate established for the pay grade of the new position, the rate of pay shall be advanced to at least the minimum for the paygrade of the new position. A pay advance above the job rate can be established as deemed appropriate by the City Manager in order to recognize additional responsibilities.
- C. If the rate of pay in the former position falls within the range of the paygrade for the new position, the salary rate shall remain the same if within the minimum rate and the maximum rate. Pay advanced above the job rate can be established as deemed appropriate by the City Manager in order to recognize additional responsibilities.

4.11 Travel and Other Official Expenditures. The prescribed rates of pay do not include allowances for official travel or other expenditures incurred in the conduct of city business or allowances made to employees for the official use of privately owned automobiles. Travel and other expenditures must be approved in advance whenever possible. To receive reimbursements for meals, mileage, official travel, conferences or training expenses, employees must first submit an authorization request for reimbursement on the appropriate form. Reimbursement requests must be submitted promptly subsequent to the event occurrence. Personal cars should be used only when city vehicles are not available. Department Heads will not authorize use of personal cars unless non-availability of city vehicles has been verified. All reimbursements must be authorized and approved in accordance with Administrative Orders of the City Manager. The Finance Department is not authorized to make payment unless presented with the properly signed authorization forms. Employees incurring such expenses, without prior notification, do so at their own risk without guarantee of reimbursement. Employees will be reimbursed for such expenses in accordance with Administrative Orders of the City Manager.

4.12 Hourly Rates. The City Manager may determine that hourly rates of pay be used for certain individual positions within classifications which are normally paid on a salary basis, when conditions of employment, in his/her opinion, warrant such action.

4.13 Overtime. As a general rule, the requirement of frequent and considerable overtime services in a department shall be considered evidence of under staffing or improper organization and shall be subject to investigation by the City Manager.

- A. General: Overtime shall be defined as all time worked in excess of forty hours per week or if applicable, eighty hours during a two-week pay cycle. Department Heads must make every reasonable effort to control the use of overtime and to prevent the indiscriminate use thereof. With the exception of an emergency situation, employees must have approval prior to working any overtime.

- B. Reporting Scheduled and Emergency Overtime. In order to provide for uniform procedures concerning overtime, all overtime (that which is anticipated and planned for); and emergency overtime (that which is not anticipated nor planned for) shall be reported as either scheduled or emergency overtime. These requests for scheduled and emergency overtime shall be included with the time cards with a copy forwarded to the Human Resources Department. The Finance Director and the Human Resources Director shall review the overtime lists (both scheduled and emergency) and recommend payment or non- payment. Additional information should be requested from the Department Head where necessary or required for proper substantiation.
- C. Employee Remuneration: Overtime shall be paid at the rate of time and one-half the regular rate of pay for all hours worked in excess of 40 hours per week (or if applicable, eighty hours during a two-week pay cycle) or compensatory time off may be granted to non-exempt employees in lieu of the overtime payment. .
“Hours worked” is defined as “actual hours the employee worked” and does not include paid time off such as sick, vacation, personal, preference holiday, observed holidays, etc.” Compensatory time shall not be taken unless authorized or approved as prescribed in Administrative Orders of the City Manager.

4.14 Unemployment Compensation. Employees of the City of Portage are covered under the Michigan Employment Security Commission Act. Following layoffs or termination of employment, unemployment insurance claims may be filed with the State of Michigan.

V. RECRUITMENT AND EMPLOYMENT

5.1 Recruitment. All appointments shall be made according to merit to be ascertained insofar as possible and practicable by review of the academic or job qualifications of each individual applicant. In hiring new city employees, consideration will be given solely to the good of the public services, and ability to discharge the duties of the position. The city shall actively strive to recruit and hire the best qualified individual available for each opening or newly created position. Where desirable, examinations shall be administered by the city to aid in the selection process. It is the policy of the City of Portage to afford equal employment opportunity to all applicants pursuant to Section 5.7 Equal Opportunity listed below. Unsuccessful candidates qualified for employment with the city will have their applications maintained on file for a minimum period of one year.

The city shall advertise in the local newspaper and/or appropriate internet web site(s) to afford residents of the community and others an opportunity to apply for available jobs, unless appointment can be made from a current pool of available applicants. All other factors being equal, applicants for employment who reside in the City of Portage shall be given preference over nonresidents.

5.2 Factors Determining Employment. In determining the successful candidate for any position, due consideration shall be given to such factors as education, training, experience, work history, aptitude, knowledge, character, skills, abilities, references, or any other factor which may enter into the determination of the qualification of the applicant. All or any part of the criteria listed above shall be considered in accordance with Section 5.7 Equal Opportunity policy of the city.

5.3 Procedure for Filling Vacancies. The City Manager shall determine which, if any, vacancies are to be filled, taking into account all relevant factors, including budget constraints should they exist. The City Manager may receive recommendations and assistance from the Department Head involved and/or the Human Resources Director in the selection process or may delegate all or part of the selection process. All vacancies so determined shall be filled by the appointment of probationary or temporary employees.

5.4 Probationary Appointments.

- A. The probationary period shall begin immediately upon appointment and shall continue for a period of six consecutive months of work. The purpose of the probationary period is to provide an opportunity for the city to determine whether the probationary employee has the ability, work habits, and other attributes which will qualify the probationary employee for regular employment status. An employee shall be retained beyond the end of the probationary period and granted regular employment status only if the services of the employee have been found to be satisfactory and approval of the City Manager is obtained. Upon successful completion of the probationary period, the employee, if not at or above, will move to the job rate of the position.
- B. Under certain circumstances, the probationary period of an employee may be extended only at the discretion of the City Manager and for a specified period of time after which Section A above shall apply.

5.5 Regular Positions. A regular position shall be one which is full-time and established in the existing budget, funded by the City of Portage and designed to be continuous in nature, and filled with a regular or probationary employee whose salary is provided for in the budget.

5.6 Persons Prohibited from Employment by the City. Any person who wishes to be considered for employment with the city shall be eligible for employment except as noted below:

- A. Any person in default to the city;
- B. Any person who is the spouse of, parent or brother, sister or child, or spouse thereof, of a City Officer as herein defined while such City Officer holds office; provided, however, that such prohibition shall not apply in cases where a person was a bona fide employee of the city at the time the officer assumes office, or the relationship came into being after the office was assumed. A City Officer, for purposes of this paragraph, is defined as the Mayor; Councilmember; City Manager; Clerk; Treasurer; Assessor; Police Chief; the Heads of the several

departments of the city; and members of city boards. Based on the relationship to other city employees or positions, other restrictions may be added to the above as the City Manager determines to be in the best interest of the city.

5.7 Equal Opportunity. The City of Portage is an Equal Opportunity employer. It is the policy of the city to afford equal employment opportunity regardless of race, religion, color, national origin, sex, age, marital status, height, weight, disability or handicap. It is the policy of the City of Portage to implement equal opportunity to all qualified employees and applicants for employment and, positive action shall be taken to insure the fulfillment of this policy.

Michigan Law required that a handicapper/individual with a disability needing accommodations for employment notify the employer in writing, within 182 days after the need is known.

This obligation extends to 1) recruitment, 2) selection procedures (testing), 3) hiring, 4) placement, 5) promotion, 6) transfer, 7) demotion, 8) treatment during employment, 9) rates of pay and/or other fringe benefits, 10) selection for training, and 11) layoff or termination.

The objective of the City of Portage is to employ individuals qualified and/or trainable for job openings by virtue of job-related qualification standards of education, training and experience.

Responsibility for ensuring compliance with and continued implementation of the city's policy on equal employment opportunity rests with the City Manager or someone designated by him/her.

Discrimination on the part of any city employee in dealing with applicants for employment or other employees shall subject the employee to disciplinary measures, as determined by the City Manager.

5.8 Promotion Procedure. When an employee is promoted to a higher paying job classification the employee shall be on job probation in the new classification position for a period of six (6) months. During the job probation the employee may be removed therefrom at any time the employee demonstrates the inability to satisfactorily perform the requirements of the job as determined by supervisory personnel. If the employee is not performing at an acceptable level, the Department Head may recommend removal to the City Manager, who shall make the final determination of the employee's job status. If removed from the higher paying job classification, the employee, at the discretion of the City Manager, may be returned to an open position at the level in the regular classification the employee occupied at the time prior to the promotion, if such a vacancy exists.

5.9 Temporary Assignment of Duties. Employees may be transferred from one job classification to another, at the discretion of the City Manager. Such transfers shall include, but not be limited to, accident, vacations, schools or training, or leaves of absence for the period of such absences. In instances of temporary transfer for the convenience of the city, employees shall receive the rate of pay they would have received on their regular job assignment, unless it is determined by the City Manager that a different rate is warranted due to an increase in responsibility or other factors.

Employees temporarily transferred in accordance with the provisions of this rule shall not acquire any permanent title or right to the job to which they are temporarily transferred.

The rate of pay for temporary personnel shall not exceed the starting salary for a full-time employee in the same position unless conditions would otherwise warrant as determined by the City Manager.

5.10 Recognition of the Rights of Management. It is recognized that all rights to manage, direct, and supervise the operations and the employees are vested solely and exclusively in the employer.

VI. GENERAL PERSONNEL PROVISIONS

6.1 Hours of Work. The five-day, 40-hour week shall be the standard work week for employees unless otherwise provided. The City Manager, at her/his discretion, may establish hours of work for departments which differ from the standard work week for specified departments of the city, or for individual employees in order to meet special program needs, unusual, or emergency situations. Deviation from normal working hours for individual employees is not allowed, except as approved by the City Manager under procedures provided by the Administrative Orders of the City Manager.

6.2 Break Periods.

- A. Employees shall be entitled to two rest or break periods not to exceed fifteen (15) minutes in duration at or near the midpoint of the first half of their eight (8) hour shift and again at or near the midpoint of the second half of their eight (8) hour shift.
- B. If emergency or other special circumstances occur, employees may be requested by their supervisor to delay a break until the urgent or critical aspect of the job then being performed has been completed.
- C. Employees shall be given the opportunity to leave their desks and departments during breaks, but supervisors and/or employees must ensure that phones and the office or work station itself are adequately staffed during such break periods.
- D. The break period for employees electing to leave their work station, building, or location shall be calculated from the time the work station is left and work has recommenced, all travel time inclusive.

6.3 Absences. The City of Portage provides essential public services to the citizens of our community. It must be ready to meet demands for service throughout each day, every day of the year. To fulfill this obligation, the city needs everyone on duty every day on which the employee is scheduled to work.

- A. Absence weakens the city's ability to furnish this essential public service. All employees are expected to work on the days they are scheduled and arrive on

time. Non-work related activities should be limited to breaks, lunches or scheduled personal time-off. Effective attendance is a critical job requirement. Failure to comply with this requirement will result in disciplinary action.

Reasonable accommodation in meeting the above criteria will be recognized for individuals covered by the Americans with Disabilities Act.

- B. No employee may leave or be absent from a job or work assignment without giving prior notification to his/her supervisor. Such unauthorized absences include, but are not limited to: failure to start work at the designated time, failure to return from break, failure to return from lunch, quitting work before the proper time or leaving work during working hours without the permission of the employee's supervisor. An employee who is absent from duty without approval shall receive no pay for the duration of the absence, and unless there is a legitimate reason for such absence, shall be subject to disciplinary action which may include suspension and/or dismissal according to Section 9.2 and 9.3 of these rules. In any absence due to illness contracted while off duty, the employee shall follow the call in procedure specified in Section 7.3 Sick Leave. All other absences are provided for in specific sections of these rules.
- C. If an employee must be away from work for an extended period of time for medical or personal reasons, for military service, or for the purposes covered by the Family Medical Leave Act (FMLA) or the Americans with Disabilities Act (ADA), an employee may request a leave of absence. The length of approved leave of absence depends on the circumstances and the specific policy/policies being applied. Employees are encouraged to contact the Human Resources Department for additional information regarding any leave of absence.

6.4 Performance Evaluations. All employees shall meet existing basic standards of performance in their work.

- A. An employee will be evaluated in relation to quantity and quality of work, dependability, work habits, initiative, judgment and other factors as may be determined by the City Manager to be valuable in measuring the value of the employee to the city.
- B. An employee shall be evaluated by his/her supervisor at the midpoint and end of her/his probationary period in an effort to ascertain if he/she has acquired or refined existing skills to a level which would allow the employee to function effectively as a regular employee in that job classification. Thereafter, written performance evaluations shall be completed bi-annually for all employees, but may be done more frequently at the option of the supervisor or as required by the City Manager.
- C. Upon completion of an evaluation the supervisor shall review the same in a personal interview with the employee. If the evaluation was below average,

written recommendations for performance improvements should be given to the employee during the interview.

- D. Both the supervisor and the employee shall sign the evaluation form with the original form forwarded to the Human Resources Department to be placed in the employee's personnel file. If the employee wishes to have the performance report reviewed, such review shall be conducted by the Department Head jointly with the immediate supervisor.
- E. Informal performance evaluation should involve an on-going continuous communication process between the employee and her/his supervisor. Frequent talks should be held in addition to the formal process so that the supervisor and the employee may work cooperatively to understand, evaluate, and improve individual performance.

6.5 Use of Performance Evaluations. Past performance evaluations shall be given consideration in making promotions, granting merit pay increases, determining layoff sequence and demotions, in taking disciplinary actions including discharge and in granting step increases.

6.6 Physical Examinations. The city reserves the right to require physical examinations after a contingent job offer, taking into account the essential functions of each position. The city also reserves the right to require employment related drug/substance abuse testing.

6.7 Outside Employment. In the event an employee desires to work for another employer, the employee must notify the Department Head in writing subject to the review of the City Manager. Should the outside position conflict in any way with the City of Portage work requirements, adversely affect the employee's attendance or capability to perform assigned duties, or reflect poorly upon the city, the employee shall be notified by the Department Head to immediately terminate employment with either the other employer or the City of Portage.

6.8 Public Contact. All employees shall endeavor to make all forms of contact with Portage citizens and the public as pleasant, courteous and helpful as possible. All citizens should be treated with honesty, tact, courtesy and parity. Procedure for complying with this provision shall be defined in the Administrative Orders of the City Manager. Violations shall be handled in accordance with the disciplinary provisions of Section 9.1 of these rules.

VII. FRINGE BENEFITS

7.1 Holidays. The following days shall be recognized as holidays during which only emergency or essential services work will be performed:

½ Day New Year's Eve Day
New Year's Day
½ Day Good Friday Afternoon
Memorial Day
Independence Day

Labor Day
Thanksgiving
Day after Thanksgiving
½ Day Christmas Eve Day
Christmas Day

- A. When a holiday falls on Saturday the preceding Friday shall be an authorized holiday. When a holiday falls on Sunday the following Monday shall be an authorized holiday. The Christmas Eve Day and New Year's Eve Day ½ day holidays can be reassigned as deemed appropriate by the City Manager.
- B. To be eligible for holiday pay, an employee must be a regular full-time employee when the holiday occurs, and must have worked all of her/his scheduled hours on the day before and the day after such holiday, unless the employee's absence on such days is due to the employee being on an approved compensable absence as otherwise provided for in these rules.
- C. One day's holiday pay for regular full-time employees shall equal eight (8) hours pay at an employee's straight-time hourly rate. When an employee is required to work on a holiday as listed above, the employee shall be paid straight-time hourly rate for the hours so worked in addition to the eight (8) hours' holiday pay.

Where applicable, overtime provisions contained herein shall apply.
- D. Full-time, non-union employees will receive 24 hours of preference holiday time each fiscal year. Preference holiday hours are not eligible for carryover into future years. Preference holiday balances will be paid upon termination or resignation. Use of preference holiday hours shall be scheduled in accordance with Administrative Orders.
- E. In the event City Council shall approve an alternate holiday schedule for staff assigned to any department, such schedule shall supersede the provisions contained herein.

7.2 Vacation Leave. Employees who have completed six (6) months of continuous employment with the city since their last hiring date shall be entitled to paid vacation in accordance with the following policy.

- A. Upon successful completion of probation and six (6) months of continuous service the employee shall be credited with 40 hours of paid vacation.
- B. Following successful completion of probation and six (6) months of employment, each employee shall be credited monthly with the fractional equivalent of vacation at the rate of 80 hours per year.
- C. Upon completion of five (5) years of continuous service the employee shall begin to be credited monthly with the fractional equivalent of vacation at the rate of 120 hours per year.
- D. Upon completion of fourteen (14) years of continuous service the employee shall begin to be credited monthly with the fractional equivalent of 160 hours per year.

- E. All employees are encouraged to take annual vacation leave during each calendar year in increments of at least 40 hours. All vacations should be requested as far in advance as possible so that scheduling may be arranged. Seniority shall be a factor in determining priority when conflicts of vacation requests occur.
- F. Vacation time may be accumulative to a maximum of one and one-half (1-1/2) times an employee's annual accrual of said vacation leave. Employees must monitor the amount of accrued vacation in order to avoid reaching the maximum accumulation level. Once the vacation maximum is reached additional vacation accruals will not occur until vacation is taken by the employee and the vacation accrual balance is less than the maximum. Requests for additional accumulations must be approved by the Department Head and City Manager, a written record of which shall be maintained in the employee's personnel file. No vacation pay will be paid in lieu of vacations except in cases of extraordinary circumstances, as determined by the City Manager.
- G. If an employee who has completed six (6) months of employment resigns in good standing, retires, or is discharged from employment, such employee shall be paid for all unused vacation time credited as of his/her termination date. For an employee who dies after completing six (6) months of employment, her/his designated beneficiary shall be paid for all unused vacation time accrued. If an employee fails to render the two-week notification, he/she shall be deemed not to have resigned in good standing and thus she/he may not be entitled to any portion of accrued vacation pay. Any amounts owed to the city will be deducted from the last pay check.
- H. Requests for vacation will be approved or disapproved as determined by the operational needs of the Department and of the city so that services normally provided to citizens are not reduced.
- I. Paid vacation will not be approved for an employee for hours in excess of the employee's accumulation at the date of his/her first day of scheduled vacation.

7.3 Personal Time. Full-time non-union employees with 0-4 years of full-time employment will receive 16 hours of personal time each fiscal year. Full-time non-union employees with 5+ years of full-time employment will receive 40 hours of personal time each fiscal year. Personnel obtaining the 5-year anniversary threshold during the fiscal year will become eligible for three additional personal days on the date of their anniversary. Personal hours are not eligible for carryover into the next fiscal years. Personal time balances will be paid upon termination or resignation. Use of personal time shall be scheduled in accordance with Administrative Orders.

7.4 Sick Leave. Full-Time Non-Union employees hired prior to July 1, 2011, shall accumulate sick time with a maximum accumulation of 1400 hours. Full-time Non-Union employees hired on or after July 1, 2011 shall accumulate sick time with a maximum accumulation of 1000 hours. Each Department Head is responsible to see that this policy is administered equally, fairly and firmly to each employee in her/his Department in accordance with the following policy:

- A. Upon the completion of 90 days of employment, employees will be credited with 24 hours of sick leave and will earn one day (8 hours) per month thereafter.
- B. In order to qualify for sick leave payments, the employee must notify his/her supervisor prior to the beginning of the shift but not later than one-half hour (1/2) after the normal starting time on the first day of absence, unless the circumstances surrounding the absence make such reporting impossible, in which event such report must be made as soon thereafter as is possible. Such notification must continue for each successive day of absence unless the need for the absence has been previously communicated. Department Heads must notify the City Manager of the absence as provided in the Administrative Orders of the City Manager.
- C. Qualified employees shall be eligible for paid sick leave from (and to the extent of) their unused accumulated paid sick leave in the following situations:
 - 1. When an employee's absence from work is due to his/her non-duty incurred illness or injury provided such illness or injury was not attributed to the intemperate use of alcoholic beverages or other controlled substances not used in accordance with duly authorized prescription from her/his physician. This does not apply to time missed due to the treatment of substance abuse.
 - 2. When an employee's absence from work is necessitated because of his/her illness or injury arising out of or in the course of his/her employment by the city which is compensable under the Michigan Worker's Compensation Act, the employer will pay such employee the net difference (taking into account the fact that worker's compensation payments are not subject to federal income, state income nor social security taxes) between what the employee receives in compensation under such Act and what he/she would have received for the time necessarily lost from his/her regularly scheduled days due to such illness or injury for a period of not to exceed twenty-six (26) weeks in any twelve (12) consecutive months. Supplement payments will not exceed a total of twenty- six weeks for a single injury. When an employee is no longer eligible for the payment from the Employer referred to above, thereafter he/she shall be entitled to utilize his/her accumulated unused paid sick leave credits to make up the difference between the amount of daily benefits to which he/she is entitled under such Act and the amount of daily pay he/she would have received for the days on which necessary absence occurred.
 - 3. When an employee's absence from work is necessitated because of a doctor or dental appointment, sick leave or other accrued leave is to be used if prior written approval is granted by the employee's Department Head.

4. When a personal emergency arises, the employee shall be released immediately. If loss of life, critical illness or critical injury requiring hospitalization for a member of the employee's immediate family is involved, sick time or leave of absence may be authorized if requested by the employee. Sick leave shall not apply to dependent illnesses or injuries such as mumps, chicken pox, influenza, hepatitis, mononucleosis, broken bones, dental care or any related illness or injury which does not require immediate emergency hospitalization, nor shall it apply to outpatient visits to doctor's offices or clinics for diagnosis or treatment not requiring hospitalization. Upon return to work, the employee will request sick leave in the electronic timekeeping system. The employee's supervisor may enter the time on behalf of the employee if the employee's time is not entered before the completion of the payroll cycle. Department Heads are responsible for verifying that the time entered is accurate and any comments required have been entered.
- D. An employee's sick leave payment shall not exceed her/his accumulated sick leave earned.
- E. Holidays occurring during an employee's illness shall not be considered deductible from the employee's sick leave accumulation.
- F. A statement showing all accumulated sick leave shall be reported to each individual employee on each biweekly pay checks.
- G. Sick leave shall not be considered leave time which may be used at the discretion of the employee for personal business, but shall be allowed only for the above-described purposes. The employer may require medical proof of the necessity for paid sick leave, in which event the involved employee shall be required to produce a statement from a medical doctor certifying to the necessity for such absence. If an employee is found to have abused the sick leave policy provision, he/she shall be subject to disciplinary action including possible suspension or dismissal.
- H. Full-Time non-Union/Department Heads/Deputy City Manager or their beneficiaries shall be eligible to receive a sick leave accumulation benefit at the time he/she ceases to be an employee of the City of Portage, in accordance with the following schedule:
 1. Upon death or retirement of the Non-Union/Department Head/Deputy City Manager, the employee or his/her beneficiaries shall be paid for 50% of the employee's accumulated sick leave time.
 2. Non-Union/Department Heads/Deputy City Manager who have been continuously employed by the City of Portage for 10 years or more from the date of hire shall be eligible to receive a sick leave accumulation

benefit of 50% of the employee's unused accumulated sick leave time upon resignation/termination.

7.5 Leave with Pay. Leave with pay may be granted, upon the approval of the City Manager, to an employee in the following instances:

- A. Court Leave – Leave with pay may be granted to an employee in order that he may serve required jury duty or if he is required by law to appear in a case resulting directly from the discharge of her/his duties as a city employee. In such cases all witness or jury fees shall be signed over to the city.
- B. Funeral Leave – Leave with pay shall be granted up to 3 days to a full-time employee due to a death in his/her immediate family. Immediate family shall be defined as current spouse, father, mother, mother-in-law, father-in-law, step-father, step-mother, step-children, grandparents, grandchild, child, brother-in-law, sister-in-law, brother and sister. To be eligible for such pay the employee must attend the funeral or services. Additional days of absence may be allowed at the discretion of the City Manager.
- C. Military Reserve Leave – Leave may be granted to regular employees who are members in good standing of a unit of the United States Armed Forces Reserves in order that they may attend reserve duty. Such leave shall not be authorized as vacation or sick leave and shall in no case exceed 18 consecutive calendar days in any one calendar year. The city will supplement military reserve compensation up to the employee's normal scheduled compensation had the employee worked this period. Overtime compensation shall not be included as part of the scheduled work period. This provision shall be exercised only if the employee produces official evidence of compensation earned from the reserve unit within one week of his/her return to work for the city and upon approval of the City Manager.
- D. Leave with pay may be granted for other good and sufficient reasons which are considered to be in the best interest of the city by the City Manager, but only in the event of extraordinary circumstances.

7.6 Leave Without Pay. When the appropriate type of accrued leave time is not available leave without pay may be granted, upon the approval of the City Manager, if requested in writing by the employee. An employee on leave without pay shall not accrue sick leave or vacation benefits, and the employee will be required to pay group health and life insurance premiums in total, unless this leave is covered by the Family and Medical Leave Act, if the employee wishes such coverage to be continued. Failure of an employee to report promptly at the expiration of such leave of absence shall be considered as a resignation. In the following instances leave without pay may be granted:

- A. Personal Leave: A leave without pay may be granted at the discretion of the City Manager for personal reasons for a period not to exceed thirty (30) days without loss of seniority, if the employee can be spared. This may be extended only with

the written approval of the City Manager and must be submitted in writing a minimum of two weeks prior to the requested date.

