

4:30 p.m. Special City Council Meeting - City Manager Search

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 of August 6, 2019.

b. Pre-Council Meeting Minutes of August 19, 2019.

2. Approval of the Accounts Payable Register of August 20, 2019 as presented.

3. Approve the low bid from Gail Andrus Travel, LLC, for motor coach services for the late 2019 and 2020 Portage Senior Center travel program in the amount of \$46,390 and authorize the City Manager to execute all documents related to this action on behalf of the city.

4. Adopt the Resolution to sell 2527 West Milham Avenue and authorize the City Manager to execute all documents related to the real estate transaction on behalf of the city.

5. Accept Ordinance Amendment #18/19-B, Residential Amendments, for first reading and set a public hearing for September 17, 2019.

6. Set a Special Meeting on Tuesday, October 8, 2019 at 5:00 p.m. at Portage City Hall, Council Chambers, for the purpose of a Mid-year Retreat.

7. Minutes of Boards & Commissions:

a. Historic District Commission of July 17, 2019.

8. Materials Transmitted from August 6, 2019.

B. Petitions and Statements of Citizens:

C. Communications:

1. Calendar of Meetings.

- Senior Citizen Advisory Board, Wednesday, August 21, 2019 at 2:30 p.m. at Senior Center.

D. Public Hearings:

1. Subsequent to the public hearing, approve the City of Portage Brownfield Redevelopment Plan, with Brownfield Redevelopment Plan Amendment No. 7, 6666 Lovers Lane.

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 AUGUST 6, 2019

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

At the request of Mayor Randall, the audience observed a moment of silence to honor all religions and personal beliefs and in recognition of the efforts of the Portage Community Center and the people they serve. The Mayor and City Council then 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. Mayor Randall asked that the items under "Communications" be added to the Consent Agenda (inclusive of the Calendar of Meetings and reappointment of Mayor Pro Tem Jim Pearson to the Central County Transportation Authority Board). No items were removed from the Consent Agenda. Motion by Burns, seconded by Ford, to approve the Consent Agenda as presented. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF MINUTES: Motion by Burns, seconded by Ford, to approve the Regular Meeting Minutes of July 23 and Pre-Council of August 5, 2019. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF AUGUST 6, 2019: Motion by Burns, seconded by Ford, to approve the Accounts Payable Register of August 6, 2019. Upon a roll call vote, motion carried 7 to 0.

PORTAGE COMMUNITY CENTER FUNDING REQUEST: Motion by Burns, seconded by Ford to 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. Upon a roll call vote, motion carried 7 to 0.

TYLER TECHNOLOGIES RECORDS MANAGEMENT SYSTEM FOR MOBILE FIELD REPORTING: Motion by Burns, seconded by Ford to 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. Upon a roll call vote, motion carried 7 to 0.

CENTRE PORT COMMONS BROWNFIELD REDEVELOPMENT PLAN AMENDMENT NO. 6: Motion by Burns, seconded by Ford to 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. Upon a roll call vote, motion carried 7 to 0.

BROWNFIELD REDEVELOPMENT PLAN AMENDMENT NO. 7: Motion by Burns, seconded by Ford to 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. Upon a roll call vote, motion carried 7 to 0.

PORTAGE POLICE OFFICERS LABOR AGREEMENT: Motion by Burns, seconded by Ford to authorize the Mayor and City Clerk to execute a three-year labor agreement between the City of Portage and the Portage Police Officers Association. Upon a roll call vote, motion carried 7 to 0.

PERSONNEL RULES AND REGULATIONS: Motion by Burns, seconded by Ford to approve the revised City of Portage Personnel Rules and Regulation. Upon a roll call vote, motion carried 7 to 0.

TRANSFER OF REAL PROPERTY AT 4290 ROMENCE ROAD: Motion by Burns, seconded by Ford to 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. Upon a roll call vote, motion carried 7 to 0.

PORTAGE NORTHERN HOCKEY BOOSTERS CHARITABLE GAMING LICENSE: Motion by Burns, seconded by Ford to adopt the Resolution for Charitable Gaming License recognizing Portage Northern Hockey Boosters as a nonprofit organization in the City of Portage. Upon a roll call vote, motion carried 7 to 0.

MAP OF HAMPTON CREEK WETLAND AREA: Motion by Burns, seconded by Ford to receive the communication regarding a detailed map of the Hampton Creek Wetland Area as information only. Upon a roll call vote, motion carried 7 to 0.

MINUTES OF BOARDS AND COMMISSIONS: Motion by Burns, seconded by Ford, to receive the minutes of the Youth Advisory Committee of June 4, 2019 and Senior Citizens Advisory Board of June 19, 2019. Upon a roll call vote, motion carried 7 to 0.

MATERIALS TRANSMITTED: Motion by Burns, seconded by Ford, to receive the Materials Transmitted of July 25, 2019. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATIONS:

CENTRAL COUNTY TRANSPORTATION AUTHORITY BOARD APPOINTMENT: Motion by Burns, seconded by Ford, to confirm the re-appointment of Jim Pearson to the Central County Transportation Authority Board. Upon a roll call vote, motion carried 7 to 0.

CALENDAR OF MEETINGS: Motion by Burns, seconded by Ford, to receive the Calendar of Meetings. Upon a voice vote, motion carried 7 to 0.

PUBLIC HEARINGS:

REZONING APPLICATION #18/19-6, 129 BOSTON AVENUE: City Manager Shaffer introduced Community Development Director Vicki Georgeau who reviewed the current zoning of 129 Boston along with nearby properties. She continued by reviewing development plans of the applicant along with use of adjoining properties. Next, Ms. Georgeau reviewed the Future Land Use Map and the delineation of commercial v. residential as it pertains to 129 Boston noting that the property is divided on the map. Ms. Georgeau continued by reviewing the ideal depth of commercial

parcels in this area. She concluded her comments by reviewing the history of this rezoning request and reviewing the recommendation for denial.

Councilmember Reid asked Ms. Georgeau to review parking and potential uses of the property located at 5747 South Westnedge both with and without the rezoning of 129 Boston Avenue. Ms. Georgeau reviewed parking challenges and shared a variety of development options. She also explained that the applicant, Mr. Joey Kejbou, would like to develop 5747 South Westnedge into a medical marihuana provisioning center which is a use not currently permitted due to proximity to the residential neighborhood. Rezoning of 129 Boston to Office Service, she explained, would eliminate the restriction and make 5747 South Westnedge eligible for a provisioning center. In response to another inquiry from Councilmember Reid, Ms. Georgeau provided an update on the city's progress on drafting an adult use marihuana ordinance and the current number and status of medical marihuana provisioning centers. With regard to parking requirements for marihuana stores, Ms. Georgeau explained that she is currently looking at the same requirements as those used for retail establishments.

Mayor Randall referenced the Future Land Use Map and inquired why the line is not straighter in the vicinity of 129 Boston. Ms. Georgeau reviewed how the lines were drawn and that this particular map is designed to be viewed as a policy document and the lines do not follow parcel boundaries. Councilmember Knapp referenced the zoning of other properties, such as a nearby Walgreen's, and whether a precedent has been set with expanding commercial boundaries in this area of the city. Ms. Georgeau reviewed the Walgreen's development and questioned when and how to define where commercial intrusion into residential areas should stop. In response to an inquiry from Councilmember Knapp about public comment on the proposed rezoning, Ms. Georgeau shared that some residents have raised questions but few concerns have been expressed.

Councilmember Urban pointed to the Parking zoning designation along the rear of several properties in proximity to 5747 South Westnedge. He explained that prior city councils and administrations used this designation to provide a buffer between commercial and residential areas. Councilmember Urban shared that the matter of commercial zoning adjacent to residential zoning has been debated and discussed in the city for decades. At the request of Councilmember Urban, Ms. Georgeau reviewed the P-1 (parking) designation in this area.

At the request of Councilmember Reid, Ms. Georgeau reviewed the setback requirements of the OS-1 (Office Service) zoning designation. Councilmember Reid reviewed the neighborhood in which 129 Boston is located and stated that it is stable and filled with affordable homes. She expressed concern with removing an affordable home from the housing stock. Ms. Georgeau confirmed that the neighborhood is stable and that it has been a frequent recipient of Community Development Block Grant funds.

Councilmember Burns inquired as to anticipated traffic should the zoning be changed to OS-1. Ms. Georgeau explained that Office Service generates more traffic than a residential designation. She also shared that residents have expressed concern about cut-through traffic in this neighborhood. Mr. Burns pointed out that 129 Boston has business zoning on two sides of the property.

Mayor Pro Tem Pearson referenced the P-1 zoning designation and inquired if this rezoning option was explored with the current property owner, Mr. Jay Sharma. Mr. Pearson shared that he used to serve on the Planning Commission and that on rare occasions City Council would overturn their recommendation. He questioned whether a business zoning designation would not have been more appropriate noting that OS-1 will be a unique spot surrounded by business designations. He continued by noting the non-linear zoning boundary between this section of South Westnedge and the neighborhood to the West. Next, Mayor Pro Tem Pearson reviewed and questioned the rationale to deny provided in the agenda item and asked Ms. Georgeau to respond. Mayor Pro Tem

Pearson noted that the building at 129 Boston will be used by an attorney and Ms. Georgeau noted that while this may be the case today, the OS-1 designation provides for a range of possible uses.

In response to an inquiry from Councilmember Reid, Ms. Georgeau reviewed the parking options and requirements for 5747 South Westnedge and 129 Boston. In response to an inquiry from Councilmember Burns, Ms. Georgeau explained that a buffer between 129 Boston and the neighboring property can be installed as there are adjacent land use provisions that can be applied.

Councilmember Urban inquired as to the feasibility of developing an office on a 66 foot wide lot and Ms. Georgeau pointed out that such offices can be found on Milham Avenue and Portage Road.

There being no further questions from City Council, Mayor Randall opened the public hearing and invited the applicant to speak. The applicant, Mr. Joey Kejbou, shared that he is the applicant and an attorney representing the property owners Jay and Neha Sharma. Mr. Jay Sharma spoke and gave a history of his ownership of various commercial properties in Portage. He continued by explaining the difficulties he has had obtaining and keeping tenants at 5747 South Westnedge along with efforts he has made to make the property attractive to businesses. Attorney Kejbou shared that he is involved with medical marijuana properties and establishments around the State of Michigan. He noted that he plans to use the house at 129 Boston as a remote office and that there will be limited traffic. He continued by sharing his plans to develop 5747 South Westnedge into a medical marijuana provisioning center and why this will be a viable business at this location. Mr. Kejbou discussed parking and intention to install landscaping to minimize the business impact to 205 Boston.

Mr. John Jures, 5058 Huntington Boulevard, Carmel, IN, shared that he is a commercial real estate broker in Michigan and described challenges facing traditional retail establishments in today's market. He pointed out that retail stores are closing resulting in vacant storefronts. He explained that businesses such as the one being proposed, fitness established and similar personal service establishments are options. He concluded by stating that the proposed rezoning will dramatically increase the marketability of Mr. Sharma's property.

Motion by Pearson, seconded by Reid to close the public hearing. Upon a voice vote, motion carried 7 to 0.

Motion by Pearson, seconded by Knapp that rezoning application # 18/19-6, 129 Boston Avenue requesting rezoning from R1-A One Family Residential to OS-1 Office Service be approved for the following reasons:

1. The zoning in the immediate vicinity is commercial and residential and the proposed new use is consistent and compatible with the land uses in the surrounding area.
2. The rezoning is consistent with the Future Land Use Map identifying a significant portion of the subject parcel as intended for commercial use.
3. The rezoning is consistent and compatible with the general land use patterns in the surrounding area.
4. The square footage of the proposed subject property is adequate for OS-1 Office Service use.

Following the motion, Mayor Pro Tem Pearson provided his rationale for supporting the rezoning and highlighted his belief that zoning precedence in this area has been set, decisions made in the past do not reflect today's realities, the retail corridor will be enhanced with the addition of a business and that parking and traffic issues can be addressed.

Councilmember Reid reviewed the difficulties of this rezoning request and associated loss of affordable housing. She stated that, if rezoned, her preference is for Office Service as opposed to a more intensive use.

Councilmember Ford expressed sympathy for the applicant and thanked him for being transparent about his intentions for the property. Mr. Ford noted that the OS-1 designation would

be the only such designation in this area and expressed preference for a business (B-3) or parking designation instead as this would be consistent with adjacent zoning. He expressed opposition to the motion based on the lack of consistency with the OS-1 designation. Councilmember Reid expressed opposition to a B-3 zoning designation and Councilmember Urban pointed to the history of using a P-1 designation in this area to serve as a buffer between businesses and residences. He expressed opposition to either rezoning 129 Boston to OS-1 or B-3. City Manager Shaffer pointed out that the petitioner requested OS-1 and all public notifications and staff research/recommendations were based on this zoning request. He asked that City Council stick with considering the OS-1 request. There being no further questions, upon a roll call vote, motion carried 5 to 2 with Councilmembers Ford and Urban voting no.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Burns thanked Community Development Director Georgeau and the Planning Commission for their work related to the rezoning request and noted the unique nature of the parcel.

Councilmember Ford shared that he recently attended the Public Safety Movie Night at Celery Flats and complimented staff and the Youth Advisory Committee on the event. Mr. Ford then announced that he has filed to run for reelection to City Council. He then thanked Mr. Sharma and Mr. Kejbou for being transparent in their rezoning request and explained that he voted no due to the inconsistency of the OS-1 zoning designation in this area.

Councilmember Urban commented that he has worked for 30 years to protect commercial encroachment into residential neighborhoods while still accommodating development. He stated that the P-1 designation has been a tool for this and noted that many areas of the city that could be designated for commercial use have not been so as to protect neighborhoods.

Councilmember Reid shared that the Michigan Department of Transportation intends to begin work on expanding I-94 between Lovers Lane and Portage Road in 2021.

Councilmember Knapp thanked everyone for the zoning discussion. She noted that the discussion was timely given that it is time to update the Comprehensive Plan. Ms. Knapp noted the need for balance between and among zoning districts. Next, Ms. Knapp encouraged residents to read the latest *Portager* and noted that it includes the Fall and Winter brochure for park and recreation events. Finally, she encouraged residents to utilize the Red Med Box at the Police Station to dispose of old and unwanted medications.

Mayor Pro Tem Pearson thanked everyone for the rezoning discussion and commented that he does not take pleasure in disagreeing with Community Development Director Georgeau or the Planning Commission. He stated that it is very rare and complimented Ms. Georgeau and the Planning Commission on their work.

Mayor Randall shared that she attended an event with City Manager Shaffer at which Governor Gretchen Whitmer was present. She shared that she and Mr. Shaffer spoke with Governor Whitmer about the flooding situation at the Hampton Bog and need for various state departments to work expeditiously. Next, Mayor Randall shared that City Council approved a loan in the amount of \$150,000 to the Portage Community Center as part of the Consent Agenda and shared what the money will be used for. Finally, she shared that she had attended several events in the community and thanked city staff and the planning commission for their work related to the rezoning request.

ADJOURNMENT: Mayor Randall adjourned the meeting at 8:45 p.m.

Adam Herringa, City Clerk

**MINUTES FROM THE PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF AUGUST 19, 2019**

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

With regard to Item A.3, Gail Andrus Travel, Councilmember Reid asked for clarification on what happens financially should a trip be canceled due to lack of registrations. She inquired if a bus trip reaches capacity, what happens to any profits? City Manager Shaffer responded that any profit generated by a bus trip is deposited in the General Fund. He continued by stating that it is his understanding that each trip requires a minimum number of participants. Should this minimum not be reached, he continued, deposits of trip registrants are returned and the trip canceled. Councilmember Reid noted that the agenda item indicates that Gail Andrus Travel is paid up front for the travel program and asked if this was the case. City Manager Shaffer noted his preference for a pay-as-you-go service but indicated he would research and respond to Councilmember Reid's inquiries.

With regard to Item A.5, Ordinance Amendment #18/19-B, Mayor Pro Tem Pearson stated that he has several questions and concerns that he would like addressed before any action is taken on this item. For example, he inquired as to why the initial proposal of a maximum level of lot coverage was decreased from 30% to 25%. He also requested information on the total number of lakefront properties that are non-conforming. He then noted that the Zoning Board of Appeals heard 20 appeals regarding non-conformance of lakefront properties and granted 17 of them. He asked for information on each of the appeals along with the outcome of each. He noted that he was opposed to setting a public hearing until he had a better understanding of the item and related recommendations. Councilmember Reid stated that there is a significant amount of information related to this agenda item and several proposed zoning changes.

Councilmember Reid expressed her opinion that this is a topic that would be better addressed at a planned mid-year retreat or at a Committee of the Whole Meeting. Mayor Pro Tem Pearson concurred with Councilmember Reid. Mayor Randall also questioned the change in lot coverage from 30% to 25% and provisions related to overflow water and amount of permitted impervious surfaces. She continued by commenting that she has heard from residents who were told to hold off on their building project until the lot coverage levels are changed and the provisions of this ordinance approved. She noted a Zoning Board of Appeals approval that was granted to a former elected official and stated her desire that all residents be treated equally. Mayor Randall inquired if there was a timeframe for action on this ordinance amendment and City Manager Shaffer responded in the negative. Mayor Randall noted that City Council can discuss how to proceed with this item at Tuesday's Regular Meeting.

With regard to Item A.6, Special Meeting, Mayor Randall stated that the presentation by Quint Studer is not an official meeting for the school board, City Council attendance is optional

and the presentation and tour of the new middle school are being offered as a goodwill gesture. Mr. Shaffer indicated he would remove the item from the agenda.

With regard to Item D.1, Brownfield Redevelopment Plan and Plan Amendment No. 7, Councilmember Reid shared that City Council had received an e-mail from Joe Agostinelli of Southwest Michigan First expressing concerns associated with the Brownfield Redevelopment Plan and this project. She asked for clarification and whether these concerns have since been addressed. City Manager Shaffer stated that Mr. Agostinelli had expressed concern about provisions limiting the applicant's ability to file a tax appeal. Mr. Shaffer stated that Mr. Agostinelli also had expressed concern associated with the City of Portage having its own Brownfield Redevelopment Authority since Kalamazoo County also had a Brownfield Redevelopment Authority. Mr. Shaffer noted that staff had worked with Mr. Agostinelli on crafting mutually agreeable language to address concerns about the ability to file a tax appeal. Councilmember Reid inquired if this language would now become typical. Mr. Shaffer responded in the affirmative but stated that the city needs to take steps to limit an applicant who is in the process of receiving tax incentives to also file tax appeals. Mayor Randall expressed a desire for consistency noting that the City of Portage is interested in brownfield incentives for this project but not for the recent Stryker project which was handled by Kalamazoo County.

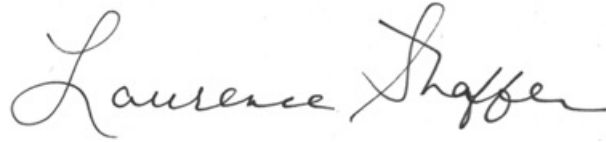
Councilmember Reid inquired if a petitioner could choose to apply for brownfield redevelopment assistance via Kalamazoo County or the City of Portage. Mr. Shaffer stated that the petitioner could make the choice. He stated that, at least initially, the City of Portage will handle smaller brownfield projects. He explained that the City of Portage Brownfield Redevelopment Authority is designed to protect the best interests of the city and provide direct support for those projects occurring within the city. Mayor Randall inquired if the Stryker project was too large for the city and Mr. Shaffer responded in the affirmative. He explained that given the scope and timeline of the project that it was best handled at that time by the Kalamazoo County Brownfield Redevelopment Authority.

ADJOURNMENT: Following a summary of the meeting, Mayor Randall adjourned the meeting at 8:27 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 20, 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 29, 2019 through August 10, 2019 and notes \$428,075.88 in automated clearing house payments, \$378,175.19 in paper checks and \$68,227.89 in auto-pay payments for a grand total of \$874,478.96.

FUNDING: N/A

Attachments: 1. Accounts Payable Register of August 20, 2019

ACCOUNTS PAYABLE REGISTER
Check Dates From: 7/29/2019 To: 8/09/2019

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Check Type: ACH Transaction

Check Date	Check	Vendor Name	Description	Amount
08/02/2019	11539(A)	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES , VARIOUS PROJECTS	138,885.01
08/02/2019	11540(A)	CAPITAL ADVANTAGE LEASING	PPT DUE ON LEASED COMPUTER EQUIPMENT	1,442.60
08/02/2019	11541(A)	COMPLETE LANDSCAPING SOLUTIONS	CONTRACT MOWING FOR TALL GRASS AND WEEDS	280.88
08/02/2019	11542(A)	CONTINENTAL LINEN SERVICES	LINENS	67.63
08/02/2019	11543(A)	FIDELITY SECURITY LIFE INSURANCE CO	VISION INSURANCE - 2019/2020 BUDGET	1,152.04
08/02/2019	11544(A)	GRIFFIN PEST SOLUTIONS, INC.	PEST CONTROL - RAMONA BEACH HOUSE	137.00
08/02/2019	11545(A)	KLOSTERMAN DISTRIBUTING	RAMONA CONCESSIONS	528.12
08/02/2019	11546(A)	LEXISNEXIS RISK SOLUTIONS	MONTHLY ACCURINT	150.00
08/02/2019	11547(A)	MAPLE HILL SPRINKLING, INC.	IRRIGATION REPAIRS	765.00
08/02/2019	11548(A)	MEJEUR ELECTRIC LLC	MISC ELECTRICAL SERVICES 19/20	1,960.00
08/02/2019	11549(A)	ONE WAY PRODUCTS	CAN LINERS AND SUPPLIES	32.64
08/02/2019	11550(A)	ONSTAFF USA INC	TEMPORARY EMPLOYEE SERVICES - DPW	6,167.85
08/02/2019	11551(A)	PERCEPTIVE CONTROLS, INC.	SCADA MAINTENANCE	1,799.03
08/02/2019	11552(A)	PRINTING SERVICES INC	FIREWORKS YARD SIGNS	192.00
08/02/2019	11553(A)	THE WRIGHT FENCE	GATE INSTALLATION	4,100.00
08/05/2019	11554(A)	CHARTER COMMUNICATIONS	CABLE TV	124.98
08/09/2019	11555(A)	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES	11,565.75
08/09/2019	11556(A)	ANALYTICAL TESTING & CONSULTING	CDBG LEAD BASED PAINT TESTING	550.00
08/09/2019	11557(A)	AUMACK, MICHAEL	UMPIRE PAYROLL 2019	500.00
08/09/2019	11558(A)	BAKER, MICHAEL	UMPIRE PAYROLL 2019	100.00
08/09/2019	11559(A)	BANDS GALORE ENTERPRISES INC.	LUAU VENTRILOQUIST	450.00
08/09/2019	11560(A)	BATTERIES PLUS	BATTERY	65.95
08/09/2019	11561(A)	BEEBE, RONALD E.	UMPIRE PAYROLL 2019	350.00
08/09/2019	11562(A)	BELL EQUIPMENT COMPANY	EQUIPMENT MAINTENANCE	1,488.52
08/09/2019	11563(A)	BEST WAY DISPOSAL, INC.	SWEEPER DEBRIS DISPOSAL	4,134.40
08/09/2019	11564(A)	BYHOLT INC.	SAND DELIVERY	2,416.22
08/09/2019	11565(A)	C D W GOVERNMENT, INC.	SYMANTEC ENDPOINT PROTECTION RENEW	13,246.00
08/09/2019	11566(A)	C T S TELECOM, INC.	TELEPHONE SERVICE	3,813.95
08/09/2019	11567(A)	CAPITAL ADVANTAGE LEASING	KONICA MINOLTA COPIER LEASE 5850	693.15
08/09/2019	11568(A)	COLLIER, MICHAEL	STAFF & COMMAND WK 7 8/19 - 8/23/19	150.00
08/09/2019	11569(A)	ETNA SUPPLY, INC.	SUPPLIES - PARKS DIVISION	638.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 7/29/2019 To: 8/09/2019

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Check Date	Check	Vendor Name	Description	Amount
08/09/2019	11570(A)	FARM N GARDEN	GATE SUPPLIES	17.81
08/09/2019	11571(A)	FORSHEE, MARK	UMPIRE PAYROLL 2019	350.00
08/09/2019	11572(A)	GAIL ANDRUS TRAVEL	TRIP VENDOR PAYMENT 190711 FISH BOIL	2,842.00
08/09/2019	11573(A)	GLOBAL EQUIPMENT CO., INC.	MISC BUILDING SUPPLIES	3,257.84
08/09/2019	11574(A)	GORDON WATER SYSTEMS	HARDWARE RENTAL AND WATER	67.60
08/09/2019	11575(A)	GRIFFIN PEST SOLUTIONS, INC.	PEST CONTROL SERVICES - GLWTP	197.00
08/09/2019	11576(A)	HARTFORD LIFE INSURANCE COMPANY	LIFE & LTD INSURANCE - 2019-2020 BUDGET	8,960.15
08/09/2019	11577(A)	HOJNACKI, DAVID	UMPIRE PAYROLL 2019	184.00
08/09/2019	11578(A)	HURLEY & STEWART, LLC	PORTAGE ROAD TRAIL PROFESSIONAL ENGIN	14,339.54
08/09/2019	11579(A)	IRISH AYRES ENTERPRISES, LLC	LANDSCAPE BED MAINTENANCE	13,320.81
08/09/2019	11580(A)	KEHOE, EDWARD J	TAI CHI AND CHIGONG CLASSES	355.00
08/09/2019	11581(A)	KLOSTERMAN DISTRIBUTING	RAMONA CONCESSIONS	464.58
08/09/2019	11582(A)	LOUTHAN, WILLIAM F	UMPIRE PAYROLL 2019	192.00
08/09/2019	11583(A)	LOWE'S HOME CENTER	RAMONA LEAF BLOWER	141.55
08/09/2019	11584(A)	MARANA GROUP	METER SERVICE	274.13
08/09/2019	11585(A)	MATTAWAN YOGA LLC	CLASS INSTRUCTOR PAYMENT	300.00
08/09/2019	11586(A)	MCCULLIN, LARRY W.	UMPIRE PAYROLL 2019	125.00
08/09/2019	11587(A)	MCNALLY ELEVATOR CO.	ELEVATOR MAINTENANCE	135.91
08/09/2019	11588(A)	MOORE, CASEY	UMPIRE PAYROLL 2019	21.00
08/09/2019	11589(A)	MYERS, JAMES	ENTRUST 2020 POWERDMS CONF 3/4 -3/6/2	321.50
08/09/2019	11590(A)	NEW FRESH CLEANING SERVICE	JANITORIAL SERVICES	115.00
08/09/2019	11591(A)	NUYEN, ERIC	UMPIRE PAYROLL 2019	138.00
08/09/2019	11592(A)	ONE WAY PRODUCTS	CAN LINERS AND SUPPLIES	405.36
08/09/2019	11593(A)	ONSTAFF USA INC	TEMPORARY EMPLOYEE SERVICES - DPW	5,725.43
08/09/2019	11594(A)	PATESEL, TERRY	UMPIRE PAYROLL 2019	50.00
08/09/2019	11595(A)	PETERS CONSTRUCTION CO.	RELEASE RETAINAGE PAY EST #3	2,046.36
08/09/2019	11596(A)	PLM LAKE & LAND MANAGEMENT	AQUATIC WEED MANAGEMENT	230.00
08/09/2019	11597(A)	PREMIER SAFETY	FIRE SCBA MAINTENANCE	600.00
08/09/2019	11598(A)	PROFESSIONAL BUILDING SERVICES LLC	JANITORIAL SERVICES - SENIOR CENTER	4,226.77
08/09/2019	11599(A)	R W LAPINE INC.	HVAC ON-CALL SERVICES AND PARTS	349.79
08/09/2019	11600(A)	REPUBLIC SERVICES OF WEST MICHIGAN	WASTE SERVICES	1,332.03
08/09/2019	11601(A)	RHODES, KEVIN	UMPIRE PAYROLL 2019	264.00

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Check Date	Check	Vendor Name	Description	Amount
08/09/2019	11602(A)	RIDDERMAN & SONS OIL CO. INC.	DIESEL FUEL	24,975.75
08/09/2019	11603(A)	RIDGE AUTO NAPA	FIRE APPARATUS MAINT.	15.57
08/09/2019	11604(A)	RIETH-RILEY CONSTRUCTION CO., INC	RELEASE RETAINAGE	27,731.47
08/09/2019	11605(A)	ROTO-ROOTER SEWER & DRAIN SERV	SEWER LINE VIDEOTAPING	596.75
08/09/2019	11606(A)	RYAN, JOHNATHAN	UMPIRE PAYROLL 2019	70.50
08/09/2019	11607(A)	S B F ENTERPRISES, INC.	PRINTING AND PROCESSING SUMMER 2019	2,230.21
08/09/2019	11608(A)	SAFETY SERVICES, INC.	SAFETY SUPPLIES	74.92
08/09/2019	11609(A)	SIMPLIFILE LLC	RECORDING OF DOCUMENTS	366.00
08/09/2019	11610(A)	SNELL, DEBRA	EXERCISE CLASSES	504.00
08/09/2019	11611(A)	SUEZ WATER ENVIRONMENTAL SERVICES	UTILITY SYSTEM OPERATION	107,782.38
08/09/2019	11612(A)	TRANE U.S. INC.	EMERGENCY HVAC REPAIR	2,319.55
08/09/2019	11613(A)	TYLER, JIM	UMPIRE PAYROLL 2019	150.00
08/09/2019	11614(A)	UNITED PETROLEUM	FUEL PUMP MAINTENANCE	155.00
08/09/2019	11615(A)	VANDENBRINK, BRIAN	ENTRUST 2020 POWERDMS CONF 3/4 - 3/6/	321.50
08/09/2019	11616(A)	VERPLANK TRUCKING CO.	LIMESTONE DELIVERY	1,485.40
Total ACH Transactions:				428,075.88

Check Type: Paper Check

08/02/2019	310596	10TH DISTRICT COURT	OUT OF COUNTY BOND	150.00
08/02/2019	310597	ADVANCE II LLC	TEMP STAFFING - DEP CLERK FMLA LEAVE	309.54
08/02/2019	310598	ALLEGRA PRINT & IMAGING	PRINTING	236.00
08/02/2019	310599	AVB CONSTRUCTION LLC	CONSTRUCTION MGR	8,800.00
08/02/2019	310600	BEYONDTRUST CORPORATION	BOMGAR RENEWAL 1 YR -TS	1,955.22
08/02/2019	310601	CINTAS CORP.	UNIFORM RENTAL SERVICES	208.68
08/02/2019	310602	CMS COMMUNICATIONS, INC.	CISCO 8811 IP PHONE-NEW	157.00
08/02/2019	310603	CRITTER CONTROL	FIRE FACILITY MAINT	139.00
08/02/2019	310604	CRITTER CONTROL	FIRE FACILITY MAINT	499.00
08/02/2019	310605	GORDON FOOD SERVICE	RAMONA CONCESSIONS	104.94
08/02/2019	310606	GROSSMAN LAW, PC	FRIENDS OF THE PARK 501C LEGAL ASSIST	800.00
08/02/2019	310607	HALL BUILDERS LLC	FIRE STATION #2 REPLACEMENT	141,244.20
08/02/2019	310608	HALT FIRE, INC.	FIRE APPARATUS MAINT	71.52
08/02/2019	310609	HOME DEPOT	FIRE FACILITY MAINT.	210.88
08/02/2019	310610	KALAMAZOO BATTLE CREEK INTL AIRPORT	PROFESSIONAL SERVICES	5,405.00