- B. Extended Illness or Accident Leave: A leave without pay may be granted to a regular employee for a period not to exceed one (1) year without loss of seniority when such employee is physically unable to report for work because of illness or accident. Maternity leave shall be treated equally in accordance with other physical disabilities described in this section. To be eligible for such leave, the employee must promptly notify Human Resources of the necessity therefore, and must supply a certification from a qualified physician of the necessity for such absence and/or the continuance of such absence, when requested by Human Resources.
- C. During Probation: Leave without pay during the probationary period exceeding one week in length shall not be counted as part of the probationary period, but the employee to whom such leave has been granted shall be allowed to complete the probationary period once returned from leave.
- D. Other: Leave without pay may be granted for other good and sufficient reasons which are considered to be in the best interest of the city by the City Manager.

7.7 Training. The City Manager shall encourage Department Heads to provide employees with opportunities for training, which need not be limited to training for specific jobs, but may include training for advancement and for general fitness for public service. Participation in training programs shall be on a voluntary basis unless such training is required for the employee to perform his/her assigned duties.

- A. Employees having supervisory responsibility may:
 - 1. Recommend individual and collective training needs of employees under his/her supervision.
 - 2. Stimulate and encourage each employee to work toward greater job effectiveness through self-education, self-improvement, and self-training.
 - 3. Arrange in-service and other training programs that will contribute to the more effective utilization of department resources, on a time-available basis.
 - 4. Identify, and participate in the development of those employees who show the greatest potential for positions of supervisory and managerial responsibility.
- B. Each Department Head shall be responsible for recognizing the training needs of his/her department, and shall aid in the training of employees under his/her supervision.

- C. The City Manager has established an employee educational assistance program which reimburses the employee's tuition, based on the grade received for higher education.

7.8 Health & Dental Insurance. All full-time non-union employees shall be eligible to participate in a city-sponsored group health and dental insurance plan provided by an insurance carrier who is selected by the city and who is authorized to transact business in the State of Michigan, subject to the terms and conditions of the plan.

7.9 Long Term Disability Insurance. All full-time non-union employees shall be eligible to participate in a city-paid group long term disability insurance plan provided by an insurance carrier who is selected by the city and who is authorized to transact business in the State of Michigan, subject to the terms and conditions of the plan.

7.10 Life Insurance. All full-time non-union employees shall be provided with a non-contributory and optional contributory group term life insurance policy provided by an insurance carrier who is selected by the city and who is authorized to transact business in the State of Michigan, subject to the terms and conditions of the plan.

7.11 Pension Plan. All full-time non-union employees are eligible to participate and receive benefits from the city-sponsored defined contribution retirement program authorized by the City Council after meeting the following requirements:

- A. The employees shall be a full-time non-union employee and shall be continuously employed by the city.
- B. All terms and conditions of the authorized program shall be in conformance with the terms and conditions of the master contract approved by the City of Portage.

7.12 Department Head Retirees. For Department Heads appointed prior to July 1, 2007 retiring from the city, the city shall provide group health insurance benefits in accordance with the following schedule:

100% Coverage	at age 55	with 15 years of service
95%	54	14
90%	53	13
85%	52	12
80%	51	11
75%	50	10

Provisions of the Department Head retiree health benefit include the following:

- A. The health insurance benefit is single coverage provided under the city group health insurance plan(s). The city will pay the percentage of premium for single health insurance coverage as outlined above. The retiree is responsible for the remainder of the premium.

- B. Spouses may remain in the city group health insurance plan if the retiree pays the additional premium.
- C. The retiree and spouse, if covered, must be enrolled in Medicare parts A and B when eligible. Health insurance coverage at that point is supplemental to Medicare.
- D. Surviving spouse coverage is available upon the death of the retiree. The city will pay 50% of the premium for single coverage with the individual responsible for the balance of the remaining premium. The surviving spouse will no longer be eligible for the retiree health benefit should he/she remarry.
- E. Failure by the retiree and/or spouse to pay their portion of the premium by the due date will be cause for termination of health insurance and forfeiture of the retiree health benefit.
- F. Retiree health insurance coverage provisions and insurers are subject to change by the city.

7.13 Non-Union Retirees. For full time, Non-union employees appointed prior to July 1, 2006 retiring from the city at age 55 with at least 15 years of continuous service, the city will provide single person health insurance coverage until the first of the month in which the retiree turns age 65.

Provisions of this benefit include the following:

- A. The health insurance benefit is single coverage provided under the city group health insurance plan(s). The city contribution will be the same as an active non-union employee. The retiree is responsible for the remainder of the premium.
- B. Spouses may remain in the city group health insurance plan while the retiree is in the group if the retiree pays the additional premium. There is no provision for surviving spouse group coverage.
- C. The retiree and spouse, if covered, must enroll in Medicare parts A and B when eligible. Health insurance coverage at that point is supplemental to Medicare.
- D. Failure by the retiree and/or spouse to pay their portion of the premium by the due date will be cause for termination of health insurance and forfeiture of the retiree health benefit.
- E. Retiree health insurance coverage provisions and insurers are subject to change by the city.

Retiree health benefits for non-union employees appointed to Department Head positions subsequent to July 1, 2006 shall be maintained in accordance with provisions outlined in Section 7.13.

7.14 Retiree Health Insurance Opt Out. Department Head and non-union retirees eligible for the retiree health insurance benefit as outlined in 7.12 and 7.13 above may elect to “opt out” of city provided retiree health insurance coverage in exchange for an opt-out bonus at the same percentage level determined for active personnel. Documentation must be provided as proof of alternative group health insurance coverage, a Medicare supplement or Medicare advantage plan and the alternative health insurance coverage must be maintained by the retiree to be eligible for retiree group health insurance opt-out benefit. Guidelines outlined in the health insurance plan document provide guidance in regard to eligibility of entry and re-entry into the health insurance plan.

7.15 Retiree Health Savings Plan. For Department Head and Non-union employees hired on or after July 1, 2006, the city shall provide a Retiree Health Savings Plan (RHS) benefit as opposed to a retiree health benefit as outlined in 7.12 and 7.13. Assets accumulated in the employee RHS account will be available for the payment of retiree health costs upon retirement from active employment with the city with combined age/years of service of 70 years.

- A. Department Head and Non-Union employees will be vested in the RHS plan upon completion of five (5) years of full-time employment.
- B. The city will contribute 3% of the employee’s regular base salary into the employee’s RHS account.
- C. For vested employees leaving the city prior to 70 years of combined age/years of service, assets will remain in the RHS account until the employee reaches age 62, at which time the assets may be utilized for payment of health insurance premium expense.
- D. Employees must retire from active employment with the city with a combined age/years of service of 70 years to be eligible to remain/participate in the city group health insurance plan (maximum length of group coverage for Non-Union personnel is until age 65 and lifetime for department head personnel or until their funds are depleted in the RHS Plan, whichever comes first).
- E. A spouse may remain in the group as long as the retiree is covered in the group plan.
- F. There is no provision for surviving spouse group coverage.

VIII. LAYOFFS

8.1 Layoffs. Whenever there is a lack of funds or work requiring reductions in the number of employees in a department or division of the city government, the required reduction shall be made in such classifications as the City Manager may designate and in the order determined by the City Manager.

8.2 Order of Layoff. Whenever possible, temporary, seasonal, part-time and probationary employees shall be laid off first, provided that regular full-time employees are available and have the present qualifications and ability to perform the work of the laid-off employees. In cases where two or more employees represent equal abilities as determined by the City Manager, necessary layoffs of regular full-time employees shall be made beginning with the employee employed by the city for the shortest period of uninterrupted service. In all cases, departmental needs of the city shall be the final determining factor in designating layoffs.

8.3 Termination. Layoffs shall be converted to terminations after 12 months, after which personnel laid off shall go through established personnel hiring procedures to re-enter employment with the city.

IX. DISCIPLINARY ACTIONS

9.1 At Will Employment. Employment with the city is at the will of the city and the employee. Employment with the city may end, with or without cause. The guidelines and rules established in 9.2 will normally be followed and are patterns of behavior employees are expected to follow.

9.2 Suspension. When, in the judgment of a Department Head of the city, an employee's work performance or conduct justifies disciplinary action short of dismissal and where other lesser forms of corrective action are not appropriate or have not been successful, the Department Head may suspend the employee without pay provided that all suspensions of three (3) days or longer are given prior approval by the City Manager. All suspensions for the violation of city policy and proceedings must be in writing. An employee is subject to reprimand, disciplinary layoff without pay, or discharge for reasons including, but not limited to the following:

- A. Falsification, misstatement, exaggeration, or concealment of material fact in connection with employment, promotion, any record investigation, or other proper proceeding.
- B. Disrespectful conduct, use of insulting, abusive or obscene language to or about other personnel or the public while on the job.
- C. Gambling or unlawful betting on city property.
- D. Reporting for duty or being on duty while in possession of or under the influence of federally illegal drugs, intoxicants or controlled substances which are not taken under the supervision of a qualified physician.
- E. Failure to start work at the designated time, quitting work before the proper time, or leaving work during working hours without permission of the appropriate supervisor.
- F. Failure to observe precautions for personal safety, posted rules, signs, safety instructions, or to use protective clothing or equipment.

- G. Unexcused or unauthorized absences on one or more scheduled days of work or failure to report for work without giving advance notice unless such advance notice was impossible to render.
- H. Deliberate discrimination against an employee or applicant because of race, color, religion, sex, national origin, disability, or other protected characteristic not related to job performance, or any reprisal action against an employee or applicant based on protected activity relating to the above criteria.
- I. Insubordination, deliberate refusal to carry out any proper order from any supervisor having responsibility for the work in which an employee is currently engaged.
- J. Cheating or contributing to poor condition of city equipment or property.
- K. Vending, soliciting, or collecting contributions during work time without authorization of the City Manager.
- L. Posting, removing or defacing any matter on the employer's bulletin boards without authorization from the employer.
- M. Permitting any unauthorized person to enter or ride in a city vehicle without express authorization from the employer unless such action is taken in the interest of health and safety of the citizens.
- N. Failure to report a personal injury accident in the performance of job duties.
- O. Failure or unnecessary delay in carrying out orders, work assignments, or instructions.
- P. Unauthorized possession of, loss of, or damage to city or a coworker's property or endangering same through carelessness.
- Q. Disorderly conduct, fighting, threatening or attempting to inflict bodily injury to another, engaging in horseplay, resisting competent authority, triggering false alarms of fire or emergency preparedness systems.
- R. Conviction of a felony while an employee of the city.
- S. Abusive, threatening or coercive treatment of another employee while on the job.
- T. Immoral or indecent conduct during working time or outside of working time which reflects negatively on the city.
- U. Making statements which are slanderous or substantially misrepresent the position of the city or officials.
- V. Sleeping during working hours.

- W. Excessive, unexcused tardiness after verbal reprimands have not corrected employee behavior.
- X. Any other offenses of equal magnitude to the above.

9.3 Dismissal or Demotion. An employee may be dismissed or demoted when, in the judgment of the City Manager, the employee's work misconduct or other circumstances so warrants. Before such action is taken, the circumstances involved will be investigated and the employee will be given the opportunity to provide his/her account of the situation. In addition, the employee will be informed of the effective date of the action, and the rationale behind it. The employee shall be afforded an opportunity to present her/his side of the story. A copy will be placed in the employee's permanent personnel file along with an explanation of the employee's evidence.

- A. The City Manager may demote an employee (to move the employee to a position with a lower starting salary) in the following instances:
 - 1. In lieu of layoff when a position is to be abolished.
 - 2. In lieu of dismissal when an employee is not performing satisfactorily or when he/she is not otherwise qualified to perform the duties of the position.
 - 3. When an employee fails to perform satisfactorily during the probationary period following promotion.
 - 4. When an employee requests assignment of work of less difficulty and responsibility.
- B. Reasons for an employee dismissal include but are not limited to the following as determined appropriate by the City Manager.
 - 1. An especially gross example of a violation listed in 9.2 of these rules.
 - 2. Habitual violations of 9.02 of these rules.
 - 3. Progressive corrections have not had the intended effect in correcting an employee's weaknesses or delinquencies in the performance of his/her assigned duty tasks.
 - 4. Other flagrant rule violations, employee misconduct or unsatisfactory job performance that necessitates such action.

X. RESIGNATION AND RETIREMENT

10.1 Resignation. Any employee resigning from the city service shall file a written resignation with her/his Department Head or the City Manager. The resigning employee shall state the date the resignation is to become effective and the reason for leaving. Such resignation

shall be submitted at least 14 days prior to its effective date. Failure to comply with this provision, absent of special circumstances, may be cause for not granting future employment with the city and may generate an adverse recommendation by the city to prospective employers of the resigning employee at the discretion of the City Manager. Department Heads shall give at least one month's written resignation notice to resign in good standing unless waived by the City Manager. Vacation time shall not be considered part of the notification period.

XI. MISCELLANEOUS

11.1 Prohibitions.

- A. No city employee shall willfully make any false statement, certification, mark, rating, or report in regard to any certification or appointment made under the personnel provisions of these rules, or in any manner commit, or attempt to commit, any fraud preventing the impartial execution of such personnel provisions.
- B. No city employee may seek nomination or election to any elective office of the city government, nor may any city employee use influence resulting from her/his job or position publicly in any way for or against any candidate for elective office in the city government.
- C. No city employee may solicit, or be required to make any assessment, subscription or contribution for any candidate seeking elective office in the city government.
- D. No employee or applicant for employment shall pay or cause to be paid any money, service or other valuable thing to any person for, on account of, or in connection with his/her test, appointment, proposed appointment, promotion or proposed promotion.
- E. No employee shall in any way use her/his position or influence resulting from employment with the city to directly or indirectly participate in the political decision-making process concerning the business of the city.

11.2 Departmental Rules. Department Heads are authorized and encouraged to frame and promulgate written departmental rules. Such rules shall be supplemental to the rules herein contained and shall not conflict with or supersede the Administrative Orders of the City Manager, the official Personnel Rules of the City of Portage, written labor agreements currently in effect, the United States Constitution, or Federal, State, or local laws to the contrary. Departmental rules shall be subject to the approval review, amendment, and revocation of the City Manager.

11.3 Employee Relations. It is the responsibility of employee supervisors of the city to see that all personnel rules, regulations, guidelines, administrative orders and policies are administered fairly and equitably among all employees.

11.4 Departmental Responsibility and Control. It shall be the responsibility of each Department Head to maintain control and discipline in his/her department. This responsibility involves dealing promptly with violations of these rules (Section 9.1), labor contracts, city ordinances, the City Charter, Administrative Orders of the City Manager, and State and Federal law by employees in her/his department. Each Department Head is also charged with enforcing and monitoring such matters as time worked, punctuality and length of break periods within his/her department. Department Heads must promote a harassment free work environment for all employees and take prompt action to end any type of harassment or bullying behavior. When a violation occurs in her/his department, the Department Head is responsible for initiating appropriate disciplinary action.

11.5 Employee Grievances. The following is the procedure to be used by employees in resolving grievances:

- A. Employees with inquiries or grievances should address them orally to their immediate supervisor who will respond orally to the concern.
- B. If the problem has not been resolved, the employee shall reduce it to writing by summarizing circumstances, addressing the unresolved concern, and directing it to the Department Head. The Department Head will review the problem, meet with the employee, if necessary, and submit a written response to the concerned employee.
- C. If the problem remains unresolved, the employee should so indicate on his/her request for review by the City Manager. The employee should forward this request to the City Manager and attach copies of her/his written request to his/her Department Head (B above) and the Department Head's written response.

All personnel are encouraged to resolve problems within the confines of their department.

XII. SAFETY

12.1 Employer Responsibility. The City Administration, recognizing its need and responsibility for the safety of city employees, considers accident prevention an important part of an efficient operation and service to our community. The city will maintain safe and healthful conditions and furnish employees with needed safeguards and personal protective equipment.

12.2 Supervisor Responsibility. Supervisors are the key link in the city's safety program. Supervisors have two important safety responsibilities--preventing employee injuries and preventing damage to city property and equipment. To meet these responsibilities, supervisors must:

- A. Provide training to employees on safe methods of operation in order to avoid accidents.
- B. Observe the operation of your employees to detect unsafe practices.

- C. Demonstrate for careless employees a safer and more effective way of performing work-related activities.
- D. Study each accident to determine its probable cause and ways to eliminate it.
- E. See that all accidents are promptly reported to the appropriate Department Head.
- F. Obtain medical aid for employees injured at work as needed and as appropriate based on the type and severity of the injury. Promptly initiate a Report of Accident Form.
- G. Initiate corrective action to overcome unsafe practices and conditions.
- H. Conduct accident follow-ups to see that unsafe practices and conditions were corrected.
- I. Determine the extent of the total number of employees injured in a specified period. A supervisor's safety record is an important consideration in completing her/his performance evaluation.

12.3 Employee Responsibility. All employees shall be expected to follow all safety rules and regulations established by the city and their respective departments. All personal injury, vehicular and property damage accidents shall be immediately reported to the employee's supervisor according to administrative procedures established by the City Manager and the rules herein contained. Employees shall report any and all unsafe conditions to their immediate supervisor for evaluation.

12.4 Vehicle Safety. It shall be the responsibility of each Department Head to provide safety instruction and training as to the safest and correct operation of City of Portage vehicles or equipment. The Department Head shall keep detailed records concerning accidents or injuries incurred resulting from operation of city owned vehicles. The City Manager shall promulgate such Administrative Orders as deemed necessary to insure the safe operation of City of Portage vehicles by all city personnel.

CITY OF PORTAGE

PERSONNEL RULES AND REGULATIONS

These Rules and Regulations Apply to all City of Portage

NON-UNION FULL-TIME PERSONNEL

ADOPTED MAY 28, 1985

LAST AMENDED ~~JULY 31, 2018~~ **(DRAFT) AUGUST 6, 2019**

PERSONNEL RULES AND REGULATIONS

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CITY OF PORTAGE
PERSONNEL RULES AND REGULATIONS
FULL-TIME NON-UNION EMPLOYEES

I. GENERAL PROVISIONS

1.1 Purpose. The purpose of these rules is to establish a personnel management system pursuant to Section 6-18, Chapter 6 of the Charter of the City of Portage, Michigan and to Part 2, Chapter 248 of the City Code and to establish the principles and procedures governing its administration.

1.2 Scope of Rules. These rules shall apply to all Non-Union Full-Time city paid positions in the classified service.

~~Whenever the male pronoun is used in these rules and regulations it shall by definition be deemed to include both the male and female gender.~~

1.3 Purpose of Rules. The City of Portage has adopted the Personnel Rules and Regulations herein contained to educate the employee as to certain guidelines and work rules relating to behavior and procedure that is either prescribed or prohibited. To that end, these rules are published to protect the employer and employee, provide an information source regarding compensation, fringe benefits and allowable personal conduct, and to assist the employee in becoming a valuable and satisfied member of this organization. These rules, when administered in the spirit for which they are intended, will better enable the City of Portage to maintain and administer fair and uniform personnel policies for its employees. Given that the purpose of these rules is not to restrict the rights of anyone, but is to define these rights and to protect the rights of all and to insure cooperation, it shall be the responsibility of each employee to familiarize ~~oneself himself~~ with the contents and meanings of the provisions of these rules and regulations. A copy of these rules and regulations shall be available for review in each city department **and maintained on the city internal computer system**. If any questions as to the meaning of these rules and regulations should arise, inquiry shall be made to the employee's immediate supervisor so that clarification of a questioned provision can be provided.

1.4 Amendment of Rules. Amendment to these rules may be proposed by the City Manager and adopted by resolution of the City Council, becoming effective when passed. If these rules are amended, it shall be the responsibility of each Department Head to familiarize all employees of the applicable department of such changes upon notification.

II. ORGANIZATION FOR PERSONNEL ADMINISTRATION

2.1 The City Council. The City Council shall by resolution adopt and amend these rules, including the position classification and pay plans and provision for the administration thereof, and policies relating to fringe benefits, employment conditions and related personnel purposes.

2.2 The City Manager. The City Manager shall:

- A. Prepare, install and maintain a position classification plan based on the duties, authority and responsibility of all positions in the classified service of the city.
- B. Prepare and maintain a compensation plan.
- C. Certify payrolls.
- D. Draft such rules and revisions thereto as may from time to time be necessary to carry out the intent and purpose of the provisions of this resolution and submit them to the City Council for adoption.
- E. Give, or cause to be given, any examinations or tests required or desired under provisions of this resolution.
- F. Maintain any employment lists that may be required under this resolution **or are necessary to provide appropriate managerial oversight.**
- G. Carry out such other duties as are prescribed under City Charter or this resolution.

2.3 Delegation of Duties.- Any and all duties assigned to the City Manager under these rules, may be delegated at the discretion of the City Manager ~~The City Manager, at his discretion, may delegate any or all of the duties assigned him by these rules,~~ and the person(s) so delegated shall report to the City Manager as to their performance and responsibility.

2.4 The Department of Human Resources. The Department of Human Resources is hereby established to assist the City Manager in fulfilling his/her responsibilities under these Personnel Rules and Regulations. This assistance includes, but is not limited to the following activities: labor relations, wage and salary administration, classification, benefit administration, performance evaluation, central personnel records, safety, personnel rule administration and personnel administration. It shall be the role of the Human Resources Director to provide staff assistance to the City Manager by monitoring overtime, compensatory time, sick time, or other related benefits or compensation as outlined in these rules for compliance. Violations of provisions of these rules shall be reported to the City Manager.

III. THE POSITION CLASSIFICATION PLAN

3.1 Purpose. Because of the wide variety of positions in the City of Portage, it is important to arrange these positions in an organized pattern. An accurate classification plan facilitates sound personnel management and effective government operation by clarifying and describing the duties and responsibilities of employees. Such a system enables the City Manager and ~~his~~ staff to more equitably administer personnel transactions. A position classification plan helps to systematize and facilitate the preparation and administration of personnel policies and transactions.

3.2 Development of the Classification Plan. The City Manager shall prepare and maintain a position classification plan which shall provide a complete inventory of all positions in the classified service of the city. The classification plan shall be based upon an analysis of the duties and responsibilities to the end that all positions in the same classification shall be sufficiently alike to permit the use of a single descriptive title, the same training and experience qualifications, the same tests of competence, and the same pay range. A classification may contain one position, or more than one position, as determined by the City Manager.

3.3 Composition of the Classification Plan. The classification plan shall consist of:

- A. Job descriptions for each classification consisting of the following:
 - 1. A descriptive title.
 - 2. A section dealing with the nature of the work, general responsibilities, supervision exercised and received, and methods of which work is assigned and reviewed.
 - 3. A section containing examples of work illustrative of essential and other job functions performed in positions of the class. This listing shall not be all inclusive or limiting and shall in every case end with the phrase "performs related work as assigned".
 - 4. A section giving the knowledge, abilities, skills, certifications, licenses, and other characteristics required of a position allocated to the class.
- B. A listing, by department, of authorized strength and the title to the class to which the position is allocated.

3.4 Use of the Classification Plan. The classification plan shall be used:

- A. In recruitment efforts.
- B. As a guide in the preparation of any examinations that may be given to measure abilities needed to perform the work of the classification.
- C. In determining lines of promotion.
- D. In developing employee in-service training programs.
- E. In determining salaries to be paid for various classes of work.
- F. In determining personnel service items in departmental and city budgets.
- G. In providing uniform terminology.

3.5 Job Descriptions. Job descriptions **will be created for each position within the city and will ensure employees have a thorough understanding of job responsibilities and will be used to create and maintain** ~~are to be interpreted in their entirety and in relation to others in~~ the classification plan. Particular titles, phrases, examples of work and job functions (essential and other) are not to be isolated and treated as the full definition of the classification.

Job descriptions are deemed to be descriptive and explanatory of the kind of work performed and **are not** ~~neither~~ inclusive of all functions which may be performed, **assigned or required.** ~~nor restrictive of functions which may be assigned or required.~~

3.6 Position Classification Titles. ~~Position Classification~~ titles shall be used in all personnel, accounting, budget and financial records. Where there is more than one **position** ~~classification~~ in an occupational series, Roman numeral "I" always indicates the lowest level of series. No person shall be appointed to or employed in a position in the classified service under a title not included in the classification plan. **A temporary position title may be used with the approval of the City Manager for a short-term assignment when duties fall outside of any position in the classification plan.** ~~Specific working titles used in the course of departmental routine or public contacts to indicate authority, status in the organization, or administrative rank which are different from the classification titles may be used, but only upon the specific approval of the City Manager.~~

3.7 Maintenance of the Classification Plan. No classification plan is static. It is not intended to fix positions permanently in the classes regardless of changes in organization and duties. Instead, the plan must be continually administered so as to adapt it to changing conditions. Such changes may be due to many different conditions, including the assumption of new services, the extension of certain activities, changes in organization, and the increase of assignment of irregular tasks to some employees. Therefore, **job descriptions should be reviewed periodically and** positions **evaluated** ~~should be~~ periodically ~~reviewed~~ with regard to allocations to **pay grades** ~~classes~~. The City Manager is charged with the responsibility for the proper and continued maintenance of all parts of the classification plan so that it will reflect accurately at all times the duties being performed by each employee in the classified service and the classification to which each position is allocated. Revisions of the job descriptions and reallocation of positions within the classification plan shall be made as follows:

- A. The City Manager shall study the duties and responsibilities and other classification factors of each new position as it is created, and, on the basis of this study, place the position in the appropriate **pay grade** ~~classification~~ within the classification plan.
- B. Department Heads shall report changes in the duties and responsibilities of a position to the City Manager. Department Heads shall recommend and request changes in job descriptions from the City Manager. It is the responsibility of Department Heads to implement existing job descriptions and those changes in job descriptions approved by the City Manager. If changes become permanent and

of such a nature to require it, the position may be reallocated to the appropriate classification.