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08/02/2019	310611	KALAMAZOO LITERACY COUNCIL	LITERACY SERVICES	1,000.00
08/02/2019	310612	LARGENT, BARBARA	RETURN OF CEMETERY PLOT	75.00
08/02/2019	310613	LEWIS, AISHAH	REFUND FOR CLASS CALLIGRAPHY	18.00
08/02/2019	310614	LOWDEN, DAVID & MARY ANN	RETURN OF CEMETERY PLOT	750.00
08/02/2019	310615	M P E L R A	19-20 MEMBERSHIP RENEWAL	150.00
08/02/2019	310616	MEDILODGE OF PORTAGE	LUNCHES 60 EACH	240.00
08/02/2019	310617	MELISSA BAKER	GRAIN ELEVATOR DEPOSIT REFUND	150.00
08/02/2019	310618	MICH MUNICIPAL POLICE & FIRE REPAIR	POLICE VEHICLE REPAIR AND MAINTENANCE	1,043.06
08/02/2019	310619	MICHIGAN DEPARTMENT OF LICENSING	HERITAGE FESTIVAL ALCOHOL LICENSE 2019	50.00
08/02/2019	310620	MICHIGAN DEPARTMENT OF LICENSING	ART HOP ALCOHOL LICENSE 2019	50.00
08/02/2019	310621	OFFICE DEPOT, INC.	OFFICE DEPOT LABELS FOR LABELERS	43.26
08/02/2019	310622	PETTY CASH-ALYSSA MILBECK	REPLENISHMENT CHECK	1,042.79
08/02/2019	310623	PIERLUISSI, ANN	PICKLEBALL SESSION 2 REFUND	15.00
08/02/2019	310624	PLUMMER'S ENVIRONMENTAL SERVICES	SEWER INSPECTIONS	1,815.00
08/02/2019	310625	PORTAGE ROTARY	MAYOR ROTARY DUES 2019 - 2020	241.00
08/02/2019	310626	PUBLIC MEDIA NETWORK	JANUARY 2019 - FINAL PAYMENT	28,646.62
08/02/2019	310627	SCHURING JR CO, JOHN	NOTARY BOND	50.00
08/02/2019	310628	SEVERANCE ELECTRIC COMPANY, INC	TRAFFIC SIGNAL REPAIR AND MAINTENANCE	4,403.00
08/02/2019	310629	SHI INTERNATIONAL CORP.	REPLACEMENT FOR 3 WIRELESS ACCESS POI	2,350.32
08/02/2019	310630	SPORT VIEW TELEVISION, LLC	WIRELESS DEMO AND REINSTALL	2,727.00
08/02/2019	310631	STATE SYSTEMS RADIO, INC	MISC RADIO REPAIRS 19/20	89.00
08/02/2019	310632	UNITED PARCEL SERVICE	UPS WEEKLY	12.00
08/02/2019	310633	VANGUARD FIRE & SUPPLY CO., INC.	VANGUARD FIRE SUPPLY	450.00
08/02/2019	310634	VREDEVOOGD HEATING & COOLING	CDBG TAYLOR 727 DRURY FURNACE AND A/I	5,251.00
08/02/2019	310635	Y W C A, INC	WOMEN'S EQUALITY DAY TICKETS	75.00
08/05/2019	310636	A T & T	TELEPHONE SERVICE	419.65
08/05/2019	310637	BROWN, GERVINE	UB REFUND FOR ACCOUNT: DUPLICATE PAYI	259.78
08/09/2019	310638	3 NO Y'S INC	APPRAISAL 5641 S WESTNEDGE AVE	5,500.00
08/09/2019	310639	A-1 REFRIGERATION SALES & SERV	MISC HVAC SERVICES	827.00
08/09/2019	310640	ACCESS POINT EMPLOYMENT	2019 JBOR 2018 TAXES PAID	138.26
08/09/2019	310641	ADRIAN J KOOPSEN BUILDER, INC.	INSTALL NIGHT DEPOSIT DROP BOX	1,874.00
08/09/2019	310642	ADVANCE II LLC	TEMP STAFFING FOR DEPUTY CLERK FMLA LI	353.76

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08/09/2019	310643	ALLEGRA PRINT & IMAGING	MISC PRINTING SERVICES	393.00
08/09/2019	310644	ALOHA CHICAGO ENTERTAINMENT	ISLAND DANCERS LUAU 2019	1,100.00
08/09/2019	310645	AR ENGINEERING LLC	ENGINEERING SERVICES	14,438.13
08/09/2019	310646	ASCENSION MICH OCCUPATIONAL HEALTH	2019-2020 DOT PHYSICALS	140.00
08/09/2019	310647	BAILEY TERRA NOVA FARMS	FARMERS MARKET PROJECT SENIOR FRESH F	12.00
08/09/2019	310648	BISHOP, ROBERT	RAMONA PARKING VOUCHERS REFUND	50.00
08/09/2019	310649	BLACK, BENJAMIN	BD Bond Refund	400.00
08/09/2019	310650	BOTTING, JAYCIE	HAYLOFT THEATRE DEPOSIT REFUND	150.00
08/09/2019	310651	BRANCH, CLAIR	TRAVEL REFUND 190914 BARBERSIP	92.00
08/09/2019	310652	BROWN, PATRICIA	TRIP REFUND 190914 BARBERSHOP HARMO	87.00
08/09/2019	310653	BURKE, JOYCE	TRIP REFUND 190801 GUN LAKE CASINO	60.00
08/09/2019	310654	CARLSON FARMS	FARMERS MARKET SNAP EBT REIMBURSEME	31.00
08/09/2019	310655	CARRANZA, LAURA	MIGHTY KICKS SOCCER CAMP REFUND	100.00
08/09/2019	310656	CASSIDY HOME BUILDERS	BD Bond Refund	200.00
08/09/2019	310657	CHARETTE, ANDREW	GRAIN ELEVATOR DEPOSIT REFUND	150.00
08/09/2019	310658	CHEESE PEOPLE OF GRAND RAPIDS	FARMERS MARKET SNAP/EBT REIMBURSEMI	11.00
08/09/2019	310659	CINTAS CORP.	UNIFORM RENTAL SERVICES	245.06
08/09/2019	310660	CITY OF KALAMAZOO TREASURER	SANITARY SEWER CHARGES	55,854.29
08/09/2019	310661	CITY OF PORTAGE	SPECIAL ASSESSMENT	12,300.14
08/09/2019	310662	COSTAR REALTY INFORMATION, INC.	COSTAR REALTY BLANKET PO	351.42
08/09/2019	310663	CUGLIOTTA, KATIE	RAMONA PARKING VOUCHERS REFUND	110.00
08/09/2019	310664	DEVON TITLE AGENCY	OVERPAYMENT SEWER BILLS FOR 7733 S 121	171.77
08/09/2019	310665	DEVON TITLE AGENCY	OVERPAYMENT 4783 NORFOLK CIR SEWER B	118.00
08/09/2019	310666	DYKSTRA, RICHARD	TRIP REFUND 190904 HISTORIC TREASURES	100.00
08/09/2019	310667	EMERGENCY VEHICLE PRODUCTS	POLICE VEHICLE MAINTENANCE	580.00
08/09/2019	310668	FLETCHER ENTERPRISES	GRAFFITI REMOVAL	100.00
08/09/2019	310669	FNC TITLE SERVICES, LLC	OVERPAYMENT STAX19 FOR 8032 HOWARD	37.08
08/09/2019	310670	FULL CIRCLE FARM	FARMERS MARKET PAYMENT ASSITANCE REI	84.00
08/09/2019	310671	GALE, ELSIE	TRIP REFUND 190914 BARBERSHOP	92.00
08/09/2019	310672	GILCHRIST, PAMELA	TRIP REFUND 190914 BARBERSHOP	92.00
08/09/2019	310673	GORDON FOOD SERVICE	RAMONA CONCESSIONS	22.58
08/09/2019	310674	GREG CRAWFORD CONSTRUCTION LLC	BD Bond Refund	300.00

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08/09/2019	310675	HARTNER, LYNAYA	STUART MANOR DEPOSIT REFUND	150.00
08/09/2019	310676	HOME DEPOT	SUPPLIES - PARKS DIVISION	528.77
08/09/2019	310677	VOID		0.00
08/09/2019	310678	HURON LADY II INC	TRAVEL VENDOR PAYMENT 190912 DISCOV	700.00
08/09/2019	310679	INT'L ASSOC OF ARSON INVESTIGATORS	FM MEMBERSHIPS 2019 - IAAI	600.00
08/09/2019	310680	J & B PROFESSIONAL TREE SERVIC	TREE SERVICES	350.00
08/09/2019	310681	JOSHI, SARAH	MIGHTY KICKS SOCCER CAMP REFUND	100.00
08/09/2019	310682	Jushade Townsend	BD Bond Refund	250.00
08/09/2019	310683	KALAMAZOO OIL COMPANY	FUEL	2,444.12
08/09/2019	310684	KALAMAZOO REG'L EDUC SVC AGENCY	ANNUAL SIRENS MAINT	200.00
08/09/2019	310685	KEANE, MARY ANN	TRIP REFUND 190914 BARBERSHOP	87.00
08/09/2019	310686	KELLOGG, KARON	STUART MANOR DEPOSIT REFUND	150.00
08/09/2019	310687	KELLY, CATALINA	MIGHTY KICKS SOCCER CAMP REFUND	200.00
08/09/2019	310688	KIN PROPERTIES INC	OVERPAYMENT STAX19 PARCEL # 00010-13E	100.00
08/09/2019	310689	KINGDOM INDOOR CENTER	RAMONA PARK FIELD DEPOSIT REFUND	100.00
08/09/2019	310690	KNAPHEIDE TRUCK EQUIPMENT FLINT	TRUCK TARPS	2,407.60
08/09/2019	310691	KZOO TIRE COMPANY	POLICE VEHICLE MAINTENANCE	2,973.62
08/09/2019	310692	LAURENCE WHITE	OVERPAYMENT SUMMER TAXES 10831 COR,	75.34
08/09/2019	310693	LYMAN, CATHERINE	TRIP REFUND 190921 BUFFALO ROUNDUP	50.00
08/09/2019	310694	MCCAMMAN, NICOLE	RAMONA PARKING VOUCHER REFUND	15.00
08/09/2019	310695	MCDONALD'S TOWING & RESCUE, INC.	TOWING SERVICES	25.00
08/09/2019	310696	MCDONALDS # 0169	SCHOOLCRAFT TWNSP TAXES NOT PAYABLE	3,767.90
08/09/2019	310697	MEDILODGE OF PORTAGE	COOKING DEMO 30	120.00
08/09/2019	310698	MICH MUNICIPAL POLICE & FIRE REPAIR	POLICE VEHICLE REPAIR AND MAINTENANCE	1,819.78
08/09/2019	310699	MICHIGAN ASSESSOR ASSOCIATION	2019 E-MEMBERSHIP FEE	340.00
08/09/2019	310700	MICHIGAN ASSOC. OF SENIOR CENTERS	MEMBERSHIP FEE	75.00
08/09/2019	310701	MICKEL, CASSANDRA	SCHRIER PARK RENTAL REFUND	100.00
08/09/2019	310702	MILLER, CANFIELD, PADDOCK & STONE	NEGOTIATIONS AND GFO 217/225 E. CENTRI	3,442.50
08/09/2019	310703	MMAAO	MMAAO 2019 MEMBERSHIP	20.00
08/09/2019	310704	MOSQUITO CONTROL OF SW MICHIGAN	MOSQUITO SPRAY SERVICES	189.00
08/09/2019	310705	NAPIER, PEGGY	GLENN MILLER REIMB 2019	240.65
08/09/2019	310706	NAPIER, PEGGY	EVENTS/ALAN TURNER REIMB 2019	611.34

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08/09/2019	310707	NATIONAL FIRE PROTECTION ASSOC	FM OPERATING SUPPLIES	1,345.50
08/09/2019	310708	NEVAEH 0169, LLC	IRRIGATION REPAIRS	1,610.00
08/09/2019	310709	OFFICE DEPOT, INC.	OFFICE DEPOT BLANKET PO	1,048.40
08/09/2019	310710	VOID		0.00
08/09/2019	310711	OUDESEMA, BILL	TRIP REFUND 190801 GUN LAKE	40.00
08/09/2019	310712	PARAGON CUSTOM HOMES INC	BD Bond Refund	330.00
08/09/2019	310713	PENNZAR PROMOTIONS	LUAU MAGIC SHOW	500.00
08/09/2019	310714	PETERS CONSTRUCTION CO.	TROVE HYDRANT	11,799.00
08/09/2019	310715	PETTY CASH-JANET GATES	REPLENISHMENT CHECK	253.97
08/09/2019	310716	PRESTON EAKINS	BALLOON FOR LUAU	500.00
08/09/2019	310717	PRIME LENDING	2018 Sum Tax Refund 92018-038-A	121.49
08/09/2019	310718	PRIME LENDING	2018 Win Tax Refund 92018-038-A	9.39
08/09/2019	310719	QUADMED, INC.	FIRE TRAINING SUPPLIES	265.14
08/09/2019	310720	RADIOTRONICS, INC.	K9 HOT-N-POP PRO TEMPERATURE SENSOR	1,335.49
08/09/2019	310721	Randy VanDyke	BD Bond Refund	200.00
08/09/2019	310722	RATHCO SAFETY SUPPLY, INC.	SIGN RENTAL	500.80
08/09/2019	310723	SCOTT BOERMA	BD Bond Refund	100.00
08/09/2019	310724	SHETLER CONSTRUCTION LLC	ROOFING COATING ANNEX LOBBY CARPORT	1,500.00
08/09/2019	310725	SHI INTERNATIONAL CORP.	COMPUTER SCREEN LENOVO THINKVISION	326.00
08/09/2019	310726	SIMPSON, DAVID J	BD Bond Refund	205.00
08/09/2019	310727	SITEONE LANDSCAPE SUPPLY LLC	IRRIGATION REPAIR SUPPLIES	240.13
08/09/2019	310728	STATE OF MICHIGAN	MCAT COURSE	150.00
08/09/2019	310729	STATE SYSTEMS RADIO, INC	MISC RADIO REPAIRS 19/20	29.00
08/09/2019	310730	SWANK MOTION PICTURES, INC.	MOVIE RENTAL LICENSE - YAC PUBLIC SAFET	435.00
08/09/2019	310731	TESSER, JANET	TRIP REFUND 190801 GUN LAKE CASINO	30.00
08/09/2019	310732	THAYER, GLENNA	TRIP REFUND 190914 BARBERSHOP	50.00
08/09/2019	310733	TODD ARBANAS ENTERPRISES INC.	TREE SERVICES	1,375.00
08/09/2019	310734	TRIPLE K IRRIGATION INC	HOSE CLAMPS AND FITTINGS	606.45
08/09/2019	310735	TURNKEY MERCHANDISE PROGRAMS	RANGER RAIN JACKETS	621.58
08/09/2019	310736	TYLER HOME IMPROVEMENTS	CDBG SALEMKA 6328 PEACHTREE ROOF DEC	2,250.00
08/09/2019	310737	USPS	SEPTEMBER/OCTOBER PORTAGER POSTAGE	13,000.00
08/09/2019	310738	VELD, ANN	TRIP REFUND 190914 BARBERSHOP	87.00

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08/09/2019	310739	VERIZON WIRELESS	TELEPHONES	3,255.28
08/09/2019	310740	WESTERN MICHIGAN UNIVERSITY	12 CTC LICENSES TO OPERATE LEIN ANNUAL	2,400.00
08/09/2019	310741	WIGHTMAN	SURVEYING SERVICES	850.00
08/09/2019	310742	WILLIAMSON, SHAWN	BD Bond Refund	200.00
			Total Paper Checks:	378,175.19
Check Type: Auto-Pay Payment				
08/05/2019		CONSUMERS ENERGY	GAS-ELECTRIC	52.33
08/06/2019		CONSUMERS ENERGY	GAS-ELECTRIC	46,881.97
08/08/2019		CONSUMERS ENERGY	GAS-ELECTRIC	21,293.59
			Total Auto-Pay Payments:	68,227.89
			Grand Total:	874,478.96

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: 2019/2020 Portage Senior Center Bus Trips - Bid Tabulation

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

ACTION RECOMMENDED: Approve the low bid from Gail Andrus Travel, LLC, for motor coach services for the late 2019 and 2020 Portage Senior Center travel program in the amount of \$46,390 and authorize the City Manager to execute all documents related to this action on behalf of the city.

The Portage Senior Center (PSC) provides an extensive travel program for area seniors. Bids for motor coaches for the late 2019/2020 travel schedule were received from three vendors. The lowest bid in the amount of \$46,390 was submitted by Gail Andrus Travel, LLC, of Grand Rapids, MI. Gail Andrus, LLC, has previously provided motorcoach services for the PSC travel program in a satisfactory manner.

The PSC travel program is self-supporting through user fees; funds for city payment to Gail Andrus Travel, LLC, are received from participants who sign up for the trips. The PSC travel program is experiencing an increase in participation. The current bid includes 23 one-day excursions and eight multi-day trips.

It is recommended that City Council approve the bid from Gail Andrus Travel, LLC, for motorcoach services in the amount of \$46,390 for late 2019 and 2020 Portage Senior Center travel program.

FUNDING: The PSC travel program is self-supporting through user fees. Funds for payment to the vendor are received from participants who sign up for each trip.

Attachments: 1. 2019-2020 Senior Center Bus Trips - Bid Tabulation

BID TABULATION
SENIOR CENTER BUS TRIP TRANSPORTATION

<u>DATE</u>	<u>DESTINATION</u>	<u>COACH SIZE (# OF PASSENGERS)</u>	Gail Andrus Travel LLC 400 Ann St. NW, Ste 208 Grand Rapids, MI 49504	Cardinal Buses, LLC PO Box 59 Middlebury, In 46540	Great Lakes Motorcoach, Inc. 3933 3-Mile Rd. NW Grand Rapids, Mi 49534
TBD	Nappanee, IN	(B) 38 passenger	\$625.00	\$627.75	\$900.00
TBD	Chelsea, MI	(B) 38 passenger	\$765.00	\$769.50	\$800.00
TBD	Shipshewana, IN	(B) 38 passenger	\$685.00	\$688.50	\$800.00
TBD	Marshall, IN	(B) 38 passenger	\$625.00	\$627.75	\$800.00
TBD	Coldwater, MI	(B) 38 passenger	\$625.00	\$627.75	\$800.00
TBD	Detroit, MI	(B) 38 passenger	\$1,125.00	\$1,134.00	\$1,450.00
TBD	Chicago, IL	(B) 38 passenger	\$1,250.00	\$1,260.00	\$1,600.00
TBD	Saugatuck, MI	(B) 38 passenger	\$625.00	\$627.75	\$800.00
June - Sept timeframe	Detroit, MI	(B) 38 passenger	\$1,125.00	\$1,134.00	\$1,200.00
Either 2/16 or 2/23	Kalamazoo, MI	(A) 24 passenger	\$555.00	\$558.00	\$700.00
3/26/2020	Chicago, IL	(B) 38 passenger	\$1,300.00	\$1,321.00	\$1,750.00
April - date TBD	Kalamazoo and surrounding area	(A) 24 passenger	\$555.00	\$558.00	\$750.00
4/2/2020	Troy, MI	(B) 38 passenger	\$1,270.00	\$1,275.75	\$1,550.00
May - exact date TBD	Three Oaks, MI	(B) 38 passenger	\$685.00	\$688.50	\$950.00
May 31, 2019	Grand Rapids, MI	(B) 38 passenger	\$625.00	\$627.75	\$800.00
June - exact date TBD	Augusta, MI	(B) 38 passenger	\$625.00	\$627.75	\$800.00
6/15 - 6/18	Alpena	(B) 38 passenger	\$3,640.00	\$3,645.00	\$3,300.00
6/17/2020	Rochester, MI	(B) 38 passenger	\$1,370.00	\$1,377.00	\$1,500.00
6/25 - 6/28	Traverse City & Lake Leelanau area	(B) 38 passenger	\$3,630.00	\$3,645.00	\$3,300.00
June/July exact dates TBD	Cleveland, OH	(B) 38 passenger	\$2,245.00	\$2,252.50	\$2,500.00
July (after holiday) - exact dates TBD	Dayton, OH	(B) 38 passenger	\$2,100.00	\$2,126.25	\$2,425.00
Mid - July	Shelby and Hart, MI	(D)54/56 passenger	\$1,430.00	\$1,455.00	\$1,400.00
July 25, 2019	Frankenmuth, MI	(B) 38 passenger	\$1,270.00	\$1,296.00	\$1,550.00
Late August/Early Sept 2019	Mackinaw City, MI	(D)54/56 passenger	\$4,785.00	\$4,835.00	\$4,500.00
Sept/Oct exact date TBD	Lansing, MI	(B) 38 passenger	\$660.00	\$668.25	\$900.00
9/29 - 10/1	Louisville, KY	(B) 38 passenger	\$2,875.00	\$2,936.25	\$3,150.00
October - exact date TBD	Grand Rapids, MI	(B) 38 passenger	\$625.00	\$627.75	\$800.00
October - exact date TBD	Battle Creek, MI	(B) 38 passenger	\$625.00	\$627.75	\$800.00
October - date TBD	Eaton Rapids and Grand Ledge, MI	(D)54/56 passenger	\$820.00	\$824.50	\$950.00
10/25 - 10/31	Washington, DC	(D)54/56 passenger	\$7,250.00	\$7,300.00	\$6,900.00
TOTAL OF PLANNED 2019/2020 TRIPS			\$46,390.00	\$46,770.00	\$50,425.00

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Sale of City Property at 2527 West Milham Avenue

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: Adopt the Resolution to sell 2527 West Milham Avenue and authorize the City Manager to execute all documents related to the real estate transaction on behalf of the city.

On July 23, 2019, City Council received the attached communication from Mr. Larry Lamble, who on behalf of his client Janice Lehrke, is requesting to purchase the city-owned property at 2527 West Milham Avenue for \$500. Mrs. Lehrke's late husband maintained the corner lot at the southwest corner of West Milham Avenue and Cypress Street for the past 15-20 years. Mrs. Lehrke is not financially nor physically able to continue maintaining the property. If sale of the property at 2527 West Milham is approved, Mrs. Lehrke plans to include the small parcel in the sale of her property which is currently on the market.

In 2003, 2527 West Milham Avenue was conveyed to the city by the previous owner who bought the property at a tax sale and was subsequently unsuccessful in reselling the parcel. The city accepted the parcel because it was considered useful for future road right-of-way purposes prior to the widening improvements to West Milham Avenue. Subsequent to West Milham Avenue road improvements, the City Administration has determined it has no public use or purpose for this corner parcel. In addition, due to the narrow 36-foot width of the parcel, the property is not buildable and is only valuable as an assemblage parcel to the property owner to the west, Mrs. Lehrke.

The city recently obtained an appraisal of 2527 West Milham Avenue and the estimated market value is \$2,408. The appraised valuation is based on the limited stand-alone development potential of the narrow corner parcel. Mrs. Lehrke and her late husband maintained 2527 West Milham Avenue prior to and after the city acquisition of the subject property in 2003. Mrs. Lehrke is offering to purchase the property for \$500 given the past 16 years of maintenance they provided on behalf of the city.

Subsequent to City Council review of this request on July 23, 2019, a Notice of Intention to Sell Real Estate was published and the resolution authorizing this action and the proposed deed were on file with the City Clerk. During this time period, no public comments were received. It is recommended that City Council adopt the Resolution to sell 2527 West Milham Avenue, and authorize the City Manager to execute all documents related to the real estate transaction.

FUNDING: N/A

- Attachments:**
1. 2527 West Milham Avenue - purchase offer
 2. 2527 West Milham Avenue Vicinity Map
 3. Resolution to sell vacant real estate



BERKSHIRE HATHAWAY | Michigan Real Estate
HomeServices

Ms. Vicki Georgeau AICP
Community Development Director
City of Portage, Michigan

RECEIVED

JUL 12 2019

July 12, 2019, 2019

COMMUNITY DEVELOPMENT

RE: Request to purchase 2527 W. Milham Rd. (a 36.03' strip of property)

Dear Vicki,

Per your request I am submitting on behalf of my client, Janice E. Lehrke, to have the City of Portage sell to her, or given the property is being marketed for sale any subsequent owner of her home, the 36.03' by piece of property which lies due east of her home at 2529 W. Milham.

So as to provide a brief basis for the reason for this request I offer the following:

1. This property was gifted to the City of Portage at no cost by a previous owner who purchased the property at a tax sale and upon the realization this wasn't a buildable lot and therefore had no use or value.
2. Mr. Frank Lehrke, who has recently passed away, lived adjacent to this property and took it upon himself to maintain the subject property for years until 2016 when they paid to have the property professionally mowed etc., so as to prevent the negative impact on his property value. He continued to maintain it, for the City, for 15-20 years.
3. This property has absolutely no use to the City of Portage, or anyone else except the Lehrke's or any future owner of her home.
4. Additionally, it has been determined by the City of Portage that the sewer lead/line to the Lehrke's home runs through the 36.03' property in question!
5. Given the recent passing of Mr. Lehrke his widow, Janice E. Lehrke, is not physically, nor financially, able to continue maintaining the property. Therefore the City will once again be responsible for daily maintenance.

I have placed Mrs. Lehrke's property on the market for recently and believe it would be in the City's best interest if I included this small parcel with the sale, which will have no additional value to her overall sales price. In doing so it would relieve the City of the burden to maintain the property and clear the issue of a sewer line passing through the adjacent property. A win-win for all concerned.

I realize that given the City Council's approval for the sale it will still take approximately 30 days to run it through the City Clerk's office but during that time I would be able to offer any purchaser for the property the assurance the land would be included within the new deed, together with the responsibility to properly maintain it.

Mrs. Lehrke is not a rich widow! She was left with very little upon her husband's death. I believe a purchase price of \$500 for this rather useless piece of land is more than fair especially given the City received it for free and the Lehrke's have spent countless hours and dollars caring for it.

Sincerely,

A handwritten signature in blue ink that reads "Larry Lamble". The signature is stylized with a large "L" and a long, sweeping underline.

Larry Lamble

REALTOR® EMERITUS

Associate Broker

larrylamble@bhhsmi.com

269-217-9883



Legend

 2527 W. Milham Property Boundary

**CITY OF PORTAGE
2527 W MILHAM AVE**



1 inch = 50 feet
(25)

**CITY OF PORTAGE, MICHIGAN
RESOLUTION TO SELL REAL ESTATE**

Minutes of a regular meeting of the City Council for the City of Portage, Michigan held on _____, 2019 at 7:00 p.m. local time at City Hall in the City of Portage, Michigan.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

COUNCILMEMBER: _____ and supported by

COUNCILMEMBER: _____

WHEREAS, that the City of Portage sell the following described real estate to Janice E. Lehrke for the sum of FIVE HUNDRED DOLLARS (\$500.00):

All that certain parcel of real estate situated in the City of Portage, County of Kalamazoo and State of Michigan, to wit:

SEC 8-3-11 BEG IN N LI SEC 8 564.03 FT W OF N1/4 POST SD SEC TH E ALG SD N LI 36.03 FT TH S PAR TO N&S1/4 LI 200 FT TH W PAR TO SD N LI 36.16 FT TH N 200 FT TO BEG .166 A

Commonly known as 2527 West Milham Avenue.

BE IT FURTHER RESOLVED that the Resolution of Intent to Sell Real Estate and the deed to be executed has remained on file with the City Clerk for at least twenty-eight (28) days and the City's intent to sell the real estate has been published not less than twenty (20) days before final action.

AYES: Councilmember _____

NAYS: Councilmember _____

ABSENT: Councilmember _____

RESOLUTION DECLARED ADOPTED: _____

Adam Herringa, City Clerk

CERTIFICATION

STATE OF MICHIGAN)
)
COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified 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 hereunto affixed my official signature this ____ day of _____, 2019.

Adam Herringa, City Clerk

Prepared by:
RANDALL L. BROWN
City Attorney
1662 East Centre Avenue
Portage, Michigan 49002
Phone: (269) 323-8812

Approved as to form

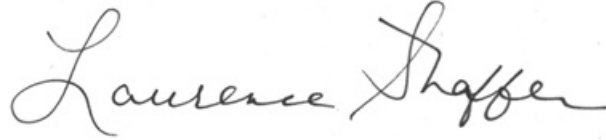
Date: 7/16/2019

City Attorney

Z:\JODY\PORTAGE\RESOLUTIONS\Resolution-Notice-Deed to sell vacant real estate.docx

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Ordinance Amendment #18/19-B, Residential Amendments

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: Accept Ordinance Amendment #18/19-B, Residential Amendments, for first reading and set a public hearing for September 17, 2019.

The City Administration has prepared a number of Zoning Code amendments (primarily pertaining to residential land uses) that are intended to provide more flexibility for property owners and developers and to address ongoing issues associated with code administration. The more substantive changes are summarized below:

1. Regulation of accessory buildings in a more flexible manner (increase height from 14 feet to 16 feet, decrease separation distance between buildings, slight increase in size, and slight increase in setback distance from three feet to five feet from the side or rear property line) so that fewer variances for residential property are requested.
2. Increase the residential building height for properties with less than 80 feet of lot-width (from 25 feet to 30 feet) to facilitate a desirable architectural design and better address lifestyle changes of property owners.
3. Increase percentage of lot cover from 25% to 30% for all conforming size lots (width and area) in the single-family residential districts.
4. Increase the height of non-residential buildings in locations that have little impact on adjacent properties and neighborhoods.
5. Clarify projections into required yards, including barrier-free ramps for persons with disabilities.
6. Allow, on a limited basis, land divisions without 60 feet of frontage on a public street or 50 feet on a cul-de-sac, and in a manner that provides accessibility for public safety purposes.
7. Language has been added to ensure lots are properly graded and maintained to ensure storm water does not adversely impact neighboring properties.
8. Increase plan approvals and Board/Commission approvals from six (6) to twelve (12) months.
9. Increase the number of residential lots permitted on a cul-de-sac from 20 to 30 consistent with the requirements of the International Fire Code.
10. Modify the method to determine the minimum living area of 1½ and 2-story dwellings to eliminate a minimum area per floor and a combined total area of each floor.
11. Modify the floor area requirements for tri and bi-level dwellings. The minimum floor area is the combined total floor area of each level not classified as a basement. Since all non-basement levels are computed in the total floor area, bi and tri-level dwellings must meet the minimum

area requirement for a two-story residence in the same district.

The proposed amendments were introduced to the Planning Commission during the June 6, 2019 meeting. The Commission convened public hearings during the July 11, 2019 and August 1, 2019 meetings. During the public hearing process, one citizen spoke regarding the proposed amendments and expressed concern over the proposed increase in lot coverage from 25% to 30% especially on lakefront lots. No other comments, either written or verbal, were received regarding the proposed residential amendments.

It is recommended that City Council accept the Ordinance Amendment #18/19-B, Residential Amendments, and set a public hearing for September 17, 2019.

FUNDING: N/A

- Attachments:**
1. August 9, 2019 Planning Commission transmittal
 2. June 6, July 11, and August 1 2019 Planning Commission Meeting Minutes
 3. July 26, 2019 Community Development staff report with Ordinance Amendment highlight strike and clean version

TO: Honorable Mayor and City Council
FROM: Planning Commission
DATE: August 9, 2019
SUBJECT: Ordinance Amendment #18/19-B, Residential Amendments

During the June 6, 2019 meeting, staff introduced to the Planning Commission a number of Zoning Code amendments (primarily pertaining to residential land uses) that are intended to provide more flexibility for property owners/developers and to address ongoing issues associated with code administration. The more substantive amendments address the size height and location of accessory buildings; increase in residential and nonresidential building height; increase in the percent of lot cover for conforming lots; projections into required yards; land divisions without frontage on a public street; lot grading; increase in the number of lots/units on a residential cul-de-sac and an increase in plan/Commission approval time from six the 12 months.

The Planning Commission held a public meeting on July 11, 2019, to garner public input on the proposed changes. The public hearing was reconvened on August 1, 2019. During the public hearing process, one citizen spoke regarding the proposed amendments and expressed concern over the proposed increase in lot coverage from 25% to 30% especially on lakefront lots. No other comments, either written or verbal, were received regarding the proposed residential amendments.

Following a discussion regarding whether or not an increase in lot cover from 25% to 30% should apply to nonconforming lots, a motion was made by Commissioner Joshi, seconded by Commissioner Patterson, to recommend to City Council that Ordinance Amendment #18/19-B, Residential Amendments, be approved. The motion was approved 7-1 with Commissioner Fries voting against the motion. Commissioner Fries clarified that he supported all the other proposed residential amendments, but believes a consistent 30% maximum building lot coverage standard should be established for both substandard/nonconforming lots and standard/conforming lots.

Sincerely,



Dan Corradini
Chairman

 COPY

NEW BUSINESS:

1. Election of Officers. Secretary Schimmel asked for nominations for Chairman. Commissioner Joshi nominated Commissioner Corradini for Chairman, supported by Commissioner Patterson. The nomination was unanimously approved 7-0. Commissioner Fries then nominated Commissioner Joshi for Vice-Chairwoman, supported by Commissioner Baldwin. The nomination was unanimously approved 7-0. Commissioner Joshi next nominated Commission Schimmel for Secretary, supported by Commissioner Baldwin. The nomination was unanimously approved 7-0.

STATEMENT OF CITIZENS/COMMISSIONERS:

Secretary Schimmel welcomed new Planning Commissioner, Gerald Myer.

7:40 p.m. - The Commission took a short recess.

7:45 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 1

NEW BUSINESS:

1. Ordinance Amendment #18/19-B: Residential Zoning Regulations (preliminary). Mr. Forth referred the Commission to the May 31, 2019 staff report and summarized the proposed amendments to the Zoning Code and Subdivision Regulations. Mr. Forth stated the proposed amendments were intended to provide more flexibility for property owners/developers and to address ongoing issues associated with code implementation by staff.

Mr. Forth and the Commission next reviewed and discussed the various amendments including inclusion definition and references to pergolas and arbors; elimination of R-1E zoning district; residential building height; accessory building size, height, percentage of rear yard coverage, separation from the principal residence, total floor area compared to square footage of principal residence and setback from side/rear property lines; clarification of "vertical projections" into required yards; public street frontage changes; Schedule of Regulation changes pertaining to maximum lot coverage and building height/lot grading changes; extensions of site plan and variance approvals to 12 months and changes to Subdivision Regulations regarding increase of number of lots on cul-de-sac from 20 lots to 30 lots. Commissioner Fries asked for staff to consider changes that would not increase accessory building setback requirements from 3-feet to ½ building height (retain 3-foot setback requirement) and an allowance for either the Transportation and Utilities Department or the Community Development Department to review/approval lot coverage increases to 30% on smaller, substandard lakefront lots.

At the conclusion of this discussion, Mr. Forth indicated that the public hearing to formally considered adoption of these residential zoning regulation amendments would be noticed and scheduled for the July 11, 2019 meeting.

ADJOURNMENT:

There being no further business to come before the Commission, the regularly scheduled meeting was adjourned at 8:40 p.m.

Respectfully submitted,

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



SITE/FINAL PLANS:

1. Site Plan: Kingdom Sports KidFit Child Care Center, 8151 Merchant Place. Mr. West summarized the staff report dated July 3, 2019 regarding a request by Chris and Stephanie Keenan to construct an approximate 6,300 square foot child care center building and associated site improvements along the northwest portion of the existing Kingdom Indoor Center site. Mr. West discussed the applicant's intent to "bank" a portion of the required parking in greenspace since the peak hours of operation for the existing Kingdom Indoor Center use and the proposed child care center do not conflict. Mr. West indicated that deferment of these parking spaces will reduce the amount of unnecessary pavement until such time that additional parking may be required.

Stephanie Keenan of Kingdom Indoor Center was present to support the site plan. No citizens spoke regarding the proposed child care center building. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Schimmel, to approve the Site Plan for Kingdom Sports KidFit Child Care Center, 8151 Merchant Place. The motion was unanimously approved 8-0.

SITE/FINAL PLANS:

1. Final/Site Plan: American Village Builders (addition), 4200 West Centre Avenue. Mr. West summarized the July 3, 2019 staff report regarding the final/site plan submitted by American Village Builders to construct an approximate 4,000 square foot, two story building addition along the west side of the existing office building located at 4200 West Centre Avenue. Mr. West indicated the proposed building addition would maintain a similar setback from West Centre Avenue as the existing office building, and would be situated outside of the defined wetland area to the north.

Greg Dobson of American Village Builders was present to support the application and explain the development project. No citizens spoke regarding the proposed building addition. After a brief discussion, a motion was made by Commissioner Pezzoli, seconded by Commissioner Baldwin, to recommend to City Council that the Final/Site Plan for American Village Builders (addition), 4200 West Centre Avenue, be approved. The motion was unanimously approved 8-0.

PUBLIC HEARING:

1. Preliminary Report: Ordinance Amendment #18/19-B: Residential Amendments. Mr. Forth referred the Commission to the July 5, 2019 staff report and summarized the proposed amendments to the Zoning Code and Subdivision Regulations pertaining to residential land uses. Mr. Forth stated that Community Development has been working with the City Attorney for the past several months to develop these amendments which are intended to provide more flexibility for property owners/developers and to address ongoing issues associated with code implementation by staff. Mr. Forth indicated the proposed amendments were first presented to Planning Commission at the June 6, 2019 meeting where preliminary review and discussion occurred. Based on these preliminary discussions, Mr. Forth stated minimum side and rear yard building setbacks for residential accessory buildings were changed from $\frac{1}{2}$ the building height to 5-feet (current requirement is 3-feet). Mr. Forth also stated the provision for review/approval of lot coverage increases (from 25% to 30%) on substandard lakefront lots by the Director of Transportation and Utilities was retained and indicated that Community Development staff would also be involved with the review.

Mr. Forth then reviewed the proposed amendments, by section, including elimination of the R-1E zoning district, Section 42-112 (Definitions), Section 32-121 (Accessory Uses), Section 42-124 (Projections into required yards), Section 42-125 (Street frontage requirements, development standards for land divisions), Section 42-128 (Lakefront lots), Section 42-139 (Lot grading), Section 42-350 (Schedule of Regulations), various sections pertaining to the length of approvals for site plan, special land use permit and variance (increase to 12 month approval period) and Section 42-803 (Streets) and Section 42-805 (Utilities) of the Subdivision Regulations.

The Commission and staff discussed issues associated with the proposed extension of time for site plan, special land use permit and variance approvals to 12 months, number of lots on a cul-de-sac street and number of lots served by municipal water. The public hearing was then opened by Chairman Corradini. One citizen (James Hudson, 9001 West End Drive) spoke regarding the proposed amendments. Mr. Hudson commended staff and the Commission for the increased flexibility associated with the ordinance amendments, however, expressed concern over the proposed increase in lot coverage from 25% to 30% especially on lakefront lots. Mr. Hudson stated this increase in lot coverage could result in negative impacts associated with higher density/more intensive residential land use, larger residential structures, increases in traffic, diminished lake views and possible accessibility issues for the Fire Department. No citizens were present to speak regarding the proposed residential amendments.

A motion was then made by Commissioner Myer, seconded Commissioner Fries, to adjourn the public hearing for Ordinance Amendment #18/19-B, Residential Amendments to the August 1, 2019 meeting. The motion was unanimously approved 8-0.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Redevelopment Ready Communities – Public Participation Plan. Mr. Forth referred the Commission to the July 5, 2019 staff report and summarized the city's efforts to date to obtain Redevelopment Ready Community (RRC) certification through the Michigan Economic Development Corporation (MEDC). Mr. Forth discussed the three primary steps in the MEDC-RRC certification process which are 1) Engagement, 2) Evaluation and 3) Certification. Mr. Forth indicated that Step 1 (Engagement) was completed after City Council adoption of a resolution in July 2017 and the city's submission of a self-evaluation to the MEDC in November 2017. In regard to Step 2 (Evaluation), Mr. Forth referred the Commission to the MEDC-RRC Baseline Report received from the MEDC on April 15, 2019. Mr. Forth indicated the MEDC report concluded that the City of Portage was already engaged in 68% of the RRC best practices and additional work activities were recommended in areas of developing criteria for identifying and promoting redevelopment ready sites, updating economic development strategies and developing an overarching marketing strategy to promote redevelopment ready sites and economic development in general. Mr. Forth indicated that Step 3 (Certification) comes after successful implementation of the approved RRC best practices. Mr. Forth stated that City Council, on May 7, 2019, adopted a resolution to proceed with the RRC certification process.

Mr. Forth discussed the Public Participation Plan, which was provided to City Council and accepted on June 25, 2019 with the purpose of encouraging citizen input in community-wide planning efforts and the review and approval process for new development and redevelopment projects. Mr. Forth reviewed the various components of this Plan including Objectives, Key Stakeholders, Public Notice Requirements, Planning and Review Entities, Open Meetings, Public Hearings, Methods of Community Participation and Communicating Results. Mr. Forth indicated updates to the Public Participation Plan would be drafted by staff and reviewed and recommended by the Planning Commission as needed, but at a minimum every 5 years in conjunction with the city's Master Plan review.

The Commission and Mr. Forth next discussed various aspects of the MEDC-RRC Baseline Report and the Public Participation Plan. Commissioner Fries stated that he was impressed with the city's scoring criteria on the MEDCRRRC Baseline Report. After additional discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Schimmel, to approved the Public Participation Plan as submitted. The motion was unanimously approved 8-0.

PLANNING COMMISSION

August 1, 2019

 **DRAFT**

The City of Portage Planning Commission meeting of August 1, 2019 was called to order by Chairman Corradini at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Two citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Corradini 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 Matthew Quardokus, Assistant City Attorney.

ROLL CALL:

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

APPROVAL OF MINUTES:

Chairman Corradini referred the Commission to the July 11, 2019 meeting minutes contained in the agenda packet. A motion was made by Commissioner Patterson, seconded by Commissioner Joshi, to approve the minutes as submitted. The motion was unanimously approved 8-0.

SITE/FINAL PLANS:

None.

PUBLIC HEARING:

1. Final Report: Ordinance Amendment #18/19-B: Residential Amendments. Mr. Forth referred the Commission to the July 26, 2019 final staff report and summarized the proposed amendments to the Zoning Code and Subdivision Regulations pertaining to residential land uses. Mr. Forth discussed the Planning Commission preliminary review at the July 11, 2019 meeting and one change that was made following further staff review and evaluation. Mr. Forth indicated the revised ordinance amendments contained in the agenda packet have retained the current 25% maximum building lot coverage provision for substandard/nonconforming residential lots (30% lot maximum lot coverage still proposed for standard/conforming residential lots). Mr. Forth stated that since a substandard lot is smaller than a standard lot, staff was concerned about potential impacts including increase storm water runoff and flooding associated with more impervious area on these smaller lots with less remaining greenspace. Mr. Forth also mentioned the side yard setback for substandard lots reduces to five feet and there are other impervious surfaces, such as driveways, walkways, patios and uncovered/unenclosed decks/porches that are not included in lot cover calculations. Mr. Forth indicated additional information regarding this issue was requested by Commissioner Fries earlier in the day and a staff response was provided in an email communication sent to all Commissioners and a hard copy provided to Commission members prior to the start of the meeting.

The public hearing was reconvened by Chairman Corradini. No citizens spoke regarding the proposed amendments. A motion was then made by Commissioner Schimmel, seconded by Commissioner Baldwin, to close the public hearing. The motion was unanimously approved 8-0.

Commissioner Fries discussed his observations with home construction and lot coverage involving the smaller substandard lots and stated that he believes a 30% maximum lot coverage standard should be applied consistently for both substandard/nonconforming lots and standard/conforming lots. In cases of smaller substandard lots around the lakes, Commissioner Fries indicated that property owners will often opt for more house square footage, while reducing the size of the accessory garage and increasing the area of paved driveway/parking area to store vehicles and boats. Under this scenario, Commissioner Fries stated an increase in maximum building lot coverage from 25% to 30% for substandard lots would likely not increase the overall amount of impervious area across the site. Commissioner Fries also stated that the Building Code and Zoning Code require each property owner to properly maintain storm water runoff regardless of the amount of building lot coverage that is present at the site.

Mr. Forth summarized the staff recommendation regarding this issue and briefly reviewed Zoning Board of Appeals variance requests for increase in maximum lot coverage over the past 25 years. Mr. Forth stated that 20 variance requests over the past 25 years have involved maximum lot coverage on substandard/nonconforming lot (less than one per year on average). The Zoning Board of Appeals approved 17 of the 20 requests while staff only recommended approval of six requests. Mr. Forth indicated that substandard lots already have reduced building setbacks and staff was concerned with allowing additional lot coverage and resulting impervious area on these substandard lots that may result in storm water runoff and/or flooding problems. Commissioner Patterson shared his observations as a builder and indicated he supported the staff position to retain the 25% lot coverage standard for substandard/nonconforming lots. Commissioner Patterson stated variance requests to exceed 25% lot coverage for substandard/nonconforming lots could continue to be reviewed and evaluated on a case-by-case basis by the Zoning Board of Appeals. Commissioner Joshi stated she also concurs with the staff position regarding this issue and was concerned that an increase in lot coverage for these smaller substandard/nonconforming lots could potentially increase storm water runoff and flooding, especially around the lakes.

There being no further discussion, a motion was made by Commissioner Joshi, seconded by Commissioner Patterson, to recommend to City Council that Ordinance Amendment #18/19-B, Residential Amendments, be approved. The motion was approved 7-1 with Commissioner Fries voting against the motion. Commissioner Fries clarified that he supported all the other proposed residential amendments, but believes a consistent 30% maximum building lot coverage standard should be established for both substandard/nonconforming lots and standard/conforming lots.

NEW BUSINESS:

None.

OLD BUSINESS:

None.

STATEMENT OF CITIZENS/COMMISSIONERS:

Chairman Corradini asked each Commissioner if they had any closing statements or comments:

- Commissioner Joshi thanked Mr. Hudson for his observations and comments regarding the proposed residential Zoning Code amendments.
- Commissioner Patterson commented on the beautiful weather and the opportunity for Portage residents to experience entertainment events at the Overlander Bandshell.
- Other Commissioners did not have any closing statements or comments.

TO: Planning Commission**DATE:** July 26, 2019**FROM:** Vicki Georgeau, Director of Community Development**SUBJECT:** Final Report, Ordinance Amendment 18/19-B, Residential Amendments**I. INTRODUCTION**

Over the past several months, staff and the City Attorney have been preparing a number of Zoning Code amendments (primarily pertaining to residential land uses) that are intended to provide more flexibility for property owners/developers and to address ongoing issues associated with code implementation by staff. The more substantive changes are summarized below:

- 1) Regulation of accessory buildings in a more flexible manner so fewer residential property owners have to obtain variances to use their property in a manner that meets current household needs.
- 2) Increasing the residential building height for properties with less than 80 feet of lot width to facilitate desirable architectural design and better address lifestyle changes. An increase in building height is also consistent with many other comparable communities in Kalamazoo County and other areas of the state. With regard to lakefront lots where the demand for a 2-story walkout is high, an increase in height will avoid the practice of artificially changing the grade which may adversely impact adjacent properties.
- 3) Increasing the height of non-residential buildings in locations that have little impact on adjacent properties and neighborhoods.
- 4) Clarification on permissible projections into required yards, including barrier-free ramps for persons with disabilities;
- 5) Allowing increased flexibility to develop land without 60 feet of frontage on a public street (or 50 feet on a cul-de-sac), while ensuring alternative development patterns occur in an orderly fashion and in a manner that provide accessibility for public safety purposes;
- 6) Adding language regarding lot grading and maintenance to ensure storm water does not adversely impact neighboring properties, which is an increasingly relevant issue with more frequent and heavy rain events;
- 7) Increasing the time from for site plan approval and variance approval from 6 to 12 months to avoid additional bureaucratic review for development projects that are not built in what is a very short time frame;

Following the July 11, 2019 public hearing, staff reviewed/evaluated the proposal to increase the percent of lot coverage involving nonconforming lots (lots that don't meet the minimum zoning district requirement for width and/or area) from 25% to 30%. Since these lots are smaller than a standard size lot and, as a result, the impacts of increasing the amount of impervious area greater, staff has revised the ordinance language to retain 25% lot coverage for substandard or nonconforming lots.

II. PROPOSED AMENDMENTS

The following specific sections of the Zoning Code have been revised and a brief summary/rationale for the change has been provided. For additional detail on the specific language of each change, a highlight and strike version of the ordinance is attached for Commission review.

1. Reference to the large lot R-1E single family residential zoning district has been deleted from the following sections of the Zoning Code. It was established in 2003 and no land area has ever been zoned R-1E.
 - 42-121.B.1 – Accessory Uses
 - 42-135.K – Wireless telecommunications facilities and towers
 - 42-160 – Districts established
 - 42-180 – Intent
 - 42-181 – Principal permitted uses
 - 42-182 – Special land uses
 - 42-350.A – Schedule of regulations
 - 42-484.I.2 – General Requirements (Signs)
 - 42-545. – R-1A, R-1B, R-1C, R-1D, R-1E and R-1T districts. (Signs)
2. Section 42-112 - Definitions. Definitions for Arbor and Pergola were added to clarify these types of structures are permitted without being counted towards building lot cover, and minimum setback distances from property lines. Also, the definition of building height was revised consistent with current method of calculating building height.
3. Section 42-121 – Accessory Uses.
 - A.2: The separation distance between an accessory building and main building has been reduced from 10 feet to 5 feet consistent with the Building Code.
 - B.1.a: Accessory building height has been increased to 16 feet due to numerous variance requests from homeowners. Also, requests to exceed 16 feet are proposed to be reviewed by the Planning Commission and not the Zoning Board of Appeals.
 - B.1.b.1: The size of an accessory building is proposed to be based on 20% of the entire rear yard, and not just the required rear yard. This would allow for a slightly larger building and would provide a more equal standard for narrow, long lots, in comparison to wide lots. If located in the side or rear yard, the setback is proposed to be increased from three feet to five feet. A larger building is proposed to be permitted so a slightly greater setback distance from the property line is appropriate. Existing accessory buildings that do not meet the revised setback standard would be considered legally nonconforming. However, if such building was destroyed by an act of God or public enemy, it could be reconstructed to its original location within 18 months.
 - B.1.b.2: This subsection is proposed to be deleted since the size of an accessory building in the rear yard is proposed to be based on the entire rear yard area.
 - B.1.b.2: (Renumbered from 3 to 2 since the previous section is proposed to be deleted). The total floor area of accessory buildings is proposed to be based on the

ground floor area of main building, plus half of the second story. This change will permit more accessory building area for two-story houses, and a more equal standard in comparison to one-story houses with a larger ground floor.

- B.1.b.3: Currently, a public hearing is not required to exceed the floor area of the main building. A public hearing is now proposed consistent with the current practice of notifying property owners within 300 feet.
- B.2.a-c: Subsections a, b, and c were combined into one (refer to B.2.b.).
- B.2.a: Consistent with the requirements applicable to non-lakefront lots, this subsection clarifies limitations on the total floor area of all accessory buildings also apply to lakefront lots.
- B.3: The current minimum setback requirement in the RM-1 and RM-2, multi-family districts for an accessory building located in the rear yard is three feet from a side or rear property line. Consistent with B.1.b.1 above, this section is proposed to be revised to require the minimum setback distance be increased from three feet to five feet.

4. Section 42-124 - Projections into required yards

- A.4: Subsection (4) was added to address numerous front yard setback variance requests for barrier-free ramps.
- B: The current language of subsection (B) refers to a vertical projection, which has been difficult to interpret. For clarity purposes, vertical projection is proposed to be deleted and chimney added as an example. Cantilevered wall is excluded from an architectural feature since it could result in an entire wall of a building.
- C: This subsection was deleted and divided into two separate subsections for clarity purposes (refer to (D) & (E)).
- C: Subsection (C) was added to allow an egress landing and stairs in the side yard setback area as a result of numerous homeowner requests.

5. Section 42-125 - Street frontage requirements; development standards for land divisions.

- A. & B. These subsections were revised to clarify that the width of frontage requirements extend to the front setback line or building line, whichever is greater. In addition, the revisions allow parcels without public street frontage if the following conditions are met:
 - Recordable access and utility easement with a width of not less than 20 feet.
 - The easement area must be improved with asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds.
 - If the access and utility easement is shared by more than one parcel or owner, a maintenance agreement must also be recorded.
 - No more than four parcels can be created from a parent parcel without frontage on a public street.

Sections 42-743.8 – Application requirements (Land Divisions) and 42-745.5 – Review of application; criteria for approval (Land Divisions) were also revised to include consistent language related to street frontage requirements.

- C. The phrase "...with public infrastructure improvements..." was added to clarify this section is applicable only when public infrastructure improvements are proposed.

6. Section 42-128 – Lakefront lots

- D: Pergolas, arbors and similar structures are allowed in the lakeside yard provided there are no walls, only support posts, and the structures do not exceed eight feet in height

7. Section 42-139 – Lot grading

- Lot grading is a new section to ensure lots are properly graded and maintained to prevent surface water and erosion problems.

8. Section 42-350 – Schedule of regulations

- A: In the table, the following changes were made as a result of many variance and property owner requests. The changes in building height and percent lot coverage is also consistent with other area communities.
 - Building height has been increased for lots with less than 80 feet of width in the R-1A – R-1D district from 25 to 30 feet and in the B-1 district from 25 to 35 feet.
 - Maximum lot cover may be increased from 25 to 30% (excluding nonconforming lots) but it is subject to review and approval by the Director of Transportation and Utilities to ensure storm water drainage and related impacts are properly addressed. Also, an increase to 30% would permit slightly larger ranch-style dwellings that address increasing needs for aging-in-place accommodations, mother-in-law suites and larger accessory buildings. An increase to 30% is also consistent with other comparable communities.
- B.2.b.i: The rear yard setback for a lot that has less than the required area has been increased from 3 feet to 30 feet to correct an apparent typographical error
- B.3: This footnote has been revised to clarify that for lots with more than 80 feet in width, the number of stories and building height can be increased to 3 and 40 feet, respectively, consistent with an amendment to the code in March 1993.
- B.4: "...unless otherwise permitted in this article" was added for clarity purposes.
- B.5: The following changes were made to this subsection:
 - "...on February 18, 2003" was added for clarity purposes.
 - In the table, the method in which to determine the minimum living area of 1½ and 2-story dwellings has been modified. The change eliminates a minimum area per floor (story) and a combined total area of each floor is now proposed. This change provides more flexibility with building design and construction.
 - Consistent with the changes in the table, floor area requirements for tri and bi-level dwellings has been deleted. The minimum floor area is the combined total floor area of each level not classified as a basement (more than 50% below grade). Since all non-basement levels are computed in the total floor area, bi and tri-level dwellings must meet the minimum area requirement for a two story residence in the same district.

- B.6.b: Building height in the RM-1 and RM-2 district was changed from 25 to 30 feet when abutting a single-family residential district and from 30 feet to 35 feet after Planning Commission review and approval. Construction of a two-story, multi-family residential building with the maximum height limited to 25 feet is challenging from a design perspective. Also, this change is consistent with the height and number of stories of single-family residential dwellings (40 feet and three stories).
 - B.6.c: Building height in all other zoning districts was changed from 25 to 30 feet and from one story to two stories when abutting a single-family residential district for the reasons noted above.
 - B.10: The exterior side yard setback for a structure located in the OS-1, office service district (when abutting a single-family residential district) was changed to from 10 feet to 15 feet to correct an inconsistency between the table in 42-350.A, which indicates 15 feet and footnote 10, which indicates 10 feet.
9. In the following Zoning Code sections, expiration of plan or Board/Commission approval is proposed to be extended to 12 months to allow applicants more time to prepare site plans, construction related documents or assemble other related material:
- Section 42-375 – Plan review and approval (PD, Planned Development).
 - Section 42-394.H.b – Plan review and approval (OTR, Office Technology and Research);
 - Section 42-414.I - Plan review and approval (Commercial Planned Development).
 - Section. 42-438.H.2 - Development project review and approval (CCA, City Center Area)
 - Section. 42-443.H.2 - Development project review and approval (CCMU, Commercial Corridor Mixed Use).
 - Section. 42-461.E.4 - Application and review procedures (Special Land Use Permit).
 - Section. 42-484.C – Site Plan Approval.
 - Section. 42-623. – Public hearings, voting, and decisions (Zoning Board of Appeals).
10. Section. 42-803. – Streets (Subdivision Regulations).
- i: This section is proposed to be revised to increase the number of residential lots on a cul-de-sac from 20 to 30 consistent with the International Fire Code.
11. Section. 42-805. – Utilities (Subdivision Regulations).
- c.5 & 6: These two sections are proposed to be changed to increase the number of residential units/lots served by municipal water from 20 to 30 consistent with the proposed increase in the number of lots permitted on a cul-de-sac per the International Fire Code.

III. PUBLIC HEARING/COMMENT

The Planning Commission convened a public hearing during the July 11, 2019. One citizen, James Hudson, 9001 West End Drive, spoke regarding the proposed amendments. Mr. Hudson commended staff and the Commission for the increased flexibility associated with the ordinance amendments; however, expressed concern over the proposed increase in lot coverage from 25% to

30% especially on lakefront lots. Mr. Hudson stated this increase in lot coverage could result in negative impacts associated with higher density/more intensive residential land use, larger residential structures, increases in traffic, diminished lake views and possible accessibility issues for the Fire Department. No other comments, either written or verbal, were received regarding the proposed residential amendments.

III. RECOMMENDATION

Based on the above analysis and subject to any comments received during the August 1, 2019 public hearing, the Planning Commission is advised to recommend to City Council that Ordinance Amendment 18/19-B, Residential Amendments, be approved.

Attachment: Draft Ordinance Amendment (highlight/strike and clean versions)

HIGHLIGHT AND STRIKE VERSION

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SEC. 42-112, DEFINITIONS; 42-121, ACCESSORY USES; 42-124,
PROJECTIONS IN REQUIRED YARDS; 42-125, STREET FRONTAGE REQUIREMENTS;
DEVELOPMENT STANDARDS FOR LAND DIVISIONS; 42-128 , LAKEFRONT LOTS; 42-
135, WIRELESS TELECOMMUNICATIONS FACILITIES AND TOWERS; 42-139, LOT
GRADING; 42-160, DISTRICTS ESTABLISHED; 42-180, INTENT; 42-181, PRINCIPAL
PERMITTED USES; 42-182, SPECIAL LAND USES; 42-350, SCHEDULE OF
REGULATIONS; 42-375, PLAN REVIEW AND APPROVAL (PD, PLANNED
DEVELOPMENT); 42-394, PLAN REVIEW AND APPROVAL (OTR, OFFICE TECHNOLOGY
AND RESEARCH); 42-414, PLAN REVIEW AND APPROVAL (COMMERCIAL PLANNED
DEVELOPMENT); 42-438, DEVELOPMENT PROJECT REVIEW AND APPROVAL (CCA,
CITY CENTER AREA); 42-443, DEVELOPMENT PROJECT REVIEW AND APPROVAL
(CCMU, COMMERCIAL CORRIDOR MIXED USE); 42-461, APPLICATION AND REVIEW
PROCEDURES; 42-484, SITE PLAN APPROVAL; 42-542, GENERAL REQUIREMENTS; 42-
545, R-1A, R-1B, R-1C, R-1D, R-1E AND R-1T DISTRICTS; 42-623, PUBLIC HEARINGS,
VOTING, AND DECISIONS; 42-743, APPLICATION REQUIREMENTS; 42-745, REVIEW OF
APPLICATION; CRITERIA FOR APPROVAL; 42-803, STREETS; 42-807, LOTS OF ARTICLE
4, ZONING, OF CHAPTER 42, LAND DEVELOPMENT REGULATIONS

THE CITY OF PORTAGE ORDAINS:

That Chapter 42 shall be amended as follows:

ARTICLE 4. ZONING.

Sec. 42-112. – **Definitions**, *shall be amended as follows.*

Arbor: A freestanding structure that typically serves as a passageway to a yard or garden. The sides of an arbor are either open or covered with lattice or trellis. The roof of an arbor is open consisting slatted members. An arbor shall not be considered an accessory building for the purpose of lot cover and setback from the main building.

Building height: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs, and to the average height between the highest eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average grade.

Pergola: A freestanding structure supported by columns or posts with a roof that is more than 50% open. A pergola shall not be considered an accessory building for the purpose of lot cover and setback from the main building.

Sec. 42-112. A definition of building height was revised consistent with current application of the code.

Definitions for Arbor and Pergola were added to clarify these types of structures are permitted and minimum setback distances from property lines.

Sec. 42-121. - **Accessory uses.**

A. *General requirements.*

1. No Change.

2. No detached accessory building or structure shall be located closer than ~~ten~~ five feet to a main building or other accessory building or structure on the same lot unless the minimum fire separation requirements of the last adopted edition of the Building Code are met.
3. through 4. - No Change.

The separation distance between an accessory building and structure has been reduced from 10 feet to 5 feet consistent with the Building Code.

B. Accessory buildings—Residential zoning districts.

1. Non-lakefront lots: The following applies to accessory buildings and uses on non-lakefront lots in the R-1A one-family residential, R-1B one-family residential, R-1C one-family residential, R-1D one-family residential, ~~R-1E, estate residential~~ or R-1T attached residential districts. These requirements shall also apply to one family dwellings constructed in the RM-1 and RM-2 districts.

42-121.B.1
Reference to the R-1E single family residential zoning district has been deleted from all sections of the Zoning Code. It was established in 2003 and no land area has ever been zoned R-1F

- a. No detached accessory building shall exceed ~~14~~ 16 feet in height except, after a public hearing, the height of the building may be increased if the planning commission determines that the topography, natural features or other land use characteristics, including the distance of the proposed building from adjacent residential structures, adequately mitigate adverse impacts upon any adjacent single-family residential use.

42-121.B.1.a
Accessory building height has been increased to 16 feet due to several requests from homeowners. Requests to exceed 16 feet are proposed to be reviewed by the Planning Commission and not the Zoning Board of Appeals

b. Maximum floor areas:

1. Except as noted in (2) and 3 below, each detached accessory building shall have a maximum floor area not greater than 20 percent of ~~a required~~ the rear yard. Accessory buildings on these lots may be located within a required rear or side yard, but not closer than ~~three~~ five feet to any side or rear lot line. Accessory buildings in the front yard shall meet the setbacks required for the main building.

42-121.B.1.b.1. The size of an accessory building is proposed to be based on 20% of the entire rear yard, and not just the required rear yard. This would allow for a slightly larger building and would provide a more equal standard for narrow, long lots, in comparison to wide lots. The setback is proposed to be based on the height of the building.

- ~~2. On nonconforming residential lots, the maximum floor area of all detached accessory buildings shall not exceed 20 percent of the total rear yard area. Accessory buildings on these lots may be located within a required rear yard, but not closer than three feet to any side or rear lot line.~~

42-121.B.1.b.2. Since the size of an accessory building in the rear yard is proposed to be based on the entire rear yard area, subsection 2 can be deleted

- ~~3~~ 2. The total floor area of all accessory buildings, including those attached to the main building, shall not exceed the ground floor area of the main building plus 50 percent of the second story, provided that breezeways or enclosed porches are not counted in computing the total floor area of an accessory(s) or main building.

42-121.B.1.b.2. The total floor area of accessory buildings is proposed to be based on the ground floor area of main building, plus half of the second story. This change will permit more accessory building area for two-story houses, and a more equal standard in comparison to one-story houses with a larger ground floor.

3. The floor area of accessory buildings may exceed the ground floor area of the main building plus 50 percent of the second story when the residential lot or parcel ~~is unplatted with an~~ has an area of two acres or more. However, when the floor area of the accessory building exceeds the ground floor area of the main building plus 50 percent of the second story, the accessory building and use shall be subject to the approval of the planning commission after a public hearing. To ensure harmonious relationships and to minimize conflicts between adjacent uses, the commission shall consider the proposed characteristics and uses of the building in relation to existing land uses and to the future

42-121.B.1.b.3. Currently, a public hearing is not required to exceed the floor area of the main building. A public hearing is now proposed.

land uses as shown in the comprehensive plan. The commission may attach requirements to such accessory building and use when it deems necessary to avoid or mitigate adverse impacts on surrounding properties. This section does not apply to agricultural uses.

2. Lakefront lots: The following applies to accessory buildings on lakefront lots in any residential district.

42-121.B.2.
Subsections a, b, and c were combined into one (refer to subsection b).

42-121.B.2.a.
Subsection (a) was added to limit the total floor area of all accessory buildings consistent with non-lakefront lots.

- ~~a. Not more than one detached accessory building is permitted in the rear (lake side) yard.~~
~~b. The permitted accessory building shall not exceed 80 square feet in area and eight feet in height, measured from the average grade at the accessory building location to the highest point of the accessory building.~~
~~c. The permitted accessory building shall be located not closer than ten feet to any side property line and three feet to the rear property line in the rear (lake side) yard.~~

- a. The total floor area of all accessory buildings shall not exceed the ground floor area of the main building plus 50 percent of the second story, provided that breezeways or enclosed porches are not counted in computing the total floor area of a detached accessory(s) or main building.
b. Not more than one detached accessory building is permitted in the rear (lake side) yard and shall not exceed 80 square feet in area and eight feet in height, measured from the average grade at the accessory building location to the highest point of the accessory building. The permitted accessory building shall be located not closer than ten feet to any side property line and three feet to the rear property line in the rear (lake side) yard.
~~c.~~ Boathouses, docks and other similar structures that are situated in whole or in part in the water are not regulated by this section.
~~e.~~d. All buildings and structures, including fences, that were in existence in the rear (lake side) yard prior to January 30, 1987, shall be allowed to continue and shall be considered to be nonconforming structures and buildings.

42-121.B.3. The setback is proposed to be increased from three to five feet.

3. RM-1 and RM-2 districts: A detached accessory building accessory to uses permitted in these districts may be located within a required rear yard not closer than ~~three~~ five feet to any side or rear lot line, except that community recreation or meeting facilities shall meet the setback requirements applicable to main buildings for the district. One-family dwellings shall comply with the provisions of section 42-121.B.1.

Sec. 42-124. - Projections into required yards.

- A. Porches, terraces and decks through
1. through 3. No change

4. Ramps for the purpose of providing barrier free access to a dwelling can project to within 10 feet of the front property line.

42-124.A.4.
Subsection (4) was added to address numerous variance requests for barrier-free ramps.