- C. At the request of the Department Head or any employee, or on **her**/his own initiative, the City Manager may review the duties of any position, and if warranted, may establish, combine or abolish ~~positions~~**classes**, as necessary, at **the discretion of the City Manager**~~his discretion~~.

IV. THE COMPENSATION PLAN

4.1 Purpose. It is essential to establish an equitable and clearly defined compensation plan. The compensation plan for the City of Portage consists of a system of pay grades and the assignment of all **positions** ~~rated classifications~~ to a specified pay grade. The plan is intended to establish salary and wage rates which compare satisfactorily with those of public and private employers in the same area, and thus enable the city to attract, employ and retain well qualified employees.

4.2 Composition of the Compensation Plan. The compensation plan shall consist of a listing of the titles of all position classifications in the classified service together with an assigned pay grade. The pay range of a grade shall be determined as **at least** 140% of the minimum rate of pay.

4.3 Preparation of the Compensation Plan. The City Manager shall be responsible for preparing the compensation plan. The minimum and maximum rates of pay for each **pay** grade shall be such as to reflect fairly the differences in duties and responsibilities between **positions** ~~classes~~ and shall be related to compensation for comparable positions in other places of public and private employment in the general geographical area in which competition for available personnel may be affected. All **positions** ~~classifications~~ shall be assigned within a pay grade, except that the City Manager may recommend and the City Council may approve institution of a special pay arrangement under unusual circumstances which will be beneficial to the city. Each pay grade shall consist of a minimum entry level rate (Section 4.07), a job rate (Section 4.08) and a maximum rate. Pay grades shall be arranged from high to low according to a standardized analysis of classifications grouping jobs with similar duties, responsibilities, and work place environment exposures. These factors shall be analyzed using statistical, mathematical, and economic procedures based on a standardized point system when assigning classifications to various pay grades.

4.4 Payroll Procedures. All employees shall be paid bi-weekly. ~~in accordance with the schedule of pay grade assignment and classification.~~ Any payments for authorized overtime worked ~~for~~**by** employees subject to the Fair Labor Standards Act shall be based on the hourly pay schedule. The Finance Director may develop a system by which payrolls will be calculated in advance of paydays. No employee shall be granted an advance on his/**her** future pay. ~~, except when a vacation period covers the usual pay date on the recommendation of the Department Head. Advanced pay will be dealt with according to procedures outlined in the Administrative~~

~~Orders of the City Manager.~~ Payroll forms ~~will~~ ~~should~~ be prepared by the Finance Director and recommended to the City Manager for approval. These payroll forms ~~or time cards~~ should be designed so that the Department Head will certify that the time shown has been worked, or absence as prescribed in these rules has been duly authorized. **Such time cards may be electronic.** Compensatory time is not earned by employees exempt of the Fair Labor Standards Act; however up to a maximum of 60 hours of paid time per fiscal year may be approved for hours worked which exceed the standard work schedule and overtime is not paid. When approved compensatory time, approved sick time, approved vacation time, or other approved time compensable under these rules is authorized, it shall be the responsibility of the Department Head to itemize all such approved time on the employee time card.

4.5 Development of the Compensation Plan. The City Manager may make comparative studies of factors affecting the level of the pay grades as ~~often as he~~ ~~deems~~ necessary. Studies should be made periodically and, when possible, immediately prior to the preparation of the budget so that findings can be instituted into the plan in time for inclusion in the budget for the next succeeding fiscal year.

4.6 Adoption of the Compensation Plan. The compensation plan shall be prepared by the City Manager for recommendation to the City Council and shall make provision for merit adjustments in order to provide incentive in the public service. The compensation plan may be amended by the City Council on recommendation of the City Manager from time to time as circumstances require, through adjustment of pay grades based upon economic factors provided a standardized analysis utilizing job market economic data is conducted.

4.7 Minimum Entry Level Rate. The minimum rate established for a pay grade may be paid upon appointment, except that appointment rates at a level above the minimum may be authorized ~~up to the job rate~~ if the Department Head submits adequate justification in writing and such action is approved by the City Manager. Approval will be based on the qualifications of the appointee. ~~or inability to employ adequately qualified personnel at the minimum rate.~~

4.8 Job Rate. The rate of pay determined appropriate through the standard compensation analysis described in Section 4.03 shall be the **minimum** rate paid to an employee who is fully trained, competent, and ably functional in their given classification as determined by the department head and City Manager.

4.9 Compensation for Meritorious Service. Employee pay adjustments shall be based on meritorious performance as recommended by the Department Head and the approval of the City Manager. This provision precludes any automatic increases in an employee's salary. No pay increases shall be made unless a duly authorized employee performance report for the subject period has been executed. Each pay grade shall provide for a ~~limited access~~ differential between job rate and the maximum rate. ~~Employees who wish to be considered for entry into this limited access range shall be afforded this opportunity by informing their immediate supervisor of their desire. The supervisor and employee shall then negotiate on specific and measurable future objectives established and related to the published goals of the City of Portage and any department goals determined by the department head.~~ The employee and supervisor shall meet

~~periodically~~ to discuss the **performance report and to review the** employee's progress and determine if modification of established goals and objectives is warranted. All pay increases between the job rate and maximum rate ~~shall be determined using this system of management by objective and~~ shall be based solely upon meritorious service as determined by the department head and approved by the City Manager. In all instances, money shall be available and appropriated, or a budget transfer request shall be approved before any pay increase is granted. The City Manager shall establish a uniform system of performance review. **To the extent possible based upon a management by objectives will be part of the performance evaluation. measurement rewarding only meritorious service.** The City Manager may approve a meritorious pay bonus for employees who meet all of the criteria for meritorious service and are at the top of their pay grade. This pay bonus will not permanently increase the employee's pay rate.

4.10 Pay Rates in Transfer, Promotion or Demotion. If any employee is transferred, promoted or demoted, the rate of pay for the new position shall be determined as follows:

- A. If the rate of pay in the former **position** ~~classification~~ is more than the maximum rate established for the **pay grade of the new position** ~~classification~~, the pay rate shall remain the same, unless the change of classification is prompted by inability to meet job requirements of the former classification or is initiated as a disciplinary measure, **or if initiated by the employee, if** recommended by the Department Head and approved by the City Manager, in which case the new rate shall be established by the City Manager within the new pay grade range.
- B. If the rate of pay in the former **position** ~~classification~~ is less than the minimum rate established for the **pay grade** ~~classification~~ of the new position, the rate of pay shall be advanced to **at least** the minimum for the **paygrade of the new position. A pay advance above the job rate can be established as deemed appropriate by the City Manager in order to recognize additional responsibilities.** ~~classification.~~
- C. If the rate of pay ~~in~~ of the former **position** ~~classification~~ falls within the range of **the paygrade** for the new **position** ~~classification~~, the salary rate shall remain the same if within **the minimum** ~~maximum~~ rate and **the maximum** ~~job~~ rate. **Pay advanced above the job rate can be established as deemed appropriate by the City Manager in order to recognize additional responsibilities.** ~~If the rate of pay of the former classification is between job rate and minimum rate for the new classification, the rate of pay shall be established between job rate and minimum rate as established by the City Manager.~~

4.11 Travel and Other Official Expenditures. The prescribed rates of pay do not include allowances for official travel or other expenditures incurred in the conduct of city business or allowances made to employees for the official use of privately owned automobiles. **Travel and other expenditures must be approved in advance whenever possible.** To receive reimbursements for meals, mileage, official travel, conferences or training expenses, employees must first submit an authorization request for reimbursement on the appropriate form.

Reimbursement requests must be submitted **promptly subsequent to the event occurrence.** ~~not later than one week after the event has occurred or not later than one week after returning to normally scheduled work assignments. Reimbursements for mileage must be filed within one week of the end of the month which is being claimed.~~ Personal cars should be used only when city vehicles are not available. Department Heads will not authorize use of personal cars unless non-availability of city vehicles has been verified. All reimbursements must be authorized and approved in accordance with Administrative Orders of the City Manager. The Finance Department is not authorized to make payment unless presented with the properly signed authorization forms. Employees incurring such expenses, without prior notification, do so at their own risk without guarantee of reimbursement. Employees will be reimbursed for such expenses in accordance with Administrative Orders of the City Manager.

4.12 Hourly Rates. The City Manager may determine that hourly rates of pay be used for certain individual positions within classifications which are normally paid on a salary basis, when conditions of employment, in his/**her** opinion, warrant such action.

4.13 Overtime. As a general rule, the requirement of frequent and considerable overtime services in a department shall be considered evidence of under staffing or improper organization and shall be subject to investigation by the City Manager. ~~Necessary overtime work required by emergencies must be authorized by the City Manager or by his Department Heads as he may choose to delegate.~~

- A. General: Overtime shall be defined as all time worked in excess of **forty hours per the normal work week or if applicable, eighty hours during a two-week pay cycle.** ~~for all employees.~~ Department Heads must make every reasonable effort to control the use of overtime and to prevent the indiscriminate use thereof. **With the exception of an emergency situation, employees must have approval prior to working any overtime.** ~~The Finance Department shall not pay for unauthorized or unbudgeted overtime.~~
- B. Reporting Scheduled and Emergency Overtime: In order to provide for uniform procedures concerning overtime, all overtime (that which is anticipated and planned for); and emergency overtime (that which is not anticipated nor planned for). ~~All overtime~~ shall be reported as either scheduled or emergency overtime ~~and it shall be listed separately.~~ These requests for scheduled and emergency overtime shall be included with the time cards with a copy forwarded to the Human Resources Department. The Finance Director and the Human Resources Director shall review the overtime lists (both scheduled and emergency) and recommend payment or non- payment. Additional information should be requested from the Department Head where necessary or required for proper substantiation.
- C. Employee Remuneration: Overtime shall be paid at the rate of time and one-half the **regular** ~~normal~~ rate of pay for all hours worked in excess of 40 hours per week **(or if applicable, eighty hours during a two-week pay cycle)** or

compensatory time off ~~may~~ **shall** be granted to non-~~exempt~~ **salaried** employees **in lieu of the overtime payment.** ~~, at one and one-half of the hours worked in excess of 40 hours per week, as determined in the best interest of the City.~~ “Hours worked” is defined as “actual hours the employee worked” and does not include paid time off such as sick, vacation, personal, preference holiday, observed holidays, etc.” Compensatory time shall not be taken unless authorized or approved as prescribed in Administrative Orders of the City Manager.

4.14 Unemployment Compensation. Employees of the City of Portage **are covered under** ~~will be afforded unemployment insurance in accordance with~~ the Michigan Employment Security Commission Act. **Following layoffs or termination of employment, unemployment insurance claims may be filed with the State of Michigan.** ~~The City will follow the available option resulting in the least cost to the City which will provide minimum level of coverage under the Act.~~

V. RECRUITMENT AND EMPLOYMENT

5.1 Recruitment. All appointments shall be made according to merit to be ascertained insofar as possible and practicable by review of the academic or job qualifications of each individual applicant. In hiring new city employees, consideration will be given solely to the good of the public services, and ability to discharge the duties of the position. The city shall actively strive to recruit and hire the best qualified individual available for each opening or newly created position. Where desirable, examinations shall be administered by the city to aid in the selection process. It is the policy of the City of Portage to afford equal employment opportunity to all applicants pursuant to Section 5.07 Equal Opportunity ~~/Affirmative Action~~ listed below. Unsuccessful candidates qualified for employment with the city will have their applications maintained on file for a **minimum** period of ~~one~~ **two** years.

The city shall advertise in the local newspaper **and/or appropriate internet web site(s)** to afford residents of the community **and others** an opportunity ~~also to apply~~ **bid on** for available jobs, unless appointment can be made from a current pool of available applicants. All other factors being equal, applicants for employment who reside in the City of Portage shall be given preference over nonresidents.

5.2 Factors Determining Employment. In determining the successful candidate for any position, due consideration shall be given to such factors as education, training, experience, **work history**, aptitude, knowledge, character, skills, abilities, references, or any other factor which may enter into the determination of the qualification of the applicant. All or any part of the criteria listed above shall be considered in accordance with Section 5.07 Equal Opportunity ~~/Affirmative Action~~ policy of the city.

5.3 Procedure for Filling Vacancies. The City Manager shall determine which, if any, vacancies are to be filled, taking into account all relevant factors, including budget constraints should they exist. The City Manager may receive recommendations and assistance from the

Department Head involved **and**/or the Human Resources Director in the selection process or may delegate all or part of the selection process. All vacancies so determined shall be filled by the appointment of probationary or temporary employees.

5.4 Probationary Appointments.

- A. The probationary period shall begin immediately upon appointment and shall continue for a period of six consecutive months of work. The purpose of the probationary period is to provide an opportunity for the city to determine whether the probationary employee has the ability, work habits, and other attributes which will qualify **the probationary employee** ~~him~~ for regular employment status. An employee shall be retained beyond the end of the probationary period and granted regular **employment** status only if the services of the employee have been found to be satisfactory and approval of the City Manager is obtained. **Upon successful completion of the probationary period, the employee, if not at or above, will move to the job rate of the position.**
- B. Under certain circumstances, the probationary period of an employee may be extended only at the discretion of the City Manager and for a specified period of time after which Section A above shall apply.

5.5 Regular Positions. A regular position shall be one which is full-time and established in the existing budget, funded by the City of Portage and designed to be continuous in nature, and filled with a regular or probationary employee whose salary is provided for in the budget.

5.6 Persons Prohibited from Employment by the City. Any person who wishes to be considered for employment with the city shall be eligible for employment except as noted below:

- A. Any person in default to the city;
- B. Any person who is the spouse of, parent or brother, sister or child, or spouse thereof, of a City Officer as herein defined while such City Officer holds office; provided, however, that such prohibition shall not apply in cases where a person was a bona fide employee of the city at the time the officer assumes office, or the relationship came into being after the office was assumed. A City Officer, for purposes of this paragraph, is defined as the Mayor; ~~Councilman~~**Councilmember**; City Manager; Clerk; Treasurer; Assessor; Police Chief; the Heads of the several departments of the city; and members of city boards. **Based on the relationship to other city employees or positions, other restrictions may be added to the above as the City Manager determines to be in the best interest of the city.**

5.7 Equal Opportunity~~/Affirmative Action~~. The City of Portage is an Equal Opportunity employer. It is the policy of the city to afford equal employment opportunity regardless of race, religion, color, national origin, sex, age, marital status, height, weight, disability or handicap. It is the policy of the City of Portage to implement equal opportunity ~~on an affirmative basis~~ to all

qualified employees and applicants for employment and, positive action shall be taken to insure the fulfillment of this policy.

Michigan Law required that a handicapper/individual with a disability needing accommodations for employment notify the employer in writing, within 182 days after the need is known.

This obligation extends to 1) recruitment, 2) selection procedures (testing), 3) hiring, 4) placement, 5) promotion, 6) transfer, 7) demotion, 8) treatment during employment, 9) rates of pay and/or other fringe benefits, 10) selection for training, and 11) layoff or termination.

The objective of the City of Portage is to employ individuals qualified and/or trainable for job openings by virtue of job-related qualification standards of education, training and experience.

Responsibility for ensuring compliance with and continued implementation of the city's policy on equal employment opportunity ~~and affirmative action~~ rests with the City Manager or someone designated by him/~~her~~.

Discrimination on the part of any city employee in dealing with applicants for employment or other employees shall subject the employee to disciplinary measures, as determined by the City Manager.

5.8 Promotion Procedure. When an employee is promoted to a higher paying job classification ~~the employee~~ shall be on job probation in the new classification position for a period of six (6) months. During the job probation the employee may be removed therefrom at any time the employee demonstrates ~~the inability that he is unable~~ to satisfactorily perform the requirements of the job as determined by supervisory personnel. If the employee is not performing at an acceptable level, the Department Head may recommend removal to the City Manager, who shall make the final determination of the employee's job status. If removed from the higher paying job classification, the employee, at the discretion of the City Manager, may be returned to an open position at the level in the regular classification the employee occupied at the time prior to the promotion, if such a vacancy exists.

5.9 Temporary Assignment of Duties. Employees may be transferred from one job classification to another, at the discretion of the City Manager. Such transfers shall include, but not be limited to, accident, vacations, schools or training, or leaves of absence for the period of such absences. In ~~all~~ instances of temporary transfer for the convenience of the city, employees shall receive the rate of pay they would have received on their regular job assignment, **unless it is determined by the City Manager that a different rate is warranted due to an increase in responsibility or other factors.**

Employees temporarily transferred in accordance with the provisions of this rule shall not acquire any permanent title or right to the job to which they are temporarily transferred.

The rate of pay for temporary personnel shall not exceed the starting salary for a full-time employee in the same position unless conditions would otherwise warrant as determined by the City Manager.

5.10 Recognition of the Rights of Management. It is recognized that all rights to manage, direct, and supervise the operations and the employees are vested solely and exclusively in the employer.

VI. GENERAL PERSONNEL PROVISIONS

6.1 Hours of Work. The five-day, 40-hour week shall be the standard work week for employees unless otherwise provided. The City Manager, at **her**/his discretion, may establish hours of work for departments which differ from the standard work week for specified departments of the city, or for individual employees in order to meet special program needs, unusual, or emergency situations. Deviation from normal working hours for individual employees is not allowed, except as approved by the City Manager under procedures provided by the Administrative Orders of the City Manager.

6.2 Break Periods.

- A. Employees shall be entitled to two rest or break periods not to exceed fifteen (15) minutes in duration at or near the midpoint of the first half of their eight (8) hour shift and again at or near the midpoint of the second half of their eight (8) hour shift.
- B. If emergency or other special circumstances occur, employees may be requested by their supervisor to delay a break until the urgent or critical aspect of the job then being performed has been completed.
- C. Employees shall be given the opportunity to leave their desks and departments during breaks, but supervisors **and/or employees** must **e**nsure that phones and the office or work station itself are adequately staffed during such break periods.
- D. The break period for employees electing to leave their work station, building, or location shall be calculated from the time the work station is left and work has recommenced, all travel time inclusive.

6.3 Absences. The City of Portage provides essential public services to the citizens of our community. It must be ready to meet demands for service throughout each day, every day of the year. To fulfill this obligation, the city needs everyone on duty every day on which **the employee** is scheduled to work.

- A. Absence weakens the city's ability to furnish this essential public service. All employees **are expected to work on the days they are scheduled and arrive on time. Non-work related activities should be limited to breaks, lunches or scheduled personal time-off. Effective attendance is a critical job requirement. Failure to comply with this requirement will result in disciplinary action.**~~, therefore, should strive for perfect attendance by:~~

~~1. — Maintaining reasonable health standards and taking precautions against illness.~~

2. ~~Not allowing minor inconveniences to keep them away from the job.~~
3. ~~Making every effort to observe safety rules and practices on and off the job.~~
4. ~~Taking care of personal affairs outside of working hours.~~
5. ~~Every employee is expected to work regularly and punctually. Effective attendance is a most critical job requirement. Failure to comply with this requirement will result in disciplinary action.~~

Reasonable accommodation in meeting the above criteria will be recognized for individuals covered by the Americans ~~With~~**with** Disabilities Act.

- B. No employee may **leave or be intentionally** absent **from a job or work assignment** ~~himself from a job or work assignment~~ without giving prior notification to his/**her** supervisor. Such unauthorized absences include, but are not limited to: failure to start work at the designated time, **failure to return non-**~~return~~ from break, **failure to return non-**~~return~~ from lunch, quitting work before the proper time or leaving work during working hours without the permission of the employee's supervisor. An employee who is absent from duty without approval shall receive no pay for the duration of the absence, and unless there is a legitimate reason for such absence, shall be subject to disciplinary action which may include suspension and/or dismissal according to Section 9.~~201~~ and 9.~~302~~ of these rules. In any absence due to illness contracted while off duty, the employee shall follow the call in procedure specified in Section 7.~~03~~ Sick Leave. All other absences are provided for in specific sections of these rules.
- C. **If an employee must be away from work for an extended period of time for medical or personal reasons, for military service, or for the purposes covered by the Family Medical Leave Act (FMLA) or the Americans with Disabilities Act (ADA), an employee may request a leave of absence. The length of approved leave of absence depends on the circumstances and the specific policy/policies being applied. Employees are encouraged to contact the Human Resources Department for additional information regarding any leave of absence.**

6.4 Performance Evaluations. All employees shall meet existing basic standards of performance in their work.

- A. An employee will be evaluated in relation to quantity and quality of work, dependability, work habits, initiative, judgment and other factors as may be determined by the City Manager to be valuable in measuring the value of the employee to the city.
- B. An employee shall be evaluated by his/**her** supervisor at the midpoint and end of **her**/~~his~~ probationary period in an effort to ascertain if he/**she** has acquired or refined existing skills to a level which would allow the employee to function

effectively as a regular employee in that job classification. Thereafter, written performance evaluations shall be completed **bi-annually** ~~quarterly~~ for all employees, but may be done more frequently at the option of the supervisor **or as required by the City Manager**.

- C. Upon completion of an evaluation the supervisor shall review the same in a personal interview with the employee. If the evaluation was below average, written recommendations for performance improvements should be given to the employee during the interview.
- D. Both the supervisor and the employee shall sign the evaluation form with the original form forwarded to the Human Resources Department to be placed in the employee's personnel file. If the employee wishes to have the performance report reviewed, such review shall be conducted by the Department Head jointly with the immediate supervisor.
- E. Informal performance evaluation should involve an on-going continuous communication process between the employee and **her**/his supervisor. Frequent talks should be held in addition to the formal process so that the supervisor and the employee may work cooperatively to understand, evaluate, and improve individual performance.

6.5 Use of Performance Evaluations. Past performance evaluations shall be given consideration in making promotions, granting merit pay increases, determining layoff sequence and demotions, in taking disciplinary actions including discharge and in granting step increases.

6.6 Physical Examinations. The city reserves the right to require physical examinations after a contingent job offer, taking into account the essential functions of each position. The city also reserves the right to require employment related drug/substance abuse testing.

~~**6.7 Residency Requirements.** Department Heads and other appointive officials as defined in Section 3-1 (b), Chapter 3 of the City Charter shall be, and remain registered electors of the City, except that this requirement may be waived by the City Council through provisional appointments of persons for a period not to exceed nine months, during which time the person shall become a registered elector of the City and cease to be provisional. Other employees are encouraged to maintain residence in the City.~~

~~**6.7**~~ **Outside Employment.** In the event an employee desires to work for another employer, **the employee** ~~he~~ must notify ~~the~~**his** Department Head in writing subject to the review of the City Manager. Should the outside position conflict in any way with the City of Portage work requirements, ~~or~~ adversely affects the employee's attendance or capability to perform assigned duties, **or reflect poorly upon the city, the employee** ~~he~~ shall be notified by ~~the~~**his** Department Head to immediately terminate ~~his~~ employment with either the other employer or the City of Portage.

6.89 Public Contact. All employees shall endeavor to make all forms of contact with Portage citizens and the public as pleasant, courteous and helpful as possible. All citizens should be

treated with honesty, tact, courtesy and parity. Procedure for complying with this provision shall be defined in the Administrative Orders of the City Manager. Violations shall be handled in accordance with the disciplinary provisions of Section 9.01 of these rules.

VII. FRINGE BENEFITS

7.1 Holidays. The following days shall be recognized as holidays during which only emergency **or essential services** work will be performed:

½ Day New Year's Eve Day	Labor Day
New Year's Day	Thanksgiving
½ Day Good Friday Afternoon	Day after Thanksgiving
Memorial Day	½ Day Christmas Eve Day
Independence Day	Christmas Day

- A. When a holiday falls on Saturday the preceding Friday shall be an authorized holiday. When a holiday falls on Sunday the following Monday shall be an authorized holiday. **The Christmas Eve Day and New Year's Eve Day ½ day holidays can be reassigned as deemed appropriate by the City Manager.**
- B. To be eligible for holiday pay, an employee must be a regular full-time employee when the holiday occurs, and must have worked all of **her**/his scheduled hours on the day before and the day after such holiday, unless the employee's absence on such days is due to the employee being on an approved compensable absence as otherwise provided for in these rules.
- C. One day's holiday pay for regular full-time employees shall equal eight (8) hours pay at an employee's straight-time hourly rate. When an employee is required to work on a holiday as listed above, **the employee** shall be paid **his**-straight-time hourly rate for the hours so worked in addition to the eight (8) hours' holiday pay.
Where applicable, overtime provisions contained herein shall apply.
- D. Full-time, non-union employees will receive 24 hours of preference holiday time each fiscal year. Preference holiday hours are not eligible for carryover into future years. Preference holiday balances will be paid upon termination or resignation. Use of preference holiday hours shall be scheduled in accordance with Administrative Orders.
- E. In the event City Council shall approve an alternate holiday schedule for staff assigned to any department, such schedule shall supersede the provisions contained herein.

7.2 Vacation Leave. Employees who have completed six (6) ~~or more~~ months of continuous employment with the city since their last hiring date shall be entitled to paid vacation in accordance with the following policy.

- A. Upon successful completion of probation and six (6) months of continuous service the employee shall be credited with 40 hours of paid vacation.
- B. Following successful completion of probation and six (6) months of employment, each employee shall be credited monthly with the fractional equivalent of vacation at the rate of 80 hours per year.
- C. Upon completion of five (5) years of continuous service the employee shall begin to be credited monthly with the fractional equivalent of vacation at the rate of 120 hours per year.
- D. Upon completion of fourteen (14) years of continuous service the employee shall begin to be credited monthly with the fractional equivalent of 160 hours per year.
- E. All employees are encouraged to take annual vacation leave during each calendar year in increments of at least 40 hours. All vacations should be requested as far in advance as possible so that scheduling may be arranged. Seniority shall be a factor in determining priority when conflicts of vacation requests occur.
- F. Vacation time may be accumulative to a maximum of one and one-half (1-1/2) times an employee's annual accrual of said vacation leave. **Employees must monitor the amount of accrued vacation in order to avoid reaching the maximum accumulation level. Once the vacation maximum is reached additional vacation accruals will not occur until vacation is taken by the employee and the vacation accrual balance is less than the maximum.** ~~The Finance Director shall notify employees and their Department Head when the employee approaches this maximum accumulation total. Such notification shall be made prior to action taken to correct an over accumulation situation.~~ Requests for additional accumulations must be approved by the Department Head and City Manager, a written record of which shall be maintained in the employee's ~~permanent~~ personnel file. No vacation pay will be paid in lieu of vacations except in cases of extraordinary circumstances, as determined by the City Manager.
- G. If an employee who has completed six (6) months of employment resigns in good standing, retires, or is discharged from employment, such employee shall be paid for all unused vacation time credited as of his/**her** termination date. For an employee who dies after completing six (6) months of employment, **her**/his designated beneficiary shall be paid for all unused vacation time accrued. If an employee fails to render the two-week notification, he/**she** shall be deemed not to have resigned in good standing and thus **she**/he may not be entitled to any portion of **accrued** vacation pay ~~otherwise accumulated~~. **Any amounts owed to the city will be deducted from the last pay check.**
- H. Requests for vacation will be approved or disapproved as determined by the operational needs of the Department and of the city so that services normally provided to citizens are not reduced.

- I. Paid vacation will not be approved for an employee for hours in excess of the employee's accumulation at the date of his/**her** first day of scheduled vacation.

7.3 Personal Time. Full-time non-union employees with 0-4 years of full-time employment will receive 16 hours of personal time each fiscal year. Full-time non-union employees with 5+ years of full-time employment will receive 40 hours of personal time each fiscal year. Personnel obtaining the 5-year anniversary threshold during the fiscal year will become eligible for three additional personal days on the date of their anniversary. Personal hours are not eligible for carryover into the next fiscal years. Personal time balances will be paid upon termination or resignation. Use of personal time shall be scheduled in accordance with Administrative Orders.

7.4 Sick Leave. Full-Time Non-Union employees hired prior to July 1, 2011, shall accumulate sick time with a maximum accumulation of ~~one hundred seventy-five (175) days (or 1400 hours, whichever is the lesser amount)~~. Full-time Non-Union employees hired on or after July 1, 2011 shall accumulate sick time with a maximum accumulation of ~~one hundred twenty-five days (or 1000 hours, whichever is the lesser amount)~~. Each Department Head is responsible to see that this policy is administered equally, fairly and firmly to each employee in **her/his** Department in accordance with the following policy:

- A. Upon ~~the successful completion of probation and~~ completion of **90 days of employment** ~~six (6) months of continuous employment~~, employees will be credited with 24 hours of sick leave and will earn one day (8 hours) per month thereafter.
- B. In order to qualify for sick leave payments, the employee must notify his/**her** supervisor **prior to the beginning of the shift but** not later than one-half hour (1/2) after ~~the~~**his** normal starting time on the first day of absence, unless the circumstances surrounding the absence make such reporting impossible, in which event such report must be made as soon thereafter as is possible. **Such notification must continue for each successive day of absence unless the need for the absence has been previously communicated.** Department Heads must notify the City Manager of the absence as provided in the Administrative Orders of the City Manager.
- C. Qualified employees shall be eligible for paid sick leave from (and to the extent of) their unused accumulated paid sick leave in the following situations:
 1. When an employee's absence from work is due to his/**her** non-duty incurred illness or injury provided such illness or injury was not attributed to the intemperate use of alcoholic beverages or other controlled substances not used in accordance with duly authorized prescription from **her/his** physician. **This does not apply to time missed due to the treatment of substance abuse.**
 2. When an employee's absence from work is necessitated because of his/**her** illness or injury arising out of or in the course of his/her employment by

the city which is compensable under the Michigan Worker's Compensation Act, the employer will pay such employee the net difference (taking into account the fact that worker's compensation payments are not subject to federal income, state income nor social security taxes) between what the employee receives in compensation under such Act and what he/she would have received for the time necessarily lost from his/her regularly scheduled days due to such illness or injury for a period of not to exceed twenty-six (26) weeks in any twelve (12) consecutive months. Supplement payments will not exceed a total of twenty- six weeks for a single injury. When an employee is no longer eligible for the payment from the Employer referred to above, thereafter he/she shall be entitled to utilize his/her accumulated unused paid sick leave credits to make up the difference between the amount of daily benefits to which he/she is entitled under such Act and the amount of daily pay he/she would have received for the days on which necessary absence occurred.

3. When an employee's absence from work is necessitated because of a doctor or dental appointment, sick leave **or other accrued leave is to** ~~may~~ be used if prior written approval is granted by the employee's Department Head. ~~Sick leave will not be granted for routine doctor or dental appointments for members of the employee's family.~~
 4. ~~Emergency Absences.~~ **When a personal emergency arises, the** ~~Employee~~ shall be released immediately. If loss of life, critical illness or critical injury requiring hospitalization for a member of the employee's immediate family is involved, sick time or leave of absence may be authorized if requested by the employee. Sick leave shall not apply to dependent illnesses or injuries such as mumps, chicken pox, influenza, hepatitis, mononucleosis, broken bones, dental care or any related illness or injury which does not require immediate emergency hospitalization, nor shall it apply to outpatient visits to doctor's offices or clinics for diagnosis or treatment not requiring hospitalization. Upon return to work, **the** employee **will request sick leave in the electronic timekeeping system. The employee's supervisor may enter the time on behalf of the employee if the employee's time is not entered before the completion of the payroll cycle. Department Heads are responsible for verifying that the time entered is accurate and any comments required have been entered.** ~~may submit an employee absence request form in duplicate to the City Manager requesting approval. The Department Head's recommendation shall be shown thereon.~~
- D. An employee's sick leave payment shall not exceed **her**/his accumulated sick leave earned.

- E. Holidays occurring during an employee's illness shall not be considered deductible from the employee's sick leave accumulation.
- F. A statement showing all accumulated sick leave shall be reported to each individual employee on **each** ~~his~~-biweekly pay checks.
- G. Sick leave shall not be considered leave time which ~~an employee~~ may **be used** at ~~his~~ **the discretion of the employee** for personal business, but shall be allowed only for the above-described purposes. The employer may require medical proof of the necessity for paid sick leave, in which event the involved employee shall be required to produce a statement from a medical doctor certifying to the necessity for such absence. If an employee is found to have abused the sick leave policy provision, ~~he~~**she** shall be subject to disciplinary action including possible suspension or dismissal.
- H. ~~Non~~**Full-Time** non-Union/Department Heads/Deputy City Manager or their beneficiaries shall be eligible to receive a sick leave accumulation benefit at the time he/she ceases to be an employee of the City of Portage, in accordance with the following schedule:
 - 1. Upon death or retirement of the Non-Union/Department Head/Deputy City Manager, the employee or his/her beneficiaries shall be paid for 50% of the employee's accumulated sick leave time.
 - 2. Non-Union/Department Heads/Deputy City Manager who have been continuously employed by the City of Portage for 10 years or more from the date of hire shall be eligible to receive a sick leave accumulation benefit of 50% of the employee's unused accumulated sick leave time upon resignation/**termination**. ~~in good standing, subject to a performance rating commendable or better on the most recent performance evaluation.~~

7.5 Leave with Pay. Leave with pay may be granted, upon the approval of the City Manager, to an employee in the following instances:

- A. Court Leave – Leave with pay may be granted to an employee in order that he may serve required jury duty or if he is required by law to appear in a case resulting directly from the discharge of **her**/his duties as a city employee. In such cases all witness or jury fees shall be signed over to the city.
- B. Funeral Leave – Leave with pay shall be granted up to 3 days to a full-time employee due to a death in his/**her** immediate family. Immediate family shall be defined as current spouse, father, mother, mother-in-law, father-in-law, step-father, step- mother, step-children, grandparents, grandchild, child, brother-in-law, sister-in-law, brother and sister. To be eligible for such pay the employee must attend the funeral **or services**. Additional days of absence may be allowed at the discretion of the City Manager.

- C. Military Reserve Leave – Leave may be granted to regular employees who are members in good standing of a unit of the United States Armed Forces Reserves in order that they may attend reserve duty. Such leave shall not be authorized as vacation or sick leave and shall in no case exceed 18 consecutive calendar days in any one calendar year. The city will supplement military reserve compensation up to the employee's normal scheduled compensation had **the employee** ~~he~~ worked this period. Overtime compensation shall not be included as part of the scheduled work period. This provision shall be exercised only if the employee produces official evidence of compensation earned from the reserve unit within one week of his/**her** return to work for the city and upon approval of the City Manager.
- D. Leave with pay may be granted for other good and sufficient reasons which are considered to be in the best interest of the city by the City Manager, but only in the event of extraordinary circumstances.

7.6 Leave Without Pay. **When the appropriate type of accrued leave time is not available** leave without pay may be granted, upon the approval of the City Manager, if requested in writing by the employee. An employee on leave without pay shall not accrue sick leave or vacation benefits, and the employee will be required to pay group health and life insurance premiums in total, unless this leave is covered by the Family and Medical Leave Act, if ~~he~~ **the employee** wishes such coverage to be continued. Failure of an employee to report promptly at the expiration of such leave of absence shall be considered as a resignation. In the following instances leave without pay may be granted:

- A. Personal Leave – A leave without pay may be granted at the discretion of the City Manager for personal reasons for a period not to exceed thirty (30) days without loss of seniority, if ~~he~~ **the employee** can be spared. This may be extended only with the written approval of the City Manager and must be submitted in writing a minimum of two weeks prior to the requested date.
- B. Extended Illness or Accident Leave – A leave without pay may be granted to a regular employee for a period not to exceed one (1) year without loss of seniority when such employee is physically unable to report for work because of illness or accident. Maternity leave shall be treated equally in accordance with other physical disabilities described in this section. To be eligible for such leave, the employee must promptly notify **Human Resources** ~~his supervisor~~ of the necessity therefore, and ~~he~~ must supply a certification from a qualified physician of the necessity for such absence and/or the continuance of such absence, when requested by **Human Resources.** ~~his supervisor.~~
- C. During Probation – Leave without pay during the probationary period **exceeding one week in length** shall not be counted as part of the **probationary** ~~at~~ period, but the employee to whom such leave has been granted shall be allowed to complete **the** ~~his~~ probationary period **once** ~~he~~ returned from leave.

- D. Other – Leave without pay may be granted for other good and sufficient reasons which are considered to be in the best interest of the city by the City Manager.

7.7 Training. The City Manager shall encourage Department Heads to provide employees with opportunities for training, which need not be limited to training for specific jobs, but may include training for advancement and for general fitness for public service. ~~Employee~~
~~p~~**P**articipation in training programs shall be on a voluntary basis unless such training is required for the employee to perform his/~~her~~ assigned duties.

- A. Employees having supervisory responsibility may:
1. Recommend individual and collective training needs of employees under his/her supervision.
 2. Stimulate and encourage each employee to work toward greater job effectiveness through self-education, self-improvement, and self-training.
 3. Arrange in-service and other training programs that will contribute to the more effective utilization of department resources, on a time-available basis.
 4. Identify, and participate in the development of those employees who show the greatest potential for positions of supervisory and managerial responsibility.
- B. Each Department Head shall be responsible for recognizing the training needs of his/her department, and shall aid in the training of employees under his/her supervision.
- C. The City Manager has established an employee educational assistance program which reimburses the employee's tuition, based on the grade received for higher education.

7.8 Health & Dental Insurance. All full-time non-union employees shall be eligible to participate in a city-~~sponsored~~~~paid~~ group health and dental insurance plan provided by an insurance carrier who is selected by the city and who is authorized to transact business in the State of Michigan, subject to the terms and conditions of the ~~plan~~~~carrier~~.

7.9 Long Term Disability Insurance. All full-time non-union employees shall be eligible to participate in a city-paid group long term disability insurance plan provided by an insurance carrier who is selected by the city and who is authorized to transact business in the State of Michigan, subject to the terms and conditions of the ~~plan~~~~carrier~~.

7.10 Life Insurance. All full-time non-union employees shall be provided with a non-contributory and optional contributory group term life insurance policy provided by an insurance carrier who is selected by the city and who is authorized to transact business in the State of Michigan, subject to the terms and conditions of the ~~plan~~~~carrier~~.

7.11 Pension Plan. ~~All full-time non-union~~ employees ~~are shall become~~ eligible to participate and receive benefits from the city-**sponsored defined contribution**~~paid~~ retirement program authorized by the City Council after meeting the following requirements:

- A. The employees shall be a full-time non-union employee and shall be continuously employed by the city.
- B. All terms and conditions of the authorized program shall be in conformance with the terms and conditions of the master contract approved by the City of Portage.

7.12 Department Head Retirees. For Department Heads appointed prior to July 1, 2007 retiring from the city-~~under the pension program~~, the city shall provide group health insurance benefits in accordance with the following schedule:

100% Coverage	at age 55	with 15 years of service
95%	54	14
90%	53	13
85%	52	12
80%	51	11
75%	50	10

Provisions of the Department Head retiree health benefit include the following:

- A. The health insurance benefit is single coverage provided under the city group health insurance plan(s). The city will pay the percentage of premium for single health insurance coverage as outlined above. The retiree is responsible for the remainder of the premium.
- B. Spouses may remain in the city group health insurance plan if the retiree pays the additional premium.
- C. The retiree and spouse, if covered, must be enrolled in Medicare parts A and B when eligible. Health insurance coverage at that point is supplemental to Medicare.
- D. Surviving spouse coverage is available upon the death of the retiree. The city will pay 50% of the premium for single coverage with the individual responsible for the balance of the remaining premium. The surviving spouse will no longer be eligible for the retiree health benefit should he/she remarry.
- E. Failure by the retiree and/or spouse to pay their portion of the premium by the due date will be cause for termination of health insurance and forfeiture of the retiree health benefit.
- F. Retiree health insurance coverage provisions and insurers are subject to change by the city.

7.13 Non-Union Retirees. For full time, Non-union employees appointed prior to July 1, 2006 retiring from the city at age 55 with at least 15 years of continuous service, the city will provide single person health insurance coverage until the first of the month in which the retiree turns age 65.

Provisions of this benefit include the following:

- A. The health insurance benefit is single coverage provided under the city group health insurance plan(s). The city contribution will be the same as an active non-union employee. The retiree is responsible for the remainder of the premium.
- B. Spouses may remain in the city group health insurance plan while the retiree is in the group if the retiree pays the additional premium. There is no provision for surviving spouse group coverage.
- C. The retiree and spouse, if covered, must enroll in Medicare parts A and B when eligible. Health insurance coverage at that point is supplemental to Medicare.
- D. Failure by the retiree and/or spouse to pay their portion of the premium by the due date will be cause for termination of health insurance and forfeiture of the retiree health benefit.
- E. Retiree health insurance coverage provisions and insurers are subject to change by the city.

Retiree health benefits for non-union employees appointed to Department Head positions subsequent to July 1, 2006 shall be maintained in accordance with provisions outlined in Section 7.13.

7.14 Retiree Health Insurance Opt Out. Department Head and ~~n~~Non-union retirees eligible for the retiree health insurance benefit as outlined in 7.12 and 7.13 above may elect to “opt out” of city provided retiree health insurance coverage in exchange for an opt-out bonus at the same percentage level determined for active personnel. Documentation must be provided as proof of alternative group health insurance coverage, **a Medicare supplement or Medicare advantage plan** and ~~the~~ alternative ~~group~~ health insurance coverage must be maintained by the retiree to be eligible for retiree group health insurance opt-out benefit. Guidelines outlined in the health insurance plan document provide guidance in regard to eligibility of entry and re-entry into the health insurance plan.

7.15 Retiree Health Savings Plan. For Department Head and Non-union employees hired on or after July 1, 2006, the city shall provide a Retiree Health Savings Plan (RHS) benefit as opposed to a retiree health benefit as outlined in 7.12 and 7.13. Assets accumulated in the employee RHS account will be available for the payment of retiree health ~~costs~~ ~~insurance~~ ~~premiums~~ upon retirement from active employment with the city with combined age/years of service of 70 years.

- A. Department Head and Non-Union employees will be vested in the RHS plan upon completion of five (5) years of full-time employment.

- B. The city will contribute 3% of the employee's regular base salary into the employee's RHS account.
- C. For vested employees leaving the city prior to 70 years of combined age/years of service, assets will remain in the RHS account until the employee reaches age 62, at which time the assets may be utilized for payment of health insurance premium expense.
- D. Employees must retire from active employment with the city with a combined age/years of service of 70 years to be eligible to remain/participate in the city group health insurance plan (maximum length of group coverage for Non-Union personnel is until age 65 and lifetime for department head personnel or until their funds are depleted in the RHS Plan, whichever comes first).
- E. A spouse may remain in the group as long as the retiree is covered in the group plan.
- F. There is no provision for surviving spouse group coverage.

VIII. LAYOFFS

8.1 Layoffs. Whenever there is a lack of funds or work requiring reductions in the number of employees in a department or division of the city government, the required reduction shall be made in such classifications as the City Manager may designate and in the order determined by the City Manager.

8.2 Order of Layoff. Whenever possible, temporary, seasonal, part-time and probationary employees shall be laid off first, provided that regular full-time employees are available and have the present qualifications and ability to perform the work of the laid-off employees. In cases where two or more employees represent equal abilities as determined by the City Manager, necessary layoffs of regular full-time employees shall be made beginning with the employee employed by the city for the shortest period of uninterrupted service. In all cases, departmental needs of the city shall be the final determining factor in designating layoffs.

8.3 Termination. Layoffs shall be converted to terminations ~~after~~ ~~within~~ 12 months, after which personnel laid off shall go through established personnel hiring procedures to re-enter employment with the city.

IX. DISCIPLINARY ACTIONS

9.1 At Will Employment. Employment with the city is at the will of the city and the employee. Employment with the city may end, with or without cause. The guidelines and rules established in 9.2 will normally be followed and are patterns of behavior employees are expected to follow.

9.2 Suspension. When, in the judgment of a Department Head of the city, an employee's work performance or conduct justifies disciplinary action short of dismissal **and where other lesser forms of corrective action are not appropriate or have not been successful, the Department Head** ~~he~~ may suspend the employee without pay provided that all suspensions ~~in excess~~ of three (3) days **or longer** are given prior approval by the City Manager. All suspensions for the violation of city policy and proceedings must be in writing. An employee ~~is~~ ~~may be~~ subject to reprimand, disciplinary layoff without pay, or discharge for reasons including, but not limited to the following:

- A. Falsification, misstatement, exaggeration, or concealment of material fact in connection with employment, promotion, any record investigation, or other proper proceeding.
- B. Disrespectful conduct, use of insulting, abusive or obscene language to or about other personnel or the public while on the job.
- C. Gambling or unlawful betting on city property.
- D. Reporting for duty or being on duty while **in possession of or** under the influence of **federally illegal drugs**, intoxicants or controlled substances which are not taken under the supervision of a qualified physician.
- E. Failure to start work at the designated time, quitting work before the proper time, or leaving work during working hours without permission of the appropriate supervisor.
- F. Failure to observe precautions for personal safety, posted rules, signs, safety instructions, or to use protective clothing or equipment.
- G. Unexcused or unauthorized absences on one or more scheduled days of work or failure to report for work without giving advance notice unless such advance notice was impossible to render.
- H. Deliberate discrimination against an employee or applicant because of race, color, religion, sex, national origin, ~~handicap, or~~ disability, **or other protected characteristic** not related to job performance, or any reprisal action against an employee or applicant based on **protected activity relating to** the above criteria.
- I. Insubordination, deliberate refusal to carry out any proper order from any supervisor having responsibility for the work in which an employee is currently engaged.
- J. Cheating or contributing to poor condition of city equipment or property.
- K. Vending, soliciting, or collecting contributions **during work time** ~~on employer's time~~ without authorization of the City Manager.
- L. Posting, removing or defacing any matter on the employer's bulletin boards without authorization from the employer.

- M. Permitting any unauthorized person to enter or ride in a city vehicle without express authorization from the employer unless such action is taken in the interest of health and safety of the citizens.
- N. Failure to report a personal injury accident in the performance of job duties.
- O. Failure or unnecessary delay in carrying out orders, work assignments, or instructions.
- P. Unauthorized possession of, loss of, or damage to city **or a coworker's** property or endangering same through carelessness.
- Q. Disorderly conduct, fighting, threatening or attempting to inflict bodily injury to another, engaging in horseplay, resisting competent authority, triggering false alarms of fire or emergency preparedness systems.
- R. Conviction of a felony while an employee of the city.
- S. Abusive, threatening or coercive treatment of another employee while on the job.
- T. Immoral or indecent conduct **during working time or outside of working time which reflects negatively on the city.**
- U. Making ~~irresponsible~~ statements which are slanderous or substantially misrepresent the position of the city or officials.
- V. Sleeping during working hours.
- W. Excessive, unexcused tardiness after verbal reprimands have not corrected employee behavior.
- X. Any other offenses of equal magnitude to the above.

9.32 Dismissal or Demotion. An employee may be dismissed or demoted when, in the judgment of the City Manager, the employee's work ~~or~~ misconduct **or other circumstances** so warrants. Before such action is taken, ~~a written account of~~ the circumstances involved **will be investigated and the employee will be given the opportunity to provide his/her account of the situation. In addition, the employee will be informed of** the effective date of the action, and the rationale behind it ~~shall be given to the employee~~. The employee shall be afforded an opportunity to present **her**/his side of the story. A copy will be placed in the employee's permanent personnel file along with an explanation of the employee's evidence.

- A. The City Manager may demote an employee (to move the employee to a position with a lower starting salary) in the following instances:
 - 1. In lieu of layoff when a position is to be abolished.
 - 2. In lieu of dismissal when an employee is not performing satisfactorily or when he/**she** is not ~~physically or mentally~~ **otherwise** qualified to perform the duties of the position.

3. When an employee fails to perform satisfactorily during the probationary period following promotion.
 4. When an employee requests assignment of work of less difficulty and responsibility.
- B. **Reasons for an**~~An~~ employee ~~may be dismissed~~ **include but are not limited to the following as determined appropriate by the City Manager.** ~~if, in the opinion of the City Manager, the offense warrants such action. An employee may be dismissed in the following instances:~~
1. An especially gross example of a violation listed in 9.201 of these rules.
 2. Habitual violations of 9.021 of these rules.
 3. Progressive corrections have ~~had little or~~ **not had the intended** effect in correcting an employee's weaknesses or delinquencies in the performance of his/**her** assigned duty tasks.
 4. Other flagrant rule violations, employee misconduct or unsatisfactory job performance that necessitates such action.
 5. ~~No employee shall be disciplined, reprimanded, demoted, otherwise reduced in rank or compensation, or denied continued employment without just cause, as determined by the City Manager.~~

X. RESIGNATION AND RETIREMENT

10.1 Resignation. Any employee resigning from the city service shall file a written resignation with **her**/his Department Head or the City Manager. The resigning employee shall state the date the resignation is to become effective and the reason for leaving. Such resignation shall be submitted at least 14 days prior to its effective date. Failure to comply with this provision, absent of special circumstances, may be cause for not granting future employment with the city and may generate an adverse recommendation by the city to prospective employers of the resigning employee at the discretion of the City Manager. Department Heads shall give at least one month's written resignation notice to resign in good standing unless waived by the City Manager. Vacation time shall not be considered part of the notification period. ~~Failure to render at least two weeks' notice may result in disposition of accumulated vacation in accordance with Section 7.02 G of these rules.~~

10.2 Retirement. ~~Normal retirement age is 62; however, employees may upon written approval of the City Manager, retire earlier or later, subject to provisions of the retirement system of the City. Heads of the different departments of the City may retire at the age and after the years of credited service as defined in the City pension plan.~~

XI. MISCELLANEOUS

11.1 Prohibitions.

- A. No city employee shall willfully make any false statement, certification, mark, rating, or report in regard to any certification or appointment made under the personnel provisions of these rules, or in any manner commit, or attempt to commit, any fraud preventing the impartial execution of such personnel provisions.
- B. No city employee may seek nomination or election to any elective office of the city government, nor may any city employee use influence resulting from **her**/his job or position publicly in any way for or against any candidate for elective office in the city government.
- C. No city employee may solicit, or be required to make any assessment, subscription or contribution for any candidate seeking elective office in the city government.
- D. No employee or applicant for employment shall pay or cause to be paid any money, service or other valuable thing to any person for, on account of, or in connection with his/**her** test, appointment, proposed appointment, promotion or proposed promotion.
- E. No employee shall in any way use **her**/his position or influence resulting from employment with the city to directly or indirectly participate in the political decision-making process concerning the business of the city.

11.2 Departmental Rules. Department Heads are authorized and encouraged to frame and promulgate written departmental rules. Such rules shall be supplemental to the rules herein contained and shall not conflict with or supersede the Administrative Orders of the City Manager, the official Personnel Rules of the City of Portage, written labor agreements currently in effect, the United States Constitution, or Federal, State, or local laws to the contrary. Departmental rules shall be subject to the approval review, amendment, and revocation of the City Manager.

11.3 Employee Relations. It is the responsibility of employee supervisors of the city to see that all personnel rules, regulations, guidelines, administrative orders and policies are administered fairly and equitably among all employees.