42-124.B. In Subsection (B), vertical projection was difficult to define so it is proposed to be deleted and chimney added as an example. Cantilevered wall is excluded from an architectural feature since it could result in an entire wall of a building.

- B. An architectural feature, such as a chimney but not including a vertical projection cantilevered wall, may extend or project into a required side yard not more than two inches for each one foot of width of the side yard, and may extend or project not more than three feet into a required front yard or rear yard.

~~C. For the purpose of this article, an access drive may be placed in a required front or side yard so as to provide access to the rear yard and/or an accessory or attached structure. These drives shall be considered a permitted encroachment into a front or side yard. For the purpose of this article, any walk, terrace or other pavement serving a similar function, not in excess of nine inches above the grade upon which placed, shall not be considered a structure and shall be permitted in any required yard.~~

C. In the one-family residential districts, a landing and stairs for egress purposes less than 30 inches above grade may project into the side yard not more than 36 inches or as regulated by the last adopted edition of the city's building code.

D. For the purpose of this article, an access drive may be placed in a required front or side yard so as to provide access to the rear yard and/or an accessory or attached structure. These drives shall be considered a permitted encroachment into a front or side yard.

E. For the purpose of this article, any walk, terrace or other pavement serving a similar function, not in excess of nine inches above the grade upon which placed, shall not be considered a structure and shall be permitted in any required yard.

42-124.C
Subsection (C) was deleted and divided into two separate Subsections (refer to (D) & (E) below.

42-124.C.
Subsection (C) was added to allow an egress landing and stairs in the side yard setback area.

Sec. 42-125. - Street frontage requirements; development standards for land divisions.

~~A. This section is intended to preclude the development of private streets where land divisions are proposed, and to establish review and approval criteria for land divisions and developments not otherwise regulated.~~

- B. A. Any parcel of land which is to be occupied by a use or building shall have a minimum of 60 feet of frontage on a public street or 50 feet of frontage on a public cul-de-sac, and shall further meet the lot width and setback requirements for the zoning district in which it is located. The public street shall be paved and adequate drainage provided therefor.

meet at least one of the following street frontage requirements:

1. Maintain a minimum of 60 feet of public street frontage, or a minimum of 50 feet of public street frontage on a cul-de-sac, to the front setback or building setback line, whichever is greater. The public street shall be paved and adequate drainage provided therefor; or
2. For a parcel that does not have the above required frontage on a public street, an access and utility easement with a width of not less than 20 feet to the front setback or building setback line, whichever is greater, shall be recorded with the Kalamazoo County Register of Deeds. Such recorded easement shall be provided to the Director simultaneously with the Register of Deeds filing. The access easement shall be a perpetual, irrevocable easement appurtenance over the burdened property, providing unobstructed access to the public street for the benefitting parcel. The utility easement shall also be perpetual, irrevocable and provide any public utility the ability and right to install all utilities on the burdened property. The 20 foot easement shall be improved with asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds. If the access and utility easement is shared by more than one parcel or owner, a maintenance agreement shall also be recorded providing for the rights and obligations of the parties regarding installation, maintenance and repair as well

42-125.A.
Subsection (A) was deleted and a new Subsection (A) added to allow parcels without public street frontage if certain conditions are met.

as apportionment of costs and expense for infrastructure and/or improvement on the easement.

B. A parent parcel cannot be divided to create more than four resulting parcels without the required frontage on a public street. Each parcel shall further meet the lot width and setback requirements for the zoning district in which it is located.

C. Residential, commercial or industrial developments which result in land divisions with public infrastructure improvements, except lands divided pursuant to the Land Division Act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and article V, Subdivision and Land Division Requirements, of this chapter, shall be subject to subsection B of this section and to the following conditions:

42-125.C was revised to clarify it is applicable only when public infrastructure improvements are proposed

1. through 3. No change

Sec. 42-128. - Lakefront lots.

A. and C. No change.

D. Pergolas, arbors and similar structures over nine inches in height above grade are permitted in the lakeside yard provided there are no walls, only support posts, and the structures do not exceed eight feet in height.

42-128.D. Pergolas, arbors and similar structures are allowed in the lakeside yard with conditions

Sec. 42-135. - Wireless telecommunications facilities and towers.

A. through J. No change.

K. Separation:

In Table 1 below, reference to R-1E has been deleted.

1. and 2. No change. Table 1- Setback and Separation Requirements For New Telecommunication Tower Construction					
District of Tower Location ¹	Special land Use Required	Minimum Setbacks	Any Residential District or Use	OS-1, OTR, B-2, B-3, CPD, or P-1 Districts	I-1, I-2 Districts
R-1A, R-1B, R-1C, R-1D, R-1E , R-1T, MHC PD ¹		Front: 30 ft. Side: 12 ft. Rear: 40 ft.	No separation requirements if alternative tower structure is utilized.		
RM-1, RM-2, OS-1, OTR, B-1 ¹		Front: 30 ft. Side: 12 ft. Rear: 12 ft.			
B-2, B-3, CPD, P-1	Yes	Front: 30 ft. (except B-2-75 ft.) Side: 12 ft. Rear: 12 ft.	1,320 ft.	Greater of: 100 ft. or 100% of tower height	20% of tower height
			No separation requirements if alternative tower structure is utilized		
I-1, I-2		Front: 75 ft. Side/Rear: None; separation requirements only	200 ft.	Greater of: 100 ft. or 100% of tower height	20% of tower height
			No separation requirements if alternative tower structure is utilized.		

¹ Alternative tower structure required: Alternative design mounting structures that camouflage or conceal the presence of antennas and/or towers, see Section 42-135.C for definition.

Sec. 42-139. – Lot Grading.

Required yard space, as determined by the minimum setback requirements, shall be at an elevation to ensure surface water drains away from the foundation walls in accordance with the last adopted edition of the Residential Building Code. Yards shall be graded and maintained to prevent the accumulation of surface water on the property outside of designated storm water detention areas and not increase the natural flow or runoff of surface water onto adjacent properties.

42-139. Lot grading was added to ensure lots are properly graded to prevent surface water problems.

Sec. 42-160. - Districts established.

For the purpose of this article, the city is hereby divided into the following districts:

Zoning Map Designation	District Title (See also Division 4, Subdivision 10)
R-1A	One-Family Residential (Lot area: 7,800 to 15,000 sq. ft.)
R-1B	One-Family Residential (Lot area: 9,600 to 15,000 sq. ft.)
R-1C	One-Family Residential (Lot area: 12,000 to 15,000 sq. ft.)
R-1D	One-Family Residential Lot area: 12,000 to 28,000 sq. ft.)
R-1E	Estate Residential (Lot area: 1 acre)
R-1T	Attached Residential
RM-1	Multifamily Residential (High Density)
RM-2	Multifamily Residential (Medium Density)
OS-1	Office Service
B-1	Local Business
B-2	Community Business
B-3	General Business
CPD	Commercial Planned Development
OTR	Office Technology Research
I-1	Light Industrial
I-2	Heavy Industrial
P-1	Vehicular Parking
MHC	Manufactured Home Community
PD	Planned Development

42-160. In the table to the left, reference to R-1E has been deleted.

Subdivision 2. - R-1A, R-1B, R-1C, ~~and~~ R-1D and ~~R-1E~~ One-Family Residential Districts**Sec. 42-180. - Intent.**

The R-1A through R-1~~E~~ ~~D~~ one-family residential districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density single-unit dwellings along with other residentially related facilities that serve the residents in the district. Further, the intent of these regulations is to protect residential neighborhoods from incompatible land uses and associated effects.

In Sections 42-180, 42-181 and 42-182, reference to R-1E has been deleted.

Sec. 42-181. - Principal permitted uses.

In a one-family residential district (R-1A through R-1~~E~~ ~~D~~), no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this article:

A. thru H. - No change.

Sec. 42-182. - Special land uses.

The following uses may be allowed in a one-family residential district (R-1A through R-1~~E~~ ~~D~~), subject to the conditions imposed in this Section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

A. thru J. - No change.

In the table below, the following changes were made:

1. Reference to the R-1E district has been deleted
2. Building height has been increased in the R-1A – R-1D district from 25 to 30 feet and in the B-1 district from 35 to 35 feet.
3. Maximum lot cover has been increased from 25 to 30% subject to review and approval by the Director of Transportation and Utilities

Subdivision 10. - Schedule of Regulations

Sec. 42-350. - Schedule of regulations.

- A. Schedule of regulations: The following schedule sets forth regulations regarding building height, bulk, density and area for the zoning districts as indicated. Numbers in parentheses are footnotes and apply as explained.

Zoning District	Minimum Lot Area Per Dwelling Unit (sq. ft.)/lot width in feet (1)			Maximum Building Height in feet		Minimum Yard Setback in feet (2)			Minimum Floor Area Per Unit (sq. ft.)	Maximum Lot Coverage (20)
	With Sewer & Water	With Sewer or Water	Without Sewer & Water	Stories	Height	Front	Side	Rear		
R-1A One-Family Residential	7,800/65	12,000/80	15,000/100	2 (3)	3025 (3)	27	8(4)	40	(5)	25%
R-1B One-Family Residential	9,600/80	12,000/80	15,000/100	2 (3)	3025 (3)	30	10(4)	40	(5)	25%
R-1C One-Family Residential	12,000/100	12,000/100	15,000/100	2 (3)	3025 (3)	30	12(4)	40	(5)	25%
R-1D One-Family Residential	12,000/100	12,000/100	28,000/120	2 (3)	3025 (3)	30	12(4)	40	(5)	25%
R-1E One-Family Residential	43,560/150	43,560/150	43,560/150	2 (3)	25 (3)	40	20(4)	60	(5)	25%
R-1T Attached Residential	6,000/40	9,000/60	9,000/60	2	3025(6)	30	10(4)	40	850	25%
RM-1 & RM-2 Multi-family Residential	(7)	8,000	8,000	3	35(6)	30(8)	30(8) (4)	30(8)	1 BR: 500, 2 BR: 700, 3 BR: 900, 4 BR: 1,100	25%
OS-1 Office Service	—	—	—	—	35(6)	27(9)	15(10)(4)	20(11)	—	—
OTR Office Technology Research	(12)	—	—	—	35(6)	50(13)	50(13) (14) (4)	50(13)	—	25%
B-1 Local Business	—	—	—	—	3525(6)	27(9)	(10)(4)	20(11)	—	25%
B-2 Community Business	—	—	—	—	35(6)	75(9)(15)	(15)(4)	(11)(15)	—	—
B-3 General Business	—	—	—	—	35(6)	30(9)	(10)(4)	20(11)	—	—
CPD Commercial Planned Development	(16)	—	—	—	35(6)	(15)	(15)(4)	(11)(15)	—	25%
I-1 Light Industrial	—	—	—	—	40(6)	75(17)(18)	75(17)(19)(4)	(11)(17)(19)	—	—
I-2 Heavy Industrial	—	—	—	—	60(6)	100(17)(18)	100(17)(19)(4)	(11)(17)(19)	—	—
MHC, Mobile Home Community	See Division 4, Subdivision 8 for regulations pertaining to this zoning district									
PD, Planned Development	See Division 4, Subdivision 11 for regulations pertaining to this zoning district									
P-1, Parking	See Division 4, Subdivision 14 for regulations pertaining to this zoning district									

B. Footnotes to Schedule of regulations:

1. No change.
2. No change:
 - a. No change;
 - b. For lots with less than the required area, setbacks shall not be less than the following:
 - i. Thirty Three feet to the rear line;
 - ii. No change
 - iii. No change

42-350.B.2.b.1. The rear yard setback for a lot that has less than the required area has been increased from 3 feet to 30 feet to correct an apparent typographical error

3. R-1A, R-1B, R-1C, and R-1D and R-1E one-family residential districts. The number of stories and maximum height of any residential structure on lots of 80 feet or more in width shall not exceed three stories and 40 feet in height. ~~be regulated by the last adopted edition of the city's building code.~~
4. The side yard facing the street shall not be less than the minimum front yard of the district in which it is located, unless otherwise permitted in this article.
5. The following minimum floor area requirements apply to each residence hereafter erected. Any structure existing as of the date of the adoption of this Article on February 18, 2003 and not meeting the requirements of this subsection shall not be prevented from being reconstructed and, for the purpose of this article, therefore, shall not be considered nonconforming.

42-350.B.3. Reference to R-1E has been deleted and the number of stories and building height clarified at 3 and 40 feet, respectively, consistent with an amendment to the code in March 1993.

42-350.B.4 "...unless otherwise permitted in this article" was added for clarity purposes.

42-350.B.5. "...on February 18, 2003" was added for clarity purposes.

In the table below, the method in which to determine the minimum area of 1½ and 2-story single family residential dwellings has been modified. The change eliminates a minimum area per floor (story) and a combined total area of each floor is now proposed. This change is based on changes in home design/construction that provide more living/utility area on the ½ or second story. Also, the R-1E district has been deleted from the table.

Residence Type	Zoning District							
	(with basement of at least 440 sq. ft.)				(with basement less than 440 sq. ft.)			
	R-1A	R-1B	R-1C & D	<u>R-1E</u>	R-1A	R-1B	R-1C&D	<u>R-1E</u>
1 story	1,040	1,280	1,600	<u>2,000</u>	1,120	1,360	1,600	<u>2,000</u>
1 1/2 story	<u>880</u> <u>1,100</u>	<u>1,080</u> <u>1,340</u>	<u>1,280</u> <u>1,680</u>	<u>1,800</u>	<u>960</u> <u>1,180</u>	<u>1,160</u> <u>1,500</u>	<u>1,300</u> <u>1,700</u>	<u>1,800</u>
1 1/2 story, 2 nd floor	212	260	400	600	212	340	400	600
2 story, 1 st floor	<u>720</u> <u>1,440</u>	<u>900</u> <u>1,800</u>	<u>1,000</u> <u>2,000</u>	<u>1,200</u>	<u>800</u> <u>1,520</u>	<u>980</u> <u>1,880</u>	<u>1,000</u> <u>2,000</u>	<u>1,200</u>
2 story, 2 nd floor	720	900	1,000	1,200	720	900	1,000	1,200

~~Minimum floor area requirements for tri-levels shall be computed using the total square footage of the two uppermost levels. Minimum floor area requirements for bi-levels shall be computed using the total square footage of that floor at or above the approximate grade of the address street. The total square footage so computed for a tri-level or bi-level shall equal at least the minimum square footage requirement for a one-floor two-story residence in the same district.~~

Consistent with the changes in the table above, floor area requirements for tri and bi-level dwellings has been deleted. The minimum floor area is combined total floor area of each level not classified as a basement (more than 50% below grade). Since all non-basement levels are computed in the total floor area, bi and tri-level dwellings must meet the minimum area requirement for a two story residence in the same district.

42-350.B.6.b.
Structure
height was
changed from
25 to 30 feet
and from 30
feet to 35 feet

6. a. No change
- b. The height of any structure in an RM-1 or RM-2 multifamily residential district shall be no greater than ~~25~~30 feet and two stories when the zoning lot abuts a single-family residential zoning district, except, after a public hearing, which may be held prior to site plan approval, the height of the structure may be increased to no more than ~~30~~35 feet and three stories if the planning commission determines that the topography, natural features or other land use characteristics, including the distance of the proposed structure from the residential district and residential structures therein, adequately mitigate adverse impacts upon any adjacent single-family residential zone or use. The height of a structure under this provision may be increased beyond the maximum height stated in this subsection only if the regulations and procedures of subsection (6)(a) of this section are followed.
- c. In all other districts, the height of any structure shall be no greater than ~~25~~30 feet and ~~one two story stories~~ when the zoning lot abuts a single-family residential zoning district, except, after a public hearing, which may be held prior to site plan approval, the height and number of stories of the structure may be increased to the height normally allowed in the zoning district if the planning commission determines that the topography, natural features or other land use characteristics, including the distance of the proposed structure from the residential district and residential structures therein, adequately mitigate adverse impacts upon any adjacent single-family residential zone or use. The height of a structure under this provision may be increased beyond the height normally allowed within the district only if the requirements and procedures of subsection (6)(a) of this section are followed.
- d. No change

42-350.B.6.c.
Structure
height was
changed from
25 to 30 feet
and from one
story to two
stories.

42-350.B.10. The
exterior yard
setback was
changed to 15
feet to correct an
inconsistency
between the table
in 42-350.A and
footnote.

7. thru (9). No change
10. No side yards are required along the interior side lot lines of the district, except as otherwise specified in the building code of the city (article 8, division 2 of this chapter), provided that if walls of structures facing such interior side lot lines contain windows or other openings, side yards of not less than ten feet shall be provided. On a corner lot which borders on a residential district, there shall be provided a setback of 27 feet on the side or residential street. On an exterior side yard abutting a residential district, there shall be provided a setback of ~~40~~15 feet in width.
11. thru (19). No change
20. An increase in lot coverage to 30% may be permitted for lots that meet the minimum area and width requirements for the zoning district in which it is located, subject to review and approval by the Director of Transportation and Utilities to ensure storm water drainage and related impacts are properly addressed.

Sec. 42-375. - Plan review and approval (PD, Planned Development).

- J. Time limit for commencing development: After a final plan is approved by the council, development of the planned development or divisible geographic section thereof shall begin within ~~120 days~~ 12 months of approval of the final plan. If development is not begun within such time, the final plan must be resubmitted for reapproval. At the lapse of each ~~120 days~~ 12 months period, the council, before reapproval, may require modification of the final plan to meet new or previously undetected conditions affecting the project area.

42-375.J. The expiration of plan approval has been extended from 120 days to 12 months to allow the community more time to prepare construction

Sec. 42-394. - Plan review and approval (OTR, Office Technology and Research)

- H. Development plan (specific plan):
- a. No change
 - b. Time limit for commencing construction. After a specific plan is approved pursuant to division 5, subdivision 2, Site Plan Review, development shall commence within ~~six months~~ 12 months of approval of the specific plan. If development is not begun within this period, the specific plan must be resubmitted for approval per division 5, subdivision 2, Site Plan Review.
 - c. No change.

The expiration of plan approval has been extended from 6 to 12 months in Sec. 42-394, 414, 438, 443, 461 & 484 to allow the developers more time to prepare construction documents

Sec. 42-414. - Plan review and approval (Commercial Planned Development).

- I. Time limit for commencing development: After a specific plan is approved pursuant to division 5, subdivision 2, Site Plan Review, development shall commence within ~~six months~~ 12 months of approval of the specific plan. If development is not begun within this time period, the specific plan must be resubmitted for approval in accordance with the requirements of division 5, subdivision 2, Site Plan Review.

Sec. 42-438. - Development project review and approval (CCA, City Center Area)

- H. Development plan (specific plan):
1. No change.
 2. Time limit for commencing construction. After the specific plan is approved pursuant to division 5, subdivision 2, site plan review, development shall commence within ~~six months~~ 12 months of approval of the specific plan. If development is not begun within this period, the specific plan must be resubmitted for approval per division 5, subdivision 2, site plan review.
 3. No change.

Sec. 42-443. - Development project review and approval (CCMU, Commercial Corridor Mixed Use).

- H. Development plan (specific plan):
1. No change.
 2. Time limit for commencing construction. After the specific plan is approved pursuant to division 5, subdivision 2, site plan review, development shall commence within ~~six months~~ 12 months of approval of the specific plan. If

development is not begun within this period, the specific plan must be resubmitted for approval per division 5, subdivision 2, site plan review.

3. No change.

Sec. 42-461, Application and review procedures

- A. through D. No change
- E. Special land use decisions
 1. through 3. No change
 4. Validity of approval: Any approval given by the commission under which the premises are not used or work is not started within ~~six months~~ 12 months , or when the use or work has been abandoned for a period of ~~six months~~ 12 months , shall lapse and cease to be in effect.
 5. No change

Sec. 42-484. - Site plan approval (Site Plan Review).

- C. Site plan expiration: If construction activity has not commenced within ~~six months~~ 12 months of final site plan approval, the site plan becomes null and void and a new application for site plan review in accordance with the procedures of this subsection shall be required.

Sec. 42-542. - General requirements.

In Sec. 42-542.I.2,
reference to R-1E
has been deleted.

- A. through H. No change
- I. Electronic or mechanical sign elements.
 1. No change
 2. An accessory sign for a permitted use in the R-1A through ~~R-1E~~ R-1D one-family residential districts, the R-1T residential district, and the RM-1 and RM-2 residential districts, may include an EMD subject to the following requirements:
A through h. No change

Sec. 42-545. - R-1A, R-1B, R-1C, R-1D, ~~R-1E~~ and R-1T districts.

In Sec. 42-545,
reference to R-1E
has been deleted.

In any R-1A, R-1B, R-1C, R-1D, ~~R-1E~~ and R-1T residential district:

- A. through D. No change

Sec. 42-623. - Public hearings, voting, and decisions (Zoning Board of Appeals).

- A. through B. No change
- C. Decisions:
 1. No change.
 2. No change.
 3. No change.

4. Any approval given by the board under which the premises are not used or work is not started within ~~six months~~ 12 months , or when the use or work has been abandoned for a period of six months, shall lapse and cease to be in effect.
5. No change.

In Sec. 42-623.C.4, the expiration of ZBA approval has been extended from 6 to 12 months to allow the applicants more time to prepare construction documents, if applicable

Sec. 42-743. - Application requirements.

1. through 7. No change
8. The application shall include proof that all divisions shall result in buildable parcels containing at least ~~60 feet of frontage on a public street or 50 feet of frontage on a public cul-de-sac~~; one of the following street frontage requirements:
 - a. Maintain a minimum of 60 feet of public street frontage, or a minimum of 50 feet of public street frontage on a cul-de-sac, to the front setback or building setback line, whichever is greater. The public street shall be paved and adequate drainage provided therefor; or
 - b. For a parcel that does not have the above required frontage on a public street, an access and utility easement with a width of not less than 20 feet to the front setback or building setback line, whichever is greater, shall be recorded with the Kalamazoo County Register of Deeds. Such recorded easement shall be provided to the Director simultaneously with the Register of Deeds filing. The access easement shall be a perpetual, irrevocable easement appurtenance over the burdened property, providing unobstructed access to the public street for the benefitting parcel. The utility easement shall also be perpetual, irrevocable and provide any public utility the ability and right to install all utilities on the burdened property. The 20 foot easement shall be improved with asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds. If the access and utility easement is shared by more than one parcel or owner, a maintenance agreement shall also be recorded providing for the rights and obligations of the parties regarding installation, maintenance and repair as well as apportionment of costs and expense for infrastructure and/or improvement on the easement.
 - i. A parent parcel cannot be divided to create more than four resulting parcels without the required frontage on a public street. Each parcel shall further meet the lot width and setback requirements for the zoning district in which it is located.
 - c. The application shall also include proof of sufficient buildable area outside of wetlands, floodplains and other areas where buildings are prohibited; and sufficient area to comply with required setback provisions, minimum floor area requirements, off-street parking space requirements, on-site water and sewer location (if municipal utilities are not available), and maximum area for coverage of buildings.

Consistent with 42-125.A, 42-743.8 for Land Divisions was modified to allow parcels without public street frontage if certain conditions are

9. through 10. No change

Sec. 42-745. - Review of application; criteria for approval.

1. through 4. No change

5. Each resulting parcel ~~has not less than 60 feet of frontage on a public street and 50 feet of frontage on a cul-de-sac.~~ shall meet at least one of the following street frontage requirements:

Consistent with 42-125.A and 42-743.8, 42-745.5 was modified to allow parcels without public street frontage if certain conditions are met.

- a. Maintain a minimum of 60 feet of public street frontage, or a minimum of 50 feet of public street frontage on a cul-de-sac, to the front setback or building setback line, whichever is greater. The public street shall be paved and adequate drainage provided therefor; or
- b. For a parcel that does not have the above required frontage on a public street, an access and utility easement with a width of not less than 20 feet to the front setback or building setback line, whichever is greater, shall be recorded with the Kalamazoo County Register of Deeds. Such recorded easement shall be provided to the Director simultaneously with the Register of Deeds filing. The access easement shall be a perpetual, irrevocable easement appurtenance over the burdened property, providing unobstructed access to the public street for the benefitting parcel. The utility easement shall also be perpetual, irrevocable and provide any public utility the ability and right to install all utilities on the burdened property. The 20 foot easement shall be improved with asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds. If the access and utility easement is shared by more than one parcel or owner, a maintenance agreement shall also be recorded providing for the rights and obligations of the parties regarding installation, maintenance and repair as well as apportionment of costs and expense for infrastructure and/or improvement on the easement.
 - i. A parent parcel cannot be divided to create more than four resulting parcels without the required frontage on a public street. Each parcel shall further meet the lot width and setback requirements for the zoning district in which it is located.

6. through 8. No change

Sec. 42-803. – Streets (Subdivision Regulations).

- a. through h. No change
- i. Cul-de-sac. The maximum number of lots or parcels which front on a residential cul-de-sac street shall not exceed ~~20~~ 30. The maximum length for industrial and other cul-de-sac streets may exceed 500 feet subject to the review and approval of the planning commission.
- j. through k. No change

42-803.i was changed to increase the number of residential lots on a cul-de-sac from 20 to 30 consistent with the International Fire Code

Sec. 42-805. – Utilities (Subdivision Regulations).

- a. through b. No change
- c. 1. through 4. No change
5. Valves shall be placed at all intersections such that not more than ~~20~~ 30 dwelling units may be isolated. Valve spacing shall not exceed 1,000 feet.
6. Dead-end water mains serving cul-de-sac and other short street designs shall not serve more than a maximum of ~~20~~ 30 lots or as otherwise required by the city council.

42-805(c)(5)(6) were changed to increase the number of residential units/lots served by municipal water from 20 to 30 consistent with the International Fire Code

CLEAN VERSION

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SEC. 42-112, DEFINITIONS; 42-121, ACCESSORY USES; 42-124, PROJECTIONS IN REQUIRED YARDS; 42-125, STREET FRONTAGE REQUIREMENTS; DEVELOPMENT STANDARDS FOR LAND DIVISIONS; 42-128, LAKEFRONT LOTS; 42-135, WIRELESS TELECOMMUNICATIONS FACILITIES AND TOWERS; 42-139, LOT GRADING; 42-160, DISTRICTS ESTABLISHED; 42-180, INTENT; 42-181, PRINCIPAL PERMITTED USES; 42-182, SPECIAL LAND USES; 42-350, SCHEDULE OF REGULATIONS; 42-375, PLAN REVIEW AND APPROVAL (PD, PLANNED DEVELOPMENT); 42-394, PLAN REVIEW AND APPROVAL (OTR, OFFICE TECHNOLOGY AND RESEARCH); 42-414, PLAN REVIEW AND APPROVAL (COMMERCIAL PLANNED DEVELOPMENT); 42-438, DEVELOPMENT PROJECT REVIEW AND APPROVAL (CCA, CITY CENTER AREA); 42-443, DEVELOPMENT PROJECT REVIEW AND APPROVAL (CCMU, COMMERCIAL CORRIDOR MIXED USE); 42-461, APPLICATION AND REVIEW PROCEDURES; 42-484, SITE PLAN APPROVAL; 42-542, GENERAL REQUIREMENTS; 42-545, R-1A, R-1B, R-1C, R-1D, R-1E AND R-1T DISTRICTS; 42-623, PUBLIC HEARINGS, VOTING, AND DECISIONS; 42-743, APPLICATION REQUIREMENTS; 42-745, REVIEW OF APPLICATION; CRITERIA FOR APPROVAL; 42-803, STREETS; 42-807, LOTS OF ARTICLE 4, ZONING, OF CHAPTER 42, LAND DEVELOPMENT REGULATIONS

THE CITY OF PORTAGE ORDAINS:

That Chapter 42 shall be amended as follows:

ARTICLE 4. ZONING.

Sec. 42-112. – Definitions, *shall be amended as follows.*

Arbor: A freestanding structure that typically serves as a passageway to a yard or garden. The sides of an arbor are either open or covered with lattice or trellis. The roof of an arbor is open consisting slatted members. An arbor shall not be considered an accessory building for the purpose of lot cover and setback from the main building.

Building height: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs, and to the average height between the highest eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average grade.

Pergola: A freestanding structure supported by columns or posts with a roof that is more than 50% open. A pergola shall not be considered an accessory building for the purpose of lot cover and setback from the main building.

Sec. 42-121. - Accessory uses.

A. *General requirements.*

1. No Change.
2. No detached accessory building or structure shall be located closer than five feet to a main building or other accessory building or structure on the same lot unless the minimum fire separation requirements of the last adopted edition of the Building Code are met.
3. through 4. - No Change.

B. *Accessory buildings—Residential zoning districts.*

1. Non-lakefront lots: The following applies to accessory buildings and uses on non-lakefront lots in the R-1A one-family residential, R-1B one-family residential, R-1C one-family residential, R-1D one-family residential, or R-1T attached residential districts. These requirements shall also apply to one family dwellings constructed in the RM-1 and RM-2 districts.
 - a. No detached accessory building shall exceed 16 feet in height except, after a public hearing, the height of the building may be increased if the planning commission determines that the topography, natural features or other land use characteristics, including the distance of the proposed building from adjacent residential structures, adequately mitigate adverse impacts upon any adjacent single-family residential use.
 - b. Maximum floor areas:
 1. Except as noted in (2) and 3 below, each detached accessory building shall have a maximum floor area not greater than 20 percent of the rear yard. Accessory buildings in the rear or side yard shall be setback from the side or rear property lines not less than one-half the height of the building. Accessory buildings in the front yard shall meet the setbacks required for the main building.
 2. The total floor area of all accessory buildings, including those attached to the main building, shall not exceed the ground floor area of the main building plus 50 percent of the second story, provided that breezeways or enclosed porches are not counted in computing the total floor area of an accessory(s) or main building.
 3. The floor area of accessory buildings may exceed the ground floor area of the main building plus 50 percent of the second story when the residential lot or parcel has an area of two acres or more. However, when the floor area of the accessory building exceeds the ground floor area of the main building plus 50 percent of the second story, the accessory building and use shall be subject to the approval of the planning commission after a public hearing. To ensure harmonious relationships and to minimize conflicts between adjacent uses, the commission shall consider the proposed characteristics and uses of the building in relation to existing land uses and to the future land uses as shown in the comprehensive plan. The commission may attach requirements to such accessory building and use when it deems necessary to avoid or mitigate adverse impacts on surrounding properties. This section does not apply to agricultural uses.
2. Lakefront lots: The following applies to accessory buildings on lakefront lots in any residential district.
 - a. The total floor area of all accessory buildings shall not exceed the ground floor area of the main building plus 50 percent of the second story, provided that breezeways or enclosed porches are not counted in computing the total floor area of a detached accessory(s) or main building.
 - b. Not more than one detached accessory building is permitted in the rear (lake side) yard and shall not exceed 80 square feet in area and eight feet in height, measured from the average grade at the accessory building location to the highest point of the accessory building. The permitted accessory building shall

be located not closer than ten feet to any side property line and three feet to the rear property line in the rear (lake side) yard.

- c. Boathouses, docks and other similar structures that are situated in whole or in part in the water are not regulated by this section.
- d. All buildings and structures, including fences, that were in existence in the rear (lake side) yard prior to January 30, 1987, shall be allowed to continue and shall be considered to be nonconforming structures and buildings.

- 3. RM-1 and RM-2 districts: A detached accessory building accessory to uses permitted in these districts may be located within a required rear yard not closer than five feet to any side or rear lot line, except that community recreation or meeting facilities shall meet the setback requirements applicable to main buildings for the district. One-family dwellings shall comply with the provisions of section 42-121.B.1.

Sec. 42-124. - Projections into required yards.

- A. Porches, terraces and decks through
 - 1. through 3. No change
 - 4. Ramps for the purpose of providing barrier free access to a dwelling can project to within 10 feet of the front property line.
- B. An architectural feature, such as a chimney but not including a cantilevered wall, may extend or project into a required side yard not more than two inches for each one foot of width of the side yard, and may extend or project not more than three feet into a required front yard or rear yard.
- C. In the one-family residential districts, a landing and stairs for egress purposes less than 30 inches above grade may project into the side yard not more than 36 inches or as regulated by the last adopted edition of the city's building code.
- D. For the purpose of this article, an access drive may be placed in a required front or side yard so as to provide access to the rear yard and/or an accessory or attached structure. These drives shall be considered a permitted encroachment into a front or side yard.
- E. For the purpose of this article, any walk, terrace or other pavement serving a similar function, not in excess of nine inches above the grade upon which placed, shall not be considered a structure and shall be permitted in any required yard.

Sec. 42-125. - Street frontage requirements; development standards for land divisions.