11.4 Departmental Responsibility and Control. It shall be the responsibility of each Department Head to maintain control and discipline in his/**her** department. This responsibility involves dealing promptly with violations of these rules (Section 9.01), labor contracts, city ordinances, the City Charter, Administrative Orders of the City Manager, and State and Federal law by employees in **her**/his department. Each Department Head is also charged with enforcing and monitoring such matters as time worked, punctuality and length of break periods within his/**her** department. **Department Heads must promote a harassment free work environment**

for all employees and take prompt action to end any type of harassment or bullying behavior. When a violation occurs in **her**/his department, the Department Head is responsible for initiating appropriate disciplinary action.

11.5 Employee Grievances. The following is the procedure to be used by employees in resolving grievances:

- A. Employees with inquiries or grievances should address them orally to their immediate supervisor who will respond orally to their concern.
- B. If the problem has not been resolved, the employee shall reduce it to writing by summarizing circumstances, addressing the unresolved concern, and directing it to the Department Head. The Department Head will review the problem, meet with the employee, if necessary, and submit a written response to the concerned employee.
- C. If the problem remains unresolved, the employee should so indicate on his/**her** request for review by the City Manager. The employee should forward this request to the City Manager and attach copies of **her**/his written request to his/**her** Department Head (B above) and the Department Head's written response.

All personnel are encouraged to resolve problems within the confines of their department.

XII. SAFETY

12.1 Employer Responsibility. The City Administration, recognizing its need and responsibility for the safety of **city** ~~its~~-employees, considers accident prevention an important part of an efficient operation and service to our community. The city will maintain safe and healthful conditions and furnish employees with needed safeguards and personal protective equipment.

12.2 Supervisor Responsibility. Supervisors are the key link in the city's safety program. Supervisors have two important safety responsibilities--preventing employee injuries and preventing damage to city property and equipment. To meet these responsibilities, supervisors must:

- A. **Provide training to** ~~Instruct~~ employees on safe methods of operation in order to avoid accidents.
- B. Observe the operation of your employees to detect unsafe practices.
- C. Demonstrate for careless employees a safer and more effective way of performing work-related activities.
- D. Study each accident to determine its probable cause and ways to eliminate it.
- E. See that all accidents are promptly reported to the **appropriate** ~~proper~~ Department Head.

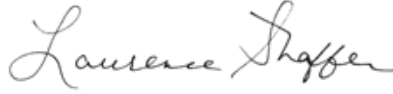
- F. Obtain medical aid for employees injured ~~at in~~ work **as needed and as appropriate based on the type and severity of the injury.** ~~by calling the Fire Department and/or such other appropriate assistance.~~ Promptly initiate a ~~Worker's Compensation~~ Report of Accident Form.
- G. Initiate corrective action to overcome unsafe practices and conditions.
- H. Conduct accident follow-ups to see that unsafe practices and conditions were corrected.
- I. Determine the extent of the total number of employees injured in a specified period. A supervisor's safety record is an important consideration in completing **her**/his performance evaluation.

12.3 Employee Responsibility. All employees shall be expected to follow all safety rules and regulations established by the city and their respective departments. All personal injury, vehicular and property damage accidents shall be immediately reported to the employee's supervisor according to administrative procedures established by the City Manager and the rules herein contained. Employees shall report any and all unsafe conditions to their immediate supervisor for evaluation.

12.4 Vehicle Safety. It shall be the responsibility of each Department Head to provide safety instruction and training as to the safest and correct operation of City of Portage vehicles or equipment. The Department Head shall keep detailed records concerning accidents or injuries incurred resulting from operation of city owned vehicles. The City Manager shall promulgate such Administrative Orders as ~~he~~ **deemed** necessary to insure the safe operation of City of Portage vehicles by all city personnel.

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Transfer of Real Property at 4290 Romence Road

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Adopt a resolution to accept the transfer of real property at 4290 Romence Road and authorize the City Manager to execute all documents related to the contract on behalf of the city.

The FY 2018-2019 Capital Improvement Program budget contains projects for installation of public utilities, which consist of water and sewer extensions on Romence Road, west of Angling Road. As part of the sanitary sewer extension project, Romence Road where the sanitary sewer will be installed will be reconstructed, with the remainder of Romence Road west of Angling Road being resurfaced. The existing storm water system on Romence Road will be evaluated and improvements added to the project as necessary.

On December 18, 2018, City Council awarded a contract to AR Engineering, LLC for the design and construction engineering services for the 2019 Utility Projects. During the design process, it was determined that to provide sanitary sewer and water to all buildable properties, and repave the cul-de-sac at the west end of Romence Road, acquisition of 4290 Romence Road would be required. The property is owned by the Michigan Department of Transportation (MDOT). The City Administration made the necessary inquiries to MDOT for the transfer of the property. MDOT technical staff have completed their engineering review and they are willing to convey property rights and interest of the excess property to the City of Portage, at no cost, as was done in 2010 with 4401 Romence Road on the west side of U.S. 131.

It is recommended that City Council adopt a resolution to accept the transfer of real property at 4290 Romence Road and authorize the City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: N/A

Attachments:

1. MDOT Resolution
2. Tract 1562 - Survey and Legal Description
3. Vicinity Map - Romence Road

CITY OF PORTAGE
Resolution for Property Transfer Acceptance

At a regular meeting of the Council of the City of Portage, Kalamazoo County, Michigan, held at the City Hall in said City on the _____ day of _____, 2019 at 7:00 p.m., local time.

PRESENT: Councilmembers _____

ABSENT: Councilmembers _____

The following resolution was offered by:

COUNCILMEMBER: _____ and supported by

COUNCILMEMBER: _____

RESOLVED, the City Council for the City of Portage, accepts the transfer of property from the Michigan Department of Transportation for Tract #1582, 4290 Romence Road.

BE IT FURTHER RESOLVED THAT, the City Council for the City of Portage stipulates that transfer of the described property above will be utilized as a transportation purpose in accordance with Act 51, Public Acts of 1951 as amended and does hereby authorize the City Manager to execute any and all documents on behalf of the city in furtherance of this acceptance of transfer of property.

BE IT FURTHER RESOLVED THAT, the above acceptance of said property is conditioned upon the City receiving a deed from the record owner of said property in a form approved by the City Attorney.

ADOPTED: YEAS:
NAYS:
ABSENT:

All resolutions and parts of resolutions insofar as they conflict with the foregoing resolution are hereby rescinded.

Adam Herringa, City Clerk

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified and acting City Clerk of the City of Portage, Kalamazoo County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of said City, held on the ____ day of _____, 2019 the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereto affixed my signature this ____ day of _____ 2019.

Adam Herringa, City Clerk

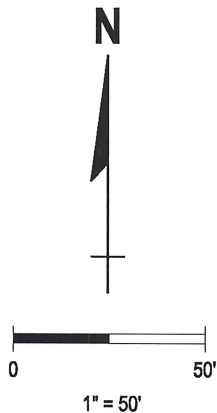
Approved as to form:
Date: 8/1/2019

City Attorney

CERTIFICATE OF SURVEY

THIS SURVEY WAS PERFORMED FOR A PROPERTY TRANSFER FOR M.D.O.T. R.O.W. EXCESS SALES. NO DIVISIONS OR SUBDIVISIONS WERE MADE, AND THE RESULTING PARCEL SHALL BE SUBJECT ANY CONDITIONS, EASEMENTS, RESTRICTIONS, AND RIGHT-OF-WAY, RECORDED AND UNRECORDED THEREOF.

GARNSEY, JAMES & MARILYN
#4280 ROMENCE ROAD
TIN#10-00007-250-O



FOUND 5/8" REBAR PIN 0.4' W
OF TRUE CORNER LOCATION

NORTHEAST CORNER
OF TRACT #1562
FALLS WITHIN GARAGE,
(NOT SET)

POINT STATIONING (US-131 LEGAL ALIGNMENT)

- 1. 375 + 88.03
- 2. 374 + 43.80
- 3. 375 + 45.25
- 4. 375 + 70.49
- 5. 374 + 71.91

A-05
SW. COR., SEC. 7
T. 03 S., R. 11 W.
KALAMAZOO COUNTY

1830.06'
S89°20'07"E
S. LINE OF SEC. 7

FOUND 5/8" REBAR PIN 0.4' W
OF TRUE CORNER LOCATION

US-131
EASTERLY RIGHT-OF-WAY LINE OF US-131
N10°20'56"E
101.45'

P.O.B.
PARENT PARCEL

S89°20'07"E
M = 149.60'
R = 150.00'

TRACT #1562
CS 39013
PARCEL C-127 - "PART A"
#4290 ROMENCE ROAD
TIN#10-00007-255-O
0.3639 ACRES
15854 SQ. FT.

R = 167.06'
M = 166.66'

N89°20'07"W
ROMENCE ROAD

P.O.B.
SELLING LEGAL
DESCRIPTION

ATTACHED GARAGE
HOUSE # 4280

100.00'
S00°40'04"W

N89°20'07"W
690.00'

P.O.C.

B-05
S. 1/4 COR., SEC. 7,
T. 03 S., R. 11 W.,
KALAMAZOO COUNTY

LEGEND:

- SET 5/8" IRON WITH CAP #45503 (UNLESS OTHERWISE NOTED)
- FOUND CONCRETE MONUMENT
- ⊙ FOUND CAPPED IRON #XXXXX
- ⊙ FOUND IRON PIN
- ⊙ FOUND IRON PIPE
- ⊗ SET PK/MAG NAIL
- ⊙ FOUND PLSS CORNER
- R. RECORD
- M. MEASURED
- C. CALCULATED
- P.O.C. POINT OF COMMENCING
- P.O.B. POINT OF BEGINNING

COORDINATES (MCS83)

POINT#	NORTHING	STD. DEV. N.	EASTING	STD. DEV. E.
1	263423.97	0.02	12778893.11	0.03
2	263433.90	0.03	12778036.52	0.02
3	263533.70	0.02	12778054.74	0.02
4	263531.97	0.03	12778204.33	0.02
5	263431.97	0.03	12778203.16	0.03



I, CORY SMITH, being a Surveyor Licensed in the State of Michigan, hereby certify that I have surveyed and mapped the above parcel of land, that the ratio of closure of latitudes and departures is 1:43701 and that I have complied with the regulations of P.A. 132 of 1970 as amended.

Cory W. Smith 06/05/2019
CORY SMITH, P.S. DATE
LICENSED PROFESSIONAL SURVEYOR
MICHIGAN LICENSE NO. 65724

FOR: MICHIGAN Department of Transportation

CS: 39013	JN: TRACT #1562
ROUTE: US-131	DATE: 05-28-2019
DRAWN BY: CS	SHEET 1 OF 2
CHECKED BY: ES	

PREPARED BY: MDOT SOUTHWEST REGION
DESIGN SURVEYS
6345 AMERICAN AVE.
PORTAGE, MI 49002

CERTIFICATE OF SURVEY

PARENT PARCEL LEGAL DESCRIPTION (MDOT ACQUISITION PARCEL C-127 OF C.S. 39013 AS RECORDED LIBER 785, PAGE 1218, KALAMAZOO COUNTY RECORDS)

The title in fee simple for limited access highway purposes, including all buildings, structures, trees and other improvements to: A strip of land 300 feet in width lying between a line 103 feet Easterly of and a line 197 feet Westerly of, both lines measured at right angles, and parallel to the survey line of Highway US-131 over and across the South 1/2 of the Southwest 1/4 of Section 7, T3S, R11W, Portage Township, Kalamazoo County, Michigan.

The title in fee simple for highway purposes, including all buildings, structures, trees and other improvements to: All that part of the South 1/2 of the Southwest 1/4 of said Section 7 described as: Beginning at a point on the South line of said Section 7, which is South 89 deg. 48' 21" West, 690.00 feet from the South 1/4 corner of said Section 7; thence continuing South 89 deg. 48' 21" West, 167.06 feet; thence North 09 deg. 29' 24" East, 101.45 feet; thence North 89 deg. 48' 21" East, 150.00 feet; thence South 00 deg. 11' 39" East, 100 feet to the point of beginning.

The area described in fee contains 9.5 acres, more or less, of which 0.3 acre is subject to an existing right-of-way easement.

The survey line of Highway US-131 is described as: Beginning at a point on the South line of said Section 7, which is South 89 deg. 48' 21" West, 961.55 feet from the South 1/4 corner of said Section 7; thence North 09 deg. 29' 24" East, 1500 feet to a point of ending.

SELLING DESCRIPTION - TRACT #1562 PART "A" (PART OF MDOT ACQUISITION PARCEL C-127 OF C.S. 39013, LIBER 785, PAGE 1218, KALAMAZOO COUNTY RECORDS)

Part of Southwest 1/4 of Section 7, Town 03 South, Range 11 West, City of Portage, Michigan, described as: Commencing at the South 1/4 corner of said Section; thence N89°20'07"W 690.00 feet along the South line of said Section to the Point of Beginning; thence continuing N89°20'07"W 166.66 feet along said South line to a point on the Easterly limited access right-of-way line (restricting all ingress and egress) of US-131; thence N10°20'56"E 101.45 feet along the Easterly limited access right-of-way line of US-131; thence S89°20'07"E 149.60 feet; thence S00°40'04"W 100.00 feet to the Point of Beginning. The lands described above contains 15854 square feet (0.3639 acres). Subject to conditions, easements, restrictions, and right of ways, recorded or unrecorded, thereof.

Datum: State Plane Coordinates, Michigan South Zone (2113), NAD83, International Feet.

Point of Commencement: N: 263455.14, E: 12776206.30 (South 1/4 corner of Section 7).

Average Combined Scale Factor: 0.999943461 (ground to grid).

NOTES:

- 1. Bearing are based on Grid North for Michigan Coordinate System, South Zone (2113). Please note that the bearing system for this survey is not relative to the bearings of the Parent Parcel description.
- 2. Legal Alignment is Survey as established based on Previous MDOT Project #116399 Survey
- 3. Alignment Stationing of the Easterly legal right-of-way of MDOT Route US-131 established from MDOT Project #116399 Survey plans C.S. 39013
- 4. Coordinate system is Michigan Coordinate System, South Zone (2113).
- 5. The measured distances shown on this survey and expressed in the Acquisition Parcel Description are Grid.
- 6. Average Combined Scale Factor for the project is 0.999943461.
- 7. Ground Distance = Grid Distance / Average Combined Scale Factor.
- 8. The coordinate system was established by GPS Observation, and is referenced to MDOT Primary Control Point station AJ5565/Kalamazoo.
- 9. Parcels are subject to any right-of-ways, easements, conditions, or restrictions recorded or un-recorded, if any.
- 10. The objective of this survey is to accurately define land intended for excess sale. It does not guarantee that the remaining land is free from encroachments, title conflicts or encumbrances.
- 11. This survey is based upon Warranty Deed recorded in Liber 785, Page 1218, Kalamazoo County Records.

REFERENCES:

- 1. Plat of Aston Farms No. 2 as record in Liber 40 of Plats, Page 50, Kalamazoo County Records

GOVERNMENT CORNER INFORMATION:

A-05; T3S, R11W

DESCRIPTION: Found Harrison monument in monument box.

N = 263455.14

E = 12776206.30

Witnesses:

- 1. N32°E 71.85' P.K. nail in west side of 36" Oak
- 2. N80°E 60.95' P.K. nail in Southwest side of Power Pole
- 3. S30°E 78.63' Nail and Tag in Southeast side of Power Pole
- 4. S48°W 38.12' P.K. Nail in North side 34" Oak

B-05; T3S, R11W (Point #1)

DESCRIPTION: Found 30" Kalamazoo County remonumentation monument in monument box

N = 263423.97

E = 12778893.11

WITNESSES:

- 1. N05°E 33.91' P.K. Nail in Westerly side of 38" Oak
- 2. N07°E 25.29' Center bolt on top of Hydrant
- 3. S70°E 21.85' Center of Sanitary Manhole
- 4. S20°E 40.95' P.K. Nail in West side of 18" Spruce



FOR:  Michigan Department of Transportation	
CS: 39013	JN: tract #1562
ROUTE: US-131	DATE: 05-28-2019
DRAWN BY: CS	SHEET
CHECKED BY: ES	2 OF 2
PREPARED BY: MDOT SOUTHWEST REGION DESIGN SURVEYS 6345 AMERICAN AVE. PORTAGE, MI 49002	



Legend

- 4401 Romence - City of Portage
- 4290 Romence - MDOT

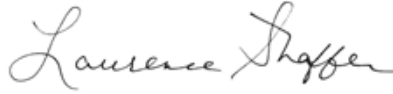
ROMENCE ROAD



1 inch = 125 feet

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Nonprofit Organization Recognition for Portage Northern Hockey Boosters

SUPPORTING PERSONNEL: Adam Herringa, City Clerk

ACTION RECOMMENDED: Adopt the Resolution for Charitable Gaming License recognizing Portage Northern Hockey Boosters as a nonprofit organization in the City of Portage.

Public Act 382 of 1972 requires that groups desirous of obtaining a gaming license from the State of Michigan secure a resolution from the local governing body recognizing the group as a nonprofit organization operating in the community. A gaming license permits a group to conduct raffles and raise funds in support of the organization for a period of one year.

A request was received from Portage Northern Hockey Boosters, Inc., to be recognized as a nonprofit organization operating in the community and be allowed to conduct raffles in 2019. The attached Resolution has been provided by the State of Michigan to recognize Portage Northern Hockey Boosters, Inc., as a nonprofit organization operating in the City of Portage. The purpose of the Portage Northern Hockey Boosters, Inc., is to support the players of the Portage Northern High School (PNHS) Hockey program by:

1. Raising funds to support the needs of the program
2. Purchasing services to be used by the students and staff affiliated with the PNHS Hockey Team
3. Providing volunteers for extracurricular activities
4. Engaging in other charitable, civic or educational activities that would contribute to the public education of the community

Portage Northern Hockey Boosters, Inc., has provided the Raffle License Application, a copy of the Articles of Incorporation, the by-laws and by-law amendments, a copy of the statement of nonprofit status from the Department of the Treasury Internal Revenue Service (IRS), a copy of the 2017 IRS file documentation and proof of a current bank account in the name of the organization.

FUNDING: N/A

Attachments: 1. Local Governing Body Resolution for Charitable Gaming Licenses



Charitable Gaming Division
Box 30023, Lansing, MI 48909
OVERNIGHT DELIVERY:
101 E. Hillsdale, Lansing MI 48933
(517) 335-5780
www.michigan.gov/cg

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL 432.103(K)(ii))

At a _____ meeting of the _____
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by _____ on _____
DATE

at _____ a.m./p.m. the following resolution was offered:
TIME

Moved by _____ and supported by _____

that the request from Portage Northern Hockey of Portage,
NAME OF ORGANIZATION CITY
Boosters Inc.

county of Kalamazoo, asking that they be recognized as a
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for _____
APPROVAL/DISAPPROVAL

APPROVAL

Yeas: _____

Nays: _____

Absent: _____

DISAPPROVAL

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the _____ at a _____
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on _____
DATE

SIGNED: _____
TOWNSHIP, CITY, OR VILLAGE CLERK

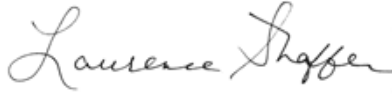
PRINTED NAME AND TITLE

ADDRESS

COMPLETION: Required.
PENALTY: Possible denial of application.
BSL-CG-1153(R6/09)

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Map of Hampton Creek Bog

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Information Only.

A request was made at the July 23, 2019 Regular City Council meeting for a map of the Hampton Creek Wetland Area that was illustrative of the various inlets and outlets of the bog. At present, such a map does not exist. The City of Portage is aware of several inlets, but a comprehensive map or listing is not available at this time. As the Council knows, Fishbeck, Thompson, Carr & Huber, Inc., (FTC&H) is conducting an environmental impacts evaluation of the bog. City staff is working with FTC&H and the requested map will be produced as part of the evaluation. Once created, the map will be shared with City Council and made available to the public.

FUNDING: Not Applicable

Attachments: None

Minutes of Boards & Commissions

Youth Advisory Committee Meeting Minutes

June 4, 2019, 6:00 p.m.

- I. Call to order
- II. Introductions and Attendance
- III. Approval of the May Meeting Minutes
- IV. Report from Liaisons
- V. Overview of the Youth Advisory Committee
 - a. What we do
 - b. Participant expectations
 - i. Three unexcused absences may result in removal from the committee
 - c. Role of Liaisons
 - i. Adam will be sending out information on different committees for liaisons
 - d. Social Media
 - i. Working on improving social media handles
 - a. Create a Snapchat and/or YAC group chat
- VI. Park Board Event – Saturday, June 22 at 5:00 p.m.
 - a. “Great American Campout at Ramona Park”
 - b. Partnering with the YAC
 - c. Games entertainment, pig roast, bonfire, movie (Parent Trap) and scavenger hunt.
 - d. YAC to be in charge of games and movie trivia
 - i. A SignUp Genius will be sent out soon for volunteers
 - ii. Ideas for games – pool noodle baseball, facepainting, water balloon toss, sidewalk chalk, small tie-dying (socks/bandanas)
 - iii. Trivia – Disney questions (10 Q and A); prizes – silly string, glow sticks, flamingoes
 - 1. Rhea and James will be in charge of Q’s
 - iv. Possible games: Corn hole, basketball games
 - v. Games that will for sure be there: Facepainting, sidewalk chalk, basketball, tie-dye, pool noodle baseball
- VII. 4th of July Fireworks Event on July 5th
 - a. Assisting with games and activities
 - i. A SignUp Genius will be sent out
 - b. Sponsored by Portage Rotary Club
 - c. Volunteer from 5:00 until 9:00 @ Ramona Park
- VIII. Summer Movie
 - a. Community Movie Night at Celery Flats

- b. Breakfast Optimist Club of Kalamazoo
 - c. Public Safety Demonstrations: 7 to 9 p.m.
 - d. Friday, August 2 at approximately 9:15 p.m.
 - e. "Into the Spider-Verse"
 - f. Pre-Movie Trivia
 - g. Refreshments (popcorn and water)
 - i. Food truck?
 - h. Giveaways?
 - i. Gift bags, stuffed animals, theme prizes around movie, sticky hand on the wall toy, markers/colored pencils and other art supplies
 - i. Flyers/Promotion
 - j. Discuss possible games at the next meeting
- IX. Local Government
 - a. History of Portage
 - b. Responsibilities of Local Government (time permitting)
 - c. Organization of City Government (time permitting)
- X. Goals
 - a. What do you want to gain from this experience?
 - i. Plan more events that are geared towards teens
 - ii. Maybe plan a job fair for teens, skate parks, bring back sticker shock, college fair in Portage/Kalamazoo, historical event surrounding the history of Portage, more sports-related events for children, sports clinics and coordinate with sports companies (Kingdom soccer), bring more awareness to safety at school, community run/bike ride
- XI. YAC T-shirts
 - a. Riya designed YAC hats
- XII. Election of Officers Information
 - a. Officers elected around October to November time
- XIII. The Sujay – Awarded to most dedicated member of the YAC
- XIV. Next Meeting
 - a. Late July in the evening, before the Summer Movie

Portage Senior Citizens Advisory Board

June 19, 2019

ATTENDANCE:

Bill Wieringa, John Lobo, Mary Lou Petrulio, Linda Zoeller, Douglas Gilchrest, Tony Lorentz, Sharon White, Trudy Riker, Art Roberts

Absent Excused: Larry Smith, Megan Chow

Guests: Monifa Jumanne, Kathleen Hoyle, Director of Parks, Recreation & Senior Citizen Services

Staff: Dawn Shilts

Call to order time: 2:30 PM

May Minutes Approval:

The May minutes were approved as submitted, Mary Lou motioned and John Lobo seconded.

Travel Program, Trudy Riker:

Six successful trips were taken last month and experienced only one wrinkle which was a date change. That was something we had no control of. We are well on our way to making the income goal for the travel department. As of December of 2018 we had already met our goal. Sweet Memories II is going on right now, a mystery trip in Iowa with 45 travelers. Ashville, NC, Biltmore Estate has just returned.

Current Events, Sharon White:

Not a lot going on in July but be aware of the cooking demonstrations and remember to bring in your purses, scarves & bags for the fall purse sale. The cooking demo is done by Chef Thomas from Heritage Community. Chef Roger from Medilodge will do a demonstration followed by one on the 25th of July.

Friends of PSC Board Update, Trudy Riker:

Legislative Update, Art Roberts:

It was a successful meeting on the Older Michiganian Day with two aides and all the representatives with the exception of the 63rd representative. The KCASI meeting was this past Monday and we talked about the state budget which is still in process and may take until the end of July to finalize. The Attorney General also attended the meeting. Elder Abuse is a huge issue currently.

Manager's Report, Dawn Shilts:

Kim is doing well. Tests came back negative and she will not need additional chemo. Kim is keeping in touch with staff via email and visited a few times. Things have gone smoothly thanks to Kim's preparation prior to leaving.

Greta has been bringing many new ideas into programming, Mixology was a huge success. She's also scheduled a line-up of cooking demonstrations and a presentation by a doctor from Stryker. We had a mini senior expo, the partners potluck at which time students and seniors met parents of the students. Special lunches are very well attended. Greta is working on finding more varied entertainment opportunities. Greta has also come up with a *How To* series including CPR instruction and Downsizing. Greta is currently in Washington at the National Council on Aging Conference. The PSC Aging Mastery Program is leading at national level, setting the bar. Greta had opportunity to present on the program at the council.

Several May trips precluded a very busy June for travel. Mystery trips are hugely popular and the committee is already planning 2020 trips. Two people applied for trip committee positions and were interviewed. The limit for trip committee members is 18 people.

Old Business: None

New Business, Kathleen Hoyle:

Pending program needs assessment: the survey materials getting that through budget approval and get that signed off on and get moving ahead. End of fiscal year is coming up, we have the quotes and are working through the purchasing process. They are going to go through and do some surveys and meetings and follow up meetings geared toward program assessment, looking at new members' interests. GAP Analysis, what we are and are not doing.

Activities Reminders:

There is a succulent crafting party with 28 participants scheduled in which people will paint a clay pot and plant succulents in it. Teaching opportunities are also opening up in the *How To* series. This includes Fruit Carving Know-how on June 27. A screening of Bohemian Rhapsody and an Independence Day luncheon are upcoming.

Advisory Board Comments:

Trudy – please have your comments to me before you leave today.

Don – for next year's golf outing, suggest that the Friends get a local celebrity to join in, Trudy will take the suggestion to the Friends Board. Somebody in the media would be a draw.

Art – Curt Mason or Andy Pepper may be available. The sponsors bid on the celebrity. Check with Ralph & Shirley McKinney regarding radio host participation, WKZO.

Citizen comments: Guest Monifa Jumanne wanted to express her commitment to the advancement of the senior center. For programming, Monifa has a two-hour presentation prepared for the library called Fifty Events and Strategies for Seniors 55 and Over (With Emphasis on the African American Experience). Monifa invites the board to participate in that effort, and/or is open to presenting at the PSC. This will take place at a date to be determined in the first two weeks of August.

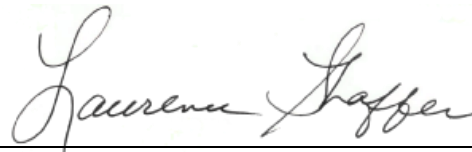
Time Adjourned: 2:55 PM

Next meeting: July 17, 2:30 PM

MATERIALS TRANSMITTED

Thursday, July 25, 2019

1. Communication from the City Manager regarding the Census 2020 Complete Count Committee & Marketing Effort – Information Only

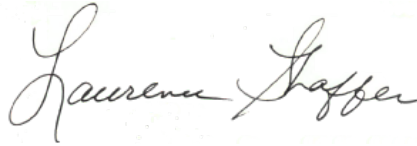


Laurence Shaffer, City Manager

cc: Rob Boulis, Deputy City Manager

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Census 2020 Complete Count Committee & Marketing Effort

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development
Mary Beth Block, Communications Manager

The 2020 Census Day is April 1, 2020. By April 1, 2020, households will receive an invitation to participate in the 2020 Census and will have three ways to respond: online, by phone, or by mail. The results of the 2020 Census will determine congressional representation, as well as federal funding for states and communities. Every year, more than \$675 billion goes toward hospitals, fire departments, schools, roads and more. The attached “50 Ways Census Data Are Used” outlines the critical importance of complete and accurate census data.

City of Portage staff recently met with US Census Bureau staff and has been asked to assist with facilitating a successful census count by creating a Complete Count Committee (CCC). The CCC would provide assistance in recruiting temporary Census Bureau staff, especially local residents to work as Census Enumerators/Takers. In particular, the city has been asked to provide a facility for an “applicant day” where individuals can apply for a variety of temporary jobs, as well as technology resources for the Census Bureau to train employees. The CCC would also play a major role in raising awareness of and encouraging residents to complete the 2020 Census.

In 2010, 84% of Portage residents responded to the 2010 Census, as compared to the 78% in Michigan and 74% nation-wide. While city residents were very responsive in the last Census, the goal is to ensure that every Portage resident is counted. Therefore, and as requested, I have formed an administrative CCC to coordinate these activities, that will include Community Development Director, Vicki Georgeau; Deputy Community Development Director, Chris Forth; Communications Manager, Mary Beth Block and Human Resources Director, Shannon Hertz.

The Human Resources Department will coordinate an effort inform the community about Census 2020 job opportunities, and arrange for the use of space and equipment for any training provided by the Census Bureau. The CCC will use outreach materials provided by the US Census Bureau to educate the community about the 2020 Census – how to respond, and why it matters. The public will be provided with ongoing messaging through *Portager* advertisements and articles, Facebook posts across all city pages, website postings and temporary banners/signs throughout the city.

The CCC will also reach out to community organizations that may be able to assist with reaching “hard-to-count” demographics such as: children under 5 years, college students and young adults (18-24 years), senior citizens and snowbirds, renters, persons in poverty, homeless, minorities, etc. The CCC will be in contact with organizations like the Portage District Library, Portage Public Schools, Portage Community Center, day care centers, church organizations, neighborhood associations and watch groups, City of Portage Advisory Board members, amongst others.

Attachment: 50 Ways Census Data Are Used

50 WAYS CENSUS DATA ARE USED

- Decision making at all levels of government.
- Drawing federal, state, and local legislative districts.
- Attracting new businesses to state and local areas.
- Distributing over \$675 billion annually in federal funds and even more in state funds.
- Forecasting future transportation needs for all segments of the population.
- Planning for hospitals, nursing homes, clinics, and the location of other health services.
- Forecasting future housing needs for all segments of the population.
- Directing funds for services for people in poverty.
- Designing public safety strategies.
- Development of rural areas.
- Analyzing local trends.
- Estimating the number of people displaced by natural disasters.
- Developing assistance programs for American Indians and Alaska Natives.
- Creating maps to speed emergency services to households in need of assistance.
- Delivering goods and services to local markets.
- Designing facilities for people with disabilities, the elderly, or children.
- Planning future government services.
- Planning investments and evaluating financial risk.
- Publishing economic and statistical reports about the United States and its people.
- Facilitating scientific research.
- Developing “intelligent” maps for government and business.
- Providing proof of age, relationship, or residence certificates provided by the Census Bureau.
- Distributing medical research.
- Reapportioning seats in the House of Representatives.
- Planning and researching for media as background for news stories.
- Drawing school district boundaries.
- Planning budgets for government at all levels.
- Spotting trends in the economic well-being of the nation.
- Planning for public transportation services.
- Planning health and educational services for people with disabilities.
- Establishing fair market rents and enforcing fair lending practices.
- Directing services to children and adults with limited English proficiency.
- Planning urban land use.
- Planning outreach strategies.
- Understanding labor supply.
- Assessing the potential for spread of communicable diseases.
- Making business decisions.
- Understanding consumer needs.
- Planning for faith-based organizations.
- Locating factory sites and distribution centers.
- Distributing catalogs and developing direct mail pieces.
- Setting a standard for creating both public and private sector surveys.
- Evaluating programs in different geographic areas.
- Providing genealogical research.
- Planning for school projects.
- Developing adult education programs.
- Researching historical subject areas.
- Determining areas eligible for housing assistance and rehabilitation loans.

TO: Honorable Mayor and City Council

FROM: Mayor Patricia M. Randall



SUBJECT: Central County Transportation Authority Board Appointment

SUPPORTING PERSONNEL: N/A

ACTION RECOMMENDED: Confirm the re-appointment of Jim Pearson to the Central County Transportation Authority Board.

The Central County Transportation Authority (CCTA) was created in August 2014 as part of the goal to regionalize public transit in the Kalamazoo/Portage area. The public transit system was transferred from the City of Kalamazoo to the CCTA in October 2016. Route service is provided within the City of Kalamazoo, the City of Portage, Oshtemo Township, the City of Parchment, Comstock Township, Kalamazoo Township, Texas Township and Western Michigan University.

The 11-member CCTA Board is responsible for policy decisions related to operating the regional public transit system. Meetings are generally held the 2nd Monday of each month at the Metro Transit Administration Building. There are two positions designated for the City of Portage membership. Councilmember Chris Burns was appointed in 2018, and Mayor Pro Tem Jim Pearson was appointed in 2014 and re-appointed in 2017. However, Mayor Pro Tem Pearson's term will expire on September 16, 2019.

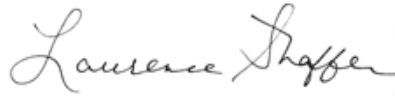
It is recommended that Mayor Pro Tem Jim Pearson be re-appointed to serve on the CCTA Board for another two-year term, to be confirmed by the Kalamazoo County Board of Directors.

FUNDING: N/A

Attachments: None

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Rezoning Application #18/19-6, 129 Boston Avenue

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: Subsequent to the public hearing, consider denial of Rezoning Application #18/19-6, 129 Boston Avenue.

An application has been received from Attorney Joey Kejbou, on behalf of the property owners Jayesh and Neha Sharma, requesting the rezoning of 129 Boston Avenue from R-1A, one family residential to OS-1, office service. Mr. and Mrs. Sharma own the adjacent zoning lot to the west addressed as 5747 South Westnedge Avenue/121 Boston Avenue, zoned B-3, general business. The rezoning will allow for the conversion of the existing house at 129 Boston Avenue to an office. The applicant also indicates a zoning change at 129 Boston Avenue to OS-1 will make the adjacent zoning lot at 5747 South Westnedge Avenue/121 Boston Avenue eligible for a medical marihuana provisioning center.

In the attached May 10, 2019 report, the Department of Community Development concluded that the proposed OS-1 rezoning is not consistent with the Comprehensive Plan, Future Land Use Map and/or the adjacent zoning pattern. If the property were to be rezoned, it may negatively impact the adjacent residences with increased traffic, including neighborhood cut-through traffic. Given the small size of the property (66 feet wide) and the location of the buildings, conversion of the house to office, and construction of off-street parking, will be problematic without variances from the Zoning Board of Appeals and/or shared access/parking with the adjacent property to the west.

Retention of the existing zoning pattern and boundary along the north side of Boston Avenue represents an appropriate depth of commercial zoning (233 feet) along South Westnedge Avenue that can support viable commercial development/redevelopment. This recommendation is consistent with the 2002 and 2013 rezoning decisions in the vicinity (noted in the Community Development staff report) as well as the subsequent change to the 2014 Future Land Use Map, and will minimize negative impacts on the adjacent residential neighborhood. Similar to other residential parcels that are situated adjacent to the South Westnedge Avenue commercial corridor, continued use of the subject property as a single-family residence is still a suitable option. There are other OS-1 zoned properties available in the city, including 121 Boston Avenue adjacent to the subject property that could accommodate the proposed office use.

Finally, the rezoning consideration pertains to whether non-residential land uses should be extended further into the neighborhood, rather than if 5747 South Westnedge should be utilized for a medical marihuana facility. Redevelopment and redefining of the zoning lot comprised of 5747 South Westnedge Avenue/121 Boston Avenue is also an option for the applicant and/or property owner to accommodate the proposed medical marihuana provisioning center without the need to rezone 129

Boston Avenue.

An almost identical rezoning request was considered by staff and the Planning Commission in December 2018/January 2019. Rezoning application #18/19-3 was received from Attorney James Bruinsma, on behalf of the property owner, requesting that the zoning be changed from R-1A to B-3. After initial review by the Planning Commission, the application was revised to request OS-1 rezoning. At the January 17, 2019 meeting, the Planning Commission voted 7-0 to recommend to City Council that the rezoning request be denied. On February 14, 2019, the property owner, Mr. Sharma withdrew the application and therefore, it was not considered by Council.

With regard to current application (#18/19-6), the Planning Commission convened a public hearing during the May 2, 2019 and May 16, 2019 meetings to consider the rezoning request. Attorney Joey Kejbou (applicant's attorney) and Mr. Jay Sharma (applicant/property owner) were present to support the rezoning request and explain the development plans for the property. At the May 2 meeting, Tyson Lamoreaux (205 Boston Avenue) spoke and indicated no opposition to the proposed OS-1 zoning change. At the May 16 meeting, John Jures (5058 Huntington Boulevard, Carmel, IN) spoke regarding the commercial real estate market and the challenges associated with marketing the vacant commercial tenant space at 5747 South Westnedge Avenue. No additional citizens spoke during the public hearing and no communications regarding the proposed rezoning have been received.

After careful consideration, the Planning Commission voted 7-0 to recommend to City Council that Rezoning Application #18/19-6 be denied and 129 Boston Avenue remain zoned R-1A, one family residential concurring with the final analysis and recommendation of the Department of Community Development.

Attached find the Planning Commission transmittal, Department of Community Development report and related materials for review.

FUNDING: Not applicable

Attachments:

1. Attorney Kejbou 7.3.19 Letter to City Council
2. May 31, 2019 Planning Commission transmittal
3. May 2, 2019 and May 16, 2019 Planning Commission meeting minutes
4. May 10, 2019 Community Development staff report
5. Ordinance Amendment

Joey Patrick Kejbou, P.C.
Attorney and Counselor

Phone: (248) 720-1200
Fax: (248) 250-5597

City Hall
ATTN: City Council Members
7900 South Westnedge Avenue
Portage, MI 49002

**RE: REZONING APPLICATION #18/19-6
129 BOSTON AVENUE
PORTAGE, MI**



Dear City Council Members and City Staff,

As you are all aware, our office is attempting to obtain a rezoning of the above-referenced property from the property's current R-1A classification to an OS-1 office service use designation. While we understand the proposed request may be subtle and straight forward on it's surface, we felt it appropriate to provide this correspondence to more effectively elaborate how this rezoning request will impact not only the subject property but each of the properties around it, specifically two commercial properties to the west (5747 S. Westnedge and 121 Boston Avenue).

Each of 5747 S. Westnedge, 121 Boston Avenue and 129 Boston Avenue are owned by Mr. and Mrs. Jay and Neha Sharma. Mr. and Mrs. Sharma have been largely unsuccessful in attempting to lease 5747 S. Westnedge for nearly two years. As it currently stands, approximately half of the 11,000 square foot building has sat as under-utilized, under-performing and, more recently, vacant prime real estate in the heart of Portage's primary commercial corridor for nearly 5 years. 5747 S Westnedge was originally developed to service a more "showroom retail" type of business operation and, unfortunately, was constructed in a manner that appeals to a very limited potential tenant base given the limited parking availability in the front of the property. The current owners, who have multiple properties on Westnedge and operate their own business just blocks away, have invested significant sums of money into the aesthetics of the 5747 S. Westnedge to make it more marketable, however their efforts have resulted in a net zero return. Although 121 Boston Avenue (which is in between 5747 S. Westnedge and 129 Boston) maintains a small approximately 800 square foot structure, it's greatest asset is that it affords parking for 5747 S. Westnedge in the rear of that building. Currently, Mr. and Mrs. Sharma have elected to try to sell all three of the properties and currently have them under contract for sale with an entity that I personally have an ownership stake in, however that sale is contingent upon the approval of the application before you.

Until this past November, when the City of Portage began accepting applications for medical marijuana facility licensing ("MMFLA"), 5747 S. Westnedge received nearly 0 inquiries from potential tenants and/or purchasers despite two years of marketing. However, when the original mapping for MMFLA licensing was released, it appeared as though 5747 S. Westnedge was an eligible site that resulted in an overwhelming amount of interest and offers. Unfortunately, that interest ceased once it was discovered that a medical marijuana provisioning center could not abut a residential property, in this case 129 Boston Avenue. In order for 5747 S. Westnedge to qualify, 129 Boston would require a non-residential designation and, for that reason, we have submitted the subject application. In the spirit of transparency, we believe that disclosing this facet our of application is crucial to your respected council understanding our overall intent. Our main purpose in submitting this application is to have 129 Boston Avenue create a commercially-zoned "buffer" from the additional residential properties to the east so that 5747 Westnedge will qualify as a medical marijuana provisioning center.

Joey Patrick Kejbou, P.C.

Attorney and Counselor

Phone: (248) 720-1200

Fax: (248) 250-5597

While we fully appreciate the recommendation that the Planning Commission has made to this honorable council, we believe that an approval in contradiction with their recommendation is justified for a number of reasons. Our situation is unique in that my company, Green Bronco, LLC, is both a medical marijuana licensee and I personally serve as a compliance officer/counsel for many medical marijuana facilities licensees throughout the state. Given this dual role, my intent is to utilize 129 Boston Avenue as a remote satellite office for my law practice that would be used 1-3 days a week exclusively by me when visiting my own facilities as well as other licensed facilities I service in the Kalamazoo County area. The proposed use would result in less traffic than the current residential use and, at our planning commission meeting, the resident who lives immediately to the east of 129 Boston supported an approval of the proposed plan.

In their recommendation for denial, the planning commission references multiple issues that contributed to their position. More specifically, they identify the potential for increased traffic, parking concerns and how an expansion of commercial zoning into the residential areas would be inconsistent with the current "jagged line" that is the zoning guideline. In our opinion, each of these points can be addressed by prior precedent as well as pure functionality and misconception.

With respect to the parking and traffic concerns, neither will be an issue. As previously mentioned, our intended use for 129 Boston Avenue will be for a single user, remote office that will have one car present on a part time basis for one to three days per week. Client meetings would not take place there and traffic would be less than the current residential use that exists. The proposed rezoning would be a low intensity, non-invasive use that would not disrupt neighboring properties. As to 5747 S. Westnedge and 121 Boston Avenue, those two properties together have more than adequate parking to meet the city's requirements and regulations. Utilizing any measurement of parking requirement, whether it be as it pertains to office, medical, retail or any other commercial designation, the vacant space of 5747 S. Westnedge can be constructed using any amount of "useable square footage" needed to comply with the parking requirements. Essentially, we can construct the interior of the vacant space using as little as 1,500 of "useable square footage," which is the standard when calculating parking spaces.

The most critical issue that appeared to be a factor in the Planning Commission's recommendation was their position that the approval of the subject application would be inconsistent with the future land use map and zoning designations. However, in the Planning Commission's recommendation, it is specifically stated that "While these designations are intended to serve as a general guide for future development and rezoning considerations, *specific zoning district boundaries need to be determined on a case-by-case basis considering overall consistency with the Comprehensive Plan/Future Land Use Map*, surrounding land use/zoning pattern, development/redevelopment potential, impacts on adjacent properties and other factors."

Our current proposal is no different and no more invasive than the most recent developments which have taken place along the Westnedge corridor. More specifically, in reviewing Section II Existing Conditions "Zoning Development History" in the Planning Commission's recommendation you will find that every one of those prior developments impacted residential properties that were transitioned to parking or other commercial designations. Moreover, in each instance the end result was that the remaining abutting residential properties were left with high intensity commercial activities right next door (Walgreens, AT&T, Honey Baked Ham) whereas we are seeking to insulate the residential properties with a buffer while simultaneously improving the viability of making a major property on Westnedge marketable for the long term.

The Future Land Use Map identifies 129 Boston Avenue as being "within a zone of transition between General Business and Single Family Detached-Medium Density Residential." Given this

Joey Patrick Kejbou, P.C.

Attorney and Counselor

Phone: (248) 720-1200

Fax: (248) 250-5597

designation, we must present the question of how can the prior developments use of commercial, high intensity parking lots immediately next to residential properties be less detrimental to those residences than a single user 800 square foot office?

If the approach is to indeed analyze each application on a case by case basis, the benefits of approving this application would greatly outweigh any negative backlash of not strictly adhering to a "jagged line" of zoning requirements. The proposed approval would bring another business to the city by using 129 Boston as an office space while simultaneously providing the opportunity to offer a medical retail establishment that will bring 20-30 jobs to the city. In addition, the concerns regarding traffic would be lessened since only a limited number of persons would be eligible to enter the establishment as it would require a patient registry card from the state of Michigan. Finally, the improvements that 5747 Westnedge would require to be a functional provisioning center, things such as interior and exterior surveillance, security features, added lighting and overall improvements would only help appreciate the value the property and the neighboring properties.

Ultimately, the proposal before you is a rezoning of a property that will have no negative impact on the surrounding properties while simultaneously improving the marketability and functionality of three properties on Portage's main commercial corridor. Our efforts have not received any negative feedback from the surrounding community members despite two planning commission meetings and one city council meeting. If this Honorable Commission follows the comments of the Planning Commission to evaluate every application on a "case by case" basis that serves the best interest of the city, we believe the application before you merits approval and respectfully request that you grant such an approval on July 9, 2019.

Thank you for your time and attention to this matter.

Very Truly Yours,



Joey P. Kejbou

Enclosures

TO: Honorable Mayor and City Council

FROM: Planning Commission

DATE: May 31, 2019

SUBJECT: Rezoning Application #18/19-6, 129 Boston Avenue

The Planning Commission convened a public hearing during the May 2nd and 16th, 2019 meetings to consider the rezoning application submitted by Attorney Joey Kejbou, on behalf of the property owners Jayesh and Neha Sharma, for 129 Boston Avenue. The applicant is requesting a zoning change from R-1A, one family residential to OS-1, office service to accommodate conversion of the existing single family residence at 129 Boston Avenue to a small attorney office. Additionally, and if 129 Boston Avenue is rezoned to OS-1, the applicant has also expressed interest in establishing a medical marihuana provisioning center within a portion of the existing commercial building located on the adjacent zoning lot addressed as 5747 South Westnedge Avenue and 121 Boston Avenue.

Attorney Joey Kejbou (applicant's attorney) and Mr. Jay Sharma (applicant/property owner) were present to support the application at the May 2nd and 16th, 2019 meetings. At the May 2nd meeting, Tyson Lamoreaux (205 Boston Avenue) spoke and indicated no opposition to the proposed OS-1 zoning change. At the May 16th meeting, John Jures (5058 Huntington Boulevard, Carmel, IN) spoke regarding the commercial real estate market and the challenges associated with marketing the vacant commercial tenant space at 5747 South Westnedge Avenue. No additional citizens spoke during the public hearings and no communications regarding the proposed rezoning have been received.

After additional discussion, a motion was made by Commissioner Corradini, seconded by Commissioner Fries, to recommend to City Council that Rezoning Application #18/19-6 be denied and 129 Boston Avenue remain zoned R-1A, one family residential. The motion concurred with the analysis and findings contained in the May 10, 2019 Department of Community Development staff report. Upon a roll call vote: Schimmel (yes), Joshi (yes), Corradini (yes), Stoffer (yes), Pezzoli (yes), Fries (yes) and Patterson (yes), the motion was unanimously approved 7-0.

Sincerely,


Wayne Stoffer
Chairman

Chairman Stoffer asked whether there was a size limitation on government flags located on private property. Mr. Forth stated there was not a size restriction on government signs such as the American flag or State of Michigan flag. Chairman Stoffer expressed some concern over the unlimited size for government flags, especially within residential neighborhoods, where they could become a nuisance to adjacent neighbors. Mr. Forth stated the current ordinance does not have a size restriction for government flags and, to the knowledge of staff, there has not been a nuisance problem with size and/or number of flags in residential areas. Attorney Bear indicated that limiting the number or size of government flags on private property was viewed as potentially conflicting with freedom of speech/freedom of expression rights. Attorney Brown continued and stated that regulating government and corporate flags separately is a problematic matter since someone needs to look at the "content" on the flag to determine whether it is a government flag or corporate flag. Chairman Stoffer again stated that he was concerned about possible negative impacts on a residence if an adjacent neighbor was to install a very large government flag or multiple large government flags on their property.

The public hearing was then reconvened by Chairman Stoffer. No citizens spoke regarding the proposed sign amendments. A motion was then made by Commissioner Schimmel, seconded Commissioner Patterson, to close the public hearing. The motion was unanimously approved 6-0. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Fries, to recommend to City Council that Ordinance Amendment #18/19-A, Sign Regulations, be approved. The motion was unanimously approved 6-0.

2. Preliminary Report: Rezoning Application #18/19-6, 129 Boston Avenue. Mr. Forth summarized the April 26, 2019 preliminary staff report regarding a request received from Attorney Joey Kejbou, on behalf of the property owner Jayesh and Neha Sharma, to rezone 129 Boston Avenue from R-1A, one family residential to OS-1, office service. Mr. Forth stated the applicant's intent for the rezoning, as outlined in the application materials, was to establish a small office at 129 Boston Avenue and establish a medical marijuana provisioning center at 5747 South Westnedge Avenue. Mr. Forth indicated that Mr. and Mrs. Sharma also own the two adjacent parcels to the west addressed as 121 Boston Avenue and 5747 South Westnedge Avenue, which currently function as one "zoning lot". Mr. Forth indicated the medical marijuana provisioning center would not currently be allowed within the southern portion of the existing building at 5747 South Westnedge Avenue since the "zoning lot" currently abuts residential zoning (129 Boston Avenue). Mr. Forth summarized the previous rezoning application (Rezoning Application #18/19-3) involving 129 Boston Avenue that was withdrawn by Mr. Sharma in January 2019 following a negative recommendation by staff and the Planning Commission. Mr. Forth summarized previous rezoning considerations that have occurred along the east side of South Westnedge Avenue, between 2002-2013, and the adjustment that was made to the Future Land Use Map boundary between general business/residential land use with the 2014 Comprehensive Plan Update to achieve consistency and depth of commercial land use along the east side of South Westnedge Avenue. Mr. Forth reviewed the applicant proposal to establish a small office at 129 Boston Avenue and the size/configuration of the property that presents challenges to redevelopment for a nonresidential use. Mr. Forth also discussed the underutilized nature of 121 Boston Avenue that was converted from a residence to an office several years ago.