- A. Any parcel of land which is to be occupied by a use or building shall meet at least one of the following street frontage requirements:
 - 1. Maintain a minimum of 60 feet of public street frontage, or a minimum of 50 feet of public street frontage on a cul-de-sac, to the front setback or building setback line, whichever is greater. The public street shall be paved and adequate drainage provided therefor; or
 - 2. For a parcel that does not have the above required frontage on a public street, an access and utility easement with a width of not less than 20 feet to the front setback or building setback line, whichever is greater, shall be recorded with the Kalamazoo County Register of Deeds. Such recorded easement shall be provided to the Director simultaneously with the Register of Deeds filing. The access easement shall be a perpetual, irrevocable easement appurtenance over the burdened property, providing unobstructed access to the public street for the benefitting parcel. The utility easement shall also be perpetual, irrevocable and provide any public utility the ability and right to install all utilities on the burdened property. The 20 foot easement shall be improved with asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds. If the access

and utility easement is shared by more than one parcel or owner, a maintenance agreement shall also be recorded providing for the rights and obligations of the parties regarding installation, maintenance and repair as well as apportionment of costs and expense for infrastructure and/or improvement on the easement.

- B. A parent parcel cannot be divided to create more than four resulting parcels without the required frontage on a public street. Each parcel shall further meet the lot width and setback requirements for the zoning district in which it is located.
- C. Residential, commercial or industrial developments which result in land divisions with public infrastructure improvements, except lands divided pursuant to the Land Division Act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and article V, Subdivision and Land Division Requirements, of this chapter, shall be subject to subsection B of this section and to the following conditions:

1. through 3. No change

Sec. 42-128. - Lakefront lots.

- A. and C. No change.
- D. Pergolas, arbors and similar structures over nine inches in height above grade are permitted in the lakeside yard provided there are no walls, only support posts, and the structures do not exceed eight feet in height.

Sec. 42-135. - Wireless telecommunications facilities and towers.

- A. through J. No change.
- K. Separation:

1. and 2. No change. Table 1- Setback and Separation Requirements For New Telecommunication Tower Construction					
District of Tower Location ¹	Special land Use Required	Minimum Setbacks	Any Residential District or Use	OS-1, OTR, B-2, B-3, CPD, or P-1 Districts	I-1, I-2 Districts
R-1A, R-1B, R-1C, R-1D, R-1T, MHC PD ¹		Front: 30 ft. Side: 12 ft. Rear: 40 ft.	No separation requirements if alternative tower structure is utilized.		
RM-1, RM-2, OS-1, OTR, B-1 ¹		Front: 30 ft. Side: 12 ft. Rear: 12 ft.			
B-2, B-3, CPD, P-1	Yes	Front: 30 ft. (except B-2-75 ft.) Side: 12 ft. Rear: 12 ft.	1,320 ft.	Greater of: 100 ft. or 100% of tower height	20% of tower height
			No separation requirements if alternative tower structure is utilized		
I-1, I-2		Front: 75 ft. Side/Rear: None; separation requirements only	200 ft.	Greater of: 100 ft. or 100% of tower height	20% of tower height
			No separation requirements if alternative tower structure is utilized.		

¹ Alternative tower structure required: Alternative design mounting structures that camouflage or conceal the presence of antennas and/or towers, see Section 42-135.C for definition.

Sec. 42-139. – Lot Grading.

Required yard space, as determined by the minimum setback requirements, shall be at an elevation to ensure surface water drains away from the foundation walls in accordance with the last adopted edition of the Residential Building Code. Yards shall be graded and maintained to prevent the accumulation of surface water on the property outside of designated storm water detention areas and not increase the natural flow or runoff of surface water onto adjacent properties.

Sec. 42-160. - Districts established.

For the purpose of this article, the city is hereby divided into the following districts:

Zoning Map Designation	District Title (See also Division 4, Subdivision 10)
R-1A	One-Family Residential (Lot area: 7,800 to 15,000 sq. ft.)
R-1B	One-Family Residential (Lot area: 9,600 to 15,000 sq. ft.)
R-1C	One-Family Residential (Lot area: 12,000 to 15,000 sq. ft.)
R-1D	One-Family Residential Lot area: 12,000 to 28,000 sq. ft.)
R-1T	Attached Residential
RM-1	Multifamily Residential (High Density)
RM-2	Multifamily Residential (Medium Density)
OS-1	Office Service
B-1	Local Business
B-2	Community Business
B-3	General Business
CPD	Commercial Planned Development
OTR	Office Technology Research
I-1	Light Industrial
I-2	Heavy Industrial
P-1	Vehicular Parking
MHC	Manufactured Home Community
PD	Planned Development

Subdivision 2. - R-1A, R-1B, R-1C, and R-1D One-Family Residential Districts**Sec. 42-180. - Intent.**

The R-1A through R-1D one-family residential districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density single-unit dwellings along with other residentially related facilities that serve the residents in the district. Further, the intent of these regulations is to protect residential neighborhoods from incompatible land uses and associated effects.

Sec. 42-181. - Principal permitted uses.

In a one-family residential district (R-1A through R-1D), no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this article:

A. thru H. - No change.

Sec. 42-182. - Special land uses.

The following uses may be allowed in a one-family residential district (R-1A through R-1D), subject to the conditions imposed in this Section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

A. thru J. - No change.

Subdivision 10. - Schedule of Regulations

Sec. 42-350. - Schedule of regulations.

- A. Schedule of regulations: The following schedule sets forth regulations regarding building height, bulk, density and area for the zoning districts as indicated. Numbers in parentheses are footnotes and apply as explained.

Zoning District	Minimum Lot Area Per Dwelling Unit (sq. ft.)/lot width in feet (1)			Maximum Building Height in feet		Minimum Yard Setback in feet (2)			Minimum Floor Area Per Unit (sq. ft.)	Maximum Lot Coverage (20)
	With Sewer & Water	With Sewer or Water	Without Sewer & Water	Stories	Height	Front	Side	Rear		
R-1A One-Family Residential	7,800/65	12,000/80	15,000/100	2 (3)	30 (3)	27	8(4)	40	(5)	25%
R-1B One-Family Residential	9,600/80	12,000/80	15,000/100	2 (3)	30 (3)	30	10(4)	40	(5)	25%
R-1C One-Family Residential	12,000/100	12,000/100	15,000/100	2 (3)	30 (3)	30	12(4)	40	(5)	25%
R-1D One-Family Residential	12,000/100	12,000/100	28,000/120	2 (3)	30 (3)	30	12(4)	40	(5)	25%
R-1T Attached Residential	6,000/40	9,000/60	9,000/60	2	30 (6)	30	10(4)	40	850	25%
RM-1 & RM-2 Multi-family Residential	(7)	8,000	8,000	3	35(6)	30(8)	30(8) (4)	30(8)	1 BR: 500, 2 BR: 700, 3 BR: 900, 4 BR: 1,100	25%
OS-1 Office Service	—	—	—	—	35(6)	27(9)	15(10)(4)	20(11)	—	—
OTR Office Technology Research	(12)	—	—	—	35(6)	50(13)	50(13) (14) (4)	50(13)	—	25%
B-1 Local Business	—	—	—	—	35(6)	27(9)	(10)(4)	20(11)	—	25%
B-2 Community Business	—	—	—	—	35(6)	75(9)(15)	(15)(4)	(11)(15)	—	—
B-3 General Business	—	—	—	—	35(6)	30(9)	(10)(4)	20(11)	—	—
CPD Commercial Planned Development	(16)	—	—	—	35(6)	(15)	(15)(4)	(11)(15)	—	25%
I-1 Light Industrial	—	—	—	—	40(6)	75(17)(18)	75(17)(19)(4)	(11)(17)(19)	—	—
I-2 Heavy Industrial	—	—	—	—	60(6)	100(17)(18)	100(17)(19)(4)	(11)(17)(19)	—	—
MHC, Mobile Home Community	See Division 4, Subdivision 8 for regulations pertaining to this zoning district									
PD, Planned Development	See Division 4, Subdivision 11 for regulations pertaining to this zoning district									
P-1, Parking	See Division 4, Subdivision 14 for regulations pertaining to this zoning district									

B. Footnotes to Schedule of regulations:

1. No change.
2. No change:
 - a. No change;
 - b. For lots with less than the required area, setbacks shall not be less than the following:
 - i. Thirty feet to the rear line;
 - ii. No change
 - iii. No change
3. R-1A, R-1B, R-1C, and R-1D one-family residential districts. The number of stories and maximum height of any residential structure on lots of 80 feet or more in width shall not exceed three stories and 40 feet in height.
4. The side yard facing the street shall not be less than the minimum front yard of the district in which it is located, unless otherwise permitted in this article.
5. The following minimum floor area requirements apply to each residence hereafter erected. Any structure existing as of the date of the adoption of this Article on February 18, 2003 and not meeting the requirements of this subsection shall not be prevented from being reconstructed and, for the purpose of this article, therefore, shall not be considered nonconforming.

Residence Type	Zoning District					
	(with basement of at least 440 sq. ft.)			(with basement less than 440 sq. ft.)		
	R-1A	R-1B	R-1C & D	R-1A	R-1B	R-1C & D
1 story	1,040	1,280	1,600	1,120	1,360	1,600
1 1/2 story	1,100	1,340	1,680	1,180	1,500	1,700
2 story	1,440	1,800	2,000	1,520	1,880	2,000

The total square footage for a tri-level or bi-level shall equal at least the minimum square footage requirement for a two-story residence in the same district.

6. a. No change
- b. The height of any structure in an RM-1 or RM-2 multifamily residential district shall be no greater than 30 feet and two stories when the zoning lot abuts a single-family residential zoning district, except, after a public hearing, which may be held prior to site plan approval, the height of the structure may be increased to no more than 35 feet and three stories if the planning commission determines that the topography, natural features or other land use characteristics, including the distance of the proposed structure from the residential district and residential structures therein, adequately mitigate adverse impacts upon any adjacent single-family residential zone or use. The height of a structure under this provision may be increased beyond the maximum height stated in this subsection only if the regulations and procedures of subsection (6)(a) of this section are followed.
- c. In all other districts, the height of any structure shall be no greater than 30 feet and two stories when the zoning lot abuts a single-family residential zoning district, except, after a public hearing, which may be held prior to site plan approval, the height and number of stories of the structure may be increased to the height normally allowed in the zoning district if the planning

commission determines that the topography, natural features or other land use characteristics, including the distance of the proposed structure from the residential district and residential structures therein, adequately mitigate adverse impacts upon any adjacent single-family residential zone or use. The height of a structure under this provision may be increased beyond the height normally allowed within the district only if the requirements and procedures of subsection (6)(a) of this section are followed.

- d. No change
- 7. thru (9). No change
- 10. No side yards are required along the interior side lot lines of the district, except as otherwise specified in the building code of the city (article 8, division 2 of this chapter), provided that if walls of structures facing such interior side lot lines contain windows or other openings, side yards of not less than ten feet shall be provided. On a corner lot which borders on a residential district, there shall be provided a setback of 27 feet on the side or residential street. On an exterior side yard abutting a residential district, there shall be provided a setback of 15 feet in width.
- 11. thru (19). No change
- 20. An increase in lot coverage to 30% may be permitted for lots that meet the minimum area and width requirements for the zoning district in which it is located, subject to review and approval by the Director of Transportation and Utilities to ensure storm water drainage and related impacts are properly addressed.

Sec. 42-375. - Plan review and approval (PD, Planned Development).

- J. Time limit for commencing development: After a final plan is approved by the council, development of the planned development or divisible geographic section thereof shall begin within 12 months of approval of the final plan. If development is not begun within such time, the final plan must be resubmitted for reapproval. At the lapse of each 12 months period, the council, before reapproval, may require modification of the final plan to meet new or previously undetected conditions affecting the project area.

Sec. 42-394. - Plan review and approval (OTR, Office Technology and Research)

- H. Development plan (specific plan):
 - a. No change
 - b. Time limit for commencing construction. After a specific plan is approved pursuant to division 5, subdivision 2, Site Plan Review, development shall commence within 12 months of approval of the specific plan. If development is not begun within this period, the specific plan must be resubmitted for approval per division 5, subdivision 2, Site Plan Review.
 - c. No change.

Sec. 42-414. - Plan review and approval (Commercial Planned Development).

- I. Time limit for commencing development: After a specific plan is approved pursuant to division 5, subdivision 2, Site Plan Review, development shall commence within 12 months of approval of the specific plan. If development is not begun within this

time period, the specific plan must be resubmitted for approval in accordance with the requirements of division 5, subdivision 2, Site Plan Review.

Sec. 42-438. - Development project review and approval (CCA, City Center Area)

H. Development plan (specific plan):

1. No change.
2. Time limit for commencing construction. After the specific plan is approved pursuant to division 5, subdivision 2, site plan review, development shall commence within 12 months of approval of the specific plan. If development is not begun within this period, the specific plan must be resubmitted for approval per division 5, subdivision 2, site plan review.
3. No change.

Sec. 42-443. - Development project review and approval (CCMU, Commercial Corridor Mixed Use).

H. Development plan (specific plan):

1. No change.
2. Time limit for commencing construction. After the specific plan is approved pursuant to division 5, subdivision 2, site plan review, development shall commence within 12 months of approval of the specific plan. If development is not begun within this period, the specific plan must be resubmitted for approval per division 5, subdivision 2, site plan review.
3. No change.

Sec. 42-461. - Application and review procedures

- A. through D. No change
- E. Special land use decisions
 1. through 3. No change
 4. Validity of approval: Any approval given by the commission under which the premises are not used or work is not started within 12 months , or when the use or work has been abandoned for a period of 12 months , shall lapse and cease to be in effect.
 5. No change

Sec. 42-484. - Site plan approval (Site Plan Review).

- C. Site plan expiration: If construction activity has not commenced within 12 months of final site plan approval, the site plan becomes null and void and a new application for site plan review in accordance with the procedures of this subsection shall be required.

Sec. 42-542. - General requirements.

- A. through H. No change
- I. Electronic or mechanical sign elements.

1. No change
2. An accessory sign for a permitted use in the R-1A through R-1D one-family residential districts, the R-1T residential district, and the RM-1 and RM-2 residential districts, may include an EMD subject to the following requirements:
A through h. No change

Sec. 42-545. - R-1A, R-1B, R-1C, R-1D, and R-1T districts.

In any R-1A, R-1B, R-1C, R-1D, and R-1T residential district:

- A. through D. No change

Sec. 42-623. - Public hearings, voting, and decisions (Zoning Board of Appeals).

- A. through B. No change

C. Decisions:

1. No change.
2. No change.
3. No change.
4. Any approval given by the board under which the premises are not used or work is not started within 12 months, or when the use or work has been abandoned for a period of six months, shall lapse and cease to be in effect.
5. No change.

Sec. 42-743. - Application requirements.

1. through 7. No change
8. The application shall include proof that all divisions shall result in buildable parcels containing at least one of the following street frontage requirements:
 - a. Maintain a minimum of 60 feet of public street frontage, or a minimum of 50 feet of public street frontage on a cul-de-sac, to the front setback or building setback line, whichever is greater. The public street shall be paved and adequate drainage provided therefor; or
 - b. For a parcel that does not have the above required frontage on a public street, an access and utility easement with a width of not less than 20 feet to the front setback or building setback line, whichever is greater, shall be recorded with the Kalamazoo County Register of Deeds. Such recorded easement shall be provided to the Director simultaneously with the Register of Deeds filing. The access easement shall be a perpetual, irrevocable easement appurtenance over the burdened property, providing unobstructed access to the public street for the benefitting parcel. The utility easement shall also be perpetual, irrevocable and provide any public utility the ability and right to install all utilities on the burdened property. The 20 foot easement shall be improved with asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds. If the access and utility easement is shared by more than one parcel or owner, a maintenance agreement shall also

be recorded providing for the rights and obligations of the parties regarding installation, maintenance and repair as well as apportionment of costs and expense for infrastructure and/or improvement on the easement.

- i. A parent parcel cannot be divided to create more than four resulting parcels without the required frontage on a public street. Each parcel shall further meet the lot width and setback requirements for the zoning district in which it is located.
- c. The application shall also include proof of sufficient buildable area outside of wetlands, floodplains and other areas where buildings are prohibited; and sufficient area to comply with required setback provisions, minimum floor area requirements, off-street parking space requirements, on-site water and sewer location (if municipal utilities are not available), and maximum area for coverage of buildings.

9. through 10. No change

Sec. 42-745. - Review of application; criteria for approval.

1. through 4. No change
5. Each resulting parcel shall meet at least one of the following street frontage requirements:
 - a. Maintain a minimum of 60 feet of public street frontage, or a minimum of 50 feet of public street frontage on a cul-de-sac, to the front setback or building setback line, whichever is greater. The public street shall be paved and adequate drainage provided therefor; or
 - b. For a parcel that does not have the above required frontage on a public street, an access and utility easement with a width of not less than 20 feet to the front setback or building setback line, whichever is greater, shall be recorded with the Kalamazoo County Register of Deeds. Such recorded easement shall be provided to the Director simultaneously with the Register of Deeds filing. The access easement shall be a perpetual, irrevocable easement appurtenance over the burdened property, providing unobstructed access to the public street for the benefitting parcel. The utility easement shall also be perpetual, irrevocable and provide any public utility the ability and right to install all utilities on the burdened property. The 20 foot easement shall be improved with asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds. If the access and utility easement is shared by more than one parcel or owner, a maintenance agreement shall also be recorded providing for the rights and obligations of the parties regarding installation, maintenance and repair as well as apportionment of costs and expense for infrastructure and/or improvement on the easement.
 - i. A parent parcel cannot be divided to create more than four resulting parcels without the required frontage on a public street. Each parcel shall further meet the lot width and setback requirements for the zoning district in which it is located.
6. through 8. No change

Sec. 42-803. – Streets (Subdivision Regulations).

- a. through h. No change

- i. Cul-de-sac. The maximum number of lots or parcels which front on a residential cul-de-sac street shall not exceed 30. The maximum length for industrial and other cul-de-sac streets may exceed 500 feet subject to the review and approval of the planning commission.
- j. through k. No change

Sec. 42-805. – Utilities (Subdivision Regulations).

- a. through b. No change
- c. 1. through 4. No change
 - 5. Valves shall be placed at all intersections such that not more than 30 dwelling units may be isolated. Valve spacing shall not exceed 1,000 feet.
 - 6. Dead-end water mains serving cul-de-sac and other short street designs shall not serve more than a maximum of 30 lots or as otherwise required by the city council.

T:\COMMDEV\2018-2019 Department Files\Board Files\Planning Commission\PC Reports\Ordinance Amendments\2018 Residential Amendments\2019 06 28 Res Amendments FINAL CLEAN VERSION.docx

TO: Portage City Council

FROM: Patricia M. Randall, Mayor

SUBJECT: City Council Special Meeting – Mid-Year Retreat

ACTION RECOMMENDED: Set a Special Meeting on Tuesday, October 8, 2019 at 5:00 p.m. at Portage City Hall, Council Chambers, for the purpose of a conducting a mid-year retreat.

On December 6, 2018, City Council held a City Council Retreat to discuss various topics related to the City of Portage, including but not limited to:

- Fire Station No. 2
- Recreational Marijuana
- Cable Access
- Lake Center District
- Community Senior Center

It is recommended that City Council set a Special Meeting on Tuesday, October 8, 2019 at 5:00 p.m. for the purpose of a conducting a mid-year retreat. The City Administration will update City Council on the projects currently in process and the Council can provide direction as to next steps.

FUNDING: N/A

Attachments:

1. December 6, 2019 City Council Retreat Minutes
2. December 6, 2019 City Council Retreat topics

DRAFT

City Council Retreat Minutes of December 6, 2018

**Portage City Hall
City Council Chambers
8:30 a.m. – 4:00 p.m.**

The retreat began at 8:30 a.m. In attendance were Patricia Randall, Mayor; Jim Pearson, Mayor Pro Tem; Rich Ford (left at 1:00 p.m.); Chris Burns; Claudette Reid; Terry Urban; Lori Knapp; Larry Shaffer, City Manager; Rob Boulis, Deputy City Manager (left at 10:30 a.m.).

James Officer began the retreat with a powerful presentation on the need to establish trust in order to create strong and resilient teams. He listed a number of trust breakers that included the following:

- Broken promises.
- Over promise; can't say no.
- Serves own interest.
- Acts inconsistently.
- Avoids issues.
- Doubts others.

Mr. Officer said that in order to build greater trust, a group needs to do the following;

- Move forward together after a vote.
- Speak with candor. Be honest.
- Be unified in professional decorum
- Listen to understand, not to respond.

The Mayor outlined the various achievements of the City over the last year. The list was long and it included the completion of the South Westnedge paving project, the medical marijuana ordinance, the PA 198 and LDFA expansion that allowed the industrial expansion of Pfizer and Striker and the \$3.25 million in grants to fund three road projects.

The City Council engaged in discussion relative to topics previously identified as those of interest or concern for the Council.

That discussion led to the following action items.

- **Committee of the Whole Meetings**
 1. Recreational Marijuana in three months
 2. Lake Center Business District Planning and Redevelopment in February
 3. Fire Station 2 – Next steps –

- **City Manager**
 1. Hire Deputy as soon as possible.
 2. Begin a Search Firm process.
- **Fire Code Review**
- **Community Senior Center Review**
- **Cable Access – possible scholarships; cutover to City operation by 2/1/19**
- **MDNR Land – Partnership rather than purchase. Dialogue ongoing.**
- **PFAS Update – In house testing**
- **Plowtrax – Winter parking ban to be reviewed.**
- **Commercial Corridor – Update on vacancy rates; review of options available.**

Retreat ended at 4:10 p.m.

City Council Annual Retreat
Thursday, December 6, 2018
Portage City Hall – Council Chambers
8:30 a.m. – 4:00 p.m.
Retreat Facilitator – James Officer

Various Topics Identified

Fire Station 2

- Councilmember Burns
- Councilmember Ford
- Councilmember Reid

Recreational Marijuana

- Mayor Pro Tem Pearson
- Councilmember Ford
- Councilmember Reid

Cable Access

- Councilmember Ford
- Councilmember Reid

Lake Center Business District

- Mayor Randall
- Mayor Pro Tem Pearson
- Councilmember Knapp

Succession Planning

- Mayor Randall
- Mayor Pro Tem Pearson
- Councilmember Burns
- Councilmember Knapp
- Councilmember Reid

Community Service Center Project

- Mayor Randall
- Mayor Pro Tem Pearson
- Councilmember Burns
- Councilmember Reid

Community Development/Fire Code

- Mayor Randall
- Mayor Pro Tem Pearson
- Councilmember Knapp

Other topics listed by Councilmembers:

- MDNR discussion of property use – Councilmember Ford
- PlowTraxx and parking ordinance – Councilmember Ford
- PFAS update – Councilmember Ford
- Vitality of Commercial Corridor – Councilmember Reid
- Cell towers / Small cell – Councilmember Reid
- Internal Social Media – Mayor Pro Tem Pearson
- Communications / e-Portager – Mayor Randall
- Homelessness / low income housing – Councilmember Burns

Mayor Patricia Randall

My retreat topics are as follows:

1. Community Development

Review of building codes and ordinances including all fire codes
How Portage aligns with neighboring communities with our fire code.
Eliminate that which is subject to personal interpretation and bias.
Customer service training.

2. Lake Center District

Revitalize this corridor
Tax relief options, Zoning options, Streetscape Enhancements,
List of vacant buildings and length of time vacant.
Grandfather vs. endless regulations to refurbish.

3. Communications

Council section in Portager
e-Portager
Social media outreach
News story/release after each meeting.
Technology committee goals.

4. Succession Planning

5. Community Senior Center

Commitment by leadership
Input by council for potential donor names and outreach.

Mayor Pro Tem Jim Pearson

- 1) Lake Center Business District:
What tools can we use to better encourage revitalization?
- 2) Community Development/Fire Codes:
Request internal review to identify high-cost with low-benefit
safely rules Council passed that discourage small business
development
- 3) Recreational Marijuana ordinance:
Council direction for timely implementation
- 4) New “Community Senior Center” Project: Update
- 5) Succession Planning for senior City staff
- 6) Internal Social Media: Progress/timelines

Councilmember Rich Ford

1. PFAs update
2. Fire Station expected build date/impact on finances
3. Recreational Marijuana discussion regarding council preferences to give
administration direction
4. Cable access/live stream update
5. MDNR discussion about property use
6. PlowTracker and Parking Ordinance updates

Councilmember Claudette Reid

1. Fire Station expected build date/impact on finances
 - Also, what changes have been made in the design to bring the cost down
 - Any recommendations for the process/development of future large construction projects to prevent this kind of a "jump" in costs
2. Recreational Marijuana discussion regarding council preferences to give administration direction
 - How to provide a mechanism so that both those citizens in favor and those opposed will feel heard and their concerns considered
3. Cable access/live stream update
 - consideration of captioning for meeting broadcasts
4. Reading of the consent agenda at City Council Meetings
 - Discussion of alternative mechanisms for getting information to Citizens
5. Community and Senior Center project
 - Update on costs and construction issues
 - Mechanism to bring the community into the discussion of the building
 - Timeline and role of Council in this project
6. Succession Planning for senior City staff
7. Vitality of commercial corridor in general and Crossroads Mall in particular
8. Update on state legislation related to control of cell towers and impact on our ordinance.

Councilmember Lori Knapp

Jim has generally identified what I would like to focus on as well. Rather than reinvent the wheel or get overly detailed at this point, I would only add (perhaps logically under the Community Senior Center umbrella) consideration of pursuing an AARP "Age Friendly Community" designation.

Councilmember Chris Burns

1. Succession planning
2. Fire Station 2 (with a broader focus on the financing plan/fiscal impact)
3. Community/Senior Center update
4. The one topic of interest to me is homelessness/low-income housing. An update on the Selinon Park development would be handy.

Minutes of Boards & Commissions

City of Portage
Historic District Commission
Wednesday, July 17, 2019

Meeting Called to Order: 8:22 A.M.

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

Members Excused: Nemeth, Barton.

Staff: Kyle Mucha, Zoning & Codes Administrator.

Guest(s): None

Approval of Minutes: Grunert moved, seconded by Custer, to approve the June 05, 2019 meeting minutes. Motion approved 6-0.

Old Business:

- a. Ordinance Amendment: Maytnier inquired about the steps regarding approval of the preliminary report for the Historic District Modification. Mucha informed Maytnier of the following: once the preliminary report has been approved by the Study Committee, a public hearing will need to be set a minimum of sixty (60) days from the date of approval for public comment. After the public hearing, the Study Committee will need to finalize the report in regards to modifying the Historic District. After the report has been finalized and approved, Mucha informed Maytnier that the Portage Planning Commission will need to review the proposed changes. After the Planning Commission reviews the modification, Portage City Council will need to approve the proposed modifications to the Historic District Ordinance.

Maytnier moved, seconded by Lopez, to accept the preliminary report as submitted. Motion approved 6-0.

Maytnier moved, seconded by Duniphin, to set the Public Hearing for October 02, 2019 as it pertains to the district modification. Motion approved 6-0.

New Business:

- a. 922 West Osterhout Avenue – Window Replacement: the applicant, Pat Norman, was not present to speak on behalf of the application for window replacement at 922 West Osterhout Avenue.

Grunert moved, seconded by Custer, to table the application regarding window replacement at 922 West Osterhout Avenue until August 07, 2019, provided that the applicant provides information regarding materials and design of the proposed windows. Motion approved 6-0.

Member Comments:

- a. Duniphin informed the Commission of the proposed date for the next May event, which is tentatively scheduled for May 09, 2020. Duniphin stated that a partnership with local historian Steve Rossio is being sought. The event would focus on the Celery Flats area, with the historic buildings being open to the general public. Duniphin indicated further information will be provided in the coming months.
- b. vanLonkhuyzen & Duniphin informed the Commission of recent discussions regarding adding a non-voting member position to the Historic District Commission. vanLonkhuyzen indicated the desire to have a local/area historian serve on the Commission in an advisory role. Mucha

requested a memo be drafted indicating the proposed position, what the position entails and the purpose of the position. Upon completion of the memo, city staff would then request an opinion from legal counsel (City Attorney) regarding the feasibility of adding a non-voting member position to the composition of the Historic District Commission.

Adjournment: There being no further comments or business, vanLonkhuyzen adjourned the Historic District at 9:05 a.m.

Respectfully submitted,

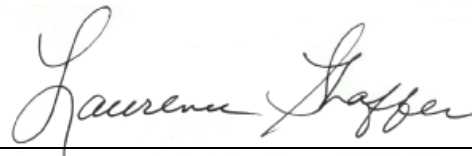
A handwritten signature in cursive script that reads "Kyle Mucha".

Kyle Mucha
Zoning & Codes Administrator

MATERIALS TRANSMITTED

Tuesday, August 6, 2019

1. Communication from the City Manager regarding Fiscal Year 2018 – 2019 Purchase Orders Open at July 31, 2019. – Information Only
2. Communication from the City Manager regarding the June 2019 Monthly Financial Report – Information Only

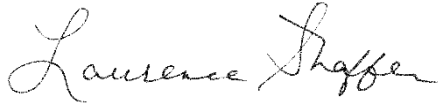


Laurence Shaffer, City Manager

cc: Rob Boulis, Deputy City Manager

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: FY 2018 – 2019 Purchase Orders Open at July 31, 2019

SUPPORTING PERSONNEL: Bill Furry, Finance Director

Per City Ordinance Section 7.6 – Budget Control:

(d) Within thirty days following the end of each fiscal year, the City Manager shall file with the Council a schedule of all encumbrances upon the budget appropriations existing at the end of the fiscal year, with his recommendations thereon, and the Council shall provide for the payment of such thereof as constitute valid claims against the City from corresponding budget items appropriated in the then current fiscal year.

As discussed, the timing of this requirement is problematic due to the time necessary to close the fiscal year. Each invoice received after June 30 is scrutinized to ensure recording in the correct fiscal period per accounting rules without regard to the date of the associated encumbrance. It is anticipated that the list of encumbrances brought forward into the current year through the Amendment to the General Appropriations Act will be smaller when presented to Council in the fall.

Both CIP and non-CIP encumbrance lists are attached. Appropriations for capital improvements are project-length and are automatically brought forward. Only encumbrances in the General, Special Revenue, Fleet and Facilities, and utility funds will be presented for approval.