Chairman Stoffer asked about the recent use of 121 Boston Avenue for a residence. Mr. West stated there was someone illegally living at 121 Boston Avenue, however, that person moved out in January/February. Mr. West indicated that 121 Boston Avenue is zoned B-3, general business and residential occupancy is not permitted. Commissioner Schimmel asked what impact rezoning 129 Boston Avenue would have on allowing a medical marijuana provisioning center within 5747 South Westnedge Avenue. Mr. Forth stated a rezoning of 129 Boston Avenue to OS-1, office service would allow a medical marijuana provisioning center to be located within 5747 South Westnedge Avenue since the "zoning lot" consisting of 5747 South Westnedge Avenue and 121 Boston Avenue would no longer be located adjacent to residential zoning. Commissioner Patterson asked whether the 129 Boston Avenue parcel could be rezoned to OS-1 with an R-1A residential "buffer" strip provided along the east side. Mr. Forth indicated the 129 Boston Avenue parcel was only 66-feet wide and a rezoning with an R-1A buffer strip would only further complicate reuse for an office. Commissioner Fries asked whether the 129 Boston parcel could be rezoned as identified on the Future Land Use Map with the west approximate 2/3 changed to B-3 or OS-1 and the east approximate 1/3 retained as R-1A, or whether a P-1 zone could be used similar to the properties to the south. Mr. West stated the properties to the south where P-1 zoning

was previously approved were part of multi-parcel zoning lots where the commercial development was located along the South Westnedge Avenue parcels and the P-1 zoning was located behind the buildings to provide additional parking. Mr. West indicated that this arrangement would not accomplish the applicant stated plans to establish 129 Boston Avenue as a stand-alone, separate zoning lot for the proposed office use, and retain the existing commercial zoning lot to the west involving 121 Boston Avenue and 5747 South Westnedge Avenue.

Joey Kejbou (attorney representing Mr. and Mrs. Sharma) was present to support the rezoning application. Attorney Kejbou discussed the plans to convert the 129 Boston Avenue residence/parcel to a low intensity satellite office for his law practice that would only be utilized 1-3 days a week. Attorney Kejbou stated his primary office is in Rochester Hills, however, he has several clients on the west side of the state and he would be the only person using this proposed satellite office. Attorney Kejbou stated his intentions were to purchase all three parcels (129 Boston Avenue, 121 Boston Avenue and 5747 South Westnedge Avenue) and utilize 129 Boston Avenue as a separate office zoning lot, and utilize the 121 Boston Avenue/5747 South Westnedge Avenue as a separate commercial zoning lot and establish a medical marijuana provisioning center within the southern portion of the large commercial building. Attorney Kejbou indicated the 129 Boston Avenue parcel is a transitional property and his proposed use would have no adverse impacts on the interior residential neighborhood. Attorney Kejbou stated that he believes the requested OS-1 zoning for 129 Boston Avenue is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use pattern.

The public hearing was opened by Chairman Stoffer. One citizen (Tyson Lamoreaux, 205 Boston Avenue) spoke regarding the proposed rezoning. Mr. Lamoreaux stated he had no objection to the OS-1 rezoning and proposed attorney office at 129 Boston Avenue. Mr. Lamoreaux also expressed no objection to the plan to establish a medical marijuana provisioning center with the existing commercial building at 5747 South Westnedge Avenue. Mr. Lamoreaux asked where parking would be provided for the proposed office use and whether an evergreen screen or barrier would be required next to his property with a zoning change to OS-1. Mr. Forth indicated a site plan has not been provided yet, but parking for a proposed office use in 129 Boston Avenue would likely need to occur behind/north of the existing residence given the limited size of the parcel and existing location of the residential structure. Mr. Forth also discussed conflicting land use screening that would be required along the shared property line with a change in use from residential to office. No additional citizens spoke regarding the proposed rezoning.

After a brief conversation, a motion was made by Commissioner Patterson, seconded by Commissioner Fries, to adjourn the public hearing for Rezoning Application #18/19-6, 129 Boston Avenue, to the May 16, 2019 meeting. The motion was unanimously approved 6-0.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS/COMMISSIONERS:

Commissioner Baldwin stated she may not be present at the May 16, 2019 meeting and would not be present at the June 6, 2019 meeting.

Commissioner Joshi encouraged people to get out and vote on May 7th.

PLANNING COMMISSION

May 16, 2019

The City of Portage Planning Commission meeting of May 16, 2019 was called to order by Chairman Stoffer at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Four citizens were in attendance.

PLEDGE OF ALLEGIANCE:

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

IN ATTENDANCE:

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

ROLL CALL:

Mr. Forth called the roll: Patterson (yes); Corradini (yes); Stoffer (yes); Schimmel (yes); Joshi (yes); Pezzoli (yes) and Fries (yes). A motion was then made by Commissioner Patterson, seconded by Commissioner Joshi, to approve the roll excusing Commissioners Baldwin and Harrell-Page. The motion was approved 7-0.

APPROVAL OF MINUTES:

Chairman Stoffer referred the Commission to the May 2, 2019 meeting minutes contained in the agenda packet. A motion was made by Commissioner Patterson, seconded by Commissioner Fries, to approve the minutes as submitted. The motion was unanimously approved 7-0.

SITE/FINAL PLANS:

None.

PUBLIC HEARING:

1. **Final Report: Rezoning Application #18/19-6, 129 Boston Avenue.** Mr. Forth summarized the May 10, 2019 final preliminary staff report regarding a request received from Attorney Joey Kejbou, on behalf of the property owner Jayesh and Neha Sharma, to rezone 129 Boston Avenue from R-1A, one family residential to OS-1, office service. Mr. Forth stated the applicant's intent for the rezoning, as outlined in the application materials, was to establish a small office at 129 Boston Avenue and establish a medical marihuana provisioning center at 5747 South Westnedge Avenue. Mr. Forth indicated that Mr. and Mrs. Sharma also own the two adjacent parcels to the west addressed as 121 Boston Avenue and 5747 South Westnedge Avenue, which currently function as one "zoning lot". Mr. Forth indicated the rezoning consideration was a land use issue involving further nonresidential zoning encroachment into the neighborhood and not whether or not a medical marihuana provisioning center would be appropriate at 5747 South Westnedge Avenue. Mr. Forth summarized previous rezoning considerations that have occurred along the east side of South Westnedge Avenue, between 2002-2013, and the adjustment that was made to the Future Land Use Map boundary between general business/residential land use with the 2014 Comprehensive Plan Update to achieve consistency and depth of commercial land use along the east side of South Westnedge Avenue. Mr. Forth summarized the staff recommendation and rationale to deny the rezoning request including the finding that the proposed OS-1 rezoning is not entirely consistent with the Comprehensive Plan, Future Land Use Map and adjacent zoning pattern; retention of the existing commercial/residential zoning pattern and boundary along the north side of

Boston Avenue represents an appropriate depth of commercial zoning (233 feet) along South Westnedge Avenue that can support viable commercial development/redevelopment; the recommendation is consistent with the 2002 and 2013 rezoning decisions and subsequent 2014 Future Land Use Map and will minimize negative impacts on the adjacent residential neighborhood; similar to other residential properties located adjacent to South Westnedge Avenue continued use of 129 Boston Avenue as a single family residence remains a suitable option for the property; there are numerous other vacant and/or underutilized office properties including 121 Boston Avenue (also owned by Mr. and Mrs. Sharma) that could accommodate the proposed office use; and redevelopment and redefining of the zoning lot comprised of 5747 South Westnedge Avenue and 121 Boston Avenue is also an option for the applicant and/or property owner to accommodate the proposed attorney office and medical marihuana provisioning center without the need to rezone 129 Boston Avenue.

Joey Kejbou (attorney representing Mr. and Mrs. Sharma) was present to support the rezoning application. Attorney Kejbou restated his intentions to establish a low intensity satellite office for his law practice at 129 Boston Avenue and also establish a medical marihuana provisioning center within the existing building located at 5747 South Westnedge Avenue. Attorney Kejbou indicated a current zoning transition of B-3 to R-1A exists between 121 and 129 Boston Avenue and the proposed zoning transition of OS-1 to R-1A between 129 and 205 Boston Avenue represents a lower intensity zoning/land use arrangement that would serve as a buffer to the interior neighborhood. Attorney Kejbou stated the intended use of 129 Boston Avenue would be a very low intensity satellite office for his law practice with only one person (himself) present at the site approximately 2-3 days per week. Attorney Kejbou indicated the property owner to the east at 205 Boston Avenue spoke in support of the zoning change at the May 2nd meeting. Attorney Kejbou stated he believes the requested OS-1 zoning is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use pattern.

Jay Sharma (owner of subject property) also spoke in support of the zoning change. Mr. Sharma indicated he has been a small business owner in Portage for the past 23 years and provided a brief history of his acquisition of 5747 South Westnedge Avenue, 121 Boston Avenue and most recently 129 Boston Avenue. Mr. Sharma discussed the difficulties of trying to secure a replacement tenant for Sleep Doctor within the southern approximate 5,600 square feet of 5747 South Westnedge Avenue since they vacated the premises in February 2019. Mr. Sharma indicated the proposed rezoning of 129 Boston Avenue to OS-1, office service represent a low intensity zoning classification that would have no impact on the adjacent neighborhood. Mr. Sharma also stated the adjacent property to the north has a greater depth of B-3 zoning from South Westnedge Avenue that encompasses approximately 75% of 129 Boston Avenue, if the zoning boundary was extended to the south.

The Planning Commission, staff and the applicant next discussed various aspects of the proposed rezoning request, along with the planned uses. Commissioner Schimmel asked why the existing commercial building at 5747 South Westnedge Avenue could not be demolished and a new building constructed to accommodate the proposed small office use and medical marihuana provisioning center. Mr. Sharma indicated this is an option, however, the building was constructed in the 1980s and is still a solid block structure. Mr. Sharma also stated that approximately \$400,000 was recently invested into the building for the former Sleep Doctor and current DXL Men's Apparel tenants. Commissioner Patterson asked for clarification on whether the intended use of the property should be a factor of consideration by the Planning Commission. Attorney Brown stated that the intended use can be considered, however, with the understanding that the applicant is not bounded by these representations and that any use that is allowed under the requested zoning district would be allowed at the site, if rezoned. Attorney Brown stated the primary rezoning consideration criteria is outlined in the staff report and includes consistency with the Comprehensive Plan, Future Land Use Map, development guidelines, surrounding land use/zoning pattern, traffic, environment and neighborhood impacts.

The public hearing was reconvened by Chairman Stoffer. One citizen (John Jures, 5058 Huntington Boulevard, Carmel, Indiana) spoke regarding the proposed rezoning. Mr. Jures indicated he was a commercial real estate broker in Michigan and Indiana and described the challenges with trying to market the vacant tenant space formerly occupied by Sleep Doctor at 5747 South Westnedge Avenue. Mr. Jures stated that demolition of the existing building and redevelopment of the site with a new building is an option, however, may be problematic given the existing lease agreement with DXL Men's Apparel. Mr. Jures discussed the trend in commercial real estate with the top three strongest tenants being associated with the food, fitness and medical retail industries. Mr. Jures indicated that a medical marihuana provisioning center is a high demand use that

would be a good fit in the vacant approximate 5,600 square foot tenant space. No additional citizens spoke regarding the proposed rezoning. A motion was then made by Commissioner Schimmel, seconded by Commissioner Corradini, to close the public hearing. The motion was unanimously approved.

The Planning Commission and staff next discussed various aspects of the proposed rezoning and planned uses including the existing building square footage/useable floor area and parking associated with the zoning lot comprising 5747 South Westnedge Avenue and 121 Boston Avenue, historical development of the site, past rezoning decisions in the area, changes made to the Comprehensive Plan/Future Land Use Map, depth of commercial zoning along South Westnedge Avenue and further encroachment of nonresidential zoning into the adjacent neighborhood and options currently available to the applicant/property owner to accommodate the proposed office use and medical marijuana provisioning center without the need for additional rezoning.

After additional discussion, a motion was made by Commissioner Corradini, seconded by Commissioner Fries, to recommend to City Council that Rezoning Application #18/19-6 be denied and 129 Boston Avenue remain zoned R-1A, one family residential. The motion concurred with the analysis and findings contained in the May 10, 2019 Department of Community Development staff report in that: 1) The proposed OS-1 rezoning is not entirely consistent with the Comprehensive Plan, Future Land Use Map and the adjacent zoning pattern and, if rezoned, may negatively impact the adjacent residences with increases in traffic (including neighborhood cut-through traffic), noise, lights, among others; 2) Retention of the existing commercial/residential zoning pattern and boundary along the north side of Boston Avenue represents an appropriate depth of commercial zoning (233 feet) along South Westnedge Avenue that can support viable commercial development/redevelopment. This recommendation is consistent with the 2002 and 2013 rezoning decisions noted above and the subsequent change to the 2014 Future Land Use Map, and will minimize negative impacts on the adjacent residential neighborhood; 3) Given the size/configuration of the subject property and location of the buildings, conversion of the existing dwelling to an office use as proposed by the applicant and construction of required off-street parking, loading/unloading area, among others may be problematic; and 4) There are numerous other vacant and/or underutilized OS-1 zoned properties throughout the city, including 121 Boston Avenue (also owned by Mr. and Mrs. Sharma) that could accommodate the proposed office use. Redevelopment and redefining of the zoning lot comprised of 5747 South Westnedge Avenue and 121 Boston Avenue is also an option for the applicant and/or property owner to accommodate the proposed attorney office and medical marijuana provisioning center without the need to rezone 129 Boston Avenue. Upon a roll call vote: Schimmel (yes), Joshi (yes), Corradini (yes), Stoffer (yes), Pezzoli (yes), Fries (yes) and Patterson (yes), the motion was unanimously approved 7-0.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Resolution Honoring Chairman Wayne Stoffer. Vice-Chairman Corradini read a Resolution honoring Chairman Wayne Stoffer for his ten years of service to the Planning Commission. A motion was then made by Commissioner Patterson, seconded by Commissioner Schimmel, to approve the Resolution. The motion was unanimously approved. Chairman Stoffer thanked staff, Attorney Brown and his fellow Commissioners for their assistance and support over the years and stated it has been an honor serving on the Planning Commission. Mr. Forth thanked Chairman Stoffer for his years of service with the City of Portage.

STATEMENT OF CITIZENS/COMMISSIONERS:

None.

TO: Planning Commission

DATE: May 10, 2019

FROM: Vicki Georgeau,  Director of Community Development

SUBJECT: Final Report: Rezoning Application #18/19-6, 129 Boston Avenue

I. INTRODUCTION:

An application has been received from Attorney Joey Kejbou, on behalf of the property owner Jayesh and Neha Sharma, requesting that 129 Boston Avenue be rezoned from R-1A, one family residential to OS-1, office service. As background information, Mr. and Mrs. Sharma also own the adjacent zoning lot to the west addressed as 5747 South Westnedge Avenue/121 Boston Avenue, zoned B-3, general business

According to the information submitted by the applicant, the rezoning is being requested to facilitate reuse of the existing single family residence as an office, which he contends would also provide a buffer from the commercial activity along the South Westnedge Avenue corridor. The applicant also indicates a zoning change to OS-1 would make the adjacent zoning lot at 5747 South Westnedge Avenue/121 Boston Avenue eligible for a medical marihuana provisioning center. For Commission information, Section 42-262.B.16 does not allow medical marihuana facilities to be adjacent to a residential zoning district.

Applicant	Property Address	Parcel Number	Zoning	
			Existing	Proposed
James Bruinsma (on behalf of Jayest and Neha Sharma)	129 Boston Avenue	01610-005-O	R-1A	OS-1
One parcel – 0.46 acres (66-feet by 302-feet)				

As the Commission may recall, an almost identical rezoning request was considered by staff and the Planning Commission in December 2018/January 2019. Rezoning Application #18/19-3 was received from Attorney James Bruinsma, on behalf of the property owner Jayesh and Neha Sharma, requesting that 129 Boston Avenue be rezoned from R-1A to B-3 or OS-1.

At the January 17, 2019 meeting, the Planning Commission voted 7-0 to recommend to City Council that the rezoning request be denied. The Planning Commission determined the proposed B-3 or OS-1 rezoning is not entirely consistent with the Comprehensive Plan, Future Land Use Map and the adjacent zoning pattern and, if rezoned, may negatively impact the adjacent residences with increases in traffic (including neighborhood cut-through traffic), noise, lights, among others. The finding also concluded that retention of the existing commercial/residential zoning pattern and boundary along the north side of Boston Avenue represents an appropriate 233-foot depth of commercial zoning along the east side of South Westnedge Avenue that can support viable commercial development/redevelopment. Additionally, the Commission concurred with staff that the recommendation on the 129 Boston Avenue rezoning was consistent with the previous 2002 and 2013 rezoning decisions involving 120/126 East VanHousen Boulevard, 121 East VanHosen Boulevard and 122 Boston Avenue and the subsequent changes to the 2014 Future Land Use Map, and will minimize negative impacts on the adjacent residential neighborhood. Both staff and the Commission concluded that similar to other residential parcels that are also situated adjacent to the South Westnedge Avenue commercial corridor, continued use of 129 Boston Avenue as a single family residence is still a suitable option.

Subsequent to the Planning Commission recommendation, the property owner (Mr. Sharma) on February 14, 2019 withdrew the rezoning application, and, therefore, it was not considered by City Council. Mr. Kejbou approached the property owner in the Spring of 2019 to submit a new rezoning application. Because City Council did not review and act on the prior rezoning application, this new rezoning application can be considered by the Planning Commission and City Council.

II. EXISTING CONDITIONS:

Land Use/Zoning	<u>Rezoning Site:</u> 129 Boston Avenue is currently developed with a 768 square foot single family residence and 528 square foot detached garage zoned R-1A, one family residential. <u>West/North:</u> Commercial uses zoned B-3, general business <u>East:</u> Single family residences zoned R-1A, one family residential. <u>South (across Boston Avenue):</u> Single family residences zoned R-1A, one family residential.
Zoning/Development History	No rezoning of properties in the surrounding area have occurred since adoption of the 2014 Comprehensive Plan. However, several earlier rezonings have occurred along the east side of South Westnedge Avenue, between I-94 and East Milham Avenue, to facilitate commercial redevelopment developments, while addressing issues related to neighborhood protection. - In 2013, City Council rezoned 120 East Van Hoesen Boulevard from R-1A, one family residential to B-3, General Business and 126 East Van Hoesen Boulevard from R-1A, one family residential to P-1, vehicular parking. This rezoning facilitated the AT&T commercial redevelopment project at the southeast corner of South Westnedge Avenue & East VanHoesen Boulevard. - In 2006, City Council rezoned 5933 South Westnedge Avenue, 124 and 202 Colonial Avenue from B-3, General Business and R-1A, one family residential to CPD, Commercial Planned Development. This rezoning facilitated the Walgreens commercial redevelopment project at the northeast corner of South Westnedge Avenue & East Milham Avenue. - In 2002, City Council rezoned 121 East VanHoesen Boulevard from R-1A, one family residential to P-1, vehicular parking with the exception of the east 25 feet that remained zoned R-1A as a buffer area for the adjacent neighborhood. This rezoning facilitated the Honey Baked Ham commercial redevelopment project and parking expansion at the northeast corner of South Westnedge Avenue & East VanHoesen Boulevard. - In 2002, City Council rezoned 122 Boston Avenue from R-1A, one family residential to P-1, vehicular parking with the exception of the east 25 feet and north 5 feet which remained zoned R-1A in an effort to minimize impacts on the adjacent residents. This rezoning facilitated a parking lot expansion for the Advantage Physical Therapy commercial site at the southeast corner of South Westnedge Avenue & Boston Avenue.
Historic District/Structures	The subject site is not located within a historic district and does not contain any historic structures.
Public Streets	South Westnedge Avenue is designated a 6-7 lane major arterial roadway with 41,784 vehicles per day (2014) and a capacity of 51,600 vehicles per day (level of service "D"). Boston Avenue is designated as a two-lane local residential street and traffic counts are not available.
Public Utilities	Municipal water and sanitary sewer are available along South Westnedge Avenue and Boston Avenue.

Environmental	The City of Portage Natural Resources Map does not identify any potential wetland area, floodplains or other environmentally sensitive areas on the subject site.
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III. PUBLIC HEARING/COMMENTS:

The Planning Commission convened a public hearing to consider the rezoning request at the May 2, 2019 meeting. Joey Kejbou (attorney representing Mr. and Mrs. Sharma) was present to support the rezoning application and discuss the plans to convert the 129 Boston Avenue residence/parcel to an office and also establish a medical marihuana provisioning center at the 5747 South Westnedge Avenue/121 Boston Avenue zoning lot. Attorney Kejbou indicated the 129 Boston Avenue parcel is a transitional property and the proposed office use would have no adverse impacts on the interior residential neighborhood. Attorney Kejbou also stated that he believes the requested OS-1 zoning for 129 Boston Avenue is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use pattern. One citizen (Tyson Lamoreaux, 205 Boston Avenue) spoke regarding the proposed rezoning. Mr. Lamoreaux stated he had no objection to the OS-1 rezoning and proposed attorney office at 129 Boston Avenue and also expressed no objection to the plan to establish a medical marihuana provisioning center with the existing commercial building at 5747 South Westnedge Avenue. No additional citizens spoke in regards to the proposed rezoning during the public hearing and no letters or communications from interested citizens have been received at the time of report preparation.

IV. FINAL ANALYSIS:

The following analysis has been prepared based on general land use considerations, the Comprehensive Plan, traffic conditions and surrounding development patterns.

Comprehensive Plan/Future Land Use Map Consistency. The Future Land Use Map component of the 2014 Comprehensive Plan identifies the rezoning parcel as situated within a zone of transition between General Business and Single Family Detached-Medium Density Residential land use. The Comprehensive Plan also identifies South Westnedge Avenue as a major commercial corridor. These designations are intended to serve as a general guide for future development and do not follow property lines. The location of specific zoning district boundaries in areas of transition need to be determined on a case-by-case basis considering overall consistency with the Comprehensive Plan/Future Land Use Map, surrounding land use/zoning pattern, development/redevelopment potential, impacts on adjacent properties and other factors.

As noted above, the 2002 rezoning of 122 Boston Avenue retained a buffer of R-1A zoning along the east 25 feet and north five feet to protect residential uses to the east and north, including the property at 129 Boston Avenue. In addition, during the 2013 rezoning review of 120 and 126 East Van Hoesen Boulevard, the inconsistent or "jagged" nature of the boundary between the South Westnedge Avenue commercial uses and the residential neighborhood was discussed at length by City Council. In response, the Future Land Use Map along the east side of South Westnedge Avenue, between I-94 and East Milham Avenue was modified as part of the 2014 Comprehensive Plan Update: the boundary between the General Business and Single-Family Detached-Medium Density Residential land use categories was "straightened" in an attempt to improve the viability of commercial land uses, while providing more clarity regarding the extent of commercial encroachment into the adjacent residential neighborhood.

The proposed OS-1 rezoning is not entirely consistent with the Comprehensive Plan, Future Land Use Map and the adjacent zoning pattern. While the 129 Boston Avenue parcel is situated within a zone of transition between commercial and residential land uses, the existing properties located to the west at 5729 and 5747 South Westnedge Avenue and 121 Boston Avenue provide approximately 233 feet of B-3 zoned depth from South Westnedge Avenue for commercial development/redevelopment. Comparatively, properties located to the south have lesser B-3 zoned depth from South Westnedge Avenue, ranging between 132-189 feet, with additional lower-intensity P-1, Vehicular Parking zoning to support commercial development. The existing commercial/ residential zoning pattern and boundary along the north side of Boston Avenue represents an appropriate depth of commercial zoning along South Westnedge Avenue, which is consistent with the Comprehensive Plan/Future Land Use Map and that will minimize related impacts on the interior residential neighborhood.

Development Guidelines. The Development Guidelines are intended to be used by the Commission and staff when reviewing private development proposals, infrastructure improvement programs (i.e. public expenditures on streets, sewers and water mains that influence the location, intensity and timing of development) and public programs that affect the physical environment. The proposed OS-1 zoning district is not entirely consistent with applicable development guidelines contained in the Comprehensive Plan (see attached).

Suitability of Existing R-1A Zone/Impacts of Proposed OS-1 Zone. Similar to other residential parcels that are situated adjacent to the South Westnedge Avenue commercial corridor, continued use of the subject property (129 Boston Avenue) as a single family residence is still a suitable option, consistent with residential uses to the east and south. The proposed OS-1 zone is less intensive than the B-3 district, however, existing single-family residences located adjacent to office zoning may be impacted due to an increase of activities such as customer/employee traffic, parking lot lighting, noise and vehicular cut-thru traffic through this adjacent residential neighborhood. However, there are zoning code tools intended to help minimize these impacts.

Given the size/configuration of the subject property (0.46 acre, 66-feet by 302-feet) and location of the buildings, conversion of the existing dwelling to an office and construction of required off-street parking, loading/unloading area, and storm water facilities may be problematic without: 1) variances from the Zoning Board of Appeals or 2) assembling 129 Boston with the 5747 South Westnedge Avenue/121 Boston Avenue zoning lot. As stated previously, the existing 233 feet of B-3 zoning from South Westnedge Avenue represents an appropriate depth of nonresidential zoning along the north side of Boston Avenue that will support commercial development/redevelopment activities, while minimizing impacts on the interior residential neighborhood.