Attachments:

1. CIP Purchase Order Report for City of Portage 2018-2019 Purchase Orders Open at July 31, 2019
2. Non-CIP Purchase Order Report for City of Portage 2018-2019 Purchase Orders Open at July 31, 2019

CIP PURCHASE ORDER REPORT FOR CITY OF PORTAGE

2018-2019 PURCHASE ORDERS OPEN AT JULY 31, 2019

PO/REQ NUMBER	POST DATE	VENDOR NAME	DESCRIPTION	REMAINING BALANCE
077889	03/20/2018	CONSUMERS ENERGY-BILL PMT CNT	COMMUNITY ENHANCEMENT-STREET LIGHTS @ T	1,000.00
079730	08/28/2018	FORMAN GLASS LLC	REPLACEMENT WINDOWS DOORS & SKYLIGHTS @	15,564.92
080101	10/08/2018	PARADIGM DESIGN, INC.	CITY HALL WINDOW REPLACEMENT PROJECT	1,188.00
081330	03/12/2019	VALLEY CITY SIGN	REPLACEMENT OF 30 CITY OF PORTAGE SIGNS	50,093.00
TOTAL COMMUNITY DEVELOPMENT				67,845.92
076213	09/08/2017	WILLIAMS ASSOCIATES ARCHITECTS, L	ARCHITECT FIRE ST. #2 **PLEASE EMAIL TO S	2,287.13
077315	01/17/2018	AVB CONSTRUCTION LLC	CONSTRUCTION MGR	78,800.00
077511	02/06/2018	SOIL & MATERIALS ENGINEERS, INC	FIRE - NEW STATION 2 **PLEASE EMAIL T	201.15
082309	06/20/2019	DOUGLASS SAFETY SYSTEMS LLC	FIRE PPE GEAR **PLEASE EMAIL TO STEE	5,377.00
082581	06/30/2019	HAYWARD BAKER INC.	REPLACE FIRE ST 2 **PLEASE EMAIL TO STE	115,000.00
082481	06/30/2019	HALL BUILDERS LLC	NEW FIRE ST 2 **PLEASE EMAIL TO STEEL	5,855,926.00
TOTAL FIRE DEPARTMENT				6,057,591.28
078433	05/10/2018	MENARDS, INC	CELERY FLATS VC DO NOT MAIL PO	610.16
079739	08/29/2018	DAVE'S CONCRETE PRODUCTS, INC.	CONCRETE SUPPLIES DPS DO NOT MAIL PO	2,246.75
080136	10/11/2018	JORGENSEN FORD SALES, INC.	POLICE VEHICLES	126,498.00
080364	11/07/2018	CAPITAL CONSULTANTS, INC. DBA C2A	BUILDING MAINTENANCE STUDY	2,284.69
TOTAL FLEET & FACILITIES				131,639.60
080656	12/14/2018	SECANT TECHNOLOGIES	CISCO MERAKI WIRELESS PARTS -TS	1,571.37
082019	05/28/2019	MKE-SVT	WIRELESS DEMO AND REINSTALL AT INTERPRETIVI	2,727.00
TOTAL TECHNOLOGY SERVICES				4,298.37
081836	05/09/2019	DELOOF CONSTRUCTION, INC.	GENERAL CONTRACTING FOR WATER REMEDIATIC	55,331.00
TOTAL POLICE DEPARTMENT				55,331.00
076876	11/20/2017	MCKENNA ASSOCIATES	CITY CENTRE DISTRICT DESIGN DONT SI	2,880.00
077572	02/14/2018	MILLER, CANFIELD, PADDOCK & STON	AUSTIN LAKE TRAIL LEGAL SERVICES DOI	104,899.65
079010	07/01/2018	SECANT TECHNOLOGIES	RAMONA PARK WIFI HARDWARE (2018-2019 E	7,659.22
079487	08/02/2018	ABONMARCHE CONSULTANTS, INC	ELIASON RESERVE DEVELOPMENT	51,183.75
081754	04/30/2019	KIESER & ASSOCIATES, LLC	ADMIN RAMONA BEACH SWIM AREA SANDING	955.00
081792	05/06/2019	HURLEY & STEWART, LLC	PORTAGE ROAD TRAIL PROFESSIONAL ENGINEERIN	25,160.46
081990	05/23/2019	GAIL W. GUTH	CITY SIGN PROJECT	7,200.00
082352	06/21/2019	ABONMARCHE CONSULTANTS, INC	PORTAGE ROAD EASEMENTS	300.00
082363	06/24/2019	FIRST AMERICAN TITLE CO.	7840 AND 7812 PORTAGE ROAD	760.00
TOTAL PARKS & RECREATION:				200,998.08
079128	07/03/2018	TKS SECURITY, LLC	LOCKSMITH SERVICES	1,950.00
079509	08/06/2018	R W LAPINE INC.	PLUMBING SERVICES -CFVC SEND PO TO NICK HA	3,500.00
079564	08/09/2018	H & H PROPERTY MAINTENANCE, LLC	HYDROSEEDING SERVICES SEND PO TO RAY W,	1,800.00
079781	09/04/2018	PACE ANALYTICAL SERVICES, LLC	SOIL TESTING EMAIL PO TO RAY WAURI	237.00
079964	09/25/2018	MENARDS, INC	CELERY FLATS PROJECT DO NOT MAIL PO	626.40
080757	01/03/2019	CONSUMERS CONCRETE CORP.	PROJECT SUPPLIES DO NOT MAIL PO	345.34
080789	01/04/2019	MILLER ROAD TRANSFER STATION	DISPOSAL SERVICES DO NOT MAIL PO	1,000.00
080786	01/04/2019	R W LAPINE INC.	PLUMBING SERVICES SEND PO TO NICK HA	1,500.00
080908	01/22/2019	SUNBELT RENTALS, INC.	SCISSOR LIFT RENTAL SEND PO TO RAY WAL	885.00
081244	03/04/2019	ETNA SUPPLY, INC.	CELERY FLATS PROJECT EMAIL PO TO NICK HAINES	105.08
081306	03/11/2019	MENARDS, INC	SPLIT RAIL FENCE SEND PO TO NICK HAI	2,600.00

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081361	03/15/2019	R W LAPINE INC.	PLUMBING SERVICES SEND PO TO NICK	1,000.00
081465	03/27/2019	DAVE'S CONCRETE PRODUCTS, INC.	CONCRETE SUPPLIES CFH DO NOT MAIL PO	915.06
081469	03/28/2019	CARLETON EQUIPMENT CO.	ATTACHMENT RENTAL CFH - DO NOT MAIL PO	500.00
081559	04/09/2019	WYOMING ASPHALT PAVING CO. INC	ASPHALT MATERIALS DO NOT MAIL PO	488.53
081575	04/11/2019	KALAMAZOO LANDSCAPE SUPPLIES	TOP DIRT AND SUPPLIES DO NOT MAIL PO	264.00
081653	04/17/2019	KALAMAZOO LANDSCAPE SUPPLIES	PROJECT SUPPLIES DO NOT MAIL PO	242.20
081706	04/23/2019	KENDALL ELECTRIC, INC.	CELERY FLATS PROJECT EMAIL PO TO NICK HAINE	1,000.00
081763	04/30/2019	HOME DEPOT	CELERY FLATS PROJECT DO NOT MAIL PO	974.40
081821	05/07/2019	ACE PARKING LOT STRIPING, INC.	CFVC PARKING LOT STRIPING SEND PO COPY TO '	1,035.00
081802	05/07/2019	ETNA SUPPLY, INC.	LEXINGTON PROJECT DO NOT MAIL PO	594.00
081803	05/07/2019	FERGUSON WATERWORKS #3386	LEXINGTON PROJECT DO NOT MAIL PO	2,000.00
081955	05/21/2019	CARLETON EQUIPMENT CO.	LEXINGTON AUGER RENT DO NOT MAIL PO	500.00
081967	05/21/2019	HOME DEPOT	LEXINGTON PROJECT DO NOT MAIL PO	600.00
081956	05/21/2019	CONSUMERS CONCRETE CORP.	LEXINGTON PROJECT DO NOT MAIL PO	36.00
081968	05/21/2019	KALAMAZOO LANDSCAPE SUPPLIES	LEXINGTON PROJECT DO NOT MAIL PO	1,887.50
082020	05/29/2019	MILLER ROAD TRANSFER STATION	DISPOSAL SERVICES DO NOT MAIL PO	300.00
082024	05/29/2019	R W LAPINE INC.	PLUMBING SERVICES SEND PO TO NICK HAI	1,205.00
082030	05/30/2019	W W GRAINGER INC	LEXINGTON PROJECT DO NOT MAIL PO	393.08
082034	05/30/2019	RIETH-RILEY CONSTRUCTION CO., INC	LEXINGTON PROJECT DO NOT MAIL PO	500.00
082159	06/11/2019	KALAMAZOO LANDSCAPE SUPPLIES	RAMONA RESTORATIONS DO NOT MAIL PO	1,000.00
082179	06/12/2019	TUSTIN'S ASPHALT SEALING	PARKING LOT REPAIRS SEND PO TO RAY W/	3,840.00
082212	06/17/2019	TUSTIN'S ASPHALT SEALING	PARKING LOT REPAIRS SEND PO TO RAY WAI	1,345.00
082327	06/21/2019	DEER CONTRACTING & LANDSCAPE	STAIRWAY REPAIR SEND PO TO NICK HA	1,295.00
082339	06/21/2019	MEJEUR ELECTRIC LLC	ELECTRICAL SERVICES SEND PO TO NICK HAI	800.00
TOTAL PUBLIC WORKS				37,263.59
072826	09/20/2016	OMM ENGINEERING, INC.	ENGINEERING SERVICES SHAVER ROAD RECONSTR	1,023.10
072934	10/03/2016	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES 2017 MAJOR STREET RECO	5,861.80
075993	08/16/2017	PREIN & NEWHOF	ENGINEERING SERVICES - 12TH ST. FORCE MAIN PI	5,253.65
076469	10/06/2017	HURLEY & STEWART, LLC	2018 STORM DRAINAGE IMPROVEMENTS PROJECT	15,692.44
076577	10/18/2017	HURLEY & STEWART, LLC	ENGINEERING SERVICES - WETHERBEE AVE UTILITY	9,035.76
077157	12/27/2017	MICHIANA LAND SERVICES	RIGHT-OF-WAY SERVICES	8,306.28
077555	02/13/2018	WIGHTMAN & ASSOCIATES, INC.	ENGINEERING SERVICES OAKLAND DR, I-94 TO	1,595.01
077563	02/13/2018	WIGHTMAN & ASSOCIATES, INC.	ENGINEERING SERVICES W CENTRE AVE, 12TH	3,294.50
077855	03/16/2018	LAND MATTERS LLC	LAND ACQUISITION SERVICES	733.20
077990	03/29/2018	STATE OF MICHIGAN (DOT)	SOUTH WESTNEDGE RECONSTRUCTION, ROMENC	452,547.80
078084	04/10/2018	WIGHTMAN & ASSOCIATES, INC.	ENGINEERING SERVICES W MILHAM, OAKLA	64,126.91
078216	04/24/2018	HURLEY & STEWART, LLC	ENGINEERING SERVICES	19,740.40
078236	04/26/2018	STATE OF MICHIGAN (DOT)	WEST CENTRE AVE RECONSTRUCTION, 12TH ST TC	164,742.19
078317	05/02/2018	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES - ROMENCE RD, OAKLANC	69,664.75
078508	05/17/2018	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES 2018 LOCAL S	38,914.75
078545	05/21/2018	SEVERANCE ELECTRIC COMPANY, INC	TRAFFIC SIGNAL UPGRADES - J L HUDSON DR/S WE	42,736.50
079046	06/28/2018	MICHIANA LAND SERVICES	TITLE WORK DO NOT MAIL PO	1,955.72
079253	07/13/2018	AR ENGINEERING LLC	ENGINEERING SERVICES F/Y 18/19 SERVIC	15,848.49
079254	07/13/2018	AR ENGINEERING LLC	ENGINEERING SERVICES F/Y 18/19 SERVICE	8,440.58
079360	07/20/2018	BLOOM SLUGGETT MORGAN, PC	LEGAL SERVICES	14,933.83
079593	08/13/2018	MICHIGAN PAVING & MATERIALS CO.	2018 LOCAL STREETS RECONSTRUCTION	41,823.92
079731	08/28/2018	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES	36,190.00
079732	08/28/2018	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES	31,520.00
079959	09/24/2018	FISHBECK THOMPSON CARR & HUBER	ENGINEERING SERVICES - WATER RELIABILITY STUI	22,591.81

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079987	09/26/2018	STATE OF MICHIGAN (DOT)	PORTAGE RD/LAKEVIEW DR INTERSECTION PROJEI	116,846.92
080148	10/12/2018	PETERS CONSTRUCTION CO.	S. WESTNEDGE AVE RELIEF STORM SEWER PROJE	3,095.84
080838	01/14/2019	ABONMARCHE CONSULTANTS, INC	WESTNEDGE/SHAVER TRAFFIC SIGNAL IMPROVEM	729.82
080935	01/23/2019	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES 2019 S WESTNEI	3,615.00
080946	01/23/2019	STATE OF MICHIGAN (DOT)	WEST MILHAM RECONSTRUCTION, OAKLAND DR T	1,051,950.31
080973	01/25/2019	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES WESTNEDGE/CENTRE	16,316.25
080963	01/25/2019	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES - 2017 LOCAL STREETS C	500.00
081236	03/01/2019	STATE OF MICHIGAN (DOT)	ROMENCE RD, OAKLAND DR TO CONSTITUTION BL	1,016,820.58
081235	03/01/2019	MICHIANA LAND SERVICES	EASEMENT ACQUISITION SERVICES - PORTAGE RO	10,000.00
081352	03/14/2019	AR ENGINEERING LLC	ENGINEERING SERVICES PLEASE SEND PO TO V	94,804.13
081479	03/29/2019	WILLIAMS & WORKS	ENGINEERING SERVICES - EAST CENTRE AVE, PORT	84,377.67
081478	03/29/2019	WILLIAMS & WORKS	ENGINEERING SERVICES - SOUTH WESTNEDGE AVE	94,215.67
081477	03/29/2019	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES - S WESTNEDGE AVE, AND	202,953.95
081476	03/29/2019	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES - 2019 LOCAL STREETS REI	130,044.25
081617	04/15/2019	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES	91,157.10
081616	04/15/2019	ABONMARCHE CONSULTANTS, INC	PROFESSIONAL SERVICES	41,120.00
081618	04/15/2019	WIGHTMAN	ENGINEERING SERVICES - SEND PO TO VENDOR	81,013.75
081698	04/23/2019	KAMMINGA & ROODVOETS, INC.	IDAHO AVENUE RECONSTRUCTION	1,543,619.72
081991	05/23/2019	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES SEND PO TO VENDC	224,750.00
081993	05/23/2019	NORTHERN CONSTRUCTION SERVICES	2018 LOCAL STREETS RECONSTRUCTION - PHASE II	1,415,773.60
082040	05/30/2019	IRISH AYRES ENTERPRISES, LLC	IRRIGATION REPAIRS SEND PO TO FRED	3,842.85
082074	06/04/2019	PETERS CONSTRUCTION CO.	ZYLMAN AVENUE RECONSTRUCTION	3,271,502.52
082284	06/18/2019	HURLEY & STEWART, LLC	ENGINEERING SERVICES SEND PO TO VENDOR	37,000.00
082315	06/20/2019	S & T LAWN SERVICE	LANDSCAPING SERVICES SEND PO TO JAMIE HA	1,563.00
082319	06/20/2019	PLUMMER'S ENVIRONMENTAL SERVIC	SEWER LATTERAL INSPECTIONS SEND PO TO BRAI	4,620.00
TOTAL TRANSPORTATION & UTILITIES:				10,618,806.32

Total CIP \$ 17,173,774.16

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079713	08/24/2018	AUTOMATIC MICROFILM CO.	RECORDS FILMING AND DESTRUCTION - DO NOT MAIL	504.70
080357	11/06/2018	GORDON WATER SYSTEMS	BOTTLED WATER - CITY CLERK - DO NOT MAIL	274.10
081552	04/08/2019	WEBQA INCORPORATED DBA GOVQA	FREEDOM OF INFORMATION ACT (FOIA) MANAGE	16,200.00
082054	05/31/2019	OFFICE DEPOT, INC.	OFFICE SUPPLIES - CITY CLERK - DO NOT MAIL	424.90
082216	06/17/2019	ELECTION SYSTEMS & SOFTWARE, INC	EXPRESSVOTE PRINTERS	1,450.00
082502	06/30/2019	ADVANCE II LLC	TEMP STAFFING FOR DEPUTY CLERK FMLA LEAVE	954.76
TOTAL CITY CLERK				19,808.46
079693	08/22/2018	GRIFFIN PEST SOLUTIONS, INC.	PEST CONTROL AT CITY HALL	105.00
080955	01/24/2019	GOODWILL INDUSTRIES OF SW MI	TAX COUNSELING AND PREPARATION SERVICES	2,500.00
080954	01/24/2019	KALAMAZOO LITERACY COUNCIL	LITERACY SERVICES	1,000.00
081564	04/09/2019	HOME DEPOT	MISC BUILDING SUPPLIES FOR MAINTENANCE	91.32
081924	05/16/2019	CARTRIDGE WORLD	PRINTER REPLACEMENT HP M632Z FOR COM DEV	946.00
081939	05/17/2019	OFFICE DEPOT, INC.	COM DEV OFFICE SUPPLIES AND AN OFFICE CHAIR	212.14
082135	06/07/2019	ANALYTICAL TESTING & CONSULTING	CDBG LEAD BASED PAINT TESTING DUNCAN VINE	850.00
082165	06/11/2019	KAL-CREEK COMMERCIAL APPRAISERS	APPRAISAL FOR 850 TRADE CENTRE WAY	1,800.00
082177	06/12/2019	TYLER HOME IMPROVEMENTS	CDBG SALEMKA 6328 PEACHTREE ROOF, WINDOW	6,250.00
TOTAL COMMUNITY DEVELOPMENT				13,754.46
081483	03/29/2019	CAPITOL STRATEGIES, LLC	PORTAGE SENIOR CENTER FUND OUTREACH	9,570.00
081611	04/15/2019	SLAVIN MANAGEMENT CONSULTANTS	SLAVIN MANAGEMENT CONSULTANTS	12,342.15
TOTAL CITY MANAGER				21,912.15
080899	01/21/2019	OFFICE DEPOT, INC.	FIRE OFFICE SUPPLIES	120.02
081284	03/07/2019	VANGUARD FIRE & SUPPLY CO., INC.	VANGUARD FIRE SUPPLY	60.00
081812	05/07/2019	APOLLO FIRE APPARATUS REPAIR	FIRE OPS TOOLS MAINT	2,000.00
081931	05/16/2019	HOME DEPOT	FIRE FACILITY MAINT.	12.46
082155	06/10/2019	FAWLEY OVERHEAD DOOR, INC.	FIRE FACILITY MAINT	96.00
TOTAL FIRE DEPARTMENT				2,288.48
076105	08/28/2017	PETERMAN CONCRETE CO.	CONCRETE DISPOSAL STREETS - PLEASE DO NOT MAIL	269.87
076686	10/31/2017	PETERMAN CONCRETE CO.	CONCRETE DISPOSAL PLEASE DO NOT MAIL	200.00
077227	01/08/2018	RIDGE AUTO NAPA	CREDITS FOR RETURNS PLEASE DO NOT MAIL	(475.35)
078166	04/18/2018	SWT EXCAVATING, INC	SIDEWALK REPAIRS EMAIL PO TO RAY WAURI	1,014.71
078196	04/20/2018	GREAT LAKES CHEMICAL SERVICES INC	VEHICLES SERVICES DO NOT MAIL PO	650.00
078374	05/09/2018	SWT EXCAVATING, INC	SIDEWALK REPAIRS EMAIL PO TO RAY WAUF	617.56
078485	05/15/2018	ULINE, INC.	PARTS BINS DO NOT MAIL PO	861.23
078605	05/25/2018	HOME DEPOT	PAINT SUPPLIES RP DO NOT MAIL PO	200.00
078791	06/12/2018	KALAMAZOO LANDSCAPE SUPPLIES	TOP DIRT AND SEED STREETS - DO NOT MAIL	105.50
079000	06/22/2018	W W GRAINGER INC	BUILDING SUPPLIES DO NOT MAIL PO	1,772.10
079401	07/25/2018	INDUSCO SUPPLY CO., INC.	DPS JANITORIAL SUPPLIES DO NOT MAIL PO	891.38
079846	09/12/2018	HOME DEPOT	MAINTENANCE SUPPLIES DO NOT MAIL PO	1,102.26
079922	09/19/2018	HOME DEPOT	RETURN CREDITS DO NOT MAIL PO	(148.99)
080005	09/28/2018	KALAMAZOO COUNTY HEALTH & COMMUNITY	DPS DISPOSALS DO NOT MAIL PO	275.28
080302	10/31/2018	RIDGE AUTO NAPA	DIESEL EXHAUST FLUID DO NOT MAIL PO	88.02
080395	11/09/2018	O'REILLY AUTO PARTS	CORE CREDITS DO NOT MAIL PO	(428.00)
080398	11/09/2018	TRACTOR SUPPLY CORP.	MAINTENANCE SUPPLIES DO NOT MAIL PO	732.43
080434	11/14/2018	A I S CONSTRUCTION EQUIP. CO.	EQUIPMENT SERVICES DO NOT MAIL PO	1,630.79
080586	12/07/2018	CARLETON EQUIPMENT CO.	CREDITS DO NOT MAIL PO	(300.00)
080608	12/11/2018	AIRGAS GREAT LAKES	SHOP MAINTENANCE DO NOT MAIL PO	188.55

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080607	12/11/2018	TRUCK & TRAILER SPECIALTIES	FLEET MAINTENANCE DO NOT MAIL PO	1,357.75
080882	01/18/2019	MEEKHOF TIRE SALES & SERVICE INC.	EQUIPMENT SERVICES DO NOT MAIL PO	421.50
080906	01/21/2019	JACK DOHENY SUPPLIES INC.	VACTOR MAINTENANCE DO NOT MAIL PO	418.08
080920	01/22/2019	AMERICAN SAFETY & FIRST AID	SAFETY AND FIRST AID DO NOT MAIL PO	786.51
080922	01/22/2019	W W GRAINGER INC	EQUIPMENT MAINTENANCE DO NOT MAIL PO	505.58
080928	01/23/2019	WEST MICHIGAN INT'L LLC	MAINTENANCE SUPPLIES DO NOT MAIL PO	1,150.18
081028	02/05/2019	CLEANIT CORP	CARWASHES FOR VEHICLES DO NOT MAIL PO	156.05
081144	02/18/2019	ONE WAY PRODUCTS	JANITORIAL SUPPLIES DO NOT MAIL PO	180.58
081165	02/19/2019	TERMINAL SUPPLY CO.	EQUIPMENT LIGHTS DO NOT MAIL PO	2,110.36
081231	03/01/2019	MCDONALD'S TOWING & RESCUE, INC	TOWING SERVICES - DPS DO NOT MAIL PO	180.00
081270	03/05/2019	CARLETON EQUIPMENT CO.	EQUIPMENT SERVICES DO NOT MAIL PO	2,701.59
081295	03/08/2019	CARLETON EQUIPMENT CO.	MAINTENANCE SUPPLIES DO NOT MAIL PO	2,560.42
081594	04/11/2019	STEENSMA LAWN & POWER EQUIPMI	BANNERMAN PARTS DO NOT MAIL PO	1,025.12
081637	04/16/2019	BATTERIES PLUS	PHONE BATTERY DO NOT MAIL PO	31.98
081639	04/16/2019	AIRGAS GREAT LAKES	WELDING SUPPLIES DO NOT MAIL PO	199.94
081652	04/17/2019	ROAD EQUIPMENT PARTS CENTER	MAINTENANCE SUPPLIES DO NOT MAIL PO	1,138.38
081651	04/17/2019	RIDGE AUTO NAPA	MAINTENANCE SUPPLIES DO NOT MAIL PO	196.28
081768	05/01/2019	WEST MICHIGAN INT'L LLC	MAINTENANCE SUPPLIES DO NOT MAIL PO	278.22
081937	05/17/2019	FAWLEY OVERHEAD DOOR, INC.	OVERHEAD DOOR REPAIRS DO NOT MAIL PO	93.00
082027	05/29/2019	LAWSON PRODUCTS, INC	MAINTENANCE SUPPLIES DO NOT MAIL PO	639.20
082029	05/29/2019	KNAPHEIDE TRUCK EQUIPMENT FLINT	TRUCK TARPS EMAIL PO TO JEREME RO	2,407.60
082035	05/30/2019	STEENSMA LAWN & POWER EQUIPMI	REPAIR AND MAINTENANCE DO NOT MAIL PO	2,578.90
082067	06/03/2019	RIDGE AUTO NAPA	MAINTENANCE SUPPLIES DO NOT MAIL PO	1,447.97
082068	06/03/2019	DEPATIE FLUID POWER CO., INC.	HYDRAULIC REPAIRS DO NOT MAIL PO	2,189.41
082075	06/04/2019	STEENSMA LAWN & POWER EQUIPMI	REPAIR AND MAINTENANCE DO NOT MAIL PO	3,900.00
082103	06/05/2019	KZOO TIRE COMPANY	TIRE TUBES DO NOT MAIL PO	54.00
082107	06/05/2019	BELL EQUIPMENT COMPANY	EQUIPMENT MAINTENANCE DO NOT MAIL PO	1,500.00
082093	06/05/2019	MEEKHOF TIRE SALES & SERVICE INC.	TIRES AND SERVICES DO NOT MAIL PO	1,109.44
082138	06/07/2019	ALTA EQUIPMENT CO.	CRACK SEALER MAINT DO NOT MAIL PO	1,075.70
082181	06/12/2019	CARLETON EQUIPMENT CO.	FRONT END LOADER SEND PO TO JEREM	39,900.00
082197	06/13/2019	RIDGE AUTO NAPA	EQUIPMENT MAINTENANCE DO NOT MAIL PO	3,900.00
082198	06/13/2019	ROOT SPRING SCRAPER CO.	MOLDBOARD REPAIRS 240 DO NOT MAIL PO	3,900.00
082267	06/18/2019	FADER EQUIPMENT, INC.	MAINTENANCE SUPPLIES DO NOT MAIL PO	160.65
082222	06/18/2019	R W LAPINE INC.	HVAC REPLACEMENT - WATER EMAIL PO TO JER	8,370.00
082346	06/21/2019	GLOBAL EQUIPMENT CO., INC.	DPW SHOP STORAGE DO NOT MAIL PO	1,000.00
082338	06/21/2019	GRAYBAR ELECTRIC CO.	ELECTRICAL SUPPLIES DO NOT MAIL PO	40.50
082348	06/21/2019	JACK DOHENY SUPPLIES INC.	VACTOR SUPPLIES DO NOT MAIL PO	1,000.00
082347	06/21/2019	ULINE, INC.	DPW SHOP MAINTENANCE DO NOT MAIL PO	1,200.00
082344	06/21/2019	RIDGE AUTO NAPA	MAINTENANCE SUPPLIES DO NOT MAIL PO	3,900.00
082343	06/21/2019	OFFICE DEPOT, INC.	OFFICE SUPPLIES DO NOT MAIL PO	500.00
082356	06/21/2019	LED LIGHTING WHOLESALE INC.	LED LIGHTS DO NOT MAIL PO	2,000.00
082336	06/21/2019	FISH WINDOW CLEANING	DPW WINDOW CLEANING DO NOT MAIL PO	500.00
082322	06/21/2019	LED LIGHTING WHOLESALE INC.	REPLACEMENT BULBS DPW DO NOT MAIL PO	2,000.00
082359	06/24/2019	MEEKHOF TIRE SALES & SERVICE INC.	LOADER 86 TIRES DO NOT MAIL PO	10,190.00
TOTAL FLEET & FACILITIES				120,202.23
082676	06/30/2019	WEST MICHIGAN OFFICE INTERIORS	OFFICE FURNITURE	2,302.16
TOTAL FINANCE				2,302.16
077246	01/09/2018	BLUESTONE PSYCH	EVALUATION	140.00

NON-CIP PURCHASE ORDER REPORT FOR CITY OF PORTAGE

2018-2019 PURCHASE ORDERS OPEN AT JULY 31, 2019

PO/REQ NUMBER	POST DATE	VENDOR NAME	DESCRIPTION	REMAINING BALANCE
077436	01/29/2018	WARNER NORCROSS & JUDD LLP	LEGAL FEES & RETAINER FEES (JANUARY - JI	3,051.85
077521	02/07/2018	MICHIGAN OFFICE ENVIRONMENTS	OFFICE FURNITURE	680.00
077744	03/06/2018	MICHIGAN ASSESSOR ASSOCIATION	ADS FOR ASSESSOR OPENINGS	250.00
077923	03/22/2018	BORGESS CORPFI	DOT MEDICAL PHYSICALS	258.00
079045	07/01/2018	ACCESS EMPLOYER STAFFING SERVICE	TEMP STAFFING 2018-2019 BUDGET	167.68
080104	10/08/2018	ASCENSION MICH OCCUPATIONAL HE	POST OFFER PHYSICALS	405.00
TOTAL HUMAN RESOURCES				4,952.53
080181	10/16/2018	IMAGESTREAM, INC.	PROFESSIONAL CABLECASTING AND VIDEOGRAPH'	22,571.00
081338	03/13/2019	C D W GOVERNMENT, INC.	DNS WEB FILTERING RENEWAL -TS	780.00
081700	04/23/2019	ELECTION SYSTEMS & SOFTWARE, INC	4G NETWORK COMPATIBLE MODEMS	7,150.00
081852	05/10/2019	LYSTER EXTERIORS	CABLE ACCESS CONTROL ROOM AC INSTALL -TS	1,080.00
082148	06/10/2019	POWERDMS, INC.	ANNUAL SUBSCRIPTION RENEWAL	4,180.00
082281	06/18/2019	C D W GOVERNMENT, INC.	PANASONIC 1D DEPLOYMENT SERVICES	2,360.00
082431	06/30/2019	OFFICE DEPOT, INC.	OFFICE DEPOT LABELS FOR LABELERS -TS	24.57
082480	06/30/2019	PUBLIC MEDIA NETWORK	JANUARY 2019 - FINAL PAYMENT	28,646.62
TOTAL TECHNOLOGY SERVICES				66,792.19
079152	07/05/2018	ALL CITY MANAGEMENT SERVICES, IN	SCHOOL CROSSING GUARD 18/19	5,061.10
081835	05/09/2019	AIR SCIENCE USA, LLC	FUMING CHAMBER	11,631.00
082240	06/18/2019	STATE SYSTEMS RADIO, INC	MISC RADIO REPAIRS	130.91
082391	06/27/2019	SHETLER CONSTRUCTION LLC	ROOFING COATING ANNEX LOBBY CARPORT	25,159.00
TOTAL POLICE DEPARTMENT				41,982.01
076221	09/11/2017	KALAMAZOO NATURE CENTER, INC.	INVASIVE SPEC DEVELOP PLEASE SEND F	4,500.00
079621	08/16/2018	HOPKINS FUNDRAISING CONSULTING	SENIOR CENTER CAMPAIGN IMPLEMENTATION PR	12,500.00
081952	05/20/2019	HOCKEY SERVICES	RENTAL SKATES MPIR EMAIL JOE	2,942.40
082298	06/20/2019	MICHIGAN OFFICE ENVIRONMENTS	FARMERS MARKET DESK	624.62
082353	06/21/2019	JONS TO GO PORTABLE RESTROOM	PORTAJOHNS FOR LUAU	210.00
082354	06/21/2019	GIVE 'EM A BRAKE SAFETY INC.	MESSAGE BOARDS FOR LUAU SEN	1,300.00
TOTAL PARKS & RECREATION:				22,077.02
079095	07/02/2018	GRIFFIN PEST SOLUTIONS, INC.	PEST CONTROL - RAMONA BEACH HOUSE	38.00
079140	07/05/2018	SPRUCE TREES DIRECT LLC	TREE SERVICES EMAIL PO TO RAY WAURI	300.00
079219	07/10/2018	CITY OF KALAMAZOO TREASURER	WATER SERVICE - KILGORE DO NOT MAIL PO	1,698.11
079220	07/10/2018	CITY OF KALAMAZOO TREASURER	WATER SERVICE DO NOT MAIL PO	1,708.22
079245	07/12/2018	GRIFFIN PEST SOLUTIONS, INC.	PEST CONTROL SERVICES	422.00
079680	08/21/2018	STEENSMA LAWN & POWER EQUIPMI	SMALL EQUIPMENT REPAIRS -PARKS- DO NOT MAI	145.99
079699	08/23/2018	RIETH-RILEY CONSTRUCTION CO., INC	MILL AND FILL 2018/19 EMAIL PO TO RAY WA	171,972.02
080463	11/20/2018	PLM LAKE & LAND MANAGEMENT	AQUATIC WEED MANAEMENT SEND PO TO NICK	1,010.74
080465	11/20/2018	PLM LAKE & LAND MANAGEMENT	AQUATIC WEED MANAGEMENT SEND PO TO NIC	790.00
080464	11/20/2018	PLM LAKE & LAND MANAGEMENT	AQUATIC WEED MANAGEMENT SEND PO TO NICK	1,018.00
080848	01/14/2019	GREAT LAKES CHLORIDE, INC.	BOOST EMAIL PO TO RAY WAUR	561.19
080862	01/15/2019	KALAMAZOO COUNTY HEALTH & COM	2019 HHW PROGRAM SEND PO TO RAY \	8,231.50
080993	01/31/2019	HOME DEPOT	MAILBOX REPAIRS DO NOT MAIL PO	1,016.75
081174	02/20/2019	TRUGREEN PROCESSING	LANDSCAPE SERVICES SEND PO TO NICK HA	440.74
081197	02/22/2019	SPC SPECIALTY PRODUCTS, LLC	SPECIALTY PATCH EMAIL PO TO RAY WAUR	1,620.00
081393	03/19/2019	ROAD COMMISSION OF KALAMAZOO	EMULSION FOR DURAPATCHING EMAIL PO TO RA	632.82
081427	03/25/2019	KALAMAZOO LANDSCAPE SUPPLIES	RESTORATIONS EMAIL PO TO RANDY BA	666.95
081600	04/12/2019	DEER CONTRACTING & LANDSCAPE	BLOCK WALL REPAIR EMAIL PO TO RAY WAUF	480.00

NON-CIP PURCHASE ORDER REPORT FOR CITY OF PORTAGE

2018-2019 PURCHASE ORDERS OPEN AT JULY 31, 2019

PO/REQ NUMBER	POST DATE	VENDOR NAME	DESCRIPTION	REMAINING BALANCE
081633	04/15/2019	MEJEUR ELECTRIC LLC	ELECTRICAL REPAIRS SEND PO TO NICK HALL	700.00
081628	04/15/2019	RIETH-RILEY CONSTRUCTION CO., INC	HOT AND COLD PATCH DO NOT MAIL PO	1,320.20
081643	04/16/2019	W W GRAINGER INC	SAFETY SUPPLIES STREETS - DO NOT MAIL I	242.35
081671	04/19/2019	J. ALLEN & CO. INC.	BUS STOP REPAIRS	5,800.00
081728	04/24/2019	THE WRIGHT FENCE	GATE INSTALLATION SEND PO TO TIM COM	2,200.00
081744	04/29/2019	THE WRIGHT FENCE	GATE INSTALLATION SEND PO TO TIM COM	1,900.00
081809	05/07/2019	DEER CONTRACTING & LANDSCAPE	BRICK PAVER REPAIRS SEND PO TO TIM COI	280.00
081837	05/09/2019	MICHIGAN PAVEMENT MARKINGS LLC	LINE STRIPING SERVICES 2018/19 SEND PO TO VE	48,594.75
082033	05/30/2019	CAPOROSI CONSTRUCTION LLC	MANHOLE REPAIRS EMAIL PO TO RAY WAURI	13,200.00
082077	06/04/2019	FARM N GARDEN	GATE SUPPLIES SEND PO TO NICK HA	300.00
082078	06/04/2019	DEER CONTRACTING & LANDSCAPE	CURB REPAIRS EMAIL PO TO RAY WAUR	3,780.00
082101	06/05/2019	MOSQUITO CONTROL OF SW MICHIGAN	MOSQUITO SPRAY SERVICES SEND PO TO RAY W.	189.00
082104	06/05/2019	IRISH AYRES ENTERPRISES, LLC	LANDSCAPE BED RENOVATE EMAIL PO TO RAY W/	1,949.00
082100	06/05/2019	DEER CONTRACTING & LANDSCAPE	CURB REPAIR SCF - EMAIL PO TO RAY \	1,680.00
082125	06/06/2019	DEER CONTRACTING & LANDSCAPE	LANDSCAPING SERVICES SEND PO TO TIM COM	3,875.00
082128	06/06/2019	PIPELINE MAINTENANCE SERVICES, IN	CULVERT CLEANING EMAIL PO TO RAY WAUF	700.00
082134	06/07/2019	ANIMAL REMOVAL SERVICE, LLC	ANIMAL REMOVAL SERVICES DO NOT MAIL PO	1,400.00
082154	06/10/2019	THE WRIGHT FENCE	FENCE INSTALLATION SEND PO TO NICK HA	2,080.00
082152	06/10/2019	W W GRAINGER INC	BIRD REPELLANT SEND PO TO NICK HA	413.24
082167	06/11/2019	VERPLANK TRUCKING CO.	LIMESTONE DELIVERY EMAIL PO TO RAY WAU	1,680.00
082168	06/11/2019	BYHOLT INC.	SAND DELIVERY EMAIL PO TO RAY WAUR	804.30
082211	06/17/2019	ROAD COMMISSION OF KALAMAZOO	EMULSION PURCHASES EMAIL PO TO RAY WAU	1,491.37
082207	06/17/2019	HOME DEPOT	ROMENCE PROJECT DO NOT MAIL PO	1,000.00
082271	06/18/2019	DAVE'S CONCRETE PRODUCTS, INC.	ROMENCE PROJECT DO NOT MAIL PO	3,900.00
082342	06/21/2019	W W GRAINGER INC	SAFETY SUPPLIES DO NOT MAIL PO	369.45
082341	06/21/2019	VICKSBURG HARDWARE	CHAINSAW SUPPLIES DO NOT MAIL PO	132.99
082350	06/21/2019	BYHOLT INC.	2NS SAND DELIVERY EMAIL PO TO RAY WAUF	804.30
082349	06/21/2019	BYHOLT INC.	22A GRAVEL EMAIL PO TO RAY WAUF	940.80
082386	06/26/2019	RATHCO SAFETY SUPPLY, INC.	ROMENCE PROJECT DO NOT MAIL PO	698.00
082392	06/27/2019	DAVE'S CONCRETE PRODUCTS, INC.	ROMENCE ROAD PROJECT DO NOT MAIL PO	6,499.00
TOTAL PUBLIC WORKS				301,676.78
067358	03/06/2015	PREIN & NEWHOF	ENGINEERING SERVICES	2,225.50
069441	09/25/2015	AMERICAN HYDROGEOLOGY CORP.	PROFESSIONAL SERVICES	598.34
075757	07/24/2017	HURLEY & STEWART, LLC	INSPECTION SERVICES - WINTERS DR RETENTION E	1,538.68
076707	11/01/2017	PREIN & NEWHOF	PROFESSIONAL SERVICES	467.55
079044	06/28/2018	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES	1,513.11
079124	07/03/2018	GRIFFIN PEST SOLUTIONS, INC.	PEST CONTROL - GLWTP	70.00
079153	07/05/2018	PERCEPTIVE CONTROLS, INC.	SCADA MAINTENANCE	11,268.41
079155	07/05/2018	SOIL & MATERIALS ENGINEERS, INC	ENGINEERING SERVICES	5,500.00
079308	07/18/2018	SEVERANCE ELECTRIC COMPANY, INC	TRAFFIC SIGNAL REPAIR AND MAINTENANCE	558.64
079562	08/09/2018	CITY OF KALAMAZOO TREASURER	SANITARY SEWER CHARGES F/Y 18/19	525,050.18
080440	11/15/2018	NORTHERN LAKE SERVICE, INC.	WATER SAMPLE TESTING	9,840.00
080867	01/16/2019	NORTHERN LAKE SERVICE, INC.	WATER AMPLE ANALYSIS	700.00
080937	01/23/2019	AR ENGINEERING LLC	ENGINEERING SERVICES MOORSE	4,633.75
081065	02/08/2019	PLM LAKE & LAND MANAGEMENT	2019 WEST LAKE WEED MGT PROGRAM	9,425.00
081132	02/18/2019	MICHIANA LAND SERVICES	EASEMENT SERVICES	2,500.00
081316	03/11/2019	KALAMAZOO AREA TRANSPORTATION	TRAFFIC COUNTING SERVICES MAIL PO COPY TO	6,933.00
081321	03/12/2019	PERCEPTIVE CONTROLS, INC.	FLOW METER UPDATES	2,780.00
081343	03/13/2019	RESTORATIVE LAKE SCIENCES, LLC	2019 WEST LAKE WEED MANAGEMENT PROGRAM	1,625.00

NON-CIP PURCHASE ORDER REPORT FOR CITY OF PORTAGE
2018-2019 PURCHASE ORDERS OPEN AT JULY 31, 2019

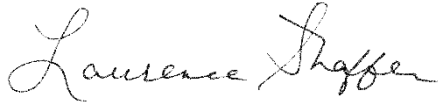
PO/REQ NUMBER	POST DATE	VENDOR NAME	DESCRIPTION	REMAINING BALANCE
081439	03/25/2019	PERCEPTIVE CONTROLS, INC.	FLOW METER UPDATE	2,780.00
081519	04/03/2019	ETNA SUPPLY, INC.	WATER HYDRANT SEND PO TO VENDO	620.00
081737	04/26/2019	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES SEND PO TO VENDO	2,960.00
081838	05/09/2019	HURLEY & STEWART, LLC	ENGINEERING SERVICES	202.32
081849	05/09/2019	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES	10,450.00
082143	06/10/2019	SUEZ WATER ENVIRONMENTAL SERVI	UTILITY SYSTEM OPERATION DO NOT MAIL PO	35,000.00
082145	06/10/2019	SUEZ WATER ENVIRONMENTAL SERVI	UTILITY SYSTEM OPERATION DO NOT MAIL PO	35,000.00
082146	06/10/2019	SUEZ WATER ENVIRONMENTAL SERVI	UTILITY SYSTEM OPERATION DO NOT MAIL PO	35,000.00
082147	06/10/2019	SUEZ WATER ENVIRONMENTAL SERVI	UTILITY SYSTEM OPERATION DO NOT MAIL PO	35,000.00
082264	06/18/2019	SEVERANCE ELECTRIC COMPANY, INC	CAMERA INSTALLATION SEND PO TO MUHAM	1,816.00
082259	06/18/2019	RAILROAD MANAGEMENT CO. IV, LLC	RAILROAD LEASE AGREEMENT DO NOT MAIL PO	529.98
082273	06/18/2019	RAILROAD MANAGEMENT CO. IV, LLC	RAILROAD LEASE AGREEMENT DO NOT MAIL PO	529.98
082314	06/20/2019	RAILROAD MANAGEMENT CO. IV, LLC	RAILROAD LEASE AGREEMENT DO NOT MAIL PO	529.98
082364	06/25/2019	CARRIER & GABLE	MAST ARMS - LOVERS & ROMENCE SEND PO TO I	39,930.00
082745	06/30/2019	KALAMAZOO BATTLE CREEK INTL AIRF	PROFESSIONAL SERVICES DO NOT MAIL PO	5,405.00
082482	06/30/2019	HALL BUILDERS LLC	RETENTION BASIN #5 REHABILITATION - FIRE STA1	175,000.00
TOTAL TRANSPORTATION & UTILITIES:				967,980.42

TOTAL NON-CIP \$ 1,585,728.89

General Fund	152,908.73
Major Streets	324,402.03
Local Streets	8,107.97
Recycling	8,231.50
West Lake Weed	11,050.00
CDBG	7,100.00
Cable TV	52,297.62
LDFA	7,120.43
Sewer	872,234.82
Water	25,511.78
Fleet & Facilities	116,764.01
	\$ 1,585,728.89

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Monthly Financial Report

SUPPORTING PERSONNEL: Bill Furry, Finance Director

Prudent practices require that the governing body be periodically apprised of the ongoing financial status of city operations. Attached is a report of revenue and expenditure levels as compared to budget for the most recently completed month.

Attachments:

1. June 2019 Financial Report

08/01/2019

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 06/30/2019

FUND	DESCRIPTION	ORIGINAL BUDGET	2018-19 AMENDED BUDGET	2018-19 ACTIVITY	Percent of Amended Collected/Used
REVENUES					
	Totals for dept 0000 -	23,254,733	23,254,733	23,186,268	100%
	Totals for dept 1501 - District Court	70,000	70,000	70,000	100%
	Totals for dept 1720 - City Manager	500	500	500	100%
	Totals for dept 2053 - Finance Treasury	1,000	1,000	1,864	186%
	Totals for dept 2110 - Technology Services	0	0	5,000	0%
	Totals for dept 2415 - City Clerk	64,400	64,400	112,327	174%
	Totals for dept 2491 - City Clerk Elections	25,000	25,000	0	0%
	Totals for dept 2865 - Parks Maintenance	1,000	1,000	5,693	569%
	Totals for dept 2876 - Cemeteries	55,000	55,000	61,698	112%
	Totals for dept 2877 - Parks & Rec - Parks	66,000	66,000	41,075	62%
	Totals for dept 2878 - Parks & Rec - Kalamazoo In Bloom	0	0	0	0%
	Totals for dept 2882 - Parks & Rec - Team Sports	132,510	132,510	109,769	83%
	Totals for dept 2885 - Parks & Rec - Programs	18,300	18,300	20,000	109%
	Totals for dept 2886 - Parks & Rec - Ramona Park	53,300	53,300	39,283	74%
	Totals for dept 2887 - Parks & Rec - Special Events	61,200	61,200	36,866	60%
	Totals for dept 2888 - Parks & Rec - Millenium Park	49,500	49,500	48,843	99%
	Totals for dept 3005 - Police Administration	155,700	161,195	200,135	124%
	Totals for dept 3010 - Police Patrol	1,000	1,000	6,030	603%
	Totals for dept 3021 - Police Training-Grant Funded	9,000	9,000	13,692	152%
	Totals for dept 3030 - Police Public Safety Dispatch/ts	31,000	31,000	50,196	162%
	Totals for dept 3035 - Police 911 Cmrs PSAP	40,000	40,000	57,150	143%
	Totals for dept 3050 - Police Drug Law Enforcement	1,000	1,000	0	0%
	Totals for dept 3310 - Fire Admin	1,250	1,250	16	1%
	Totals for dept 3340 - Fire Prevention	900	900	1,075	119%
	Totals for dept 3710 - Comm Dev Building Services	750,000	750,000	708,476	94%
	Totals for dept 3720 - Comm Dev Planning & Development	50,050	50,050	65,009	130%
	Totals for dept 3730 - Comm Dev Neighborhood Services	193,000	193,000	191,864	99%
	Totals for dept 6720 - Senior Center	157,700	165,900	136,883	83%
	Totals for dept 6721 - Senior Center Trips	300,000	444,000	323,591	73%
	Totals for dept 6722 - Senior Center Activities	15,000	15,000	9,408	63%
	Totals for dept 6725 - Aging Mastery Program	1,500	1,500	920	61%
TOTAL REVENUES - GENERAL FUND		25,559,543	25,717,238	25,503,631	99%

08/01/2019

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 06/30/2019

FUND	DESCRIPTION	ORIGINAL BUDGET	2018-19 AMENDED BUDGET	2018-19 ACTIVITY	Percent of Amended Collected/Used
EXPENDITURES					
	Totals for dept 1001-City Council	117,300	117,300	99,306	85%
	Totals for dept 1085-City Council-Human Services	164,687	164,687	161,301	98%
	Totals for dept 1501-District Court	63,000	63,000	60,604	96%
	Totals for dept 1720-City Manager	673,471	667,893	611,281	92%
	Totals for dept 2001-Finance Accounting	438,790	423,790	400,091	94%
	Totals for dept 2002-Finance & Budget	295,119	280,119	257,790	92%
	Totals for dept 2053-Finance Treasury	146,176	146,176	136,145	93%
	Totals for dept 2110-MIS	847,043	872,038	849,058	97%
	Totals for dept 2133-MIS Public Information	54,212	54,212	55,443	102%
	Totals for dept 2209-Assessor	467,381	447,381	387,818	87%
	Totals for dept 2247-Assessor Board Of Review	35,135	35,135	25,489	73%
	Totals for dept 2310-Attorney	226,728	226,728	226,432	100%
	Totals for dept 2415-City Clerk	168,291	162,791	152,254	94%
	Totals for dept 2416-City Clerk Records Management	67,302	67,302	61,292	91%
	Totals for dept 2491-City Clerk Elections	192,819	198,319	181,786	92%
	Totals for dept 2610-Human Resources	459,857	444,857	392,803	88%
	Totals for dept 2733-Purchasing	82,523	82,523	78,511	95%
	Totals for dept 2734-Purchasing Risk Management	28,243	28,243	18,323	65%
	Totals for dept 2865-Parks Maintenance	1,246,521	1,240,521	1,161,412	94%
	Totals for dept 2876-Cemeteries	65,819	65,819	59,655	91%
	Totals for dept 2877-Parks & Rec - Parks	645,690	623,650	585,124	94%
	Totals for dept 2878-Parks & Rec - Kalamazoo In Bloom	8,000	8,000	8,000	100%
	Totals for dept 2880-Parks & Rec Rec - Admin	184,711	187,641	170,986	91%
	Totals for dept 2882-Parks & Rec Rec - Team Sports	57,500	57,000	48,344	85%
	Totals for dept 2885-Parks & Rec - Programs	18,850	25,440	25,251	99%
	Totals for dept 2886-Parks & Rec Rec - Ramona Park	97,062	94,462	88,215	93%
	Totals for dept 2887-Parks & Rec Rec - Special Events	102,200	107,250	95,785	89%
	Totals for dept 2888-Parks & Rec - Ice Rink	93,302	88,872	89,654	101%
	Totals for dept 3005-Police Administration	856,415	861,910	821,521	95%
	Totals for dept 3006-Police Youth Services	494,984	494,984	479,654	97%
	Totals for dept 3007-Police Investigation	692,955	777,955	623,076	80%
	Totals for dept 3010-Police Patrol	5,312,798	5,141,798	4,958,285	96%
	Totals for dept 3020-Police Training	196,900	209,900	228,435	109%
	Totals for dept 3021-Police Training-Grant Funded	9,000	9,000	9,000	100%
	Totals for dept 3030-Police Public Safety Dispatch/ts	960,377	960,377	690,507	72%
	Totals for dept 3031-Police Emergency Sirens	18,676	18,676	11,873	64%
	Totals for dept 3035-Police 911 Cmrs PSAP	205,188	155,188	72,759	47%

08/01/2019

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 06/30/2019

FUND	DESCRIPTION	ORIGINAL BUDGET	2018-19 AMENDED BUDGET	2018-19 ACTIVITY	Percent of Amended Collected/Used
	Totals for dept 3040-Police Records & PST	473,237	546,237	544,834	100%
	Totals for dept 3050-Police Drug Law Enforcement	315,214	315,214	329,227	104%
	Totals for dept 3065-Police Facility Management	114,800	139,800	95,996	69%
	Totals for dept 3090-Police KCCDA support	756,793	756,793	756,793	100%
	Totals for dept 3310-Fire Admin	669,034	669,034	598,106	89%
	Totals for dept 3320-Fire Operations	4,099,141	4,049,141	3,885,966	96%
	Totals for dept 3330-Fire On Call Firefighters	95,850	95,850	76,473	80%
	Totals for dept 3331-Fire Emergency Operations	4,700	4,700	3,372	72%
	Totals for dept 3340-Fire Prevention	139,383	139,383	124,477	89%
	Totals for dept 3350-Fire Training	189,413	189,413	158,691	84%
	Totals for dept 3365-Fire Facility Management	95,150	95,150	80,256	84%
	Totals for dept 3710-Comm Dev Building Services	532,215	532,215	542,992	102%
	Totals for dept 3720-Comm Dev Planning & Development	314,151	314,151	291,628	93%
	Totals for dept 3730-Comm Dev Neighborhood Services	228,481	228,481	211,398	93%
	Totals for dept 3765-Comm Dev Building Maintenance	218,611	221,531	204,136	92%
	Totals for dept 4210-General Public Services	477,492	552,492	465,109	84%
	Totals for dept 6720-Senior Center	346,415	355,099	323,931	91%
	Totals for dept 6721-Senior Center Trips	310,874	454,874	325,279	72%
	Totals for dept 6725-Aging Mastery Program	1,500	1,500	185	0%
	Totals for dept 6740-Fundraising	0	175,000	135,586	0%
	Totals for dept 9610-Transfers Out	1,286,338	2,002,338	2,002,338	100%
	TOTAL EXPENDITURES - GENERAL FUND	26,463,817	27,449,333	25,540,036	93%
202	Major Street Fund - Revenues	4,169,800	4,825,778	4,759,846	99%
	Major Street Fund - Expenditures	4,223,030	4,999,535	4,502,418	90%
203	Local Streets Fund - Revenues	1,486,120	1,486,120	1,410,757	95%
	Local Streets Fund - Expenditures	1,480,456	1,480,456	1,203,238	81%
204	Municipal Streets Fund - Revenues	1,484,610	1,547,730	1,548,967	100%
	Municipal Streets Fund - Expenditures	1,640,000	1,703,120	1,515,000	89%
223	Curbside Recycling - Revenues	680,100	680,100	710,633	104%
	Curbside Recycling - Expenditures	688,081	688,081	614,819	89%
226	Leaf Pickup/Spring Cleanup - Revenues	744,000	779,000	777,739	100%
	Leaf Pickup/Spring Cleanup - Expenditures	837,813	872,813	753,207	86%

08/01/2019

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 06/30/2019

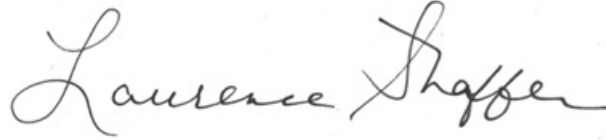
FUND	DESCRIPTION	ORIGINAL BUDGET	2018-19 AMENDED BUDGET	2018-19 ACTIVITY	Percent of Amended Collected/Used
230	CDBG Program Income Fund - Revenues	125,000	125,000	101,560	81%
	CDBG Program Income Fund - Expenditures	125,000	125,000	69,974	56%
252	West Lake Weed Mgmt - Revenues	32,120	32,120	19,956	62%
	West Lake Weed Mgmt - Expenditures	32,120	32,120	17,075	53%
296	Community Development Block Grant - Rev	210,000	214,000	71,129	33%
	Community Development Block Grant - Exp	210,000	214,000	187,600	88%
298	Cable Television Fund - Revenues	836,000	836,000	607,706	73%
	Cable Television Fund - Expenditures	867,709	867,709	675,285	78%
400	Capital Improvement General - Revenues*	18,578,000	28,660,620	19,081,104	67%
	Capital Improvement General - Expenditures*	18,578,000	33,185,963	12,485,502	38%
490	Capital Improvement Sewer - Revenues*	1,020,000	4,881,837	851,837	17%
	Capital Improvement Sewer - Expenditures*	1,020,000	3,037,531	107,085	4%
491	Capital Improvement Water - Revenues*	1,325,000	6,213,775	0	0%
	Capital Improvement Water - Expenditures*	1,325,000	7,310,808	1,570,085	21%
590	Sewer Fund - Revenues	9,012,000	9,262,000	9,145,943	99%
	Sewer Fund - Expenditures	7,149,273	7,399,273	6,704,222	91%
591	Water Fund - Revenues	6,719,300	6,719,300	6,986,246	104%
	Water Fund - Expenditures	5,588,159	5,588,159	5,182,743	93%
TOTAL REVENUES - ALL FUNDS **		71,981,593	91,980,618	71,577,054	78%
TOTAL EXPENDITURE - ALL FUNDS **		70,228,458	94,953,901	61,128,289	64%

* The Capital Improvement Program uses project-length budgets, original is current fiscal year, amended includes budgets of prior year projects continued.

** Debt Service and Internal Service Funds not included.

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: Subsequent to the public hearing, approve the City of Portage Brownfield Redevelopment Plan, with Brownfield Redevelopment Plan Amendment No. 7, 6666 Lovers Lane.

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 approve the City of Portage Brownfield Redevelopment Plan with Brownfield Redevelopment Plan Amendment No. 7, 6666 Lovers Lane.

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



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	Parcel ID: 00010-370-O	2.48 Acres
Portage, MI 49002		

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		
<i>Urban Stormwater Management System</i>	\$ 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

Portage, Michigan
June 19, 2019

<u>Footnotes:</u> *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	\$ -	\$ -	\$ -	\$ -	\$ 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	\$ 10,934	\$ 11,064	\$ 11,195	\$ 11,328	\$ 194,854													
Total State & Local TIR Available	\$ 15,083	\$ 15,268	\$ 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	\$ 10,934	\$ 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													
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 limited liability company, 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 "Increment") to brownfield sites constituting Eligible Property as defined 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.

- 13. AUTHORITY Reimbursement Payments to Developer.**

- (128)

- 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 are available. 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 2020-2035.

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 lesser of actual AUTHORITY administrative costs or 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. Property Tax Appeal.

- a. In the event the Developer files an appeal with the Michigan Tax Tribunal related to the taxable value of the Property, the AUTHORITY may do either of the following:

- i. Remit tax reimbursement payments based upon the lowest taxable value being sought pursuant to the appeal until resolution of the appeal **and** hold any Tax Increment Revenue that is collected but not remitted as a result of a tax appeal in a separate account of the AUTHORITY until the pending appeal is adjudicated; and once any tax appeals are adjudicated, either return the escrowed funds to the local unit in compliance with any tax appeal rulings, or make payments pursuant to Sections 13 and 14 of this Agreement, or
 - ii. If the AUTHORITY reasonably determines, after notice to the Developer and an opportunity for the Developer to discuss the issues with the AUTHORITY, that the Developer's taxable value being sought pursuant to the appeal will so diminish or negatively change the benefit of the Project to the taxing jurisdictions involved that the original expectations will no longer exist or be substantially diminished, the AUTHORITY may determine that the Developer is ineligible to receive any further reimbursement under this Agreement and hold any Tax Increment Revenue that is collected but not remitted as a result of this provision in a separate account of the AUTHORITY until the pending appeal is adjudicated. If the appeal results in a Property valuation that is substantially consistent with the Brownfield Plan and if the Developer completes the Project as contemplated by this Agreement, then the AUTHORITY shall make payments pursuant to Sections 13 and 14 of this Agreement.
 - b. In no event will the Developer be required to return reimbursement payments made by the AUTHORITY to Developer. 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. Except to the extent any of the following arises from or relates to the fraud, intentional misconduct or gross negligence of the AUTHORITY or the City, 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 whether 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

EXHIBIT A

[Insert description of the eligible property]

EXHIBIT B

[Insert Brownfield Plan]

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

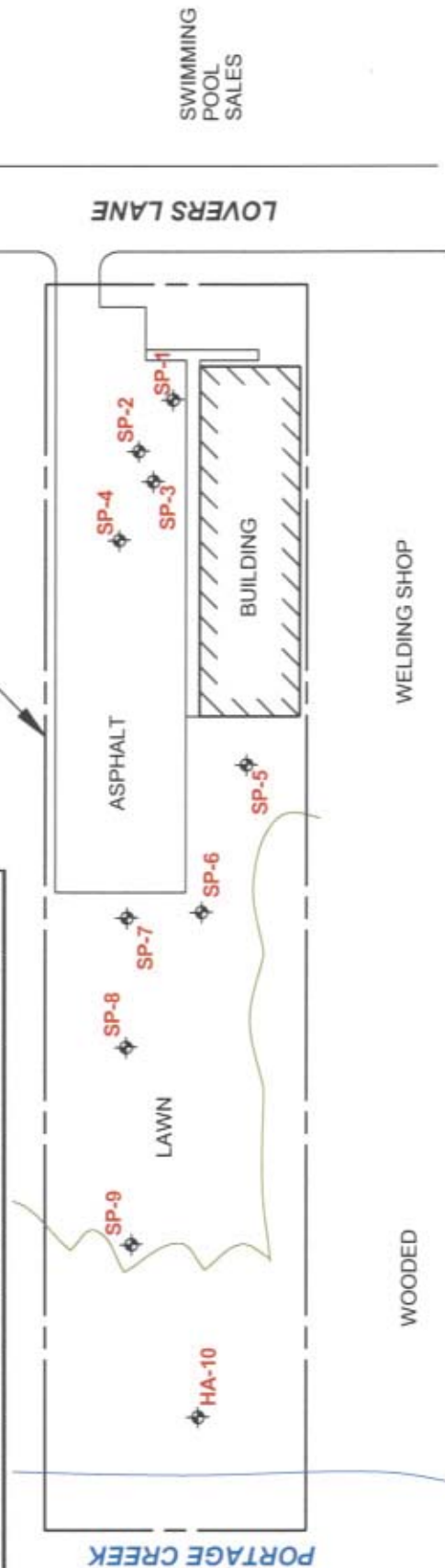
Soil Sampling Map

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

Analyte	Location (Feet bg) / Concentration					MDEQ DWPC	MDEQ OCC (Non-Residential = 37,000)	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	36,700	1,850	3,250	1,690	3,910	4,600 (SDBL = 5,800)	7,500	4,600	NLV
Barium	71,000	36,900	64,900	48,200	51,700	1,300,000	37,000,000	ID	NLV
Cadmium	440	210	ND	250	380	6,000	550,000	ID	NLV
Chromium	3,780	2,050	3,700	3,730	3,200	30,000	2,500,000	3,300 (SDBL = 18,000)	NLV
Copper	8,010	10,700	10,900	10,100	13,500	5,800,000	20,000,000	ID	NLV
Lead	5,290	37,500	21,700	23,600	52,800	700,000	400,000	ID	NLV
Selenium	ND	ND	ND	ND	ND	4,000	2,600,000	400 (SDBL = 415)	NLV
Zinc	14,200	19,000	23,800	39,800	54,400	2,400,000	170,000,000	ID	NLV

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

Analyte	Location (Feet bg) / Concentration				Resident at MDEQ DWC	Resident at MDEQ GSIC	Residential MDEQ GVIAC
	SP-1 (9)	SP-2 (8)	SP-3 (7)	SP-4 (8)			
Arsenic	12	35	216	56	10	10	NLV
Barium	158	142	85	279	2,000	ID	NLV
Chromium	ND	ND	ND	10	100	ID	NLV
Copper	6	23	12	59	1,000	ID	NLV
Lead	6	19	7	52	4	29	NLV
Zinc	21	65	25	140	2,400	ID	NLV



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

217 Grandville Ave., Suite 302
Grand Rapids, MI 49503
Phone: 616.575.5190

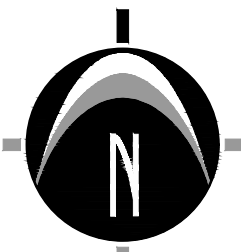
ST. LOUIS

Site Layout Plan

PART OF THE SOUTHEAST 1/4 OF SECTION 10, T3S, R11W,
CITY OF PORTAGE KALAMAZOO COUNTY MICHIGAN

C-205

© 2019 Nederveld, Inc.



LEGEND

- | | |
|---|---------------------|
|  | EXISTING BITUMINOUS |
|  | EXISTING CONCRETE |
|  | PROPOSED BITUMINOUS |
|  | PROPOSED CONCRETE |

1) ZONING OF PROPERTY: I-1 : LIGHT INDUSTRIAL

- 1) ZONING OF PROPERTY: I-1: LIGHT INDUSTRIAL
I-1 ZONING REQUIREMENTS:
 - MINIMUM LOT AREA = NOT APPLICABLE SF
 - MINIMUM LOT WIDTH = NOT APPLICABLE FT
 - MAXIMUM ALLOWED BUILDING HEIGHT = 40 FT
 - MAXIMUM ALLOWED BUILDING COVERLAGE = NOT APPLICABLE
 - MINIMUM ALLOWED BUILDING SETBACKS:
 - FRONT YARD = 75 FT (50 FT FOR THE BUILDING IF FRONT IS USED FOR OFFICE)
 - SIDE YARD = 12 FT (OR $\frac{1}{2}$ HEIGHT OF BUILDING, WHICHEVER IS GREATER)
 - REAR YARD = 75 FT (ABUTTING RESIDENTIAL)
- 2) SUMMARY OF LAND USE:
 - A) TOTAL ACREAGE = 2.47 ACRES (APPROX. 107,644 SF) (EXCLUDING ROAD R.O.W.)
 - B) AREA OF EXISTING BUILDING = 10,048 SF
 - C) EXISTING BUILDING COVERLAGE = APPROXIMATELY 20 FT
 - D) BUILDING LOT COVERLAGE = APPROXIMATELY 9.4%
 - E) EXISTING ON-SITE ASPHALT/CONCRETE AREA = APPROX. 28,400 SF
 - F) TOTAL PROPOSED ON-SITE ASPHALT/CONCRETE AREA = APPROX. 34,400 SF
 - G) TOTAL IMPERVIOUS PERCENTAGE = APPROXIMATELY 41.6% (44,745 SF)
 - H) THE BUILDING WILL BE USED BY COMCAST AS AN OFFICE.
- 3) ZONING OF SURROUNDING PARCELS:
 - NORTH, SOUTH, EAST = LIGHT INDUSTRIAL
 - WEST = RESIDENTIAL
- 3) PARKING REQUIREMENTS:
 - A) TYPICAL PARKING SPACE = 9' x 18' (22 FT TWO-WAY DRIVE AISLES)
 - B) TYPICAL BARRIER FREE SPACE = 8' x 18' (WITH 8 FT WIDE VAN ACC. AISLES)
 - C) NUMBER OF SPACES REQUIRED = 41 (BASED ON 1 PER 200 SF OF USEABLE BUILDING FOR OFFICE USE - ASSUMES 80% USABLE (8,068 SF))
(COMCAST HAS INDICATED THAT THEY NEED A MINIMUM OF 75 SPACES TO HAVE THE SITE FUNCTION PROPERLY.)
 - D) NUMBER OF SPACES PROVIDED = 75
 - F) MINIMUM ALLOWED PARKING SETBACK:
 - FRONT YARD = 50 FT
 - SIDE AND REAR YARD = 0 FT (10 FT ABUTTING RESIDENTIAL)
- 4) THE WEST PORTION OF THE SITE IS IN THE 100 YEAR FLOOD PLAIN BASED ON THE NATIONAL FLOOD INSURANCE PROGRAM RATE MAPS. THE 100 YEAR FLOOD ELEVATION IS APPROXIMATELY 639.4.
- 5) BEST MANAGEMENT PRACTICES WILL BE UTILIZED DURING AND AFTER CONSTRUCTION OF THE PROJECT. MEASURES WILL INCLUDE THE USE OF SILT FENCING, SEEDING AND MULCHING, SEDIMENT INLET FILTERS, COMPACTION AND PAVING. THE OWNER OF THE SUBJECT PARCEL SHALL HAVE THE RESPONSIBILITY TO MAINTAIN THE PERMANENT EROSION PROTECTION MEASURES.
- 6) THE EXISTING FREESTANDING SIGN BE REMOVED.
ANY NEW SIGNAGE TO BE CONSTRUCTED TO THE STANDARDS SET FORTH BY THE CITY OF PORTAGE ZONING ORDINANCE.
FREESTANDING SIGN (ONE PER LOT):
 - MAXIMUM SIZE = 48 SF
 - MAXIMUM HEIGHT = 10 FT
 - MINIMUM SETBACK = 10 FT FROM ALL PROPERTY LINESWALL-MOUNTED SIGN (ONE PER BUILDING):
 - BUILDING SIZE = 10% OF TOTAL AREA OF LOT TO WHICH IT'S ATTACHED (100 SF MAX)
- 7) UTILITIES SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETTED TO BE EXACT LOCATIONS. NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA.
- 8) CONTRACTOR TO FIELD VERIFY ALL INVERTS.
- 9) ALL LIGHTING SHALL COMPLY WITH THE CITY OF PORTAGE ZONING ORDINANCE.
ALL LIGHTING SHALL BE FULLY SHIELDED FROM ALL ADJACENT PROPERTIES.
NEW LIGHTING SHALL NEW WALL-MOUNTED LIGHTING AT THE DOOR HOODS.
THE FIXTURES WILL BE SHOEBOX TYPE FIXTURES THAT DIRECT THE LIGHT DOWNWARD.
- 10) LANDSCAPING SHALL COMPLY WITH THE REQUIREMENTS OF THE CITY OF PORTAGE TOWNSHIP ZONING ORDINANCE.
- 11) THE PERMANENT PARCEL NUMBER FOR THE SITE IS 10-00010-370-0.
THE ADDRESS FOR THE SITE IS 8666 LORAINS LANE.
- 12) THE CONSTRUCTION OF THE SITE WILL BEGIN IMMEDIATELY PENDING CITY/AGENCY APPROVALS AND PERMITS. IT IS ANTICIPATED THAT THE PROJECT WILL BE COMPLETED IN 2019. THE PROJECT WILL BE COMPLETED IN ONE PHASE.
- 13) THE STORM WATER RUNOFF FROM THE SITE WILL BE COLLECTED BY THE EXISTING CATCHBASIN AND STORM SEWER PIPE ON THE SITE.
- 14) THE SITE SOIL IS PRIMARILY OGHESMO SAND ON THE EAST PORTION OF THE SITE. A SURVEY MAP INFORMATION OF THE WEST PORTION OF THE SITE, BASED ON THE USDA SOIL SURVEY MAP INFORMATION.
- 15) A KNOX KEYSWITCH OR KNOX BOX SHALL BE INSTALLED AT THE GATE TO ALLOW FIRE DEPARTMENT ACCESS TO THE ENTIRE SITE.