As additional information, the existing 0.80 acre zoning lot that comprises 5747 South Westnedge Avenue/121 Boston Avenue, which is under the same ownership as 129 Boston Avenue, is occupied by a 10,971 square foot commercial building constructed in 1977 (DXL Men's Apparel and vacant tenant space formerly occupied by Sleep Doctor), a 926 square foot single-family dwelling constructed in 1954 that has been used as both an office and more recently (January/February 2019) residential rental unit and 35 off-street parking spaces. A total of 35 off-street parking spaces will support 7,000 square feet of usable retail/office space (one space per 200 sq. ft. of usable floor area) or nearly 60% of the combined gross floor area of the two existing buildings. If the 926 square foot building were removed, approximately 10 additional parking spaces could be added to support the larger retail building. Demolition of one or both of these aged buildings and redevelopment of the properties to redefine this zoning lot is also an option for the applicant and/or property owner. If the retail building at 5747 South Westnedge did not require parking at 121 Boston, the

zoning lot could be separated into two parcels and accommodate the proposed attorney office and medical marihuana provisioning center, without the need for the rezoning of 129 Boston Avenue.

Traffic Considerations. Rezoning the subject property from R-1A to OS-1 would result in an increase in nonresidential traffic generation dependent upon the type of office use that would be established at the site. Boston Avenue is a local residential street and rezoning the subject property to OS-1 may generate nonresidential traffic further into the residential neighborhood, potentially negatively impacting the area. Cut-thru traffic to East Milham Avenue via Concord Street may also occur.

V. RECOMMENDATION:

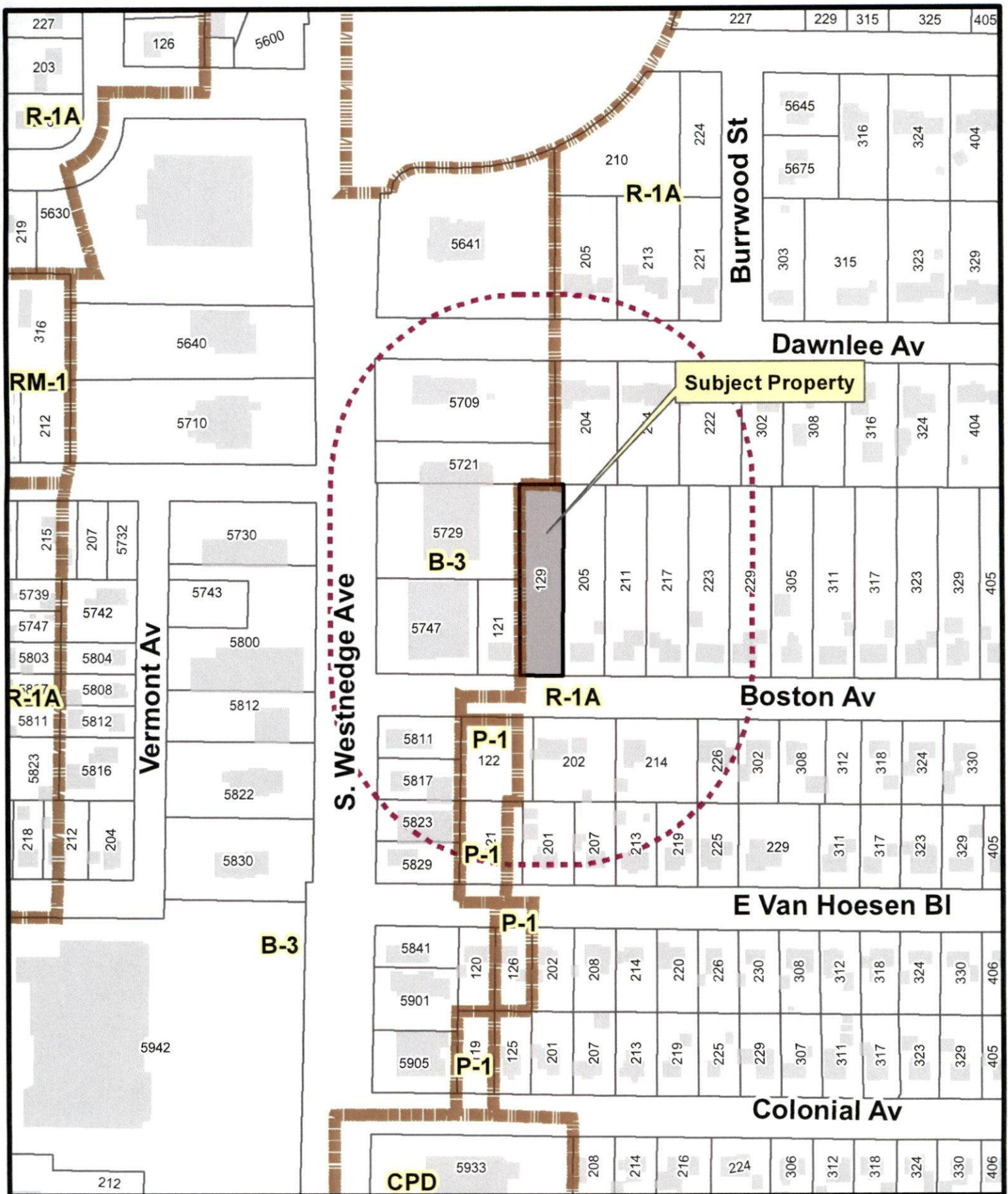
Subject to any additional comments that may be received during the public hearing, staff advises the Planning Commission to recommend to City Council that Rezoning Application #18/19-6 be denied and 129 Boston Avenue remain zoned R-1A, one family residential. The land use issue is about further encroachment of nonresidential development into a neighborhood, not whether a medical marihuana facility is appropriate at 5747 South Westnedge Avenue.

The proposed OS-1 rezoning is not entirely consistent with the Comprehensive Plan, Future Land Use Map and the adjacent zoning pattern and, if rezoned, may negatively impact the adjacent residences with increases in traffic (including neighborhood cut-through traffic), noise, lights, among others. Retention of the existing commercial/residential zoning pattern and boundary along the north side of Boston Avenue represents an appropriate depth of commercial zoning (233 feet) along South Westnedge Avenue that can support viable commercial development/redevelopment. This recommendation is consistent with the 2002 and 2013 rezoning decisions noted above and the subsequent change to the 2014 Future Land Use Map, and will minimize negative impacts on the adjacent residential neighborhood.

Similar to other residential properties located adjacent to the South Westnedge Avenue commercial corridor, continued use of 129 Boston Avenue as a single family residence remains a suitable option for the property. While the proposed OS-1 zone is not as intensive as the adjacent B-3 zone, it is not entirely consistent with the Comprehensive Plan/Future Land Use Map designations or the surrounding zoning pattern. The nearest OS-1 zoned property is located along the north side of West Milham Avenue, west of Georgia Avenue, within the designated Milham Avenue Office Corridor.

Given the size/configuration of the subject property (0.46 acre, 66-feet by 302-feet) and location of the buildings, conversion of the existing dwelling to an office use as proposed by the applicant and construction of required off-street parking, loading/unloading area, among others may be problematic without 1) a variance(s) from the Zoning Board of Appeals or 2) assembling 129 Boston with 5747 South Westnedge Avenue/121 Boston Avenue. Finally, there are numerous other vacant and/or underutilized OS-1 zoned properties throughout the city, including 121 Boston Avenue (also owned by Mr. and Mrs. Sharma) that could accommodate the proposed office use. Redevelopment and redefining of the zoning lot comprised of 5747 South Westnedge Avenue and 121 Boston Avenue is also an option for the applicant and/or property owner to accommodate the proposed attorney office and medical marihuana provisioning center without the need to rezone 129 Boston Avenue.

Attachments: Zoning/Vicinity Map
Aerial Photo Map
Future Land Use Map
Development Guideline Table (OS-1)
Rezoning Application and Supporting Materials

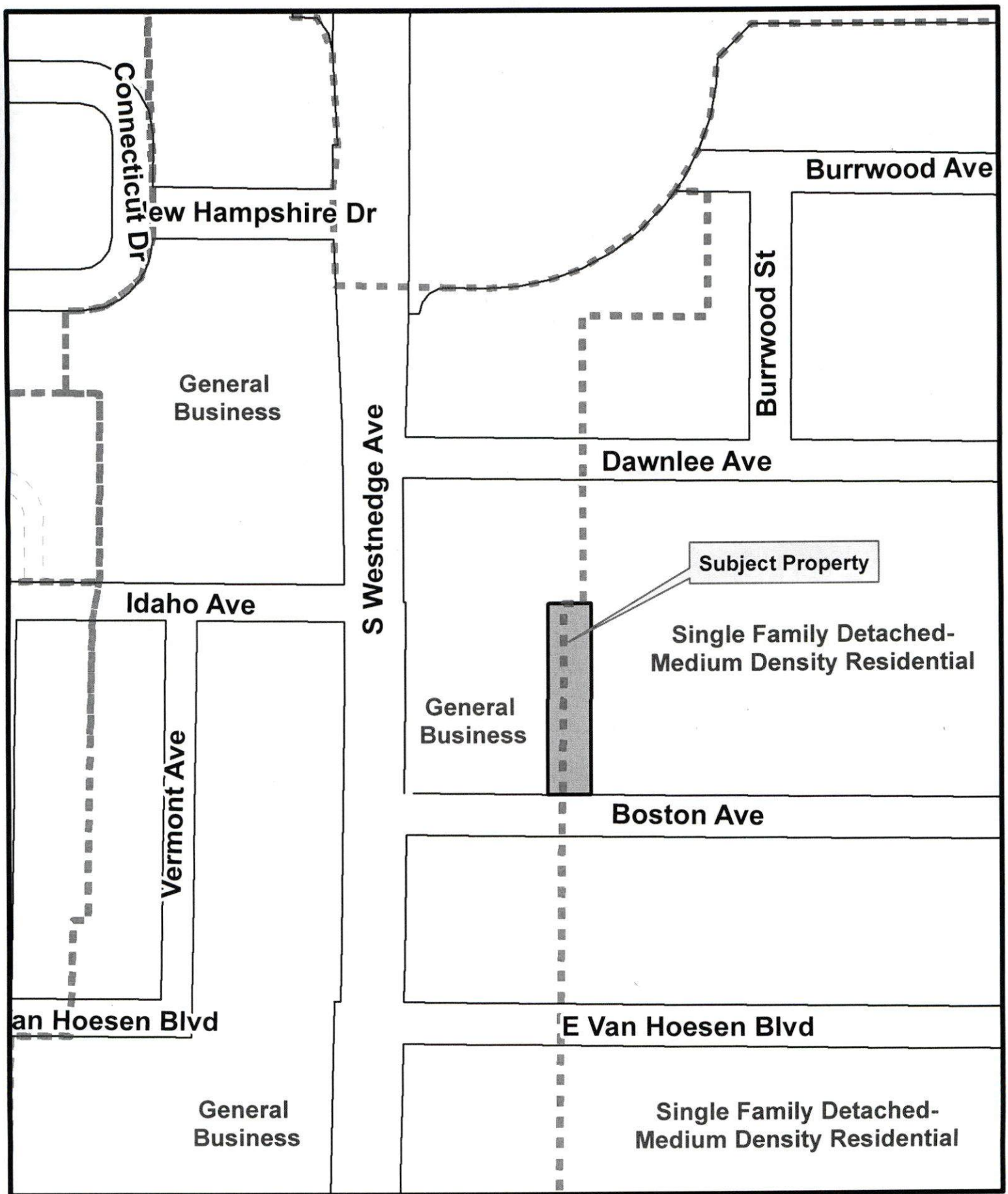


-  Zoning Boundary
-  Subject Property
-  300' Notification Boundary

Rezoning: #18/19 - 6
129 Boston Avenue



1 inch = 200 feet



 Future Land Use
 Subject Property

Future Land Use Map 129 Boston Avenue



1 inch = 200 feet

(215)



Aerial Photography
129 Boston Avenue



1 inch = 100 feet

(216)

DEVELOPMENT GUIDELINES
Rezoning Application #18/19-6, 129 Boston Avenue
(OS-1, Office Service)

Guideline	Description	Consistent	Comments
Rezoning Requests Z-1	Consistency with Future Land Use Plan	No	Future Land Use Map identifies the rezoning parcel as situated within a zone of transition between General Business and Single Family Detached-Medium Density Residential land use. Based on the surrounding land use/zoning pattern, the proposed OS-1 district is not entirely consistent with the Future Land Use Map.
Commercial – 1	Coordinated Development	No	The request for OS-1 zoning is not entirely consistent with the Future Land Use Map and redevelopment of the small property with a stand alone office use would not result in a coordinated development pattern.
Commercial – 2	Commercial/Office Uses in General	No	While the property is situated adjacent to existing commercial zoning on South Westnedge Avenue, additional nonresidential zoning will result in further encroachment adjacent to the residential uses along Boston Avenue.
Commercial – 3	Local Business Uses	N/A	Guideline is not applicable to OS-1 rezoning request.
Commercial – 4	Regional and General Commercial Uses	N/A	Guideline is not applicable to OS-1 rezoning request.
Commercial – 5	Portage Commerce Square	N/A	Guideline is not applicable to OS-1 rezoning request.
Commercial – 6	City Centre Area	N/A	Guideline is not applicable to OS-1 rezoning request.
Commercial – 7	Lake Centre Business Area	N/A	Guideline is not applicable to OS-1 rezoning request.
Commercial – 8	Office/Commercial Site Design	N/A	Issues associated with pedestrian circulation, site lighting, storm water design, shared/cross access, among others would be reviewed at the site plan stage of development if rezoned to OS-1.
Natural & Historic Resources - 1	Environmental Protection	Yes	City of Portage Natural Resources Map does not identify wetland, floodplain or other environmentally sensitive areas on the subject property.
Natural & Historic Resources - 2	Floodplain	Yes	Rezoning site is not situated within the 100-year floodplain.
Natural & Historic Resources - 3	Water Quality	Yes	Storm water system will be reviewed at the site plan stage of development if rezoned to OS-1.
Natural & Historic Resources – 4	Noise	Yes	Site design issues including noise associated with the proposed retail development will reviewed at the site plan stage of development if rezoned to OS-1.

Natural & Historic Resources – 5	Historic Resource Preservation	Yes	The rezoning site does not contain any historic buildings and is not situated within an established historic district.
Transportation – 1	Transportation Systems	No	Boston Avenue is a local residential street. Rezoning the subject property to OS-1 may direct nonresidential traffic further into the residential neighborhood negatively impacting the area. Cut-through traffic to East Milham Avenue via Concord Street may also occur.
Transportation – 2	Street Design	N/A	No new streets are proposed.
Transportation – 3	Access Management	N/A	Site design issues involving access management will be reviewed at the site plan stage of development if rezoned to OS-1.
Transportation – 4	Non Motorized Travel	N/A	Specifics associated with the inclusion of walkways and pathways will be reviewed at the site plan stage of development if rezoned to OS-1.
Transportation – 5	Right-of-Way Preservation	N/A	Reviewed at the site plan stage of development if rezoned to OS-1.
Transportation – 6	Parking	N/A	Reviewed at the site plan stage of development if rezoned to OS-1.
Municipal Facilities & Services – 2	Sanitary Service	N/A	Sanitary sewer is currently available at the site if rezoned to OS-1.
Municipal Facilities & Services –3	Underground Utilities	N/A	Reviewed at the site plan stage of development if rezoned to OS-1.

T:\COMMDEV\2018-2019 Department Files\Board Files\Planning Commission\PC Reports\Development Guidelines Tables\Guideline Table 18-19-3 (OS-1).docx

(Rezoning Application #18/19-6)

Michael West

From: Planning and Zoning Applications
Sent: Monday, April 01, 2019 4:54 PM
To: Christopher Forth; Michael West
Subject: FW: Online Form Submittal: Zoning Amendment Application

RECEIVED
APR 02 2019
COMMUNITY DEVELOPMENT

From: noreply@civicplus.com [mailto:noreply@civicplus.com]
Sent: Monday, April 01, 2019 4:14 PM
To: Planning and Zoning Applications <PlanningZoningApplications@portagemi.gov>
Subject: Online Form Submittal: Zoning Amendment Application

Zoning Amendment Application

Applicant Information

First Name	Joey
Last Name	Kejbou
Address	3458 Connors Drive
City	Rochester Hills
State	MI
Zip Code	48307
Email Address	joey@jpklegal.com
Phone Number	248-229-8282
Fax Number	248-250-5597

Property Owner Information

Required if property owner is different than the applicant

First Name	Jayesh & Neha
Last Name	Sharma
Address	6804 Veronica Street
City	Kalamazoo
State	MI

Zip Code	49009
Phone Number	<i>Field not completed.</i>
Fax Number	<i>Field not completed.</i>
Email Address	<i>Field not completed.</i>
Zoning Map Amendment	
Property Address	129 Boston Avenue
Parcel ID No.	<i>Field not completed.</i>
Plat Name (if applicable)	<i>Field not completed.</i>
Current Zoning	R-1A, One Family Residential
Proposed Zoning	OS-1 Office Service
Comprehensive Plan Designation	<i>Field not completed.</i>
Site Area (acreage)	<i>Field not completed.</i>
Current Land Use	Residential/Vacant
Proposed Land Use	Single Use Law Office Part Time
Zoning Code Text Amendment	
<i>Zoning Code section proposed to be modified and/or Proposed language to be considered.</i>	
Proposed Amendment	Please see attached Propose Amendment
Applicant/Property Owner Certification	
<i>Included is a statement indicating why, in my opinion, the change requested is necessary and why such amendment will advance the public health, safety and welfare. An assessment of the impact of the proposed zoning amendment on the community or property of other persons in the vicinity of the amendment or affected by the amendment is also included.</i>	
upload file attachment if needed	<u>Proposed Amendment- Zoning Amendment Change.pdf</u>
Electronic Signature Agreement	I agree.
Electronic Signature	Joey Kejbou
Date	April 1, 2019

Proposed Amendment

Explain Proposed Amendment

RECEIVED
APR 02 2019
COMMUNITY DEVELOPMENT

129 Boston Avenue (the **Property**) is a rectangular parcel located near the S Westnedge Avenue commercial corridor, south of Interstate 94. The Property is immediately adjacent to properties zoned B-3 on its western, northern, and southern boundaries. To the east is a residential lot improved with a single-family home.

Over the past decade, there has been substantial growth along the adjoining S Westnedge Avenue corridor, including development of a Walgreens and an AT&T retail store. The large vacant parcel to the south of the Property also provides substantial space for additional commercial development.

Each of the adjoining lots are used for retail activity, and the Property itself is surrounded on three sides with parking lots to service those retail uses. The entire western boundary of the Property adjoins surface parking; nearly all of the northern (rear) Property line adjoins surface parking; and one of the parcels across Boston Avenue to the south is a parking lot — making the Property marginally desirable for continued use as a single-family home. In fact, the Property's current zoning as R-1A creates a cutout from the commercial corridor running the length of S Westnedge Avenue in this area, leading to an anomalous situation for a residential property of having the rear yard adjoin a commercial parking lot rather than a residential back yard, and having a front yard partially face a commercial parking lot across the street.

Given the unique circumstances of the Property, the owner seeks rezoning to allow use of the Property that is consistent with neighboring parcels on three sides. The anticipated use will be low intensity and have nominal impact on residential properties to the east. The current plan is to convert the existing house to a small office space, providing a further buffer from commercial activity along S Westnedge Avenue.

The rezoning of the Property will also allow it to function as a buffer parcel to the extent the parcel at 5747 S Westnedge Avenue is used for medical marijuana facilities by a licensee in the future. That particular parcel has been recognized as an appropriate location for such a facility, and a small commercial space on the Property will serve to separate the 5747 Parcel and its adjoining parking lot from the housing to the east.

Nothing in the proposed rezoning will impact traffic or otherwise create nuisance conditions for the adjoining neighborhood. The Property is of such a size and configuration that it will support only limited intensity of use that will not disturb the

Zoning Amendment Request

129 Boston Avenue – Parcel No. 01610-005-0

Supplemental Attachment to Online Application Form

Page 2

neighbors to the east. The Property has no other unique characteristics or features that require continuation as a residentially-zoned property.

The owner respectfully requests that the rezoning request be granted. Such a rezoning will facilitate the concentration of commercial activity along the Westnedge corridor without creating any negative effects on neighboring residential uses.

549094

Proposed Amendment

Address: 129 Boston Avenue, Portage, Michigan 49002 ("Property")

Physical Characteristics: The Property is a rectangular parcel located two parcels east of S Westnedge Avenue's commercial corridor, just south of Interstate 94. Each of the western and northern boundaries of the Property abut properties designated as B-3 General Business. To the east of the Property there are additional residential lots which are zoned R-1A One Family Residential. As it currently sits, much of the Property is undeveloped and used as yard space, particularly to the north of the structure located on the Property.

Recent History of the Property and 5747 S Westnedge: During the course of the last ten years, the neighboring properties to the east of the subject Property have experienced a significant amount of development and commercialization. More specifically, the target area has seen the recent developments of an AT&T retail store in addition to a Walgreens pharmacy. The neighboring property, 5747 S. Westnedge, Portage, Michigan, which has common ownership with the subject Property, has undergone extensive renovations when the current ownership group incurred significant expenses in trying to bring in a national retailer who still occupies a portion of the property (DXL Menswear) and building out the other half of the building for the prior mattress and carpet retailers who occupied that space.

Unfortunately, the renovations the current ownership group incurred for 5747 S Westnedge have been for naught, as one half of the building has remained vacant or leased for significantly below market to limit the monthly losses. The current ownership group has attempted to sell, lease or do anything they can to recoup their investments in 5747 S. Westnedge, however their efforts have been largely unsuccessful. 5747 S Westnedge is one of the largest commercial spaces in this particular area of the commercial corridor that remains unoccupied and has been listed for lease since at least December 2017.

Applicant's Proposed Use and Vision: The current applicant is in the medical marihuana industry. Green Bronco, LLC is an entity which has been prequalified by the State of Michigan and which has previously obtained full licensure to operate a legal medical marihuana facility in another local municipality. As it currently stands, 5747 S Westnedge, Portage, Michigan has a vacant unit could potentially be used as a medical marihuana provisioning center however in order for that plan to come to fruition the current subject Property would need to be rezoned to a non-residential designation that would create a buffer from the other residential properties to the east of the subject Property. In the current proposal, we believe Green Bronco could both maximize the potential use of the vacant unit in 5747 S Westnedge while also making 129 Boston a feasible commercial office business.

Specifically, Green Bronco, LLC currently has multiple retail sites in development in the Kalamazoo County area. One of the members of Green Bronco, Joey Kejbou, is also a practicing attorney who serves as Green Bronco's compliance officer for local and state regulatory matters. The intent of the proposed rezoning serves multiple purposes. A rezoning of the subject Property to an office designation would allow Mr. Kejbou and Green Bronco to utilize the building on 129 Boston Avenue as a satellite office of sorts for his law practice as well

as oversight and management of the various medical marihuana facilities owned by Green Bronco in the Kalamazoo County area. It would be a single user, low traffic, low impact type of use for the subject Property. If used in the proposed capacity, it would create less traffic than even the neighboring residential properties as we anticipate only one vehicle being there approximately 1-3 days/week.

In addition to maximizing the potential of the subject Property, the neighboring unit at 5747 S Westnedge, Portage, Michigan would become a functional, tax generating medical marihuana provisioning center offering patients medical marihuana. The interior of 5747 S Westnedge would receive extensive renovations that will be built to code and professionally maintained in accordance with local and state laws. In addition, if the proposed rezoning is approved, the local properties and area as a whole would be indirect beneficiaries of 5747 S Westnedge's new landscaping, improved security surveillance that will exist all over the exterior of that building, updated lighting that would improve visibility and, from a purely financial perspective, the city would receive a boost in tax revenues.

Conclusion and Request for Approval: In reviewing this honorable Commission's prior recommendation and determination we understand and fully appreciate your concerns regarding a B-3, high intensity zoning designation abutting a residential area. Accordingly, we believe the prior decision to deny a rezoning to a B-3 designation was justified. That being said, if 129 Boston remains zoned residential it will continue to abut a B-3 commercial zoning district that would not be an ideal situation for any residential occupant; essentially creating the type of atmosphere the Commission advocated against in issuing their denial. However, the proposed rezoning would create a more effective buffer of a single user, sparsely used law office that segregates the B-3 zoned properties from other Boston Avenue properties to the east of the subject Property. In addition, the concerns previously cited in the Commission's January 17, 2019 report, which included, among other things, traffic, lighting, loading/unloading would all be alleviated and, in fact, improved for the other residential neighbors if the proposed rezoning is approved.

The proposed rezoning, in our analysis, would significantly increase the functionality of both 129 Boston Ave and 5747 S Westnedge while also addressing all of the concerns previously stated by the Commission in their denial from January 17, 2019. In light of the foregoing, we respectfully request that the Commission approve the proposed rezoning.

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

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

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 4 (Zoning) of Chapter 42 of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on _____, 2019, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on _____, 2019, at 7:00 p.m. or as soon thereafter as may be heard.

NOTICE IS FURTHER GIVEN that the proposed amendment to Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan reads as follows:

THE CITY OF PORTAGE ORDAINS:

That Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan, Official Zoning Map, be amended as follows:

Street Address

Parcel ID Numbers

129 Boston Avenue

01610-005-O

From R-1A, one family residential to OS-1, office service or any other classification permitted by law.

PLEASE TAKE FURTHER NOTICE that if the owners of at least twenty percent (20%) of the area of land included in the proposed zoning change, or if the owners of at least twenty percent (20%) of the area of land included within an area extending outward one hundred feet (100') from any point on the boundary of the land included in the proposed change, excluding public right-of-way or other publicly owned land, file a written protest petition against the proposed amendment presented to the City Council before final legislative action on the amendment, a two-thirds vote of the City Council will be required to pass the amendment.

Dated: _____

Adam Herringa, City Clerk

(App #18/19-6)