N.T.S.

TREES	<u>CODE</u>	<u>BOTANICAL NAME / COMMON NAME</u>	<u>SIZE</u>	<u>CAL</u>	<u>QTY</u>
	Aa	Acer rubrum "Autumn Blaze" / Autumn Blaze Red Maple B&B	N/A	2.5"	3
	Al	Aesculus x carnea "Fort McNair" / Red Horsechestnut	B&B	2.5"	2
	Lt	Liriodendron tulipifera / Tulip Tree	2.5" cal. min.		3
	Tc	Tilia cordata / Littleleaf Linden B&B	N/A	2.5" min.	5
SHRUBS	<u>CODE</u>	<u>BOTANICAL NAME / COMMON NAME</u>	<u>SIZE</u>	<u>QTY</u>	
	Am	Aronia melanocarpa / Chokeberry	3		7
	Js	Juniperus x pfitzeriana "Sea Green" / Sea Green Juniper	24-30" ht.		12

A cross-sectional diagram of a raised bed. A large, rounded plant is shown in the center. Above the plant, a label points to the top layer of soil: "FORM 2" SAUCER (CONTINUOUS)". To the right, a label points to the top layer of mulch: "3" SHRED". Below the plant, a label points to the bottom layer of soil: "TOPSOIL OR GOOD NATIVE SOIL, THAT HAS BEEN AMENDED FOR PLANTING; (FREE FROM CLODS, ROCKS, STICKS, ETC.). PLACE SOIL IN 6 INCH LIFTS, LIGHTLY TAMP AND WATER AFTER EACH LIFT TO REMOVE AIR POCKETS". To the right, a label points to the bottom layer of mulch: "EXPOSED SIZE".

N.T.S.

8'

8' 6"

6' 6"

6' 6"

6' 6"

PAINT LINES

CURB RAMP

HANDICAP PARKING SIGN

MAX. SLOPE SHALL BE 1" ON 48 PER CODE

1:12 MAX. SLOPE

6' FT AISLE FOR VAN ACCESSIBLE

6' 6" FT AISLE FOR NORMAL BARRIER FREE

LANDING (0.0% CROSS SLOPE)

6' 6" FT AISLE FOR VAN ACCESSIBLE

1:12 MAX. SLOPE

HANDICAP PARKING SIGN: W/

VAN ACCESSIBLE MOUNTED

BELOW WHERE AISLE IS 8 FT WIDE

THE BOTTOM EDGE OF THE SIGN SHALL NOT BE LESS THAN 6 FT 8" IN ABOVE GRADE (TYP)

METAL POST

TYPICAL BARRIER FREE ACCESSIBLE PARKING SPACES

N.T.S.

PLANTING NOTES:

- 1) ALL PLANT MATERIAL SHALL BE LOCALLY NURSERY GROWN NO 1 GRADE AND INSTALLED ACCORDING TO ACCEPTED PLANTING PROCEDURES. ALL PLANT MATERIALS SHALL MEET CURRENT AMERICAN ASSOCIATION OR NURSERYMAN STANDARDS. DO NOT PLANT MATERIALS UNTIL DIRECTED BY OWNER, LANDSCAPE ARCHITECT, AND/OR CONSTRUCTION MANAGER. THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REJECT ANY PLANT MATERIAL, FOR ANY REASON BEFORE OR AFTER IT IS INSTALLED.
- 2) SIZES SPECIFIED ARE MINIMUM SIZES TO WHICH THE PLANTS ARE TO BE INSTALLED.
- 3) ANY PLANT SPECIFICATIONS SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT.
- 4) MAINTENANCE OF LANDSCAPING ITEMS, TREES, AND PLANTS SHALL BE PERFORMED BY THE PROPERTY OWNER OR A QUALIFIED PROFESSIONAL. ALL LANDSCAPING SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH APPLICABLE MUNICIPAL STANDARDS AND IN ACCORDANCE WITH CURRENT INDUSTRY STANDARDS IN A NEAT, HEALTHY AND WEED FREE CONDITION. ANY DEAD, DISEASED OR DAMAGED PLANT MATERIALS ARE TO BE REPLACED IMMEDIATELY AFTER NOTIFIED TO DO SO.
- 5) PLANT TREES AND SHRUBS IN ACCORDANCE WITH PLANTING DETAILS. DIG TWO TRES PITS PER DETAILS. PLANT TREES AND SHRUBS AT THE SAME GRADE LEVEL AT WHICH THEY WERE GROWN AT THE NURSERY. IF HEAVY CLAY SOILS ARE EVIDENT, PLANT TREES AND SHRUBS HIGHLY APPROX. 1/4 OF THE ROOT BALL ABOVE GRADE, AND BACKFILL TO TOP OF ROOT BALL.
- 6) REMOVE ALL TWINE, WIRE, NURSERY TREE GRASSES, TAGS AND INORGANIC MATERIAL FROM ROOT BALLS. REMOVE THE TOP 1/3 OF BURLAP FROM EARTH BALLS AND REMOVE BURLAP FROM AROUND TRUNK.
- 7) FINELY SHREDDED HARDWOOD BARK MULCH, NATURAL COLOR (NON-COLORED), IS REQUIRED FOR ALL PLANTINGS AND PLANTING BEDS. MULCH PER PLANTING DETAILS. MULCH IN PLANT BEDS SHALL BE 3" THICK AT TIME OF INSTALLATION AND AFTER COMPACTED BY RAIN OR IRRIGATION. ALL PLANTING BEDS SHALL BE EDGED WITH 6" X 12" GAUGE STEEL LANDSCAPE EDGERS.
- 8) LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE VERIFICATION OF ALL UNDERGROUND AND OVERHEAD UTILITIES. IF A CONFLICT WITH UTILITIES EXIST, NOTIFY OWNER/CONSTRUCTION MANAGER PRIOR TO PLANTING.
- 9) PLANT MATERIAL SHALL BE GUARANTEED FOR ONE YEAR AFTER PLANTING AND ACCEPTANCE.

TOPSOIL AND TURF NOTES:

- 1) WHEREVER GROUND IN ITS NATURAL STATE HAS BEEN DISTURBED, APPROVED LANDSCAPING OR GRASS SHALL BE FULLY INSTALLED, AND ESTABLISHED WITHIN A REASONABLE PERIOD OF TIME, BUT NO LONGER THAN ONE GROWING SEASON (UNLESS OTHERWISE NOTED AND APPROVED).

2) DURING EXCAVATION, GRADING, AND INSTALLATION OF REQUIRED LANDSCAPING, ALL SOIL EROSION AND SEDIMENTATION CONTROL REGULATIONS SHALL BE STRICTLY FOLLOWED AND COMPLIED WITH.

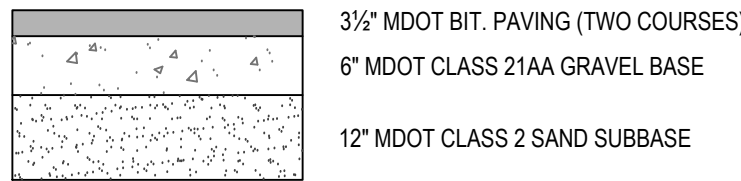
- 3) ALL LAWN AREAS SHALL RECEIVE SOD OR HYDROSEED. TURF SHALL BE INSTALLED ON TOPSOIL, UNLESS APPROVED OTHERWISE. DO NOT PLANT UNTIL ACCEPTANCE OF FINISH GRADE.
- 4) SOE SHALL BE GROWN ON TOPSOIL, UNLESS APPROVED OTHERWISE. SOE SHALL BE 2 YEARS OLD AND STRONGLY ROOTED. PLACE SOE TIGHTLY WITH NO GAPS AND WITH GRAIN IN SAME DIRECTION. SEAMS OF SOE SHALL BE STAGGERED IN A RUNNING BOND PATTERN. SOE SHALL BE WATERED IMMEDIATELY TO AVOID DRYING OUT. DO NOT INSTALL SOE UNTIL ACCEPTANCE OF FINISH GRADE AND IRRIGATION SYSTEM IS OPERATING PROPERLY. UNLESS DIRECTED IN WRITING TO DO OTHERWISE. FINISH ROLL SOE WITH A WATER FILLED LAWN ROLLER. ROLL PERPENDICULAR TO LENGTH OF SOE.
- 4) TURF SHALL BE INSTALLED ON A MIN. OF 3"4" OF LIGHTLY COMPACTED APPROVED TOPSOIL. TOPSOIL SHALL BE FERTILE, SCREENED, FRIABLE TOPSOIL, FREE OF STONES 1/2" IN DIA. AND LARGER, ROOTS, STICKS, OR OTHER EXTERNAL MATTER INCLUDING NOXIOUS PLANTS. PH BETWEEN 6.0 AND 6.5, SALTS SOO PARTS PPM, ORGANIC CONTENT 3% MIN. DO NOT INSTALL TOPSOIL UNTIL APPROVED BY OWNER/MC. TOPSOIL SHALL BE FINE GRADED TO A SMOOTH FINISH, FREE OF LUMPS AND DEPRESSIONS.
- 5) ALL LANDSCAPE ISLANDS WITHIN PARKING LOTS SHALL BE BACK FILLED WITH TOPSOIL TO A DEPTH OF 18" MIN.

IRRIGATION NOTES:

- 1) ALL PLANTING AREAS, LAWN AREAS AND LANDSCAPE ISLANDS SHOWN ARE TO HAVE A COMPLETE IRRIGATION SYSTEM. THE G.C. SHALL BE RESPONSIBLE FOR RETAINING A QUALIFIED FIRM FOR THE DESIGN OF THE IRRIGATION SYSTEM. THE DESIGN MUST SHOW HOW THE SYSTEM TIES INTO THE BUILDING AND MUST SHOW ALL OF THE NECESSARY EQUIPMENT FOR A COMPLETE SYSTEM. THE G.C. SHALL SUBMIT THE IRRIGATION SYSTEM DESIGN TO THE ARCHITECT/OWNER FOR APPROVAL PRIOR TO COMMENCEMENT OF WORK.

- NOTE: _____ COMPACTED SUBGRADE
1. LIGHT BROOM FINISH
 2. LOCATE CONTROL JOINTS AND EXPANSION JOINTS PER ACI STANDARDS
 3. PANEL SIZE SHALL NOT EXCEED 8 FEET
 4. PANELS SHALL BE KEPT AS SQUARE AS POSSIBLE WITH THE LENGTH NEVER EXCEEDING 1.25X THE WIDTH
 5. 1.0#CU YD. FIBER REINFORCEMENT
 6. AIR ENTRAPMENT - 6% $\pm$ 1%
 7. SLUMP 4" $\pm$ 1"

N.T.S.



- NOTE:
1. REFER TO GEOTECHNICAL REPORT FOR FINAL PAVEMENT DESIGN SPECIFICATION
 2. NO RECYCLED ASPHALT PRODUCT ALLOWED IN ANY WEARING COURSE.

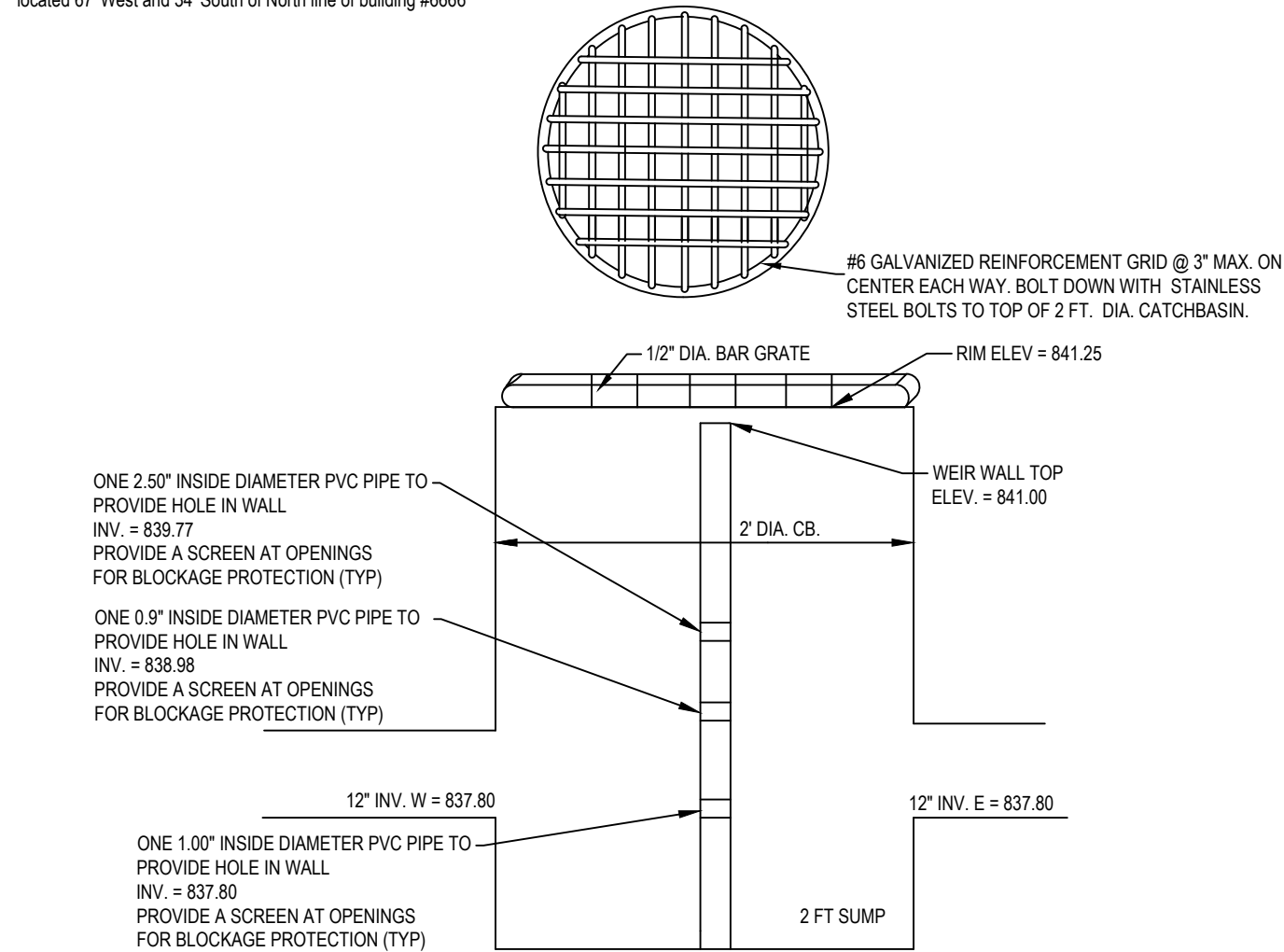
UTILITY LOCATIONS ARE DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA.

NOTE:
EXISTING UTILITIES AND SERVICE LINES IDENTIFIED AS "PLAN" WERE
OBTAINED FROM AVAILABLE AS-BUILT RECORD DRAWINGS. THE
CONTRACTOR SHALL VERIFY THE LOCATION, DEPTH AND STATUS OF ALL
UTILITIES AND SERVICE LINES PRIOR TO NEW CONNECTIONS.

BENCHMARKS

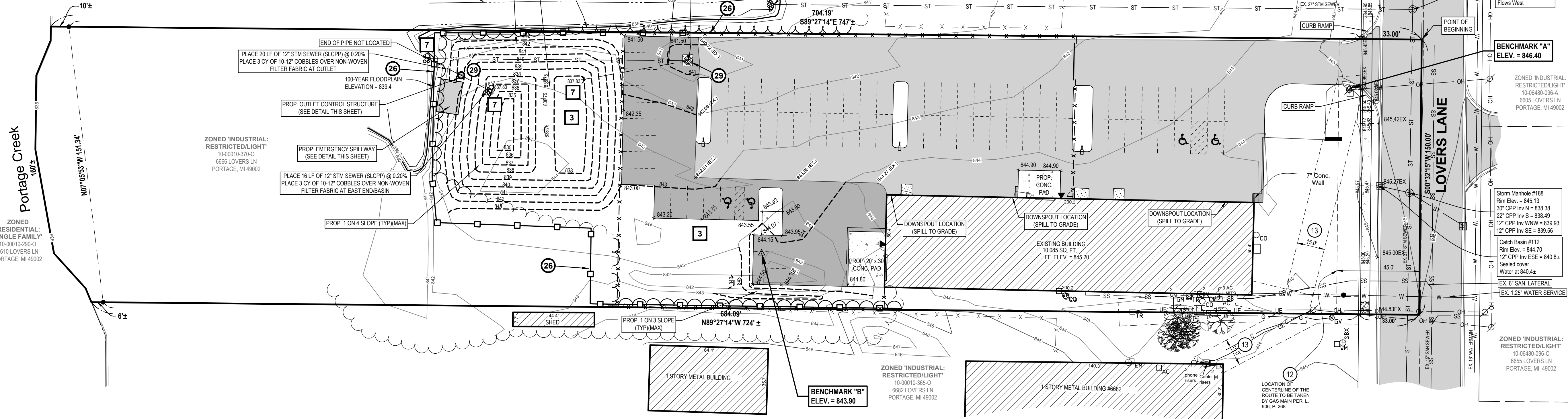
BENCHMARK "A" ELEV. = 846.40 (NAVD 88)
Set railroad spike in North side of utility pole (1" above ground level), located 40' West of centerline of Lovers Lane at South side of drive entrance to building #6666.

BENCHMARK "B" ELEV. = 843.90 (NAVD 88)
Set railroad spike in North side of 30" Cottonwood tree (1" above ground level), located 67' West and 34' South of North line of building #6666



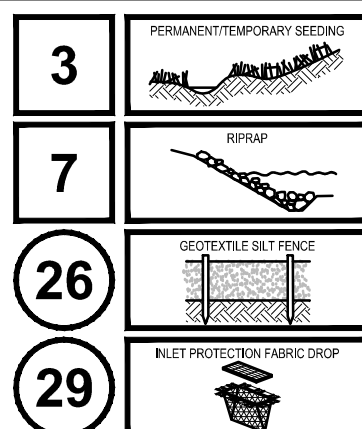
OUTLET STRUCTURE DETAIL

N.T.S.



SOIL EROSION AND SEDIMENTATION CONTROL NOTES

- CONTRACTOR SHALL POSSESS THE SOIL EROSION AND SEDIMENTATION CONTROL PLAN TO START OF ANY EARTH WORK.
- CONTRACTOR SHALL MODIFY THIS SOIL EROSION AND SEDIMENTATION CONTROL PLAN TO SHOW THE ADDITIONAL CONTROL MEASURES INTENDED TO BE USED DURING CONSTRUCTION. SUBMIT MODIFICATIONS TO THE CONTROLLING AGENCY, THE OWNER, AND THE ENGINEER.
- EROSION PROTECTION SHALL BE PROVIDED AT ALL STORM SEWER INLETS AND OUTLETS. ALL BARE EARTH SHALL BE STABILIZED WITH SEEDING.
- REFER TO THE M.D.O.T. "SOIL EROSION AND SEDIMENTATION CONTROL MANUAL" (APRIL 2006) FOR ADDITIONAL INFORMATION.
- THE ENTIRE STORM SEWER SYSTEM SHALL BE CLEANED AND FLUSHED FOLLOWING CONSTRUCTION AND PAID RECEIPT THEREOF PROVIDED TO THE ENGINEER AND COUNTY SESC AGENT PRIOR TO FINAL PAYMENT TO THE CONTRACTOR OR FINAL ACCEPTANCE OF THE CONSTRUCTION BY THE OWNER.



□ = TEMPORARY MEASURE
□ = PERMANENT MEASURE
REFER TO MOST STANDARD PLAN R-66.0

SOIL EROSION CONTROL SCHEDULE

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
PLACE SILT FENCE												
STRIP & STOCKPILE TOPSOIL												
ROUGH GRADE SITE												
CONSTRUCT IMPROVEMENTS AROUND BUILDING												
CONSTRUCT UTILITY LINES TO BUILDING												
FINISH GRADE SITE												
PAVE SITE												
RESPIREAD TOPSOIL/COMPACTION												
SEED DISTURBED AREAS												
SITE RESTORATION/CLEAN UP												

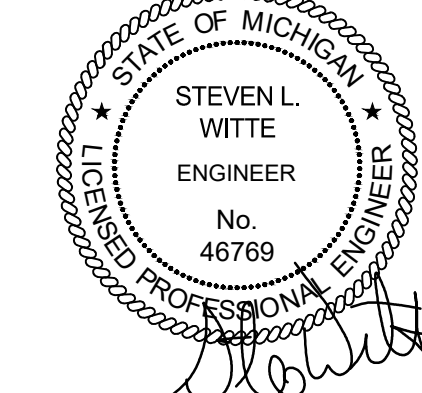
2019

CONSTRUCTION NOTES

- ALL CONSTRUCTION AND MATERIAL SPECIFICATIONS INCLUDED FOR THIS PROJECT SHALL BE IN ACCORDANCE WITH THE MOST CONSTRUCTION AND MATERIALS SPECIFICATIONS (LATEST EDITION) AND THE ORDINANCES OF THE CITY, WHERE CONFLICTS OCCUR IN THE ABOVE, THE CITY SHALL BE THE GOVERNING AUTHORITY.
- VARIATION IN EXISTING SOIL CONDITIONS MAY IMPACT THE EARTHWORK QUANTITIES IF UNSATISFACTORY SOILS ARE ENCOUNTERED DURING CONSTRUCTION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DAMAGES TO THE EXISTING WATER AND SEWERAGE SYSTEM RESULTING FROM NON-CONFORMANCE WITH THE APPLICABLE STANDARDS OR THROUGH GENERAL NEGLIGENCE.
- ALL WORK, INCLUDING INSPECTIONS AND TESTING COST REQUIRED FOR REMOVAL, RELOCATION OR NEW CONSTRUCTION FOR PRIVATE OR PUBLIC UTILITIES, WILL BE DONE BY AND AT THE EXPENSE OF THE CONTRACTOR AND INCLUDED IN THE BID PRICE FOR THE VARIOUS WORK ITEMS UNLESS OTHERWISE NOTED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING AND PAYING FOR ALL NECESSARY PERMITS FROM THE CITY AND COUNTY AND ANY OTHER AGENCY FOR ALL WORK DONE BY THE CONTRACTOR.
- ANY DEFECTS IN THE CONSTRUCTION, INCLUDING MATERIALS OR WORKMANSHIP, SHALL BE REPLACED OR CORRECTED BY REMOVAL AND REPLACEMENT OR OTHER APPROVED METHODS PRIOR TO ACCEPTANCE BY THE CITY OR OWNER WITHOUT ANY ADDITIONAL COST TO THE CITY OR OWNER.
- ALL LAWN AREAS REMOVED OR DISTURBED SHALL BE REPLACED WITH TOPSOIL, AND SOIL WHERE NEEDED AND SHALL BE RESEEDED AND MULCHED IF SATISFACTORY RE-ESTABLISHMENT OF LAWN DOES NOT OCCUR.
- ALL PUNCH LIST AND DEFICIENCY WORK SHALL BE COMPLETED WITHIN 1 MONTH OF THE END OF CONSTRUCTION.
- THE CONTRACTOR SHALL OBTAIN A STREET OPENING PERMIT FROM THE CITY BEFORE BEGINNING WORK WITHIN ANY PUBLIC STREET RIGHT-OF-WAY.
- THE CONTRACTOR SHALL MAINTAIN A CURRENT SET OF CONSTRUCTION DRAWINGS ON SITE AT ALL TIMES.
- THESE PLANS HAVE BEEN DEVELOPED FOR ELECTRONIC FIELD LAYOUT. DIMENSIONS SHOWN ARE FOR GRAPHIC PRESENTATION ONLY AND SHOULD NOT BE USED FOR LAYOUT. CONTACT THE ENGINEER IF ANY DISCREPANCIES BETWEEN THE PLAN AND ELECTRONIC DATA ARE DISCOVERED.
- THE WORK LIMITS SHOWN ON THESE PLANS ARE FOR PHYSICAL CONSTRUCTION ONLY. THE CONTRACTOR SHALL PROVIDE ALL NECESSARY LIGHTS, BARRICADES, FLAGMEN, ETC. AS REQUIRED TO PERFORM THE REQUIRED WORK. THE INSTALLATION AND OPERATION OF ALL TEMPORARY TRAFFIC CONTROL AND TEMPORARY TRAFFIC CONTROL DEVICES AS REQUIRED SHALL BE PROVIDED BY THE CONTRACTOR WHETHER INSIDE OR OUTSIDE THESE WORK LIMITS. THE CONTRACTOR SHALL FURNISH, DIRECT, MAINTAIN AND SUBSEQUENTLY REMOVE SUCH ADDITIONAL TRAFFIC CONTROL DEVICES LOCATED OUTSIDE THE LIMITS OF CONSTRUCTION AS ARE REQUIRED ON THOSE STREETS WHICH ARE USED AS DETOURS, INCLUDING "ROAD CLOSED" SIGNS AND BARRICADES AT THE POINT WHERE THE ROAD IS CLOSED TO THROUGH TRAFFIC.
- THE CONTRACTOR SHALL PROTECT LOCATION OF ALL PROPERTY PINS AND BENCHMARKS.
- ALL WORK CONTEMPLATED SHALL AT ALL TIMES BE SUBJECT TO THE DIRECT INSPECTION OF THE CITY, OWNER AND THEIR REPRESENTATIVES. THE CITY AND OWNER RESERVES THE RIGHT TO HALT ALL CONSTRUCTION ACTIVITY FOR NONCONFORMANCE OF PLANS, SPECIFICATIONS AND OTHER APPLICABLE STANDARDS OR REGULATIONS.
- PRICES BID PER FOOT FOR ALL PIPES IS COMPACTED IN PLACE REGARDLESS OF SOIL OR ROCK CONDITIONS.
- CONTRACTOR IS RESPONSIBLE FOR ALL SIGNS, BARRICADES AND SAFETY FENCES TO DETER PEOPLE FROM ENTERING THE WORK AREA AND FOR MAINTAINING AND PROTECTING THE FLOW OF VEHICULAR AND PEDESTRIAN TRAFFIC AROUND THE JOB SITE. TRAFFIC CONTROL SHALL BE COORDINATED WITH THE POLICE DEPARTMENT AND THE CITY.
- PRIOR TO ANY CONSTRUCTION OR GRADING, A PROTECTIVE BARRIER, FENCE, POST AND/OR SIGNS CLEARLY

- INDICATING LIMITS OF WORK/DISTURBANCE SHALL BE INSTALLED INDICATING NO TREE REMOVAL OR DISTURBANCES OUTSIDE LIMITS. THE CITY AND OWNER SHALL BE CONTACTED UPON DETERMINATION OF LIMITS IN THE FIELD.
- ALL ROAD SURFACES, EASEMENTS OR RIGHT-OF-WAYS DISTURBED BY CONSTRUCTION OF ANY PART OF THIS CONSTRUCTION UNDER ANY DRIVEWAY OR PAVEMENT INCLUDING THE 45 DEGREE ANGLE OF INFLUENCE FROM THE OUTSIDE EDGE OF PAVEMENT OR TOP OF CURB, COMPACTION TESTS SHALL BE REQUIRED EVERY 60 FEET UNDER PAVEMENT. PAVEMENT INCLUDES, BUT NOT LIMITED TO, ROADWAY SURFACES, SIDEWALKS, BIKE WAYS, DRIVEWAYS, SHOULDER, BUILDINGS, ETC.
- NO BUILDING MATERIAL, EQUIPMENT, VEHICLES OR CHEMICALS SHALL BE STORED OR PLACED OUTSIDE LIMITS OF WORK/DISTURBANCE.
- STORMWATER POLLUTION PREVENTION ITEMS SHALL BE IN PLACE PRIOR TO COMMENCING CLEARING OPERATIONS, EARTHWORK GRADING, OR ANY OTHER TYPE OF CONSTRUCTION ACTIVITY.
- ROOF DRAINS, FOUNDATION DRAINS AND OTHER CLEAN WATER CONNECTIONS TO THE SANITARY SEWER ARE PROHIBITED.
- CONSTRUCTION NOISE SHALL BE KEPT TO A MINIMUM DURING NIGHTTIME HOURS AND MUST COMPLY WITH MUNICIPAL CODE REQUIREMENTS.
- ALL TREES WITHIN THE GRADING LIMITS SHALL BE REMOVED UNLESS OTHERWISE NOTED.
- CONTRACTOR TO FIELD VERIFY AND SCOPE EXISTING SANITARY SEWER LATERAL TO CONFIRM ELEVATION, SLOPE, CONDITION AND PHYSICAL CONNECTION TO PUBLIC SANITARY SEWER MAIN PRIOR TO CONNECTION OF NEW LATERAL SERVICE.
- AFTER INSTALLATION OF THE SIDEWALK IN THE LOVERS LANE R.O.W., DOCUMENTATION SHALL BE PROVIDED TO THE CITY OF PORTAGE TO DOCUMENT THE SIDEWALK WAS CONSTRUCTED COMPLETELY WITHIN THE ROAD R.O.W. IF THE SIDEWALK EXTENDS ONTO PRIVATE PROPERTY, A SIDEWALK EASEMENT SHALL BE PROVIDED.

STAMP:



PROJECT NO:
19400231

SHEET NO:
C-300
SHEET: 3 OF 3



UTILITY LOCATIONS ARE DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA.

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Attention: Ken Dixon
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Ada, MI 49301

Telephone: (616-682-4570)

REVISIONS:

Title	Prepared By	Checked By	Date
Title: Preliminary Sketch	SW	SW	04.08.19
Title: Site Plan	SW	SW	04.11.19
Title: Site Plan Submittal	SW	SW	04.11.19
Title: Site Plan Resubmittal	SW	SW	04.15.19
Title: Site Plan Resubmittal	SW	SW	05.23.19
Title: Site Plan Resubmittal	SW	SW	05.23.19
Title: Site Plan Resubmittal	SW	SW	06.12.19
Title: Site Plan Resubmittal	SW	SW	06.12.19
Title: Site Plan Resubmittal	SW	SW	06.25.19
Title: Site Plan Resubmittal	SW	SW	06.25.19

6666 Lovers Lane

Grading, Utility, and S.E.S.C. Plan

PART OF THE SOUTHEAST 1/4 OF SECTION 10, T3S, R11W,
CITY OF PORTAGE, Kalamazoo County, Michigan